

# Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday 10 January 2023

## Application for House in Multiple Occupation Licence – 52 2F2 Polwarth Gardens

### 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 52 2F2 Polwarth Gardens, Edinburgh. The property has operated continuously as an HMO, however due to an administrative error the licence was allowed to lapse, therefore this is a new application.

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

Andrew Mitchell  
Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services  
E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 529 4042

## Application for House in Multiple Occupation Licence – 52 2F2 Polwarth Gardens

### 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 request for exemption and the application, 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').
- 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 Acts amended these requirements.
- 2.5 The Committee can add reasonable conditions as it sees fit, if it is minded to grant the licence.

### 3. Main report

---

- 3.1 A new application for the grant of an HMO Licence has been received from Park Securities.
- 3.2 The HMO standards require a bedroom to meet specific size requirements. This property met the requirements when the original HMO licence was granted, however as a new application the new standards apply and three of the five bedrooms in the property fail to meet these requirements. Further, the kitchen worktop surface is smaller than required by the HMO standards.

- 3.3 The Directorate considers the relevant points to be relatively minor.
- 3.4 The property has been inspected by Council officers regarding its suitability for use as a HMO. 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.
- 3.5 The Scottish Fire and Rescue Service (SFRS) has inspected the property and although that service has not objected to the grant of the licence, several issues that required attention were identified by SFRS. The applicant has since carried out all remedial works identified by SFRS.
- 3.6 The applicant or their representative have been invited to address the Committee. 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 None

## **11 Appendices**

---

11.1 Appendix 1 – Application

11.2 Appendix 2 - Layout Plan

11.3 Appendix 3 – inspection report dated 27 October 2022