



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

**THURSDAY 12 MARCH 2020  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

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

**Other Councillors Present:**

None

**Council Officials Present:**

Mr I Forrest, Senior Solicitor  
Ms C Shiel, Licensing Officer  
Ms S Irvine, Service Development & Support Team Manager

**Others Present:**

PC C Banks, Police Scotland

**Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor J Findlay  
Councillor J McMillan  
Councillor T Trotter

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – LICENSING SUB COMMITTEE, 13 FEBRUARY 2020**

The minutes of the meeting of the Licensing Sub-Committee on 13 February 2020 were approved.

**2. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**a. 170 Pinkie Road, Musselburgh, EH21 7QL**

The Depute Chief Executive, Resources and People Services, had submitted a report to advise that an application for the grant of a House in Multiple Occupation licence had been received from East Lothian Council Community Housing, to allow them to operate the property at 170 Pinkie Road, Musselburgh as a House in Multiple Occupation (HMO).

Ms Stephanie Irvine, Service Development & Support Team Manager, was present on behalf of the Applicant.

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. He advised that 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. In accordance with legislation, notices were displayed at and around the property and remained in place for the statutory minimum period of 21 days. He noted that Police Scotland had made no objection or representations to the application.

The Legal Adviser advised Members that, in determining the application, they were restricted to the grounds of refusal specified in Part 5 of the Housing (Scotland) Act 2006. This states that the application should be refused if, in their view, the Applicant is not a fit and proper person to receive an HMO licence, the Applicant is disqualified by an order of the court from holding an HMO licence, or they consider that the property is not suitable for occupation as an HMO. He also advised Members what they must consider when determining if a property were suitable for occupation as an HMO. Licences could be granted for a minimum period of 6 months up to a maximum of 3 years.

The Convener invited Ms Irvine to speak in support of the application.

Ms Irvine provided information about funding for a project to help care-experienced young people take up accommodation with a peer flatmate, usually a university student, who would provide peer support to the young people. The care-experienced young people would also be supported by the Rock Trust. Two care-experienced young people with one peer flatmate would occupy each property, and ten properties would eventually be established in East Lothian. She advised that East Lothian Council would purchase open market acquisitions for this use.

Ms Irvine responded to questions from Members. She advised that the project would be like any other tenancy for the young people, but with the benefit of having a peer flatmate, who would themselves benefit by receiving free rent and WiFi. The Rock Trust offered an on-call service. She advised that the young people were well-known

to the Council, and it was thought that this was the best route for them at the time. She gave a short account of another HMO being used as part of the same project, at which no issues had been encountered. She advised that the young people would be in different situations with regards to employment and education, but would receive intensive support between the Rock Trust and their peer flatmate.

The Convener commented that East Lothian Council's approach to homelessness and care-experienced young people had been fantastic, and that life chances for these young people would be diminished if they were not in appropriate accommodation.

Councillor Henderson proposed that the licence be granted for the maximum term of three years, and this was seconded by Councillor Williamson.

### **Decision**

The Licensing Sub-Committee agreed to grant the licence for a period of 3 years, subject to the following conditions:

- i. all Conditions and Standards outlined at Appendix 2 to the report must be complied with;
- ii. all recommendations outlined in the ELC Public Health and Environmental report at Appendix 3 must be implemented; and
- iii. it is for the Applicant to ensure that the title conditions for the property are not breached, taking appropriate legal advice as required. The granting of an HMO licence by East Lothian Council does not negate the requirement to comply with conditions contained in the title deeds.

#### **b. 27 Stoneybank Rod, Musselburgh, EH21 6HJ**

The Depute Chief Executive, Resources and People Services, had submitted a report to advise that an application for the grant of a House in Multiple Occupation licence had been received from East Lothian Council Community Housing, to allow them to operate the property at 27 Stoneybank Road, Musselburgh as a House in Multiple Occupation (HMO).

Ms Stephanie Irvine, Service Development & Support Team Manager, was present on behalf of the Applicant.

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.

The Legal Adviser, presented the report. He advised that all aspects of the application were the same as the item previously discussed, and there had been similarly no objections or representations made by the Police, public, or health and environment team.

Ms Irvine reiterated that this house would be used in the same way as the previous item discussed, with two care-experienced young people and one peer flatmate benefitting from placement in the HMO.

The Convener proposed that an HMO licence be granted for three years, and this was seconded by Councillor Henderson.

## **Decision**

The Licensing Sub-Committee agreed to grant the licence for a period of 3 years, subject to the following conditions:

- i. all Conditions and Standards outlined at Appendix 2 to the report must be complied with; and
- ii. it is for the Applicant to ensure that the title conditions for the property are not breached, taking appropriate legal advice as required. The granting of an HMO licence by East Lothian Council does not negate the requirement to comply with conditions contained in the title deeds.

## **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The public were excluded from the following business 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.

### **3. POSSIBLE REVOCATION OR SUSPENSION OF TAXI OPERATOR LICENCE**

## **Decision**

One taxi operator's licence was reviewed and the Committee agreed that the taxi operator in question could retain their licence.