

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 12 June 2023

Application for House in Multiple Occupation Licence – 5 2f1 Lauriston Park

Executive/routine

Wards

Ward 11 – City centre

Council Commitments

N/A

Executive Summary

A renewal application for a House in Multiple Occupation ('HMO') Licence has been received for a property at 5 2f1 Lauriston Park, Edinburgh.

The property does not meet the requirements of the current policy. 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 – 5 2f1 Lauriston Park

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 notes the contents of this report;
 - 1.1.2 determines whether the property is suitable for licensing as an HMO noting the safety certificates outstanding at paragraph 3.4 and thereafter determines the application and, if granted, attaches standard conditions to the licence; and
 - 1.1.3 requires the applicant to engage an agent to manage the property in the City of Edinburgh.

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 Khanna Narravula. The property at 5 2f1 Lauriston Park has previously been a licensed HMO property.
- 3.2 Although the application was received by the Licensing Service on 27 October 2022, due to the applicant's location in Slough it was difficult for officers to arrange an inspection of the property. Officers contacted the applicant on nine separate occasions between 4 April and 12 May 2023 attempting to arrange entry to the property to allow it to be inspected. If the Committee grants the licence as sought,

in order to ensure efficient, appropriate and timeous management of the property, officers recommend that the Committee requires the appointment of a property manager or agent.

- 3.3 'Tolerable standard' criteria specify the minimum requirements for an HMO property. The property has been inspected by Council officers regarding its suitability for use as an HMO. The 'Tolerable standard' requirements were not met with respect to the items listed in Appendix 2 when the property was initially inspected, including fire safety issues, condensation/ventilation problems and defective sealant around the bath.
- 3.4 Further detail on the ongoing non-compliances at the time of writing is attached at Appendix 3, including electrical and gas safety, electrical and gas safety certification, and fire safety certification. Communication with the applicant has again been difficult with respect to the rectification of non-compliances, due to the applicant's physical distance from the property.
- 3.5 After hearing from the Executive Director of Place or his representative regarding this report, it is recommended that members of the Committee then hear from the applicant. The applicant or their representative have been invited to address the Committee.

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 – report on inspection carried out on 10 February 2023

11.3 Appendix 3 – required works outstanding to date

11.4 Appendix 4 – objection received