

**ANGUS COUNCIL**

**SPECIAL CIVIC LICENSING COMMITTEE – 21 MARCH 2024**

**NEW 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 an application for a House in Multiple Occupancy 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 are asked to: -

- (i) grant the application subject to standard conditions;
- (ii) grant the application subject to additional conditions; or
- (iii) refuse the application on one or more of the grounds referred to in Paragraph 5

**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.

## **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 Licence Application – Crofts Farm, Carmyllie (HMO36)**

<b>Name of Applicant</b>	<b>Type of Licence</b>	<b>Application received</b>
McDonald Agri Ltd, Crofts Farm	HMO	24 March 2023

An application from McDonald Agri Ltd Crofts Farm, Carmyllie, By Arbroath, DD11 2RQ for a new House in Multiple Occupation licence, with respect to Student Accommodation, Crofts Farm, Carmyllie, By Arbroath, DD11 2RQ was lodged on 24 March 2023. The property comprises 9 rooms and the application proposes a maximum of 20 residents.

In terms of Schedule 4 paragraph 5 of 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 8 March 2024 reported as follows: -

- Bedroom 3, 4, 5, 6 new window handles are to be fitted, current handles were broken making windows difficult to open and ventilate the rooms.
- All extract fans in Male and Female WC's to be inspected to ensure they are all operating fully, after testing them it appeared only one fan in each of the Male and Female WC's were operating correctly.
- Window handles in lounge to be fixed.

The applicant has been informed and responded that they would advise when these works have been completed. It is expected that Building Standards would carry out a further inspection thereafter.

Scottish Fire and Rescue Service, as consultee, have advised that they have no objection to the application and identified some minor areas for improvement. No objections or comments were received from Police Scotland.

**The Committee is asked to note that this application was lodged on 24 March 2023, therefore any decision to be made regarding this application must be reached by 23 March 2024.**