

Agenda item	8.1
Report no	HLC/077/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 24 October 2023

Report title: Application for the renewal of a house in multiple occupation licence – Andy Wu, 13 Kenneth Street, Inverness IV3 5NR (Ward 13 – Inverness West)

Report by: Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

1.1 This report relates to an application for the renewal of a house in multiple occupation licence.

2. Recommendation

2.1 Members are asked to determine the application in accordance with the Council's hearing procedure.

3. Background

3.1 On 17 November 2022 an application for the renewal of a house in multiple occupation licence was received from Andy Wu in respect of 13 Kenneth Street, Inverness IV3 5NR.

3.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have 12 months from receipt of the application to determine the same, therefore this application must be determined by 16 November 2023. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued for a period of 1 year.

4. Process

4.1 Following receipt of the application a copy was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Environmental Health Service
- Highland Council Building Standards Service
- Highland Council Planning Service
- Highland Council Housing Service

4.2 All of the above Agencies/Services, other than the Scottish Fire and Rescue Service, have confirmed that they have no objections to the licence being issued.

4.3 As part of the application process, the applicant is required to submit a current Portable Appliances Test (PAT) certificate. This is currently awaited.

5. Representation

5.1 On 3 February 2023 the Scottish Fire and Rescue Service submitted a letter of representation in relation to this application.

5.2 As this was received after the 21 day period for objections/representations it has not been circulated with this report.

5.3 At the meeting the Scottish Fire & Rescue Service representative will be invited to provide the Committee with the reasons for the late submission.

5.4 If the Committee are satisfied that there is sufficient reason why it was not submitted in time then a copy will be submitted at the meeting. If not the application would require to be determined in its absence.

6. Determining issues

6.1 Paragraph 5(3) of Schedule 1 of the Act states that a licensing authority may refuse an application to grant or renew a licence where:

(a) the applicant or anyone else detailed on the application is not a fit and proper person;

(b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to

- (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
- (ii) the nature and extent of the proposed activity,
- (iii) the kind of persons likely to be in the premises, vehicle or vessel,
- (iv) the possibility of undue public nuisance, or
- (v) public order or public safety; or

(d) there is other good reason for refusing the application.

6.2 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7. Policies

7.1 The following policies are relevant to this application:

7.2 Standard house in multiple occupation licence conditions. A copy of these can accessed at https://www.highland.gov.uk/directory_record/738757/houses_in_multiple_occupation_hmo/category/497/housing

or a hard copy can be supplied where requested.

8. Implications

8.1 Not applicable.

Date: 05 October 2023

Author: Michael Elsey

Ref: HMO

Background Papers: Housing (Scotland) Act 2006 – Part 5