

Large HMOs in Edinburgh used for housing homeless people – Leith Links Community Council update: 14 Nov 2024

At the last EACC meeting LLCC circulated a brief note to members about their interests and engagement with the issue of CEC's use of large HMOs (often formerly 'hotels') as temporary housing for homeless people. An issue had emerged at a full meeting of CEC that a number of these premises being used by the Council did not have HMO licences when it was considered that they should because the premises had become the main/only place of residence of a number of unrelated individuals. Around 700 people were said to be accommodated in 30 premises arranged by the Council to fulfil its homelessness duty.

The extent and growth of large HMOs contracted to the Council has been an ongoing matter of concern to LLCC and planning applications to extend these premises are common, though not all are given consent. We met with the Convenor of the Housing Committee (Cllr Jane Meagher) 6 November to discuss our concerns about the issues, especially the extent of illegal HMO operations in our area. We presented findings from our analysis from the HMO licensing register, local planning applications and observation of activity locally which indicated that there are 14 large HMOs in our area with capacity for around 352 people, possibly more. Not all of these currently have HMO licences and we estimated that of the 5 premises that do not have licences there could be 149 people living in those premises, which is equivalent to 20% of the total number of people it is reported CEC has living in unlicensed HMOs across Edinburgh. We gave her a map and a list of the premises we had identified. Most concerning was a premises that had started operating already having applied for a licence to accommodate 60 people when it only had planning permission to operate as a hotel fairly recently granted. We do not believe the premises meets the physical standards for an HMO of this size and if CEC is contracting with the owner; we are perplexed about that. [We have objected to the licence application].

We emphasised that the growth in HMO numbers and their capacities is a significant issue affecting our area and local people often object to the growth in HMOs and what they see as homeless hostels in our area instead of proper housing. We are concerned about the standard of facilities in those premises as we observe people living in them for significant periods of time. These premises often involve very large numbers of people being accommodated in one property together, up to 50 in one case and this must surely be pushing at the limits of what it is reasonable to be doing with an HMO which is, after all, intended to be somewhere people could live permanently together with other people they do not know. The Council's intention in housing people in these facilities may not be intended to be permanent but it can nevertheless be long lasting and the regulations relating to HMOs are based on the premises being a permanent if shared home of multiple households.

Cllr Meagher told us that the Council was moving to cease use of unlicensed HMOs in the very near future. **We were very pleased to hear this news as it affects our area.**

It was also reported in the press on the day we met that the Council intended to **cease using unlicensed HMOs by the end of November 2024**. We understand from a meeting of the Housing Committee held on 13 November 2024 to discuss and agree this plan that the 700 people (which may be a smaller number of households) are to be mainly offered accommodation in either Council owned housing which had been 'void' for a significant period or was identified for sale – more than 200 properties had been planned for sale, mainly to rationalise the Council's estate where it only owns one flat in, say, a block of 4 or 6 with the other residents owners – or private sector flats. Although the tenure will be temporary the accommodation will be 'satisfactory' as opposed to 'unsatisfactory' and people will no longer have to share kitchens and possibly bathrooms with a large number of other people they do not know, and who may be transitory, although average stays are for 2 years. From the discussion of this plan at the Housing Committee yesterday it might be difficult for observers to be clear if it is proceeding or not. There was a lot of discussion of the speed of the plan and the potential impact on other tenants if non-emergency repairs and allocations are suspended for 6 weeks whilst these 700 people are being housed as the operational priority. There was also discussion of seeking some sort of absolution from the Scottish Government for contracting with illegal operators of HMOs. Any legislation providing exemptions for CEC would, however, be likely to take a while and raises questions Scotland wide.

There was a particular discussion of the legal status of the Haymarket Hub hotel which is used as a temporary facility for street homeless people over Christmas and into the new year. It is a 189-bedroom hotel which is closed with 65 rooms being purchased by CEC for use as a temporary 'hostel' type facility with the longest stay being 17 days. It is debatable this is actually an HMO but the commissioning of the 'rooms' is undertaken by the Council. It seems to be a situation that needs resolving as it is high profile.

We discussed and mentioned a range of other issues relating to the Council's ongoing use of large HMOs including:

- How the Council will handle licence applications from large HMO operators who are operating before their licence has been granted. It is not normally the case that applicants for licences, eg STLs, can commence operations before their licence is granted and HMO landlords operating without a licence are normally asked to cease immediately or face prosecution when this is reported. The Council should be consistent in its approach to regulation and enforcement.
- We heard about the support services offered to residents in large HMOs as these premises continue to be part of CEC's housing model. These include income maximisation and debt advice etc.

- We highlighted our concerns that some of the licensed premises might not have adequate kitchen and food preparation facilities and also laundry facilities. People CEC is housing in these type of premises are not in a financial position to afford to eat out constantly or get takeaways, and if they are staying in an HMO premises for more than a very short period they should in our view have the same rights as any other HMO tenant would have to expect the property meets the physical standards that flow from the 2006 Act, set out in 2012 guidance. People who are homeless may not have many clothes and might need to wash clothing frequently and this is another area of concern if the HMO they are living in was not designed to enable the number of people living there to carry out normal everyday tasks like that. There are standards for HMOs and we said we would welcome the Council working more openly with Community Councils in relation to large HMOs in any area to drive up standards – for example with more transparency around the inspections and potential conditions requiring improvement of facilities where they do not meet the physical standards in full. We asked if Cllr Meagher would be prepared to raise this with Council colleagues who convene the Regulatory policy committee but we may need to go direct.
- We briefed Cllr Meagher about people approaching us as the Community Council with concerns about their treatment as residents. We also told her about former workers at establishments approaching us with concerns about cleanliness, management practices and also potential fraud. We discussed these issues and how individuals reporting the matters to us were fearful to do so and appreciated advice that in addition to the other possible channels for such complaints we and any individual could contact the Head of Homelessness support directly. We will take this on board.
- We asked if the people CEC has housed in large HMOs around Leith Links are given adequate information about local services and clubs and organisations, not just the Council services, including the existence of the Community Council which represents all local residents. Average stays in HMOs provided by the Council is 2 years according to a number of Council questions answered last February so the question of whether residents have hyper local information arises. We said we would be happy to help on this issue.

Next steps

We have not previously engaged with HMO licence applications or licensing enforcement and have really only been engaged with planning applications for expansion. We have also written an article about the problem which is on our website.

Our audit of local large HMOs has shown us how much this is indeed an issue of concentration in our local area. Going forward we expect to:

- Continue to object to any planning applications to expand the capacity of hotels being used as large HMOs in our area
- Object to any proposals for large HMO operations which do not seem to meet the physical standards for premises being used as people's place of residence, with a particular focus on adequacy of food storage and preparation facilities which at least meet the 2012 statutory standards.
- Seek greater transparency about HMO licensing applications in our area including notice of applications and transparency about the floor plans, facilities and any inspection findings – at present none of this is published as it would be with a planning application. We think this is something the EACC could usefully take up – CCs are 'competent objectors' for licence applications including HMOs but how do they know when an application is received? A weekly planning list shows proposals for replacement windows but something much more material a proposal to house 60 unrelated people in one property together is not notified to CCs in any way either by the applicant or the Council.
- Ask the Regulatory Committee to review the appropriateness of the 2012 HMO standards for large HMOs – CEC has the power to add to the Conditions and standards it has adopted in full from the 2012 SG guidance. Also ask for consideration of our area as an area of 'overprovision' of large HMOs (in addition to the 14 large ones there are a few smaller flat share type HMOs) and for better clearer communication of the standards on the Council website (they can only be found on the SG website when read with a 2012 Regulatory Committee paper). We believe this will help Cllrs too understand the requirements.

We have shared some learning with NTBCC about the sources of information on the HMO standards as a large HMO (Hotel) in their area has suddenly applied for an HMO licence.

If there are any other CCs who would like more information about this issue from us or have shared concerns about 'overprovision' in their area we are happy to share what we know/have learnt.

Teresa Perchard
On behalf of Leith Links CC
14 November 2024

secretary@leithlinksc.org.uk