

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 5 September 2022

Application for House in Multiple Occupation Licence – 120 Gilmore Place

Executive/routine

Wards	All
Council Commitments	N/A

Executive Summary

An application for a House in Multiple Occupation ('HMO') Licence has been received for a property at 120 Gilmore Place, Edinburgh.

This property has previously been licensed but the licence lapsed during the lockdown period. The application is therefore for a new licence, and the applicant requests an exemption from policy in order to allow the accommodation to continue to operate. The report sets out relevant sections of the policy background which should be considered when determining this application.

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Application for House in Multiple Occupation Licence – 120 Gilmore Place

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 notes the contents of this report; and
 - 1.1.2 grants the application and the request for exemption, and attaches standard conditions to the licence.

2. Background

- 2.1 The requirement to hold a House in Multiple Occupation ('HMO') Licence is set out in the Housing (Scotland) Act 2006 ('the Act'). The procedures for processing such applications and considering objections etc. are set out in the Act.
- 2.2 The Housing (Scotland) Act 1987 introduced the concept of the 'tolerable standard', which all homes must meet in order to be considered fit for habitation. Subsequent Acts amended the requirements.
- 2.3 The Committee can add reasonable conditions as it sees fit, if it is minded to grant the licence.

3. Main report

- 3.1 An application for the grant of an HMO Licence for a property has been received from Roseangle Properties Ltd. This property has previously been licensed by the Council as an HMO for many years. The licence was allowed to lapse during the lockdown period, and therefore the application must now be dealt with as a new application.
- 3.2 'Tolerable standard' criteria specify that the minimum width of a bedroom should be 2.25 metres. If the kitchen and living room are compliant (which is the case with this property) the minimum bedroom size for single occupancy is 6.5 square metres. Bedroom 4 does not comply with these criteria, as it measures only 6.25 square metres and is only 1.65 metres wide.

- 3.3 The property has been licensed as an HMO for several years. Historically the Council has granted the licence with an exemption to the physical standards requirements for HMO, as these were introduced by the 'tolerable standard' requirement some years after the initial grant of licence. The Directorate considers the relevant point to be relatively minor, in that Bedroom 4 does not meet the size requirements which would normally be required for a five bedroom HMO. The property has operated satisfactorily for a number of years.
- 3.4 The property has been inspected by Council officers regarding its suitability for use as an HMO. **Nonconformities are highlighted in Appendix 3.** It is recommended that the Committee grants this licence with exemptions as sought, on the basis that it would not be proportionate to insist on modifications to bring this property in line with current physical specifications.
- 3.5 Officers have no concerns about this application, and had it been a renewal application it would normally be granted under delegated powers.
- 3.6 The applicants request an exemption from policy in order to allow the accommodation to continue to operate. The applicant or their representative have been invited to address the Committee
- 3.7 After hearing from Executive Director of Place or his representative regarding this report, it is recommended that members of the Committee then hear from the applicant.

4 Measures of success

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

5 Financial impact

- 5.1 All associated costs are contained within the existing Licensing budget.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal would be made to the Sheriff Court.

7 Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report.

8 Sustainability impact

8.1 There is no environmental impact arising from the contents of this report.

9 Consultation and engagement

9.1 None.

10 Background reading/external references

10.1

11 Appendices

11.1 Appendix 1 – application form

11.2 Appendix 2 – email from applicant’s representative dated 11 August 2022

11.3 Appendix 3 – Inspection report dated 11 December 2020