

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 13 FEBRUARY 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. CHILDREN'S RIGHTS AND WELLBEING IMPACT ASSESSMENT

A Children's 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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CIVIC LICENSING COMMITTEE – 13 FEBRUARY 2025

(a) House in Multiple Occupation Application – 25 West Newgate, Arbroath, DD11 1BZ (HMO18)

Name of Applicant	Type of Licence	Application received
Ashraf Properties Ltd	HMO	11 December 2024

An application from Ashraf Properties Ltd, 39 High Street, Arbroath, DD11 1AN for a House in Multiple Occupation licence at 25 West Newgate, Arbroath, DD11 1BZ was processed by Business Support on 11 December 2024. The application received is for a Flat/house as a whole, comprising of 9 rooms and a maximum capacity of 10 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 19 December 2024 reported after their site inspection, that the following works is required: -

6 number power sockets should be provided within all bedrooms. It was agreed however that Building Standards would allow present situation on the agreement these sockets would be present at the next renewal. Given this building contains flats a Building Warrant would be required for the installation.

Currently only 1 Fridge / Freezer facility was noted. This is for a maximum of 5 persons. Licensing application is for 10 persons. Additional facility required.

Members are advised Building Standards provided a letter on 6 January 2025 advising – further to email / photo received from Ashraf Properties dated 2 January 2025 Building Standards have no further comments to make.

CIVIC LICENSING COMMITTEE – 13 FEBRUARY 2025

(b) House in Multiple Occupation Application – Towerbank Guest House, 9 James Street, Arbroath (HMO19)

Name of Applicant	Type of Licence	Application received
JRM Scotland Ltd	HMO	27 November 2024

An application from JRM Scotland Ltd, 10 Granary Wynd, Monikie, DD5 3UX for a House in Multiple Occupation licence for Towerbank Guest House, 9 James Street, Arbroath was processed by Business Support on 27 November 2024. The application is for accommodation to cater for short term residents only e.g. tourists, commercial travellers, etc whose stay will be no more than three weeks duration at any one time and long term residents including students who will occupy the premises as their main home whilst resident in Angus. The premises comprise 13 rooms, including kitchen, and has a maximum capacity of 13 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 10 December 2024 reported after their site inspection, that the following is required: -

General

Emergency Lighting Certificate to forward
 Fire Alarm Certificate to forward
 Pat Testing listing to forward
 Gas Safe Certificate to forward
 Floor Plans should be submitted with any application. Will accept in this instance as plans appear to be same as onsite

Ground Floor

No access to Ground Floor Bedroom 1
 Fan to Kitchen requires both cover and to be working

First Floor

Extract fan and light to Bedroom 2 appear to be not working

Bedroom 1 requires an additional 2 sockets to bring up to current HMO Standards. I'll accept with this renewal; however, the additional sockets should be installed by the next renewal. Be advised a Building Warrant will be required given the building is over 4.5m in storey height.

Second Floor

Bedroom 5 extract appears not to work