

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 8 JANUARY 2015

APPLICATION TO LICENCE A HOUSE IN MULTIPLE OCCUPATION

REPORT BY SHEONA C HUNTER, HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The purpose of this report is to present a new application to licence a House in Multiple Occupation under the Housing (Scotland) Act 2006, by A J Stirling in respect of property at Murray Lodge Hotel, Murray Street, Montrose DD10 8LB which requires to be determined by the Committee.

1. RECOMMENDATION

It is recommended that the Committee consider and determine the application for a new licence in terms of one of the following options:-

- (i) to grant the application subject to standard conditions;
- (ii) to grant the application subject to additional conditions; or
- (iii) to refuse the application on one or more of the grounds referred to in Paragraph 3.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This report aligns with the Local Outcome – Communities that are prosperous and fair.

We have a sustainable economy with good employment opportunities.

3. BACKGROUND

The Council has received an application on 7 February 2014 to licence a House in Multiple Occupation under the Housing (Scotland) Act 2006, by A J Stirling in respect of property at Murray Lodge Hotel, Murray Street, Montrose, DD10 8LB. Applications for new licence(s) under 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; or
- (iii) the function is not delegated to Officers; or
- (iv) the applicant has a conviction(s), a spent conviction(s) or a pending case.

Representations have been received from the Planning Enforcement Officer, Scottish Fire and Rescue and the Building Standards Manager and these representations shall be circulated at the meeting.

If an application to licence a House in Multiple Occupation 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

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

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.

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

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