

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 6 March 2023

Application for House in Multiple Occupation Licence – 227 (2f2) Dalkeith Road

Executive/routine

Wards

Ward 15 – Southside/Newington

Council Commitments

N/A

Executive Summary

An application for a House in Multiple Occupation ('HMO') Licence has been received for a property at 227 (2f2) Dalkeith Road, Edinburgh.

This property has previously been licensed and the applicant requests an exemption from policy in order to allow the accommodation to continue to operate. The report sets out relevant sections of the policy background which should be considered when determining this application.

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Application for House in Multiple Occupation Licence – 227 (2f2) Dalkeith Road

1. Recommendations

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

2. Background

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

3. Main report

- 3.1 An application (Appendix 1) for the grant of an HMO Licence for a property has been received from Clan Gordon Ltd. This property has previously been licensed by the Council as an HMO for many years.
- 3.2 'Tolerable standard' criteria specify that the minimum width of a bedroom should be 2.25 metres. Additionally the minimum bedroom size for single occupancy is 10 square metres where, as in this case, there are no communal living rooms. Bedroom 3 does not comply with these criteria (Appendix 3).
- 3.3 The property had previously been licensed as an HMO for several years. Historically the Council has granted the licence with an exemption to these specific physical standard requirements for HMO, as these were introduced by the 'tolerable standard' requirement some years after the initial grant of licence. The property has operated without issue for a number of years.

- 3.4 The applicants request an exemption from policy in order to allow the accommodation to continue to operate (Appendix 2). The applicant or their representative have been invited to address the Committee
- 3.5 The property has been inspected by Council officers regarding its suitability for use as an HMO. The nonconformities are highlighted in Appendix 3. It is recommended that the Committee determines this licence and agrees the exemption. The Directorate advises that it may not be proportionate to insist on modifications to bring this property in line with current physical specifications given the points in paragraph 3.3 above. The floor plan is attached at Appendix 4.
- 3.6 Officers have no other concerns about this application, which is in essence an application to maintain continuity of licence, the renewal of which has fallen foul of an administrative error. Had this not been the case the application would normally have been granted under delegated powers.
- 3.7 After hearing from Executive Director of Place or his representative regarding this report, it is recommended that members of the Committee then hear from the applicant.

4 Measures of success

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

5 Financial impact

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

6 Risk, policy, compliance and governance impact

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

7 Equalities impact

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

8 Sustainability impact

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

9 Consultation and engagement

9.1 None.

10 Background reading/external references

10.1

11 Appendices

11.1 Appendix 1 – application form

11.2 Appendix 2 – email from applicant dated 21 December 2022

11.3 Appendix 3 – report on inspection carried out on 6 January 2023

11.4 Appendix 4 – floor plan