

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 9 JANUARY 2025**

**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 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 are asked to: -

- (i) grant the application subject to standard conditions;
- (ii) grant the application subject to standard and 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 a 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. CHILDRENS RIGHTS AND WELLBEING IMPACT ASSESSMENT**

A Childrens Rights and Wellbeing Impact Assessment has been undertaken and a full assessment is not required as the "General Principles" do not apply to this proposal.

## **11. 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.

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(a) House in Multiple Occupation Application – 88 East High Street, Forfar, DD8 2ET (HMO17)

Name of Applicant	Type of Licence	Application received
Cito Cimo Properties Limited	HMO	31 October 2024

An application from Cito Cimo Properties Limited, 166 Great Western Road, Aberdeen, AB10 6QE for a House in Multiple Occupation licence was processed by Business Support on 31 October 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 88 East High Street, Forfar, DD8 2ET. The property comprises 8 rooms (including the kitchen) and the application proposes a maximum of 6 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 November 2024 reported after their site inspection, that the following is still required:

1. Completion Certificate required for Building Warrant 18/00665/NDOM.
2. Trickle ventilation required in Rooms 1, 2, 3, 4, 5 & 6 (including en-suites).
3. Mechanical extract appears inoperable to en-suite within Room 1.
4. Kitchen requires additional sink for occupancy of 6 (1 per 5 persons).
5. Confirmation required of bedroom door locking mechanisms.
6. PAT Testing results (items provided by Owner).

The manager, Mr Cowie was present at the inspection, and he was informed of what was required and took notes. The Building Standards Officer has also emailed the outstanding points to the same agent. Business Support followed this up with a further email to Mr Cowie on 10 December 2024 requesting he contact Building Standards once the works had been completed and to arrange a re-inspection of the premises.

Scottish Fire and Rescue Service confirmed on 26 November 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 application. Police Scotland, Housing and Finance have responded with no objections. Building Standards confirmed their report was submitted on behalf of Environmental Health also.