

For EACC meeting 31 October 2024

Leith Links Community Council

Issues from planning applications and licensing issues – are any other CC's concerned if they affect their neighbourhood?

1. Large Houses of Multiple Occupation operating illegally without licences

CCs might have seen press coverage recently that Edinburgh City Council is using unlicensed HMOs to house more than 700 homeless people. [Edinburgh homeless: Council breaking law 'on industrial scale' by use of unlicensed temporary accommodation](#). This was prompted by a report to Full Council The full report can be viewed here [Item 7.4 - Monitoring Officer Report Conflict of Legal Obligations.pdf \(edinburgh.gov.uk\)](#).

In a report to the Housing, Homelessness and Fair Work Committee meeting on 1 October 2024 it was reported that 709 out of 1430 households living in unsuitable temporary accommodation are being housed in 28 unlicensed HMO properties in different parts of Edinburgh. This is an average of 25 households (which may be more than one person per household) per property. [Item 7.7 - Response to the Monitoring Officer Report on Conflicting Legal Obligations.pdf](#)

Not having an HMO licence is a criminal offence (s154 Housing Scotland Act 2006) that could attract a fine of up to £50,000 and there seem to be few fairly limited exemptions or reasonable excuses for operating an HMO without first having a licence, or carrying on such operations after a licence has expired. Also, people – not the owner – who **permit** or '**facilitate**' the occupation of an HMO that should be licensed when it is not are also committing an offence under the legislation. (see section 154(4). Standards for HMOs were set out in guidance from the Scottish Government in 2012 and adopted by CEC so this is not a new set of requirements.

This issue is very relevant to Leith Links' area as there seems to be a significant number of large – eg upwards of 20 occupants - HMOs around Leith Links. Along one stretch of housing more than 50% of the houses are used as HMOs. Some of these are longstanding former 'guest houses' but over the past 4 years there have been a string of planning applications to extend and enlarge premises being used as HMOs in the area. The investments are clearly driven by Council spending. The businesses are highly profitable where we can see accounts on Companies House. Ownership is concentrated too. However, the facilities and operations of these premises seems poor and the LLCC has received correspondence from residents and workers at these premises raising a range of concerns, including about potential fraud.

Following the revelations about the Council using unlicensed HMOs we have undertaken an audit of HMO licences on the Council's register (see [Licensing registers civic – The City of Edinburgh Council](#)) to identify whether premises we believe to be operating as HMOs have licences or have applied for licences. We have identified several with no licence – including one that applied for a licence to house 43 people a couple of years ago but withdrew it but it is still in operation in this line of business and another which has applied for a licence to become an HMO having gained planning permission to convert an office into a 'boutique hotel' but it seems to have already started operations as a large HMO without the licence having been decided. We have reported these to licensing enforcement. There may also be a breach of planning 'change of use' – the SG guidance makes it clear that planning permission to change use to an HMO may be required as well as an HMO licence.

Members of the LLCC have also lodged objections where we notice an HMO application as we believe there are too many such establishments concentrated in our area. We have attempted to secure a strategic discussion with the Council about concentration/overprovision and intensification.

We have set out our concerns about how this is affecting the residents in the establishments and our local area to the Housing Convenor and are due to meet her in early November.

We are interested in finding out if any other CC's have observations and concerns about this issue and the impact it may be having in a local area where there may be a concentration of illegal HMO operation funded by the Council.

2. BT proposals for 'Street Hubs' to replace some telephone boxes across Edinburgh

In the past two weeks Leith CCs have had a number of planning applications for **BT to install 'Street Hubs'**. This is positioned as a replacement for telephone boxes and the removal of some of the phone boxes in our area would be welcome. BT does not need permission to remove a phone box but it is not able to do so in some locations unless it provides an alternative service which delivers public access to the telephony network. This is to meet their USO – Universal Service Obligation to maintain **public access to the telephony network**. The Hubs are intended to discharge the obligation through new methods, basically as people will be able to make free calls over the Wi-Fi at the hub.

From direct contact with BT and their delivery partner 'Global' I understand 30 proposals are being made currently for Street Hubs in different locations in the city – though these are not in the city centre.

Here is a link to a description of the functions of the Street Hubs which sits in the planning application 24/04972/FUL for a site on Easter Rd [24_04972_FUL-STREET_HUB_PRODUCT_STATEMENT-6460453.pdf](#)

They are communication hubs offering free Wi-Fi and calls (though I assume the consumer has to have their own handset); they have advertising – as many of our J C Decaux managed bus stops do – but a proportion of overall display time will be dedicated to local authority and local community use and local businesses will have a discount for advertising.

The display of local information could be really helpful eg around elections and consultations from CEC where at present CEC prints out large plastic sheets, tie them to lampposts and leave them to enter the local rubbish chain. The hubs seem to have environmental monitors in them to monitor air quality and monitor footfall and possibly traffic flows. They also have capability to have cameras so they might be useful in anti-social behaviour hot spots. The product statement outlines the regular cleaning/maintenance regime intended. It is also clear that a number of other places and cities, eg Manchester, are very supportive of these installations.

But they could add to clutter on pavements and be unattractive in conservation areas, particularly as they are illuminated. So, our response to them might be quite mixed and raise objections based on the precise location proposed. There are nevertheless some locations in our area where I think they could be helpful – including if the camera function comes into use where there are anti-social behaviour hot spots in places with quite large footfall and it would be beneficial to remove a phone box. (At some locations where street hubs are being proposed the boxes have actually already gone.)

The question of whether the 'street hubs' should be installed in the proposed locations is a planning matter and they sometimes also need an advertising permit. So far, the Council has only given one planning permission for a Hub outside the Commonwealth Pool. CEC have already refused a lot of applications for these on the grounds of clutter/inappropriate in the world heritage site (though there is a lot worse in position imho) and there is a legal dispute with BT I understand because some phone boxes on Leith Walk were removed during tramworks without notifying BT – putting them in breach of their USO.

I think this may be of interest to other CCs – though not all areas are affected right now. I believe BT are open to conversations about alternative better locations than the ones they have proposed and up to this point they did not know community councils existed. I have only had a brief talk with them so far and am not clear yet how the content management works for local organisations to be able to place material on Street Hubs, for example.

Could any CC's with planning applications for these HUBs, or just curiosity about which old phone boxes are being removed and which have to stay, let me know if they would appreciate a 'collective' briefing from BT about this proposal with the opportunity to ask questions etc and have a general discussion.

Teresa Perchard, Member of Leith Links Community Council

26 October 2024

Contact LLCC via - secretary@leithlinksc.org.uk