

# Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 10 January 2023

## Application for House in Multiple Occupation Licence – 1b Pleasance

### Executive/routine

Wards	All
Council Commitments	N/A

### Executive Summary

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An application for a House in Multiple Occupation ('HMO') Licence has been received for a property at 1b Pleasance, Edinburgh.

The applicant requests an exemption from policy in order to allow the licence to be granted.

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## Application for House in Multiple Occupation Licence – 1b Pleasance

### 1. Recommendations

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

### 2. Background

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- 2.1 The requirement to hold a House in Multiple Occupation ('HMO') Licence is set out in the Housing (Scotland) Act 2006 ('the Act').
- 2.2 The procedures for processing such applications and considering objections etc. are set out in the Act and the associated statutory guidance issued by the Scottish Government.
- 2.3 The statutory guidance also provides model standards for HMO properties. The Regulatory Committee adopted revised property standards on 9 March 2012 and these came into force on 31 December 2012.
- 2.4 The Act introduced the concept of the 'tolerable standard', which all homes must meet in order to be considered fit for habitation. Subsequent legislation amended these requirements.
- 2.5 The Committee can add reasonable conditions as it sees fit, if it is minded to grant the licences.

### 3. Main report

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- 3.1 An application for the grant of an HMO Licence (Appendix 1) has been received from the Salvation Army.
- 3.2 The HMO standards require certain specific kitchen requirements. These requirements are not met in 38 rooms in this property (42 occupants). Further, the bath/shower facilities do not meet the HMO standards (Appendices 2 & 3).

- 3.3 The property has been licensed as an HMO since at least 2009. The licence lapsed and the failure to renew has been dealt with separately by appropriate enforcement action. As the previous licence had lapsed the subsequent application is a new licence and the exemption previously enjoyed has lapsed.
- 3.4 The property has been inspected by Council officers regarding its suitability for use as an HMO (Appendix 4). The standards are not necessarily designed for HMOs for occupancy by large number of tenants as temporary homeless accommodation. The property is otherwise compliant with HMO standards. 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 given that the property had previously licenced as an HMO and the point about the standards above.
- 3.5 The applicant or their representative have been invited to address the Committee.

## **4 Measures of success**

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

## **5 Financial impact**

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

## **6 Risk, policy, compliance and governance impact**

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- 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**

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

## **8 Sustainability impact**

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

## **9 Consultation and engagement**

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- 9.1 None.

## **10 Background reading/external references**

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10.1 None

## **11 Appendices**

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11.1 Appendix 1 – Application

11.2 Appendix 2 - Layout Plan

11.3 Appendix 3 – Kitchen dimensions

11.4 Appendix 4 - Email referring to inspection carried out by Private Rented Sector Enforcement Team on 30 December 2022