

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 16 MAY 2024

RENEWAL APPLICATION FOR HOUSE IN MULTIPLE OCCUPATION LICENCE

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

The purpose of this report is to present a renewal application for a House in Multiple Occupation Licence under the Housing (Scotland) Act 2006 which requires to be determined by the Committee.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

Not applicable.

3. RECOMMENDATIONS

The Committee is asked to: -

- (i) grant the application subject to standard conditions and, if the Committee thinks fit, any additional conditions;
- (ii) refuse the application on one or more of the grounds referred to in Paragraph 5; or
- (iii) defer the application to the next meeting of the Committee.

4. BACKGROUND

The Council has received an application to licence a House in Multiple Occupation (“HMO”) under the Housing (Scotland) Act 2006. Licence Applications under Part 5 of the Housing (Scotland) Act 2006 require to be determined by the Committee because one or more of the following apply: -

- (i) there has been an objection or a representation received in respect of the application; or
- (ii) the application does not comply with the policy adopted by Angus Council;
- (iii) the function is not delegated to Officers; or
- (iv) the applicant has a conviction(s), a spent conviction(s) or a pending case.

If an application to licence an HMO is not determined within one year then it shall be deemed to have been granted or, as the case may be, renewed unconditionally on the date of such expiry and shall remain in force for one year.

5. LEGAL IMPLICATIONS

The Committee must refuse to grant an HMO licence if the applicant, any agent specified in the application and, where the applicant or agent is not an individual, any director, partner or other person concerned in the management of the applicant or agent: -

- (a) is disqualified from holding an HMO licence by the Court; or

- (b) the Committee considers that they are not a fit and proper person to be authorised to permit persons to occupy any living accommodation as an HMO.

In addition, the Committee may grant an HMO 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.

In determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO the Committee must consider: -

- (a) its location,
- (b) its condition,
- (c) any amenities it contains,
- (d) the type and number of persons likely to occupy it,
- (e) whether any rooms within it have been subdivided,
- (f) 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,
- (g) the safety and security of persons likely to occupy it, and
- (h) the possibility of undue public nuisance.

Where Committee consider that applying additional conditions may be appropriate, in terms of s133 of the Housing (Sc) Act 2006, the authority is entitled to include such conditions as it thinks fit, including a condition requiring works be carried out; and where a condition is included which requires work to be carried out in any living accommodation, the condition must also specify the date by which that work should be completed. In considering the date to be specified, it should be noted that the date set must be that by which the local authority reasonably considers that the licence holder can complete the work.

6. FINANCIAL IMPLICATIONS

There are no direct financial implications to the Council arising from the recommendations of this report.

7. RISK MANAGEMENT

There are no risks to the Council arising from the terms of this Report.

8. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of this report.

9. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

In dealing with the applications, the Committee will have regard to any human rights and/or equalities issues in relation to the applicant and any objectors.

10. NOTIFICATION

The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the hearing should they wish.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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(a) House in Multiple Occupation Application – Murray Lodge, 2-8 Murray Street, Montrose, DD10 8LB

Name of Applicant	Type of Licence	Application received
Andrew Stirling	HMO	12 March 2024

An application from Andrew Stirling for the renewal of a House in Multiple Occupation licence was processed by Business Support on 12 March 2024. The application received is to provide accommodation for long term residents, including students, who will occupy the premises as their main home whilst resident in Angus at Murray Lodge, 2-8 Murray Street, Montrose, DD10 8LB. The property comprises 15 rooms (including the kitchen) and the application proposes a maximum of 24 residents at any one given time.

In terms of paragraph 5 of Schedule 4 to the 2006 Act the Local Authority may make such enquiries about an application as the authority thinks fit. The application was submitted in the usual way to Building Standards, who, on 26 March 2024 reported after their site inspection, the following is required:

1. Confirm amount of power sockets to Bedrooms 2 & 3
2. Mechanical extracts appear not working to bedrooms 3, 8 & 9.
3. Gas Safe Certification to forward.

The applicant was emailed on 16 April 2024 with a copy of Building Standards comments and asked to contact Licensing once the work had been completed in order for Building Standards to carry out a further inspection thereafter. Members are advised the applicant has made contact with Business Support confirming points 1 and 2 have now been attended to and also providing a Gas Safe Certificate. Building Standards are to arrange for a further meeting with the applicant to confirm this is correct and advise whether they now have no objections to the renewal of the HMO Licence.

Scottish Fire and Rescue Service confirmed on 26 March 2024 by letter that although the premises require some areas for improvement, as these areas for improvement are considered minor, they have no objection to the renewal application. Police Scotland, Housing and Finance have responded with no objections. Environmental Health have not provided a response on this application.