

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 1 NOVEMBER 2018**

**APPLICATION TO LICENCE A HOUSE IN MULTIPLE OCCUPATION**

**REPORT BY SERVICE LEADER - LEGAL AND DEMOCRATIC**

**ABSTRACT**

The purpose of this report is to present new applications to licence a House in Multiple Occupation under the Housing (Scotland) Act 2006 which require to be determined by the Committee.

**1. RECOMMENDATION**

It is recommended that the Committee consider and determine the applications for a new licence, as detailed in the attached Appendix, 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 5.

**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 two applications to licence a House in Multiple Occupation under the Housing (Scotland) Act 2006. Applications for new licences 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.

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.

**The Committee is asked to note that the applications were lodged on 29 November 2017.**

#### 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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**APPENDIX TO REPORT NO 337/18  
CIVIC LICENSING COMMITTEE – 1 NOVEMBER 2018**

**(a) TAYSIDE FORESTRY LTD – HMO (10)**

**APPLICANT**

Tayside Forestry Ltd, Templeton Christmas Tree Farm, Strathmartine, Dundee, DD3 0PP

**PREMISES ADDRESS**

Dalvattan Cottage, Templeton Christmas Tree Farm, Strathmartine, Dundee, DD3 0PP

The application for a House in Multiple Occupation was received on 29 November 2017.

**COMMENTS RECEIVED FROM BUILDING STANDARDS**

Building Standards advised that a Building Warrant is required for a solid fuel combustion appliance, where it is serving a building that the public have access to.

A building warrant is not required if there is no public access.

There is no public access to the HMO accommodation, however the appliance also supplies the shop and café, which have public access.

A Building Warrant is therefore required due to it supplying the shop and café.

Matters still to be addressed by the applicant:-

1. A Form 6 (Completion certificate Where No Warrant was Obtained) requires to be applied for and approved;
2. A boiler commissioning certificate is still to be received; and
3. An electrical certificate to BS7671:2001 is still to be received.

**(b) TAYSIDE FORESTRY LTD – HMO (11)**

**APPLICANT**

Tayside Forestry Ltd, Templeton Christmas Tree Farm, Strathmartine, Dundee, DD3 0PP

**PREMISES ADDRESS**

Minard Cottage, Templeton Christmas Tree Farm, Strathmartine, Dundee, DD3 0PP

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