

# Regulatory Committee

10.00am, Monday, 6 February 2023

## Houses in Multiple Occupation (HMO) – Raising Standards Motion Update

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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1.1 Committee is asked to:

- 1.1.1 Note the results of the consultation on Houses of Multiple Occupation (HMO) licence conditions 011 and 012;
- 1.1.2 Agree to amend HMO condition 011 to state that: *“An emergency contact telephone number for the licence holder and/or management shall be available and notified to the Council, on an annual basis, for 24-hour contact purposes for emergencies or antisocial behaviour from the property”*;
- 1.1.3 Amend HMO condition 012 to state that: *“The licence holder shall give a neighbour notification to every occupier in the same building as the licence holder’s premises, and any adjoining premises within 28 days of the licence holder’s receipt of the licence document, and thereafter on an annual basis. This will advise of the name of the licence holder or managing agent, a contact address, daytime telephone number and an emergency contact number”*; and
- 1.1.4 Agree to consult on the terms of a proposed Best Practice Guide (Appendix 4) for HMO licence holders and agents.

**Paul Lawrence**

Executive Director of Place

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## Houses in Multiple Occupation (HMO) - Raising Standards Motion Update

### 2. Executive Summary

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- 2.1 This report provides Committee with an update on work carried out in response to a motion by Councillor Neil Ross ([item 11.3](#)) on Raising Houses of Multiple Occupation (HMO) Standards.
- 2.2 In particular, the report provides Committee with the results of a public consultation on whether conditions 011 and 012 of the HMO standard licence conditions should be amended. Further, a draft Best Practice Guide for HMO licence holders and agents is presented for consideration and subsequent public consultation.

### 3. Background

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- 3.1 In terms of the [Housing \(Scotland\) Act 2008](#) ('the 2006 Act'), the Council is required to license HMOs where three or more individuals or families both live in a property and share facilities therein.
- 3.2 On 28 October 2021, the City of Edinburgh Council agreed a motion by Councillor Neil Ross on Raising HMO Standards. The motion relates to specific areas of HMO Licensing in the city. In particular, the motion referred to three areas:
  - 3.2.1 The issue of application notices to residents;
  - 3.2.2 The issue of emergency contact details to residents: and
  - 3.2.3 The problem of fly-tipping and/or abuse of residential waste facilities by contractors employed by landlords or agents.
- 3.3 On [28 February 2022](#), Committee agreed that a consultation should take place on whether conditions 011 and 012 of the HMO standard conditions should be amended to require licence holders, and agents acting on their behalf, to annually provide adjoining properties with emergency contact details.

## 4. Main report

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### HMO Conditions Consultation

- 4.1 The public consultation on whether conditions 011 and 012 should be amended was launched on the Council's Consultation Hub on 7 October 2022 and closed on 30 December 2022. There were 228 responses received.
- 4.2 Conditions HMO11 and HMO12 of the Council's standard conditions for HMO licences set out the requirements to be met by licence holders in relation to the provision of contact details to residents:
- 4.2.1 **HMO11** - An emergency contact telephone number for the licence holder and/or management shall be available and notified to the Council for 24-hour contact purposes for emergencies or antisocial behaviour from the property; and
- 4.2.2 **HMO12** - The licence holder shall give a neighbour notification to every occupier in the same building as the licence holder's premises, and any adjoining premises within 28 days of the licence holder's receipt of the licence document. This will advise of the name of the licence holder or managing agent, a contact address, daytime telephone number and an emergency contact number.
- 4.3 The motion suggested that the requirement to provide a neighbour notification to every occupier in the same building as the licence holder's premises, and any adjoining premises, could be improved by making this an annual requirement. This refers to a decision to allow three-year HMO licences where the applicant meets all the required standards and there are no complaints. Therefore, any new neighbours moving into a building may not be aware of who to contact should the need arise. Currently licence holders are only required to do this within 28 days of receipt of their licence, this typically being only every three years.
- 4.4 Respondents were asked whether condition 011 should be amended to require emergency contact details to be provided on an annual basis. 52% of respondents agreed that condition 011 should be an annual requirement, while 47% thought that the condition should remain the same.
- 4.5 Respondents were asked whether condition 012 should be amended to require neighbour notifications to be provided on an annual basis. 48% of respondents agreed that this should be an annual requirement, while 52% thought that the condition should remain the same.
- 4.6 The full set of results are available at Appendix 1. Of those who responded to the consultation, 54% identified themselves as being HMO licence holders or agents and 36% identified themselves as being local residents.
- 4.7 It is clear from the responses that HMO licence holders and agents are strongly against the proposal to make conditions 011 and 012 an annual requirement. Responses have stated that this would create an added burden and lead to

increased costs for the trade and Council. Furthermore, it is suggested that this approach is not a proportionate response to any issues which exist. A common suggestion, which is replicated in a number of responses, is that it may be more suitable for licence holders to be required to update contact details should any changes be made to them during the term of a licence.

- 4.8 It is also apparent that those in favour of the conditions being amended view this potential change as a means of improving residents and neighbours' ability to contact licence holders and agents at short notice, should the circumstances require it. Some point to the fact that agent, or emergency contact, details can change during the term of a licence and with there being no requirement to notify residents or the Council, it can lead to difficulties in raising issues or concerns with the appropriate persons.
- 4.9 Having considered the responses to the consultation, it is noted that there are divergent views of residents and the HMO trade on the appropriateness of these changes of conditions. However, it is also important to note that Committee is required to consider all the information available to it, and therefore it is a matter for the judgement of Committee to determine what weight to place on the responses received.
- 4.10 On balance, it is recommended that Committee agree to amend the HMO standard conditions 011 and 012 to require licence holders, and agents acting on their behalf, to annually provide adjoining properties with emergency contact details as set out in the recommendations for the following reasons:
- 4.10.1 Prior to the introduction of three-year licences, in 2017, there was a requirement to send the details annually as the Council operated, at that time, an annual licence system;
- 4.10.2 The concerns raised by residents, and in particular objectors to HMO applications, repeatedly raise the issue of difficulty in knowing who to contact in the event of a problem with HMOs;
- 4.10.3 Any additional costs to the HMO licence holders are likely to be minimal and it may avoid licence holders incurring other costs if a problem goes unreported and the issue escalates;
- 4.10.4 The suggestion that contact details should only be sent when a change is made lacks clarity as to what would constitute a change and draft conditions provide clarity as to what is expected of licence holders; and
- 4.10.5 This will improve residents access to appropriate persons involved with the licensed premises and is therefore a proportionate measure.

### **Best Practice Guide**

- 4.11 Committee was advised, on 28 February 2022, that work would be undertaken to develop a code of conduct for HMO licence holders and agents as an additional tool to help improve standards in the sector. Officers have developed a Best Practice

Guide (Appendix 4) which seeks to address issues such as refuse disposal, property maintenance, repairs and impact on neighbours.

- 4.12 The measures set out in the Best Practice Guide will provide for a more effective and robust approach to dealing with any licence holders who do not act responsibly in the management of their property and in dealings with other owners/residents in relation to the common issues affecting HMO licensed properties.
- 4.13 It is proposed that a period of public consultation take place on the terms of the draft Best Practice Guide in order to receive feedback on its practicality and to raise any issues or concerns that they may foresee with its implementation. In particular, views will be sought from HMO licence holders, agents and community councils. The proposed Best Practice Guide would then be brought back to Committee for consideration.

## **5. Next Steps**

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- 5.1 If agreed, officers will arrange for the new amended HMO standard conditions and Best Practice Guide to be advertised and appropriately communicated. This will include contact with all HMO licence holders and agents who will be directly affected by these changes.
- 5.2 If agreed, officers will bring a report back to Committee to set out the findings of a formal consultation on the terms of the draft Best Practice Guide.

## **6. Financial impact**

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- 6.1 There is no financial impact on the Council as a result of this report.

## **7. Stakeholder/Community Impact**

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- 7.1 Key stakeholders which could be affected by a change were written to and advised of the consultation process for proposed changes to HMO license conditions. This included HMO licence holders 'agents and community councils.
- 7.2 In addition, on 30 November 2022, officers from the Licensing Service met with HMO agents who operate in Edinburgh to provide an update on a number of areas which may affect the operation of HMOs over the next year. The Convener of the Regulatory Committee, Councillor Neil Ross, also attended the meeting. Updates were provided on issues such as short term lets, the operation of the Licensing Service and the new HMO fee structure. The meeting also gave agents the opportunity to raise any queries and discuss any relevant topics with Council officers. It was agreed that the meeting was a useful forum for the agents and officers, with a further meeting planned in 2023

## **8. Background reading/external references**

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8.1 None.

## **9. Appendices**

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9.1 Appendix 1 – Consultation Summary Report.

9.2 Appendix 2 – Copy of Written Responses to the Consultation.

9.3 Appendix 3 – Current HMO Standard Conditions.

9.4 Appendix 4 – Draft Best Practice Guide for HMO Licence Holders and Agents.

# Appendix 1 – consultation responses summary report

City of Edinburgh Council

## House in Multiple Occupation conditions

<https://consultationhub.edinburgh.gov.uk/sfc/house-in-multiple-occupation-conditions>

This report was created on Wednesday 04 January 2023 at 11:10

The activity ran from 07/10/2022 to 30/12/2022

Responses to this survey: **228**

### 1: What is your name?

#### Name

There were 225 responses to this part of the question.

### 2: What is your email address?

#### Email

There were 226 responses to this part of the question.

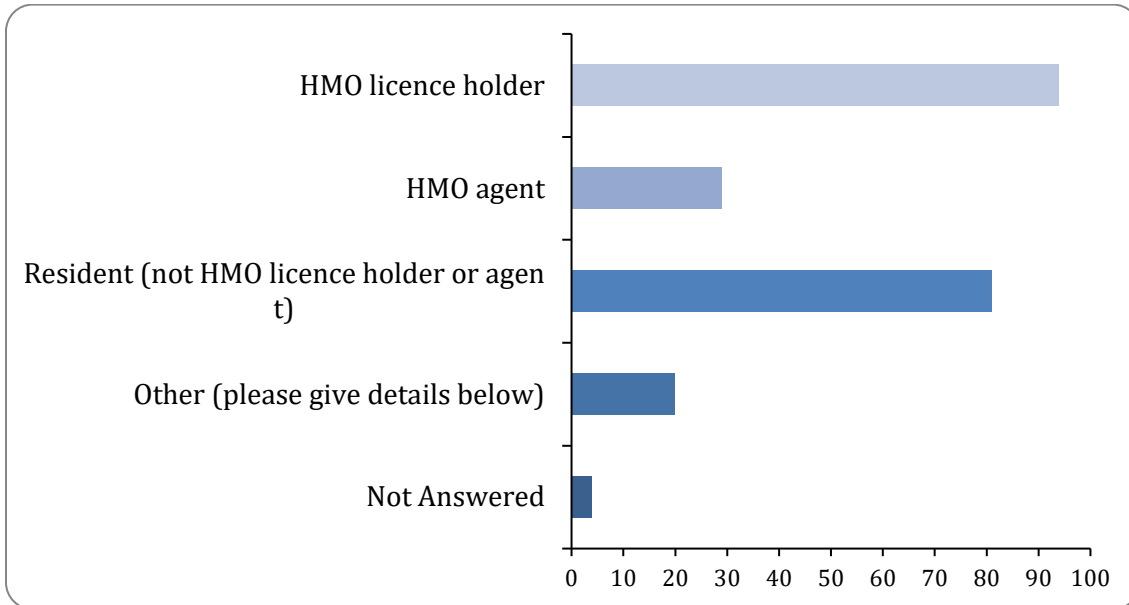
### 3: What is your organisation?

#### Organisation

There were 124 responses to this part of the question.

**4: Please indicate if you are a:  
Answering as**

There were 224 responses to this part of the question.



Option	Total	Percent
HMO licence holder	94	41.23%
HMO agent	29	12.72%
Resident (not HMO licence holder or agent)	81	35.53%
Other (please give details below)	20	8.77%
Not Answered	4	1.75%

**If you ticked 'other', please give details**

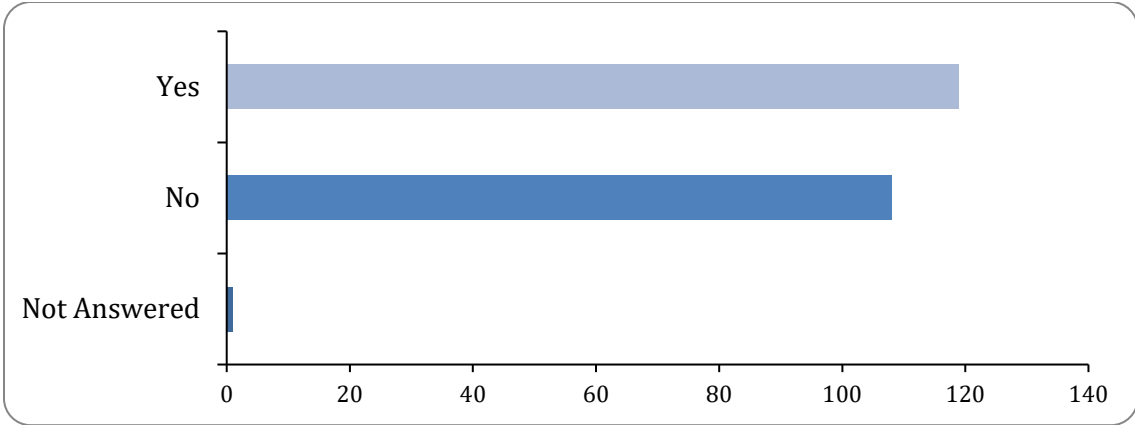
There were 20 responses to this part of the question.

**5: Should condition HMO11 be amended to make this an annual requirement for licence holders?**

**Should HMO11 be annual requirement?**

There were 227 responses to this part of the question.



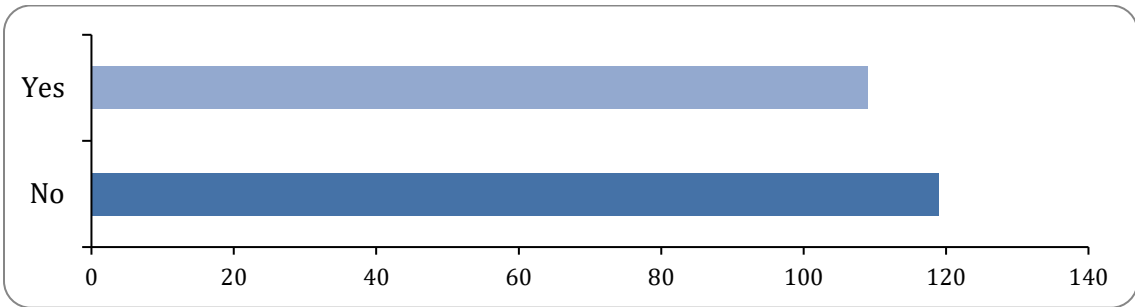


Option	Total	Percent
Yes	119	52.19%
No	108	47.37%
Not Answered	1	0.44%

**6: Should condition HMO12 be amended to make this an annual requirement for licence holders?**

**Should HMO12 be amended to make annual requirement**

There were 228 responses to this part of the question.



Option	Total	Percent
Yes	109	47.81%
No	119	52.19%
Not Answered	0	0.00%

## 7: Do you have any comments on the proposals?

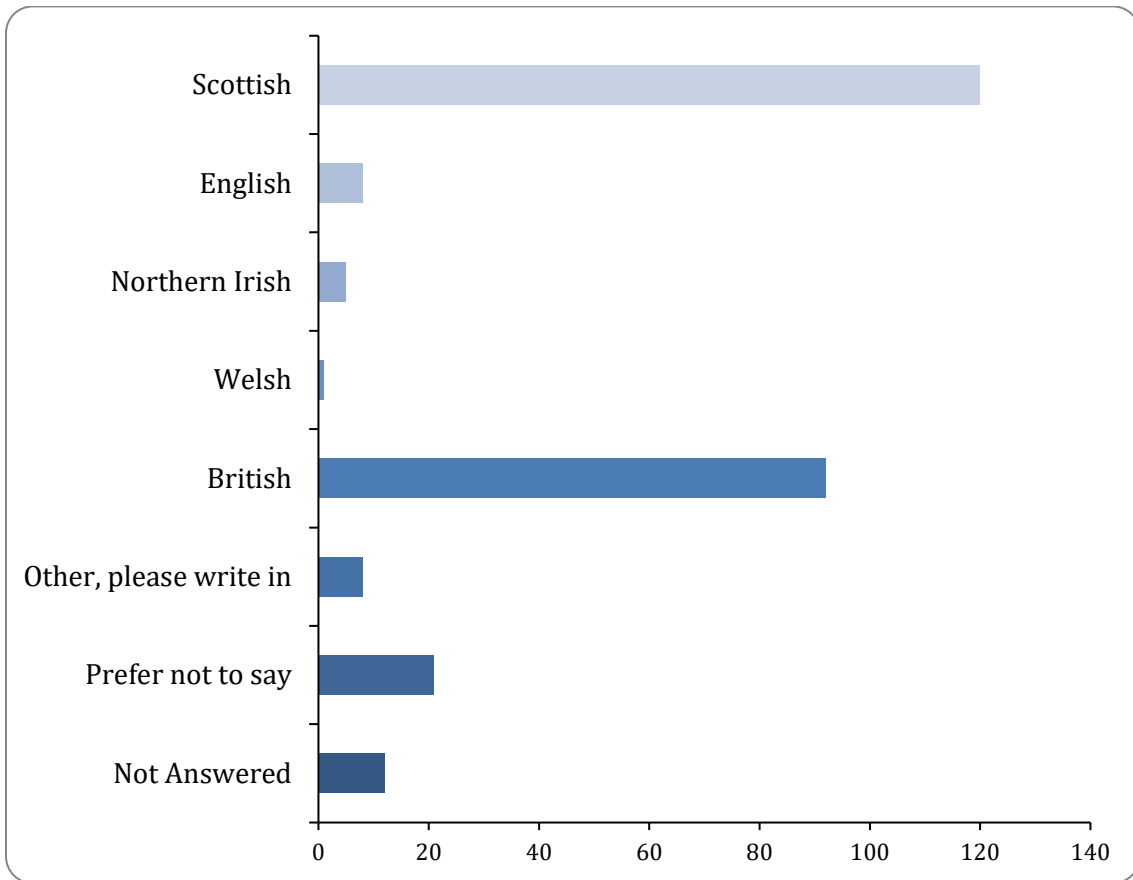
### reports quality/readability comments

There were 162 responses to this part of the question.

## 8: What do you feel is your national identity?

### National identity

There were 216 responses to this part of the question.



Option	Total	Percent
Scottish	120	52.63%
English	8	3.51%
Northern Irish	5	2.19%
Welsh	1	0.44%
British	92	40.35%
Other, please write in	8	3.51%
Prefer not to say	21	9.21%

<b>Not Answered</b>	12	5.26%
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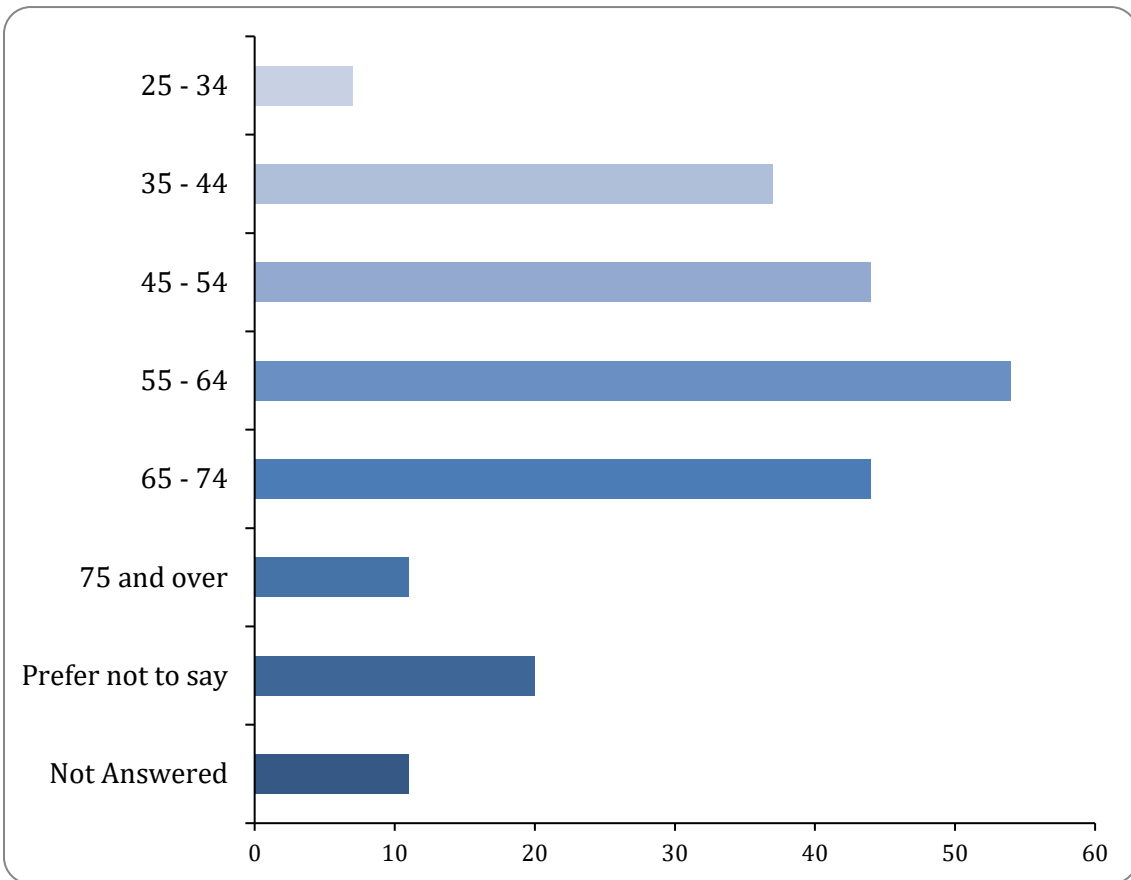
**Other, please write in:**

There were 12 responses to this part of the question.

**9: What is your age?**

**Age**

There were 217 responses to this part of the question.



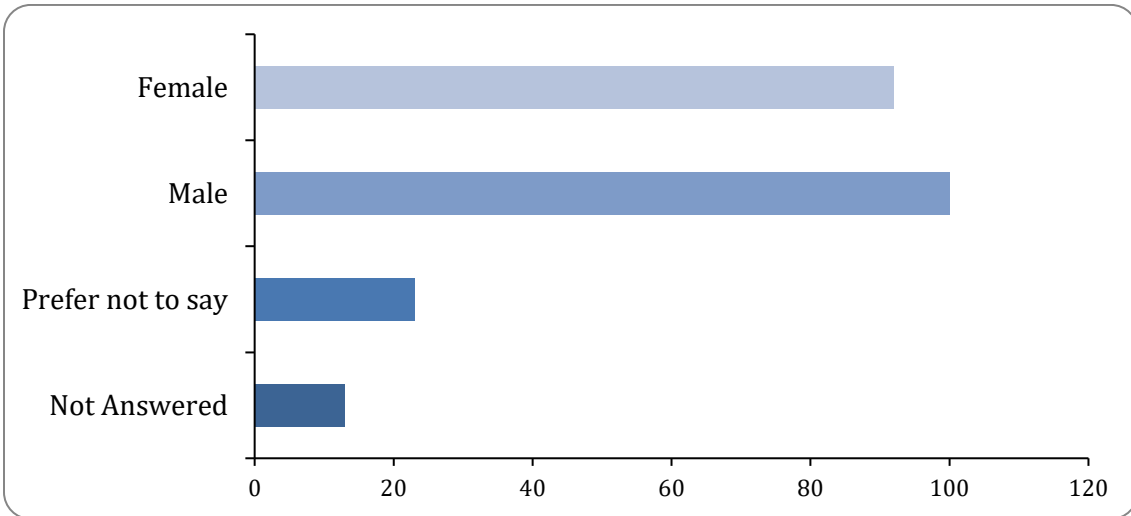
Option	Total	Percent
<b>Under 16</b>	0	0.00%
<b>16 - 24</b>	0	0.00%
<b>25 - 34</b>	7	3.07%
<b>35 - 44</b>	37	16.23%
<b>45 - 54</b>	44	19.30%

<b>55 - 64</b>	54	23.68%
<b>65 - 74</b>	44	19.30%
<b>75 and over</b>	11	4.82%
<b>Prefer not to say</b>	20	8.77%
<b>Not Answered</b>	11	4.82%

## 10: What is your sex?

### Sex

There were 215 responses to this part of the question.



<b>Option</b>	<b>Total</b>	<b>Percent</b>
<b>Female</b>	92	40.35%
<b>Male</b>	100	43.86%
<b>Prefer not to say</b>	23	10.09%
<b>Not Answered</b>	13	5.70%

## Appendix 2 – Copy of Written Responses to the Consultation

1.	A sensible and necessary requirement
2.	If I had the choice I would ensure that phone numbers and licenses were updated monthly.
3.	As an owner I feel bound to initiate and pay for necessary repairs. There are some owners who have never revealed their contact details, or responded to letters left for them at their flat. It's unfair for me to be made to pay the common repair costs of the anonymous absentee landlords.
4.	The requirement should be to notify the Council of changes to emergency contact, not an annual update
5.	It is easy for adjoining residents to find details on line so I'm not sure why more time consuming paperwork is needed?
6.	I think it makes more sense to submit contact details and neighbour notifications at each licence renewal.....and then only do it again if there is a change of contact during the licence period.
7.	<p>I feel like this is an unnecessary change and will lead to creating more unnecessary work for not only landlords and agents but also work for the council which is already stretched with wait times for responses to applications already very long.</p> <p>Letting agents especially already have systems in place for the 24 hour contact and realistically how often does this change? Having to confirm this every year would surely just create a substantial check being required by council officers to check every one is correct annually rather than being done when applications are checked during a renewal submission.</p> <p>With regard to the neighbourhood notification this would also create substantially more work for letting agents and landlords and then for council officers who would need to process these when submitted to the council. Does this also not remove the purpose of Landlord Registration which should hold the details of the agent and or landlord if a neighbour wished to get in touch with the agent or landlord and does not have the 24 hour emergency contact number.</p> <p>This proposed change feels extremely unnecessary and will only leave agents, landlords and council officers with substantial unnecessary work to do and process</p>
8.	Unless details change this is an extra imposition that duplicates work and ultimately raises costs
9.	HMOs are already swamped with admin, annual administration to confirm existing details seems a bit much, would it be an option to ask that agents are required to update CEC and neighbours should there be any changes in details?

	<p>(other than change of agent where the notification responsibility should lie with the new agent?)</p> <p>An emergency number should be on the agent's website anyway?</p>
10.	<p>There are supply and demand issues already with HMOs. If the intention is to further reduce supply then just crack on and keep coming up with further nonsense changes that are neither enforced nor fully implemented.</p> <p>If not, then why not consider directing the public and neighbours to the hugely expensive and badly designed landlord registration database for this information.</p>
11.	<p>Suggest you focus on reducing the inordinate length of time it currently takes you to process a licence, before adding additional demands on to landlords.</p> <p>I'm not suggesting that the people in the department aren't working hard or don't do a good job. My experience has of dealing with the people in the department has been positive. However, I would say a functioning licensing department should be able to process a licence application within 28 days.</p>
12.	<p>It should surely be the responsibility of the neighbours to record and hang on to the contact details provided. The proposal suggests that they are incapable of doing so!</p> <p>It seems to me as a managing agent of many HMO Licensed properties that all this is doing is creating extra work for us, to no benefit, whatsoever, to those in properties surrounding the licensed property.</p> <p>This when added to the nonsense of the new short let licensing requirements for properties already licensed and held to a high standard by the Council, is simply another waste of our precious time.</p>
13.	<p>This is unnecessary in our case as we have a WhatsApp group with all the neighbours. If there are any problems, we hear about it instantly and can sort it out together.</p>
14.	<p>would be helpful if we received a 3-year licence</p>
15.	<p>As ownership can change during a 3 year licence, it would help other residents be able to trace the 'current' licence holder.</p> <p>Secondly, it helps other residents to be confident of the licence holder being held accountable, should there be need to identify the owner at any particular time.</p>
16.	<p>The adjoining proprietors are already notified of the contact details at the time of issue of the HMO licence. If these are altered during the duration of the licence then it should be a requirement to notify neighbours at that point but, only when that situation occurs. To require that all neighbours are notified each year even when no alteration to the contact details has occurred is nonsensical. Extra costs and additional onerous conditions for the licence holder. There is also the sinister possibility that the licensing authority can claim that any infringement of this requirement justifies them in restricting licence to a one year certificate instead of a three year one. Extra costs again for the landlords.</p>

17.	It should be a condition to inform CEC or neighbours if the contact details change between licences.
18.	<p>It takes a bit of time and money to post out letters for each licence notification. Would it not make more sense to direct neighbours to an online site where this information could be accessed and updated on a more regular basis.</p> <p>The letters are sent to the occupier, which in a lot of cases would be the current tenant, rather than the owner who would be more likely to contact us for communal repairs or any issues. There is no way to evidence that a letter has been posted or read (unless you send recorded delivery.)</p> <p>Also, like most people I tend to throw away paper letters(!).</p> <p>A website would mean the information was updated more regularly and could be easily linked to the current landlord registration site where the managing agent details should already be accessible. Like a lot of agents we have our 24 hour contact number on our website.</p> <p>It would be no problem to update a website annually but extra admin for completing the current system every year rather than every 3 years, which I am not sure there would be a great benefit to.</p> <p>I'm unsure why the council would need to be notified of a 24 hour number every year, it would make more sense to submit the number with the application and make it a condition that the landlord or agent must notify the council in the event it changes during the period that the licence is running?</p>
19.	A notification is difficult to send when the owners are absentee landlords. The council will be provided with a telephone number by the HMO license holder. In this case, the council can track down the neighbours and send them the information to them.
20.	This is a moving deckchairs on the titanic proposal. In practice notification is normally given in physical letter form to individual flats. In the modern world residents typically expect to be notified of any matter via social media. For many residents e-mail notification would be outdated. The idea of increasing the frequency of snail mail to individual flats is ludicrous. Most residents would consider any such snail mail notification, junk mail, and deal with it along with the rest of their junk mail by inning it. Any new proposal should be considering abolition of the requirement to notify. Appropriate details should be made publicly available on the Landlord Register, or if appropriate more restrictively available to any party on the electoral register of an individual neighbouring flat.
21.	People would look up the necessary details (eg online) when needed. A more sustainable approach than printing leaflets with repeat information, especially in large developments.
22.	<p>This seems to be unnecessary for the following reasons:</p> <ol style="list-style-type: none"> <li>1. All landlords must be registered with the Scottish Landlord Register so the contact information is available online to other occupiers of the stair at all</li> </ol>

	<p>times.</p> <p>2. Occupiers are already informed every time there is a new licence or renewal</p> <p>3. Should there be a change of owner, as part of the current HMO regulations, a new application is applied for and neighbour notifications are sent out.</p> <p>4. To impose further bureaucracy and administration (and cost) to an already laborious process seems unfair to landlords. In my experience, neighbours know who the landlords/agents are in a stair.</p> <p>5. There does not appear to be enough resource in the licencing department to cope with the current workload, I don't see how the HMO team will be able to find the time to administer or check that landlords carry out further notifications</p>
23.	If the licence is awarded for the years, then the contact details would stay the same. Perhaps an easier way would be for there to be an obligation on the license holder to update any changes to contact details over the course of the license. There could even be a penalty clause, if there was a failure to do so.
24.	More admin and bureaucracy for landlords without offering any benefit as tenants can easily find these details should they be required.
25.	Unnecessary
26.	Sound common sense - in fact would make sense to place a requirement for any change in contact details to be communicated both to the Council and neighbours when it happens - not just once a year.
27.	This seems an unnecessary obligation to impose on all landlords. Since a licence cannot be assigned to another party, is the council saying that issues have been caused by landlords changing their emergency contact numbers and other details within the licenced period? No information is provided as to why this change is seen as necessary. Assuming that is the issue, I suspect this is more likely to be due to a landlord changing their managing agents. Should any amendment be restricted to that eventuality rather than imposing a blanket obligation on all landlords?
28.	Contact with neighbours is vital but this is not the best way to do it. The Landlord Registration would be the best way and this should be improved. At the moment it provides only basic contact details - no phone numbers. It is at the moment very incomplete and cannot be contacted by phone.
29.	This sort of policies for those providing homes for people who are saving for a flat, cannot afford a flat or wish to live in a place without the burden of ownership is making it increasingly impossible to do so with over regulation & inconvenience. This information (hmo11 & 12) is already part of the listed info provided at time of license grant & is published on the council website as public info. If it changed, you specify the council must be informed. This proposal is causing duplication of data entry for both the council & license owner, who will incur extra charged by their Agent to implement something that works well that's already in place
30.	The tenants, others and council already hold this information. Putting a burden on the landlords and agencies to constantly confirm this information is unnecessary and will increase costs which in the end will get passed onto tenants, or push landlords out of the market for renting flats, which will also increase costs for tenants.



31.	<p>I am concerned about privacy. The council should have the necessary information</p> <p>If the hmo holder is a person and not a legal entity then phone numbers should not be public ally available as otherwise they are open to abuse</p> <p>I am concerned about effectiveness. Many neighbours are temporary what is the point in sending out a letter which gets lost. Better to be able to search online to see if hmo and provide contact details within the limitations noted above</p> <p>I recall that ECC allows people to search for planning applications. This is just another facet of the search function</p>
32.	<p>I expect I am not alone in having the same contact information today as I had when my I first registered as an HMO landlord.</p> <p>I suggest that the requirement be to notify if contact information changes within the three year period.</p>
33.	<p>I think this is unnecessary beurocracy, wasting time and resources. There should only be a need to notify Council and neighbours if there is a change in licence holder during the 3 yrs.</p>
34.	<p>unnecessary paper work. It should be noted and available to update if required by license holders. unnecessary paper work for HMO and an excuse to uplift hmo license prices</p>
35.	<p>I don't see a need once details have already been provided to have to keep on yearly providing the same details.</p>
36.	<p>Suggest that details be advised to neighbours only if there is a change within the 3 years.</p>
37.	<p>The actual notification of the contact details to the neighbours is not always a straightforward business - especially to the people in the next stair. Getting access is not always easy and making sure that the information gets to the right person is sometimes not at all straightforward. What if the flat to be notified is also let out? What if all the tenants are out? Who is the landlord anyway? How about making it a condition of granting a HMO licence that the contact details of the landlord (agent ...) are published on a website, listed by address and kept up-to date annually with the date of the most recent update also published with the other details - even if there is no change other than the date of the update? (The Scottish Landlord Register?) And how about having your computer remind all HMO licence holders by email a month in advance that their data will become invalid in a month's time?</p> <p>The ideas are basically good but, in an already very over-regulated sector, thought needs to be given to how exactly a person is to provide this data to the neighbours and to how that process is to made very, very straightforward to do. The proposed regulations should not be brought into force until this aspect has been dealt with. It's not enough to simply extend the present regulations to make the notification an annual occurrence.</p>

38.	This information could more easily be made public and readily available as is the licence and licence holder on the civic register.
39.	If you are working abroad or traveling it's not always possible to call round at the neighbours to give them the update. If this can be done remotely online then it would work
40.	I have no objection to the council keeping an emergency contact number. However Indo. it think it is a good idea to give out personal contact details to everyone in a block of flats, some of whom will be tenants, and some owner occupiers. It is unfair to expect such an intrusive requirement of rented properties without the same applied to all the other properties too.
41.	This should only be a requirement if the emergency contact details change between licence applications
42.	I feel neighbours may lose contact details however frequently they were provided whereas they would contact the Council in an emergency where up to date details could be held.
43.	It is not necessary. Neighbours should only need to be told if contact details change during the three year period. If nothing has changed why should they need to be reminded every year - it is overkill.
44.	As a flat owner for over 15 years I am absolutely behind any conditions that make life easier for both our tenants and their neighbours. I only wish Edinburgh Council would send notification to alert landlords that the licence needs to be renewed. During Covid and moving house we forgot and this has caused us so much worry, time and money. We are seriously thinking of giving up as we are a caring and supportive landlord but feel badly let down by Edinburgh Council. After all the fuss and threats of £50,000 fines they took well over a year to issue a new one year licence. Yet we were given no leeway.
45.	I've been operating several HMO properties for 20 years and there has never been an instance when neighbours have had difficulty in contacting me. The neighbours get reminded every 3 years of my contact details as part of the HMO re-licencing arrangements as you know anyway, but furthermore, the fact is that there is always regular communication between owners anyway due to common repairs, so it feels completely unnecessary to add further bureaucracy by requiring annual reminders to be sent out.
46.	It would make more sense to make this a requirement at the time of renewal AND additionally any time the phone number or contact information CHANGES. On the annual basis proposed, it could still be out of date up to 364 days. In reality, no landlord would buy a property for a one-year investment, so the norm would be that the contact information would remain the same. Therefore, the other residents would have the correct contact details, unless they binned them in which case the frequency of issuing makes no difference anyway. There is also a significant question of an unfair social contract between residents. HMO landlords are expected to provide 24 hour contact details, so that any issues with their tenants can be raised at any hour of the day or night. All other residents (owner occupiers or non HMO tenants) do not have to

	<p>provide any such details, so even in the event of a fire or a burst water pipe, they are potentially uncontactable. Given the relative fire regulations for HMO's (incredibly strict) compared to the fire regulations for private residents (none whatsoever), it is far more likely a fire would arise in a private residence, yet the private residents are under no obligation to provide contact details at all (let alone 24/7 numbers) to their HMO neighbours. Likewise, if a private residence is ABOVE an HMO, an escape of water is only going to go in one direction, yet the HMO residents will have no contact details for the upstairs neighbours who are bringing their ceiling down. Likewise, boiler/gas pipes in an HMO are inspected every year, so a gas or carbon monoxide leak is far more likely in a private residence than in an HMO.</p> <p>If the object of this principle is to promote safety, communication and harmony between residents, why is it a 100% one-way street? I am not trying to be combative in this statement, but these regulations do create a system where HMO landlords and their tenants are second class citizens with less rights than their neighbours. That's a literal statement of fact - owner/occupiers &amp; non-HMO tenants have the right to keep their contact information to themselves, HMO landlords do not.</p> <p>However, it is surely the safety aspect that is imbalanced to the point of madness: private residents can contact the HMO landlord 24/7 if his/her tenants are playing the TV too loud, but HMO tenants have no right to their neighbour's contact details, even in the event of fire, escape of water or a gas leak. This is despite the fact that those kind of hazards are far more likely to come from a private residence than an HMO. Would you agree that that is ridiculously imbalanced?</p>
47.	<p>For me personally, I believe this would be unnecessary. I have 2 HMO flats and in both cases, neighbours in each stair have been able to contact me when needed with the current system in place.</p> <p>I think Landlords of HMO's are, on the whole, easier to contact as all our details are provided every 3 years or can be obtained from the council.</p> <p>I think the bigger issue in Edinburgh are landlords who fall out with the requirements of an HMO licence and so have no standard checks or responsibilities to their fellow neighbours.</p>
48.	<p>The information on who manages the property is already widely available on Landlord Registration Scotland. Residents also often know who the property owner is or are able to chap on residents doors if there is a property related issue.</p>
49.	<p>Yet more paperwork for no obvious benefit . If I need to contact a landlord I simply check the Landlord's Register . We have no problems contacting neighbours near our HMO Property and try to work as a team , sharing phone numbers and e mail addresses .</p>
50.	<p>I feel there is little benefit in this change as in a neighbourhood there is usually sufficient stability amongst residents for the contact information of a landlord to be readily available. Also the landlord registration system allows the public to access a landlord or agent contact details. This system is well publicised</p>

51.	The extension to the neighbouring properties strikes me as excessive.
52.	The Contact details could be a website contact form where there is 24hrs emergency cover being provided by an agent. Then it can collect the details for the complainer. Rather than having fraudulent calls to the emergency number.
53.	There are no conditions like this for ordinary rentals that can cause just as many or as few problems
54.	The proposal would seem to be a sensible suggestion which, in my own instance, is not administratively cumbersome
55.	<p>Sect 11. The council already has this information, I would suggest instead of an annual requirement to update you could have as part of the application a requirement/note to update council if any changes in contact details occur</p> <p>Sect 12 Neighbours can easily find out owner/agent through landlord registration, tenants and other avenues . I doubt few neighbours even read notifications physically attached near their property</p> <p>Legislation for agents is constantly updated and changing but a constant theme always seems to be extra work for agents. This may seem a small change from you but added to the myriad of other legislators adding their changes, the net effect is a huge increase in workload for agents so we would appreciate this is not implemented</p>
56.	Good idea.
57.	<p>Pointless, extra hassle, extra waste, no benefit.</p> <p>The existing regulation is pointless when the HMO is one flat in a building of many which are rented but are not HMO. Why should this apply to an HMO but not other rented properties? This requirement, which wastes resources whilst exposing landlord's personal contact details to all and sundry should be completely scrapped, not extended. It's also is completely unenforceable without wasting even more resource.</p>
58.	I feel that this is just more bureaucracy and totally unnecessary.
59.	I feel as though it is not a necessary step.
60.	We are planning to sell our flats which have been rented out. This is partly because of increasing legislation required for Landlords. It seems to us that little thought is given to the landlord's position. Most emphasis is on tenants rights. These proposals seem to increase the red tape required of landlords.
61.	I read that the number of HMO licences issued has dropped from 6,000 to 3,000 in Edinburgh in the past few years. Don't make life harder for landlords who already have to jump through any number of hoops.
62.	I don't quite understand why there's a problem with the current requirements of providing details every 3 years. If there's to be an amendment then it could be clearer that if the details change then residents/neighbours must be informed immediately but this just seems like extra paperwork for the sake of extra paperwork.
63.	No need for this unless all property owners have to do this.
64.	Landlord contact details are already in the public landlord register. This includes landlords of HMOs, and of smaller tenancies. That's good enough. If a landlord or agent changes during a three year license period then yes this should be

	notified, as we're sure it is anyway. The Council took over a year to renew two of our licences recently due to staff shortages - why complicate things further and waste additional Council time?
65.	The conditions could just be amended to state that any change in emergency contact details during the current licence period must be notified to both the council and the neighbours.
66.	These contacts already exist, it would only be relevant if a contact phone number changed.
67.	During the 1980s, neoliberal 'reforms' undertaken in the name of efficiency and social benefit achieved exactly the opposite in the policing, education, the NHS, private surgeries - everywhere. One raft of this social demolition was putting people under constant surveillance through multiplying the bureaucratic hoops they were forced to navigate. Good landlords are being made to feel like social pariahs by such measures. They will leave the market and the bad ones will be all that's left, but that seems to be the intension.
68.	Annual is better, change in management etc can happen in 3 years and it saves other owners having to hunt down who is responsible for a property
69.	There is no point in doing this annually unless there has been a change in the contact number (in which case there is a valid reason). The HMO conditions are already onerous and time consuming without adding to them further.
70.	<p>why should an HMO property provide this info on an annual basis when any other property which is non HMO rented or indeed owner occupied does not have to provide this info at all. As an example if there is a leak in an owner occupied property into the flat below it is even harder to gain access if no one is in the property - where do you go to gain access ?? At least with an HMO there is normally an agent in place or indeed a council landlord register in place. With an owner occupied property often there are no contact details available.</p> <p>Just because the property is an HMO - I see no reason to insist on an additional contact info being provided unless you want to introduce it to all properties in a tenement. ? If not surely this is discrimination ?</p> <p>Also regarding the administration of this the council are currently taking between 9-12 months to issue a straight forward HMO renewal so adding additional admin pressure is only going to make matters worse.</p>
71.	The contact information for the landlord or agent is available via the landlord registration site at any time so updating this information annually would be pointless.
72.	it would make more sense to provide contact details at licence renewal and only do it again during the licence period if there was a change of contact. Why add additional administration to the system?
73.	The requirement should be to notify neighbouring premises between renewal if the details change.
74.	Poor idea . At a critical time to reduce co2 emissions you want hmo licence holders to travel to Edinburgh to provide paperwork which is binned and probably goes to land fill .
75.	We do not believe this is needed

76.	<p>We provide contact details every 3 years, we are not changing our contact information so what is the point.</p> <p>If the licence holder changes then the neighbour is advised accordingly.</p> <p>It is easy to establish the registered landlord of such properties.</p> <p>We have an e-mail contact group for all owners of properties in the stair.</p>
77.	<p>The council have details through landlord registration and the HMO licence application system of the landlords details</p> <p>In my case all the owners in the stairs where I have flats have an email address for all flats.</p> <p>They also have the notification of the licence as do the individual flats</p> <p>They all know my name and contact details</p> <p>They can also find my details through the landlord registration system.</p> <p>My tenants would contact me if there was a problem.</p> <p>I have no problem doing this notification every three years but feel an annual legal requirement is a needless extra level of administration</p> <p>People seldom change their mobile number in my experience</p>
78.	<p>Landlords have a right to privacy too. Providing contact details to neighbours, which are frequently HMO properties also, exposes landlords to prank calls and trivial complaints. With a little extra effort neighbours can currently obtain contact details from tenants or the council.</p>
79.	<p>I don't understand why it would be necessary - perhaps I'm wrong but aren't those who apply for licences already doing a lot to keep up with the various legislations required for an HMO licence?</p>
80.	<p>HM012 - informing neighbours of contact details, including emergency and out of hours tel numbers.</p> <p>This relies on sensible use of this information and an individual not abusing the use of this information which in my experience, can sadly be often the case.</p> <p>I feel the Council should hold this information and be the first point of contact prior to any further contact details of the license holder being available.</p>
81.	<p>The above would establish better community and responsibility for good neighbourliness</p>
82.	<p>It is hard enough to make money out of HMO flats so stop making it worse.</p>
83.	<p>Neighbours to be made aware that there's an online portal to view emergency contact details. If there is more than 1 HMO in for eg a tenement flat the details may not be passed onto the landlord/agent. The online portal can be updated when a new licence is applied for.</p>
84.	<p>No evidence or reasoning has been presented which supports this change but presumably the councillors made this decision based on evidence and reasoning. If that is in fact the case then why not present the evidence and the reasoning which was used by the councillors in arriving at this decision.</p> <p>Providing this information to the council would not be onerous for Landlords as they already have to send details about safety certifications when they are updated (in some cases annually) - not at license renewal time. Consequently adding in the current contact details would be simple.</p>

	<p>I am unsure why it is necessary to provide this information annually to both the Council and the 'neighbours'. If the council have the (updated) information then 'neighbours' who may have recently moved in or have lost the last supplied details can contact the council for the information. Bear in mind that as a Landlord I could supply the information to 'neighbours' in January but they might move out in February which would mean any new occupants wouldn't not know who the contact was and I wouldn't know that new neighbours existed.</p> <p>I sort of get the idea but it hasn't been properly thought through. It won't guarantee to ensure that 'neighbours' know a contact so in that respect it is flawed.</p> <p>On the other hand having a central access point (the council) that 'neighbours' can contact for up to date details will be a much better system. Of course that does mean the council will have to resource this central access point - but isn't serving the citizens an important part of council policy anyway?</p>
85.	<p>I have no concern about this information being made available to neighbours however in our specific situation we have a variety of different flats next door which all would be classed as adjoining premises each with different landlords and different points of contact and we do not have access to the block or the contact details of the landlords/occupiers. It therefore at times can take a number of attempts to get access to the building to make people aware of the HMO requirements. I wondered if this could be looked at. Could we simply display information outside of our building rather than individually contact each of our Neighbours.</p> <p>This recent time I needed to get buzzed into the block and hand delivered all our notices. i wondered if this was necessary and if it is could this be reviewed?</p> <p>I am happy to have our contact details available including the office number and my email address.</p>
86.	<p>The licence itself is renewed every 3 years, therefore every administrative action concerned with the licence should only need to be done every 3 years. Landlords have a huge amount of administration to deal with already and any extra costs will need to be passed on to tenants.</p> <p>If the emergency contact number changes during the 3 year period then it is reasonable to expect neighbours to be notified. But if the number remains constant it is unnecessary to notify neighbours.</p>
87.	<p>If there is to be an emergency contact system it should apply to all residential (and even commercial) premises. I cannot see why rented accommodation should be treated differently from owner occupied accommodation.</p>
88.	<p>this is an unnecessary burden given that such changes rarely occur</p>
89.	<p>Council should be checking properties intermittently for overcrowding, illegal tenants etc</p>
90.	<p>Keep it simple The notification during the license term should only be of the contact details</p>

	<p>change.</p> <p>This is something a reason person would go anyway</p>
91.	<p>As long as the information is accessible online (eg through the landlord register) if a neighbour is seeking it, this should be enough. We agree that this information should be readily available, but that sending it out on an annual basis would not be the most efficient way to do this.</p>
92.	<p>Contact details change rarely. It would be more appropriate to make it a condition that notification is required for both conditions only if the details change and otherwise every 3 years. I would be concerned that sending the same details multiple times (every year) would be overwhelming for tenants who do not wish to receive unsolicited mail.</p> <p>Thank you for providing an opportunity to provide my views.</p>
93.	<p>Although I agree with No. 6 above, I think giving a neighbour notification to adjoining properties in a tenement flat isn't necessary. I think as long as all neighbours in a full stairwell have the details that is fine. And if the flat is on the ground floor then I think letting the adjoining ground floor flats know would be necessary, but not the full stairwells of adjoining properties.</p>
94.	<p>Residents should be given the opportunity to view and comment on applications for HMO use - and to object in the same way as any other planning application.</p>
95.	<p>I would request to leave it for three years please , if there is no change of emergency number or neighbour notification.</p> <p>Thanks</p>
96.	<p>seems a good idea to make annual so can contact owners readily in case of emergency or antisocial behaviour by tenants</p>
97.	<p>There are various deteriorating, dangerous and unsafe conditions that merit amending to an annual requirement. Graffiti, presence of drug dealers, overcrowding and antisocial behaviour, filthy and poorly lit stairwells, crumbling stairwells, and dangerous cracks in ceiling of a building's shared entrance areas have markedly deteriorated over the past 2 1/2 years and have made properties unsafe. One can compare photos from year to year and see the deterioration. An example is Sis and Bro Property's HMO licence # 424440 for 1f2, 41 Home Street, Edinburgh, City Centre, EH3 9JP. The Manager listed on the continuation of licence transaction on Nov 2019 is Mr. John Davidson.</p>
98.	<p>Most rentals have a rental agent. They have all the contacts of the GMO license holder. You are creating more bureaucracy for very little gain.</p>
99.	<p>I live with 3 HMO s in our tenement. I have been here for 20 years and have NEVER had a landlord give me contact details but have had to seek them out.</p>
100.	<p>Common sense should prevail, living in tenement buildings is challenging enough so knowledge of owner details would help especially in the case of emergencies</p>
101.	<p>It's important that adjoining properties (where there any shared walls or prospect of residents chucking things into neighbours gardens from their windows) are also informed. Our upstairs neighbours are owner occupiers but the building next to us has several HMO properties and we regularly get cigarette ends, empty cans of lager and other random things chucked from windows into our garden, plus we can get disturbed by parties and unsociable</p>



	noise. I've tried in vein in the past to find out who the owner of the flats in questions are but this isn't easy to find, if it is available so I would really welcome this direct approach where residents are automatically informed on an annual basis of landlord/ landlady contact details.
102.	<p>As a resident (I.e. owner occupier of a flat), I am unclear how much weight the Council give to views of others like myself when granting these licences.</p> <p>If none/not much I guess it doesn't matter if the licences are 1 or 3 years' duration. The important issue for me is "does the council listen to views of people who have to live beside HMO properties and are - potentially inconvenienced by them"</p>
103.	Not necessary and overkill.
104.	<p>These requirements are perfectly reasonable. It's outrageous that HMO landlords should be able to shuffle off responsibility for building issues or for anti-social behaviour, simply by going no contact.</p> <p>My upstairs neighbour - an HMO Landlord - is a Chinese national who works in Wales. Some years ago, the shower in his bathroom leaked so badly that water pooled under his floorboards, causing my entire bathroom ceiling to collapse at 4am one morning. His tenants were young Chinese students who didn't speak much English, so it was a nightmare trying to get hold of him, in Wales, through them! On other occasions when I've contacted him on building issues, he's been in China.</p>
105.	An online registry of contact details would be helpful. Perhaps accessed via council tax account so that only neighbours get access.
106.	This is a good idea. How will it be policed?
107.	The requirement should be to notify the requisite parties within (x days) when there is a change to the contact details.
108.	Not all of the landlords details are available online for our property. Out of 12 properties in our block 8 are rented out. The factor won't provide us with landlords details. We home owners find that not having contacts for the landlords makes the communal running and maintenance of stairwells extremely difficult and this has a knock on effect.
109.	HMO11 - Agent's details are on the HMO application provided by the landlord, if CEC want to check that these are still valid at any point, then they can contact the agent/landlord to confirm. Agent's should be encouraged to advise CEC of new/updated contact details, should those original details change at any point.
110.	This is another administrative item that is both unnecessary and cumbersome to enforce or manage. It is open to abuse by neighbours - there are instances where landlords may already send this notification by recorded post to avoid accusations of failing to meet the existing requirement. Agents/Landlords are already required to notify of any changes to their contact details - ie change of Agent. At all times, these details are held with the Council and most neighbours so is already readily available should there be a change of ownership in a neighbouring flat at any time. Most property owners in tenements share email distribution lists for common repairs these days and can ask for this information at any time. Tenants can contact their own landlord or letting agent to ask about a neighbouring HMO property. I have never hears of this

	<p>being an issue, where neighbours were unable to obtain emergency contact details for an HMO property. There needs to be evidence of this being a problem before you start costing the Council more money in administering this. Or perhaps the Council are collecting too much money from the HMO licensing program so require ways to spend it? It was meant to be self-funding but NOT to collect more than necessary for its own operation.</p> <p>A flat can change hands at any time, including 1 week after such a notice is provided. Or neighbours can lose the contact number at any time. Anyone capable of renting or buying a property will be more than capable of contacting the resident living in the HMO property for this information, other neighbours, or the Council at any time. They can also look up the landlord or agent on the Landlord Database.</p>
111.	<p>Rather than requiring landlords/agents to issue neighbour notification on an annual basis, I believe a better system might be to ask landlords/agents to attach a permanent notice-holder to the outside/stair door of the licensed premises, like a nameplate which would allow a card to be inserted displaying all up to date relevant information. I doubt many owners who receive an HMO neighbour notification letter retain it and have it to hand when they need it most. In the case of an emergency, if owners, contractors and emergency services can see relevant information on the door of the licensed premises, this would seem to be much more effective. A requirement within the licensing conditions could ask landlords/agents to ensure such information is continually updated and notified to the Council if there are any changes. Compliance with this condition and provision of up to date information could be confirmed to the Council on an annual basis, possibly via the online licensing portal.</p>
112.	<p>This all adds to the bureaucracy which already burdens down the HMO system and one reason why you have one less property for three tenants in your area for let. I Intend selling mine.</p> <p>With regard to the specific proposals, I must say that in the 20 years that I have had an HMO and distributed such a contact number, it has never been used. A couple of residents in the stair (Stair Representative and the Stair Treasurer) make it their business to know numbers of all 11 owners or agents regardless. Bottom line - more over the top nonsense driving (hated) landlords away.</p>
113.	<p>Recommend that if this becomes mandatory that it becomes clear which properties need to be notified similar to the planning process and then confirmation form agent /owner that has been done</p>
114.	<p>I live next to the Murano House Student accommodation in Leith. This year the noise from some of its residents has been terrible. Someone in there has a professional-grade music system that was blaring at all hours of the night. I could not find any contact details for the facility online, just a generic email to its parent company who never dealt with the issue. Having contact details for the facility would have made reporting the noise issue much easier.</p>
115.	<p>Sounds like a good plan! Thank you.</p>
116.	<p>The HMO licence holders do not obey the current rules and suffer no sanctions. Why do you think they'll obey the new rules? IMHO, the issue is less the rules and more about the enforcement.</p>

117.	<p>HMO11 - If the details have not changed this is an unnecessary burden. Suggest it is made clearer that any change in emergency contact details must be notified to the council.</p> <p>HMO12 - I see the purpose in this but in my experience the neighbour notification doesn't work. I have always distributed my details to neighbours however I have NEVER, in 10 years, been passed a neighbour notification by my tenant and I know there are HMO properties nearby. Would it not make more sense for the council to keep an online publically available register of HMO licences and licence holder contact details?</p>
118.	<p>I live with an HMO in my building. The more info that neighbours have the better. It is reassuring to have contact details should there be any problems. It would be good for neighbours to have direct notification for when licensing is being applied for or renewed ahead of time. If neighbours are happy they won't act on it and it will reassure licensing that the owner is acting appropriately. If neighbours are unhappy their views can be considered with applications/renewals.</p>
119.	<p>I live on a stair of 8 flats, 6 of which are occupied by tenants and 3 of which are HMOs. Having this information is vital.</p>
120.	<p>I find it hard to see how it will be policed. I live in a main door GF flat. There is A HMO above us and others near by. Occasionally there are antisocial parties very late into the night. I have never been given any contact details for HMOs. There needs to be a way of checking that notification has happened- bearing in mind neighbours may have quite different addresses from the HMO.</p>
121.	<p>Currently the requirement is for the council to have the contact details of the property owner, and for the adjoining neighbours to have the contact details for the agent. This is all reasonable.</p> <p>However the way I read the proposal is that the neighbours should in addition be provided with contact details for the property owner. This is not reasonable and such compulsory sharing of personal details is a significant data protection risk. I wish to keep my personal contact details private. I let my property through a responsible, well established agency who have an emergency contact facility which, being a letting agency, is far better placed to deal with emergency issues arising than I am as an individual.</p>
122.	<p>I would like this information to be given by letter. I oppose the use the signs being put on flat doors by some agents - these look ugly, give a commercial rather than a residential feel to a stair, and mark the residents out as tenants rather than owners. I think neighbours should be told who the owner is and their contact details, as well as the agent if there is one.</p>
123.	<p>We are a responsible agent and do the above already anyway. The neighbour notification should be done when any new/renewal licence is granted, rather than annually. Agents shouldn't incur the additional work if they are managing it properly and have been granted a three year licence anyway.</p>
124.	<p>This should apply to all rented properties not just HMO properties.</p>

125.	I agree neighbours should be notified but think on a 3 year licence they only need notified once and then only if there are any changes to this information.
126.	<p>My letting agent places a sign on the front door of each HMO property they manage providing their contact details.</p> <p>I would suggest that a condition requiring this would be a far simpler option, and remove yet more proposed unnecessary bureaucracy.</p> <p>It would also mean that no neighbour would be forced to hunt for the agent's details if there was a problem, or if the neighbour changed in between the proposed annual notifications it would give them a simple way to see the details.</p>
127.	Landlords & flat ownership changes regularly. Annual update is only fair.
128.	The emergency/24hr number is on the renewal/application form and is part of the neighbourhood notice, both of which are available to all at points of the process, surely it would be more sensible to ask that the HMO Dept and neighbours should be notified of any changes and a notice sent out on licence renewal? we (and I mean us and the council) are already snowed under with admin, making it an annual requirement would be overkill in my opinion.
129.	We have multiple HMO properties in the adjoining building and the noise is so disruptive because they are usually young and/ or students who live very different lifestyles and hours to working professionals and families. They also all have their own partners and friends so an HMO property with 4 residents can in fact have 8 people in and out each day, plus friends. The traffic on the stairs is near constant and I have no way of contacting them and landlords are un-responsive with evidence that it is their tenant.
130.	A telephone contact number should be published on the Scottish Landlord Register database search website.
131.	Condition HMO12: this information should be updated annually.
132.	<p>As a resident in a tenement where there are several HMOs, I do not have any recent contact details for any of them. I do not currently know how many of the flats are HMOs but it may be 3 or 4.</p> <p>My experience in the past has often been that contact details can change and we are never usually informed of that.</p>
133.	I live in Marchmont, which has many HMO lets. Most are fine, but a minority cause significant problems. It is important to be able to contact owners or agents promptly, particularly in tenement flats where an issue in one flat (eg water leaking) may cause issues for neighbours, and where noise easily carries to neighbouring flats. The proposals would make sure that current contact information for HMO owners or agents is available to neighbours, and I very much hope the Council makes these changes.
134.	<p>Not only should Emergency contact numbers be provided there should be a requirement to ensure access to the HMO property in an emergency. Not a number calling to an answering machine.</p> <p>You should also introduce a three strikes and you are out policy across all properties where regular complaints occur. There are too many unscrupulous</p>

	landlords who don't give a stuff about neighbours - they will promise to change agents and tenants but do nothing. The enforcement policy is weak - for years we were told an HMO, with a kitchen above one of our bedrooms had a cushioned floor. Recently on the sales market it proved to have a solid floor.
135.	This would take so much of the unfairness and stress out of trying to sort emergencies in our family home. It's not fair that landlords can make money without any obligation to support those trying to live here when their poorly maintained properties cause emergencies for residents.
136.	I live in a tenement of 11 flats of which I believe 8 are HMOs. I would appreciate any change which would make it easier to contact landlords in the event of an emergency.
137.	Difficult to get to the right person. Especially important when issues arise eg. Flooding from an HMO flat
138.	<p>The more information that neighbours get, the better. However, assuming that the neighbour notification under HMO12 remains paper-based, it cannot be fully relied upon - e.g. with rented properties where the onus remains on tenants to pass those neighbour notifications to their landlords, via letting agents often too. Also, we would argue that the emergency contact details on those paper notifications are easily missed.</p> <p>Consequently, condition HMO11 would be the key one here. Additionally to the above, neighbours wouldn't necessarily know about condition HMO12, or when licence holders fail to meet it - whether at the start / upon continuation of their licences, or annually for the duration of their licences.</p> <p>Neighbours may generally think of contacting the Council however, when seeking emergency contact details for rented properties in their building or next door.</p> <p>The Council should aim to act as a reliable fallback for neighbours and seek to enforce HMO11 accordingly.</p>
139.	Relieved and delighted that the council are at last considering the needs of Edinburgh residents who have had to put up with noise and other types of anti-social behaviour from those in short-term lets etc. for far too long.
140.	Very necessary. There has been constant churning in the management of HMO properties in our tenement at 64 Marchmont Crescent
141.	<p>We have HMO occupiers in the building, they have thrown cigarettes butts, litters and abandoned bicycles in the front and rear gardens. We contacted the owners of HMO license holders, no one admitted the behaviour and apologised. We contacted the police who asked us to contact the council, no response from the council.</p> <p>The police said we need to catch them in action, while we became unpopular in the neighbourhood and risked our safety to those people who did not behave themselves.</p> <p>Littering is a criminal offence, Section 87 EPA 1990, council and police should execute this law in Edinburgh to help fund the city and keep the city clean plus</p>

	<p>law in order.</p> <p>No point having a law unless we use it. It is time for action to keep the city in good order.</p> <p>Do we have enough police force? Do we have enough good quality cctv? How can we catch people in action when there is no CCTV in the city, in the residential areas? We are not talking about human rights here, but safety and security for our citizens. Is it a human right to be safe? Council should do inspections on households for cheating HMO, this is happening frequently when there are more occupiers than HMO permission. What has the council done with HMO license controls? apart from collecting license fee?</p>
142.	<p>Strongly feel that these two requirements should be annual. Agents and landlords can change and new residents move in over a period of 3 years. Requiring contact details and informing residents annually will ensure that all interested parties have up to date contact details.</p>
143.	<p>Both acts seem logical. In fact on reflection it seems strange that this is not already the case. It feels like a minimum requirement</p>
144.	<p>This is an essential requirement to allow HMO properties to be in harmony with local communities</p>
145.	<p>The Managing Agents are a large part of the problem.</p> <p>The Owner/Landlord should be forced to put their details on the notice regardless of whether or not they use an Agent.</p> <p>Many/most of the Agents do not respond to emergencies or reports of anti-social behaviour in a timely or professional way..</p> <p>The Council should test each agents response if they really want to deal with this matter and apply enforcements measures if Agents do not meet minimum standards.</p> <p>In my direct experience, agents are unresponsive and unprofessional (the biggest agent on the patch is the worst!!).</p> <p>Typically, if one can talk to the owner/landlord directly, then the response is much better.</p>
146.	<p>ECC has sole responsibility for the issuance of HMO licenses. As such it is entirely correct that, as the regulatory authority, it alone is also required to monitor those properties it authorises through the registering of complaints received and rectifying any issues arising from their inappropriate use.</p> <p>It is unfortunate that ECC currently permits a situation whereby any resident affected by an HMO has no means of contacting the council out of hours (and is directed to an already over-stretched police service, instead). This move would seem to be an attempt to further distance itself from its responsibility in this regard.</p> <p>As it stands the ECC HMO e-mail is inactive and anyone wishing to raise an issue has to think outside the box; say by making a report via the ASN mailbox. Even then, if and when contacted by ECC, there is strenuous attempts already to pass on the responsibility for ensuring compliance by requesting (in the strongest terms) that the resident wishing action make contact with the offending property and (when mattered have gotten so out of hand as to require police</p>

	<p>attendance at a property) simply refuse to advise residents whether such an attendance has been brought to the attention of the HMO owner or recorded against the property.</p> <p>Should ECC wish to help in this regard, as a first step, it shoal consider setting up a searchable register of HMO properties (much in the way the landlord register operates) whereby any affected resident can access the details of the HMO owner it wishes to complain about - and then have a system in place whereby it collates information and progresses action against any deficient license holder, as necessary.</p> <p>I appreciate this is quite a negative response and it certainly shouldn't be taken as a detraction from the mainly good work ECC does in any way. But ECC's approach to HMOs is not working - and there is significant concern that this suggestion is more driven by further abrogation than enhancement.</p> <p>By way of example.</p> <p>Having already informed ECC that I wished to object to license it then allowed that license to be reissued without informing me of the renewal date - something I had no control over and which was aided to no small extent by the owners approach to posting signage. And I live next door to the property!</p> <p>Equally, having watched the police decant approximately 80 students from a flat (on their having been called by another resident) (and my making complaint as to the aftermath to ECC) the person dealing, whilst advising they had spoken to the landlord, flatly refused to confirm whether police attendance had been shared with the license-holder.</p> <p>The system certainly need change, but I don not believe passing responsibility for license compliance to residents is the way ahead.</p>
147.	The contact information for any agency operating the HMO should also be provided, e.g. in the case of care providers who lease properties from Registered Social Landlords who are the license holders as property owners.
148.	They sound constructive.
149.	Dealing with HMO properties as a tenant in a shared block is a nightmare, so anything which makes it easier to contact landlords/their agents of such properties, whether in an emergency or simply as a matter of routine maintenance, would be a big help.
150.	This allows long term residents access to HMO12 and possible absent landlords .
151.	So many things can change over a 3 year period that I feel it is essential for residents peace of mind for the annual updates to be mandatory.
152.	As a resident there is no way of knowing whether there is a new HMO licence holder who has not complied with the requirement, so an annual update would be really useful. It would be even better if there was a publicly accessible list of HMOs and contact details.

153.	If it is the same licence holder then it shouldn't be necessary to keep notifying the neighbours every year - should the rules not say that the licence holder should notify the neighbours as soon as the licence holder changes, otherwise if it is still the same person then it would be perfectly reasonable if they just reminded us every three years, unless their own details changed.
154.	I am not clear if by 'adjoining' premise if we would be notified of the next tenement block along - I hope this is what is planned as we don't have issues with HMO flats in our block but the next block along has several HMO flats plus Airbnb and we have several problems for those flats, e.g. rubbish thrown out of windows into our garden, noisy parties, and I've found it impossible to find out whether the flats have an HMO licence and who the owner is from a search of the council's website.
155.	These are good amendments, which I would welcome.
156.	<p>1. The requirement to notify the Council annually actually weakens the requirement to ensure the Council is kept see of the contact details.</p> <p>2. The requirement to notify neighbours annually rather than once every 3 years is yet another administrative imposition on thousands of licence holders. It is designed to assist the small number of cases where there is lack of control and such emergency contact use needed. Enforcement of Condition HMO10 and consequences for non compliance will be a better action.</p>
157.	Having been one of two owner occupiers in a block where every other flat is an HMO, my experience is that it is very hard to get up to date contact details for licence holders and that many avoid taking responsibility for emergencies and antisocial behaviour leaving owner occupiers to bear the consequences . A yearly requirement to provide up to date numbers I especially for emergencies or antisocial behaviour should reduce this.
158.	<p>There is a severe shortage of affordable rented accommodation, including accommodation for students. I do not perceive antisocial behaviour from HMO properties to be an issue that needs addressing at all. Instead, efforts should be focussed on improving renters' rights (properties are often in poor condition, with e.g. mould) and the availability of affordable rented accommodation. This is not done through placing extra hurdles on landlords, except when those extra requirements are concerned with keeping the property in liveable condition, and keeping rents affordable.</p> <p>I myself have lived in owner-occupied accommodation in Edinburgh for the past &gt;20 years, in an area with many HMO properties, and only once have we had minor issues with party music at night. On the other hand, I teach university students and am therefore quite aware of the acute and severe issues facing this group of people when it comes to accommodation.</p> <p>Another issue that is very pressing is also traffic in residential areas - pedestrians should have priority when crossing streets, as in e.g. the Nordic countries. There should be painted zebra crossings at every street corner, where pedestrians have priority at all times. Motorists are also not observing the recent change in the Highway Code, giving way to pedestrians crossing streets when turning.</p>
159.	every 3 years is too long to ensure up to date contact details are available



160.	In discussion with many residents' association, community councils, residents and members, the issue of anti-social behaviour of properties with an HMO license frequently arises as an amenity issue. The provision of contact details of the landlord and/or their Management Agents would assist in enabling affected neighbours to highlight issues directly to them.
161.	Agents can change and with a requirement to notify more regularly this can lead to confusion among residents in a shared tenement regarding who to contact should need for repairs., maintenance etc arise.



## Appendix 3 – HMO Standard Conditions

### Housing (Scotland) Act 2006

#### Standard HMO Licensing Conditions – Adopted 9 March 2012

<b>HMO1</b>	The licence holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, drainage, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The HMO owner should have a system in place which provides for continuity of safety certification.
<b>HMO2</b>	The licence holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the living accommodation.
<b>HMO3</b>	The licence holder must ensure that the physical standards for HMO living accommodation assessed as suitable by the local authority when approving the licence application are met at all times.
<b>HMO4</b>	The licence holder must ensure that the number of persons residing in the premises shall not exceed [ <i>insert number</i> ] when operating as an HMO.
<b>HMO5</b>	The licence holder must make the Licence, including any conditions, available to occupiers, or prospective occupiers, within the premises where it can be conveniently read by residents.
<b>HMO6</b>	The licence holder must ensure that actions to secure repossession must be only by lawful means.
<b>HMO7</b>	The licenceholder must provide each tenant with a clear statement, in a form they can understand and keep for reference, of what is expected of them and what they can expect from the licenceholder. The agreement must accurately describe the subject of let, the start and end dates of the agreement, rent to be paid, period of written notification of intention to enter the property (which shall not be less than 24 hours), and where the agreement is in the form of a lease and the licence holder intends to retain a key for the property, the agreement will specify how the tenant will grant explicit permission for the key to be used.
<b>HMO8</b>	The licenceholder must act lawfully and reasonably in requiring any advanced payments, handling rents, returning deposits, and making deductions from deposits.

<b>HMO9</b>	The licenceholder must comply with all relevant legislation affecting private sector residential tenancies, including participation in any communal repairs and maintenance, as per the Tenements (Scotland) Act 2004.
<b>HMO10</b>	The licenceholder must manage the property in such a way as to seek to prevent and deal effectively with any anti-social behaviour by tenants to anyone else in the HMO and in the locality of the HMO.
<b>HMO11</b>	An emergency contact telephone number for the licenceholder and/or management shall be available and notified to the Council for 24-hour contact purposes for emergencies or antisocial behaviour from the property.
<b>HMO12</b>	The licenceholder shall give a neighbour notification to every occupier in the same building as the licenceholder's premises, and any adjoining premises within 28 days of the licence holder's receipt of the licence document. This will advise of the name of the licenceholder or managing agent, a contact address, day time telephone number and an emergency contact number.
<b>HMO13</b>	The use of the premises shall be as authorised from time to time by the City of Edinburgh Council in terms of the Building (Scotland) Act 2003.
<b>HMO14</b>	Adequate facilities must be provided for the storage and disposal of refuse, and recycling. The licenceholder shall make the tenants fully aware of their responsibilities.
<b>HMO15</b>	The licence holder must ensure that Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
<b>HMO16</b>	The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
<b>HMO17</b>	Where the agreement between a tenant (or group of tenants) and the licence holder gives those tenants exclusive access to specified rooms in the premises, the licence holder should ensure those rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.

<b>HMO18</b>	Any chimneys/flues that are in use must be maintained/cleaned annually or in accordance with the manufacturer's instructions, or, where the flue is covered by a Gas Safety Inspection, at a period determined by a Gas Safe registered engineer.
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## Appendix 4 – Draft Best Practice Guide

# Houses in Multiple Occupancy (HMO) Best Practice Guide for HMO licence holders and Agents in Edinburgh

The following guide for the holders of HMO licences in Edinburgh was approved by the City of Edinburgh Council's ("the Council") Regulatory Committee at its meeting on 6 February 2023 for consultation.

Failure to follow this best practice guide may be relevant to the Licensing Sub-Committee's consideration of whether a landlord or agent is, or continues to be, a fit and proper person to be authorised to permit persons to occupy any living accommodation as an HMO in terms of section 130 and/or section 139 of the Housing (Scotland) Act 2006.

**The following requirements set out the practices that the Council considers to demonstrate best practice by HMO licence holders and their agents:**

### General Refuse Disposal

The Licence Holder should provide tenants, no later than two days from the commencement date of the Tenancy Management Agreement, with an information leaflet on how to dispose of refuse and bulk items (including general and recyclable refuse and any furniture) properly and appropriately from the licensed property.

The Licence Holder should ensure that tenants are aware how to use the refuse facilities at the property and in the communal surrounding areas of the property appropriately.

### Maintenance, Insurance and Repairs of Common Areas

The Licence Holder should act reasonably in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common areas relative to the property and in all dealings with other co-owners and any relevant Factor.

The Licence Holder should ensure that any undisputed invoice or notification of their share of maintenance costs, insurance costs and repair costs received in respect of common areas relative to the property is paid in full without unreasonable delay and in adherence to the payment terms stipulated.

The Licence Holder should ensure that all common areas are regularly inspected and any defects brought to the attention of the other owners and any relevant Factor.

Those who have HMO licences for a tenement property (or properties) should give due regard to the Shared Repairs Tenement Toolkit – found [here](#).

### Bulk Refuse

The Licence Holder must make arrangements with the Council or another collecting contractor for the uplift of any bulk items and/or refuse, including furniture, from the licensed property, prior to the Licence Holder presenting the items for collection. The Licence Holder should ensure that tenants are advised likewise to make arrangements for uplift of such items from the licensed property prior to the tenants presenting items for collection.

Bulk refuse should only be presented immediately outside the property on the date for collection specified by the Council or other collecting contractor. Due regard should be given to the information on bulk uplifts [here](#).

### Neighbouring Residents

The Licence Holder must act reasonably in relation to the management of the licensed property in respect of any dealings with neighbouring residents of the property.

The Licence Holder should take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of the Licence Holder's tenants or their visitors, at or in the immediate vicinity of the licensed living accommodation.

### Statutory Notices

The Licence Holder should respond appropriately and timeously to any statutory notices served on them under the Housing (Scotland) Act 2006 and any other relevant legislation, including the Environmental Protection Act 1990, in relation to the licensed property and the communal areas surrounding the property.