

# Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 13 June 2023

## Application for House in Multiple Occupation Licence -- 6 Johns Place, Edinburgh

**Executive/routine**

**Wards**

Ward 13 – Leith

**Council Commitments**

N/A

### Executive Summary

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

The applicant requests an exemption from policy in order to allow the accommodation to operate as temporary accommodation for homeless people. 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 – 6 Johns Place

### 1. Recommendations

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

### 2. Background

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- 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

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- 3.1 An application (Appendix 1) for the grant of an HMO Licence for a property has been received from K&S Mir Ltd T/A CGHG. The property at 6 Johns Place has not previously been a licensed HMO property.
- 3.2 The property is currently being used for temporary accommodation for homeless people, and this has been the case since 31 October 2022 (Appendix 2). There are currently 22 people staying in the property and, if licensed, the property will continue to be used for temporary accommodation.
- 3.3 The applicant requests an exemption from policy with respect to the 'tolerable standard' requirements noted in the attached Appendix 3. Such exemption from

policy would allow the accommodation continue to operate as temporary accommodation for homeless people.

- 3.4 The property has been inspected by Council officers regarding its suitability for use as an HMO. 'Tolerable standard' criteria specify the minimum requirements for a HMO property for 29 persons. The nonconformities found are highlighted in Appendix 3 and include insufficient cooking and sink provision for 29 persons.
- 3.5 In addition, the Scottish Fire and Rescue Service (SFRS) made comment on the fire safety measures in the property (Appendix 4), requiring door closers on two bedroom cupboards and the display of fire alarm zone information. The applicant has confirmed that the fire safety measures required by SFRS have been completed (Appendix 5).
- 3.6 Objections to the granting of the licence have been received (Appendix 6).
- 3.7 It is recommended that the Committee considers this application and the request for exemption. The Committee may wish to consider whether it would be proportionate to insist on modifications to bring this property in line with current physical specifications given that the intended use is as temporary accommodation.
- 3.8 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**

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

## **5 Financial impact**

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

## **6 Risk, policy, compliance and governance impact**

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- 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**

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

## **8 Sustainability impact**

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

## **9 Consultation and engagement**

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9.1 None.

## **10 Background reading/external references**

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10.1

## **11 Appendices**

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11.1 Appendix 1 – application form

11.2 Appendix 2 – email from Temporary Accommodation Service

11.3 Appendix 3 – report on inspection carried out on 14 November 2022

11.4 Appendix 4 – email from Scottish Fire and Rescue Service dated 15 November 22

11.5 Appendix 5 – emails between applicant and Licensing Service

11.6 Appendix 6a – Objection received

11.7 Appendix 6b – Objection received