

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 4 March 2024

Applications for House in Multiple Occupation Licences – Flats 1 and 2, 15 Kilmaurs Road

Executive/routine

Wards

Ward 15 – Southside/Newington

Council Commitments

N/A

Executive Summary

Applications for two renewal House in Multiple Occupation ('HMO') Licences have been received for Flats 1 and 2, 15 Kilmaurs Road, Edinburgh.

The applications attracted objections and the Committee asked officers to obtain further information with respect to the properties.

This report includes the information requested and the Committee is now asked to determine the applications.

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Applications for House in Multiple Occupation Licences – Flats 1 and 2, 15 Kilmaurs 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 applications, and, if granted, attaches standard conditions to the licences.

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 Committee can add reasonable conditions as it sees fit, if it is minded to grant the licence.

3. Main report

- 3.1 Two applications (Appendices 1a and 1b) for the grant of an HMO Licence have been received from Kerloch Ltd. The properties at Flats 1 and 2, 15 Kilmaurs Road have both previously been licensed as an HMO for several years.
- 3.2 On 26 January 2024 the Head of Regulatory Services received a Memorandum (Appendix 2) with respect to the licence renewal applications.
- 3.3 The Licensing Sub Committee considered the applications at its meeting on 29 January 2024. On that day, in light of objections received (Appendix 3) the Committee continued consideration of the applications and requested that officers obtained information for its consideration. That information has now been received and is attached to this report.
- 3.4 Grounds of objection included the following:
 - 3.4.1 It was suggested that the properties did not meet the physical standards required for HMO properties;

- 3.4.2 It was suggested that the properties had outstanding Planning issues; and
- 3.4.3 It was suggested that the properties had outstanding Building Standards issues.
- 3.5 An inspection was carried out on 16 February 2024 and several noncompliances with the requirements of the Housing (Scotland) Act 2006 were found at each property (Appendix 4). Remedial work was subsequently carried out (Appendix 5), and the applicant's representatives have confirmed that the required work has been completed (Appendix 6). Planning and Building Standards colleagues have each confirmed that there are no outstanding issues with either property (Appendices 7 and 8).
- 3.6 It is recommended that the Committee considers the applications in light of the submissions from the objectors and the information provided in this report.

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 Minutes of Licensing Sub Committee 29 January 2024

11 Appendices

11.1 Appendices 1a and 1b – application forms

11.2 Appendix 2 – Memorandum dated 26 January 2024

11.3 Appendix 3 – objections received

11.4 Appendix 4 - report on inspection carried out on 16 February 2024

11.5 Appendix 5 - paperwork relating to corrective work completed on the properties

11.6 Appendix 6 – email dated 26 February confirming completion of required remedial work

11.7 Appendix 7 – email from Planning dated 26 February 2024

11.8 Appendix 8 – email from Building Standards dated 26 February 2024