

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 13 June 2023

Application for House in Multiple Occupation Licence -- 55 Lothian Street, Edinburgh

Executive/routine

Wards

Ward 11 – City Centre

Council Commitments

N/A

Executive Summary

A new application for a House in Multiple Occupation ('HMO') Licence has been received for a property at 55 Lothian Street, Edinburgh.

The owner has requested to be exempted 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.

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 – 55 Lothian Street

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.

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 Castle Properties Ltd. The property at 55 Lothian Street has not previously been a licensed HMO property for several years, but the licence was allowed to lapse and thus this is a new application
- 3.2 The property is currently being used for temporary accommodation for homeless people, and this has been the case since at least August 2017 (Appendix 2). If licensed, the property will continue to be used for temporary accommodation.
- 3.3 The owner has requested to be exempted from policy with respect to the 'tolerable standard' requirements noted in the attached Appendix 3. Such exemption from policy would allow the accommodation to continue to operate as temporary accommodation for homeless people.

- 3.4 'Tolerable standard' criteria specify the minimum requirements for an HMO property for 58 persons. The property has been inspected by Council officers regarding its suitability for use as an HMO. The nonconformities found relate to the property's food preparation facilities (Appendix 3).
- 3.5 The Scottish Fire and Rescue Service (SFRS) has made no comment on the fire safety measures in the property (Appendix 4).
- 3.6 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.
- 3.7 After hearing from the Executive Director of Place or his representative regarding this report, it is recommended that the Committee then hears from the objector. The applicant and or their representative have been invited to address the Committee and the Committee should hear from them.

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 Temporary Accommodation Service

11.3 Appendix 3 – report on inspection carried out on 14 March 2023

11.4 Appendix 4 – letter from Scottish Fire and Rescue Service dated 24 February 2023