



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE**

**THURSDAY 13 MAY 2021
ONLINE DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor J Findlay
Councillor J Henderson
Councillor C McGinn (Convener)
Councillor J McMillan
Councillor J Williamson

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms C Shiel, Licensing Officer

Others Present:

Inspector Stuart Fletcher, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor T Trotter

Declarations of Interest:

None

1a. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 11 MARCH 2021

The minutes were approved as an accurate record of the meeting.

1b. MINUTES FOR APPROVAL – SPECIAL MEETING OF THE LICENSING SUB-COMMITTEE, 15 APRIL 2021

The minutes were approved as an accurate record of the meeting.

2. APPLICATION FOR THE RENEWAL OF A LICENCE TO OPERATE A HOUSE IN MULTIPLE OCCUPATION

The Executive Director for Council Resources had submitted a report to advise that an application for the renewal of a House in Multiple Occupation licence had been received from Ms Ann Guthrie to allow her to operate the property at 8E Beach Lane, Musselburgh, as a House in Multiple Occupation (HMO). The application had attracted one public objection.

Ms Guthrie, landlord, was present to speak to her application.

The Sub-Committee required to assess the suitability of the property as an HMO and to establish that the applicant was a fit and proper person to hold an HMO licence.

Ian Forrest, Legal Adviser, presented the report. The Housing (Scotland) Act 2006, Part 5 required that, where a property is to be occupied by three or more persons from three or more families, the owner must apply to the local authority for a licence to operate an HMO. The Legal Adviser reminded Members that, in determining the application, they were restricted to the grounds of refusal specified in Part 5 of the Housing (Scotland) Act 2006, and advised Members what must be considered when determining if a property were suitable for occupation as an HMO.

Ms Guthrie spoke to her application. She provided information on tenants who had lived in the property in the time she had owned it, all of whom had been students at Queen Margaret University. She advised this was the third time an application for an HMO licence had been made, and the property was now managed by DJ Alexander. She was not aware that any complaints had been made to the property managers regarding the unruly behaviour of her tenants, but these tenants would shortly be moving out in any case. She advised that the property was suitable for three students and stated that all checks had been made to ensure the property complied with HMO conditions.

Councillor Williamson asked how Ms Guthrie would ensure tenants notified her of any issues which affected the whole building, as there would be an expectation that tenants would pass any communication from the Tenants and Residents Association (TRA) onto the landlord. He also noted from the objection that previous tenants had not taken their share of cleaning of the common areas. Ms Guthrie said that any communications were forwarded by DJ Alexander. She advised that cleaning was on a rota and residents took turns.

Councillor McMillan asked whether Ms Guthrie would consider asking the property management company to put a cleaner in place to take on the property's share of common area cleaning. Ms Guthrie advised that some tenants in the past had been

more diligent in taking their turn with the cleaning, but thought that organising a cleaner was a good idea.

Councillor Findlay sought confirmation that there was not any overprovision of HMOs in the locality. The Legal Adviser expected that this would have been flagged if overprovision had been of concern.

Councillor McMillan was minded to grant the application, as the property presented an opportunity for students to live in East Lothian. He hoped that Ms Guthrie would organise for someone to clean the common areas on behalf of her tenants.

Councillor Henderson had no concerns regarding the application and commented that Ms Guthrie had employed a strong agent to manage the property on her behalf. She felt that the TRA should take comfort from the property being managed well. Councillors Williamson and Findlay agreed with other Members' comments and were also minded to grant the licence.

The Convener was also in agreement with other Members, and requested that figures relating to the saturation of HMOs in the locality be provided as part of reports regarding HMO applications made to the Licensing Sub-Committee in the future.

With unanimous support for the application, Councillor Williamson proposed that the licence term be three years. This was seconded by Councillor McMillan, and the Convener moved to a roll call vote.

Decision

The Sub-Committee unanimously agreed to grant the HMO licence for a period of three years.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Sub-Committee agreed to exclude the public from items 3 and 4 which contained exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

3a. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE

The Sub-Committee agreed to continue the application, pending further information.

3b. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE

The Sub-Committee refused the licence application.

4. SUSPENSION OF A STREET TRADER LICENCE

The Sub-Committee agreed to suspend the licence.