

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 13 June 2023

Application for House in Multiple Occupation Licence – 6 Blenheim Place

Executive/routine

Wards

Ward 11 – City centre

Council Commitments

N/A

Executive Summary

An application for a new House in Multiple Occupation ('HMO') Licence has been received for a property at 6 Blenheim Place, Edinburgh.

The applicant requests an exemption from policy. The report sets out relevant sections of the policy background which should be considered when determining this application.

Andrew Mitchell

Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Application for House in Multiple Occupation Licence – 6 Blenheim Place

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, if granted, attaches standard conditions to the licence; or alternatively.
 - 1.1.3 if minded not to grant the exemption, determines the application, restricts occupant capacity to five persons 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 for six persons has been received from Judith Kennard. The property at 6 Blenheim Place has previously been an HMO licensed for six people for several years, but the licence was allowed to lapse and thus this is a new application.
- 3.2 The applicant requests an exemption from policy (Appendix 2) with respect to the 'tolerable standard' requirements for six person occupancy noted at 3.3 below and points noted in the attached Appendix 3. The property was previously licensed as an HMO for six people, having been assessed against the standard that applied at the date of initial licensing. Policy allows this to continue to be the relevant standard

for any continuation of the licence, and it is only when there is any break in the licensing of the property that the current assessment criteria ('Tolerable standard') become the legally required standard.

- 3.3 'Tolerable standard' criteria specify the minimum requirements for a HMO property for six persons. As a result of this application the property has been inspected by Council officers regarding its suitability for use as an HMO for six persons. The 'Tolerable standard' requirements are not met with respect to the kitchen sink, fridge/freezing and oven provision for this property (Appendix 3).
- 3.4 The property meets the Tolerable Standard criteria with respect to five persons, and is fully compliant for five persons (Appendix 3).
- 3.5 It is recommended that the Committee considers this application and the request for exemption. The Committee may wish to consider whether it would be appropriate to agree exemption from policy and grant a licence for a six person HMO which does not fully comply with Tolerable Standard requirements; or to grant the licence but to restrict occupant capacity to five persons.
- 3.6 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 – message from applicant requesting exemption from policy

11.3 Appendix 3 - report on inspection carried out on 10 February 2023