

Agenda item	8.1
Report no	HLC/90/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 3 September 2024

Report title: Application for the grant of a licence for a house in multiple occupation – First Floor, 33 Ardconnel Street, Inverness (Ward 14 – Inverness Central)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

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

2. Recommendation

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

3. Background

3.1 The licensing of houses in multiple occupation (HMO) is an activity covered under Part 5 of the Housing (Scotland) Act 2006. The licensing of this activity became mandatory on 1st October 2000.

3.2 An HMO is defined as living accommodation in which 3 or more unrelated persons live and share one or more of the basic amenities which are a toilet, personal washing facilities and facilities for the preparation or provision of cooked food. It must be their only or main residence.

4. Application

4.1 On 17 September 2023 an application for the grant of a licence in respect of a house in multiple occupation was received from Colin Ferguson.

4.2 The property to which the application relates is First Floor 33, Ardconnel Street, Inverness, IV2 3HA.

4.3 The maximum number of persons applied for to reside in the house is 4.

4.4 In terms of the Act, the local authority must decide whether to grant or refuse an application for an HMO licence within 12 months of it receiving the application. Therefore, this application must be determined by 16 September 2024. If the local authority does not determine an application for an HMO licence within the 12 month period, the authority is to be treated as having decided to grant the HMO licence unconditionally. The application is before this Committee as this is the last meeting before the determination date expires.

5. Process

5.1 Following receipt of this application a copy of the same 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

5.2 There have been no objections received to date.

5.3 A Fire Safety Checklist has been submitted to the Fire Service. At the time of writing this report, a response is awaited. In view of this the Principal Solicitor is unable to issue the licence using delegated powers and, as indicated in paragraph 4.4 of the report, this is the last meeting of the Licensing Committee before the determination period elapses.

6. Determining Issues

6.1 Section 130 of Part 5 of Housing (Scotland) Act 2006 states that a Licensing Authority may refuse to grant a licence where the applicant or anyone else detailed on the application is not a fit and proper person.

6.2 Section 131 of the same Act also states that a Licensing Authority may grant a licence only if it considers that the living accommodation concerned:

- (a) is suitable for occupation as an HMO, or
- (b) can be made so suitable by including conditions in the HMO licence.

and in determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO the local authority must consider—

- (a) its location,
- (b) its condition,
- (c) any amenities it contains,
- (d) the type and number of persons likely to occupy it,
- (da) whether any rooms within it have been subdivided,
- (db) whether any rooms within it have been adapted and that has resulted in an alteration to the situation of the water and drainage pipes within it,
- (e) the safety and security of persons likely to occupy it, and
- (f) the possibility of undue public nuisance.

6.3 If required, the Principal Solicitor will offer particular advice on the criteria relating to this particular application.

6.4 A copy of this report has been sent to the applicants who have been invited to attend the meeting.

7. Policies

7.1 The following policies are relevant to this application:

Highland Council HMO Conditions and Standards. A copy of these can accessed at: [Apply for a licence - Houses in multiple occupation \(HMO\) | The Highland Council](#) or a hard copy can be supplied where requested.

8. Implications

8.1 Not applicable.

Date: 14/08/24

Author: Michael Elsey

Background Papers: Part 5 of the Housing (Scotland) Act 2006