

Agenda item	15.1
Report no	HLC/146/25

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **16 September 2025**

Report title: **Application for the renewal of a licence for a House in Multiple Occupation – Walker Lodge, Abernethy Trust Ltd, Nethy Bridge (Ward 20 – Badenoch and Strathspey)**

Report by: **Principal Solicitor – Regulatory Services**

1. Purpose/Executive summary

1.1 This report relates to an application for 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.
- 3.2** An HMO is defined as living accommodation in which 3 or more unrelated adults 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 11 October 2024 an application for the renewal of a licence in respect of a house in multiple occupation was received from Abernethy Trust Ltd.
- 4.2** The property to which the application relates is staff residential accommodation for Abernethy Trust Ltd at Walker Lodge, Nethy Bridge.
- 4.3** The maximum number of persons applied for to reside in the premises is 6.
- 4.4** In terms of the abovementioned Act, the local authority must decide whether to grant or refuse an application for an HMO within 12 months of it receiving the application. Therefore, this application must be determined by 10 October 2025. 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 from the abovementioned Agencies/Services in relation to the application.

6. Tenancy Agreement

- 6.1** As part of the application process a Tenancy Agreement must be submitted which must cover all the points set out in Appendix 2 of the HMO standards. At the time of writing this report an updated Tenancy Agreement is awaited.
- 6.2** Until this outstanding matter has been addressed, the Principal Solicitor - Regulatory Services is not in a position to issue the licence under delegated powers. As detailed in paragraph 4.4, the application requires to be determined by 10 October 2025.

7. Determining Issues

7.1 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.

7.2 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.

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

7.4 A copy of this report has been sent to the applicant who has been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

8. Policies

8.1 The following policies are relevant to this application:

Highland Council HMO Conditions and Standards. 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.

9. Implications

9.1 Not applicable.

Date: 25 August 2025

Author: Michael Elsey

Background Papers: Housing Scotland Act 2006, Part 5