

# **Special meeting being held on Friday to approve licence applications for bed and breakfast properties**

**The City of Edinburgh Council has been placing homeless people in unlawful bed and breakfasts and hotels since 2020.**

The problem comes to a head this weekend when the local authority will stop paying rents to the landlords for properties which do not meet its own health and safety licensing requirements.

The funding for placing homeless people in unlawful properties will “run out” on 30 November, as the Housing Convener confirmed it is no longer possible to ask for or use council funding for a property which is illegal due to a lack of a licence. The council had been “managing down” the need to use such properties, but the demand for temporary accommodation has consistently outstripped supply. There have been anything up to 5,000 homeless households at any one time in Edinburgh requiring temporary housing, and up to 700 people housed in unlawful B&Bs which do not have the facilities required.

The council must now find places for around 30 households before the cut off this weekend. The council assured us on Thursday afternoon that they will be able to offer everyone who needs it a place to stay this weekend – and they do have funding for placing people in properties which meet all

necessary requirements.

One step which is being taken on Friday is that landlords have lodged applications for licences for properties which are already home to 484 people, but which did not until now have a licence.

The practice of housing homeless people in B&Bs and hotels began during Covid-19 when the Convener explained there was a public health emergency, and it was an emergency tool to ensure nobody was living rough on the streets. This was used before the council declared a housing emergency around this time last year.

Cllr Jane Meagher, the City of Edinburgh Council's Housing Convener, admitted that the council has known for some time that the use of these properties "breaks the law".

The Housing Convener said that the council had intended to stop using the unlawful HMOs (Houses in Multiple Occupation) over the next twelve months, and the housing team were implementing a plan for doing so. Now it is simply no longer possible to ask the Finance Committee for money for something plainly unlawful.

She said: "At the same time as we are reducing our dependence on these unlicensed HMOs we've also got new homeless presentations every day, every week and every month, and that continues. We have a sense that we never really get on top of the situation."

The twelve month carefully staged plan has had to be accelerated and the hard deadline is 30 November.

Cllr Meagher explained: "As a result of our monitoring officer's report we could not ask for any money which would be used unlawfully. So that has precipitated this particular deadline."

## **Licensing applications**

Landlords were given until the end of the month to obtain HMO licences and the council advised that for properties without a licence the local authority would stop using their premises and there would be no further payments of rent.

This economic cliff appears to have stimulated at least some of the landlords into action. There is a special meeting on Friday morning to approve around a dozen HMO applications which cover properties which can provide accommodation for 484 people. This will alleviate the position, but will not solve it completely. There are objections – some from members of community councils for example.

Unlawful HMOs were discussed at the October meeting of the Leith Links Community Council. Cllr Chas Booth had commented then that the Greens policy was to prevent homelessness in the first place by building more homes. Former council leader, Adam McVey said that rather than closing down unlawful HMOs improved standards should be set. He also commented that buying houses to add to the stock is not possible due to severe financial cuts – but the council confirmed it has added to its stock in this way.

Asked why the council themselves did not apply for licences for any unlawful properties, the answer given was that it is not just an application process. The requirements to obtain a licence might involve making modifications to the building, and kitchens and bathrooms might have to be installed. This has to remain in the hands of the owner of the property.

Officers said there was an upsurge of “presentations” – which means people looking for a home and making a request to the council – after the pandemic.

Cllr Meagher said: “We were trying to manage this down, for there is no foreseeable way out of this situation. Although the council still has money available for licensed

accommodation it cannot spend money on unlawful premises any longer."

## **Contingency plans**

While the first option is to move people into council owned properties, the local authority may have to transfer some people into houses in neighbouring local authority areas up to 50 miles away from Edinburgh. The housing convener agreed it is more likely that single males would be moved outwith the city rather than any families.

## **Bed & Breakfasts**

HMO is a bit of a misnomer when applied to these B&Bs and hotels. (The term usually applies to shared student flats for example.) But the position is that the council can only place homeless people in **licensed** HMOs from 1 December onwards. An HMO is legally defined as a property where three or more unrelated people share facilities such as a kitchen or living space and the council runs the licensing scheme for these properties.

In this case however HMO is intended to mean a bed and breakfast type of accommodation where there might be a communal living space or dining facility, but usually no shared cooking facilities.

The term in this particular case also covers hotels, such as The Hub at Haymarket and others, which have in the past few years been used to shelter homeless people.

## **Void Homes**

Around 500 houses have been brought back into use in the past year by the council exploring the void or empty council-owned homes which are available. In the last **two weeks** alone the council has identified and resumed using around 200 homes in this way. Staff have been working all hours and weekends to

solve the problem before the deadline.

At present there are around 7,000 live homeless applications before the council. The council is looking at moving prospective tenants into council-owned homes, some of which had been earmarked for disposal or which were otherwise identified as “not lettable”. By re-examining void or empty properties, there are homes which have been identified as only requiring minimal upgrading before being offered for let, but others have been empty for some time, or have been damaged beyond easy repair by fire, flood or other cause.

While these properties have been refurbished or upgraded, the issue of other council homes requiring anything other than urgent repair has had to be temporarily shelved.

### **Additional properties**

The council has also added around 500 homes to its stock this year by building or buying properties, using prudential borrowing to raise funding to buy more housing stock.

The number of people who came forward for housing after the pandemic rose, partly because of usual homeless reasons such as relationship breakdowns – something more prevalent during and after lockdown. At present council officers also believe that the homeless numbers may rise again in view of world conflicts such as that in Ukraine.

The council also takes preventive action by supporting people to remain in their own homes, and estimate that they have assisted in 500 cases. Nonetheless the numbers of homeless cases is still above pre-pandemic levels.

### **Government discussions**

In addition to leading on the moves to house everyone in a property which is properly licensed, the Housing Convener has also met with the Cabinet Secretary. She said of those

meetings: "There's a common understanding of all of these issues at the highest level in The Scottish Government. I am pretty confident there is a will there to try to support us to seek a resolution, but nothing firm resulted from those meetings. We have had officers meeting daily with government officials and it is clear the Cabinet Secretary is treating this as the highest priority."

### **Friday Licensing Board meeting**

The council meets on Friday to discuss the dozen or so HMO licence applications.

The details of the applications are laid out with landlords' names and the addresses of the properties – and there are the names of those who have commented or objected to some of them. But details are scant – and the licences will be granted for up to one year only.

[The papers are here.](#) This is not a council meeting which is webcast so the only way to follow proceedings is to attend the City Chambers in person, and while the details in the paperwork published so far are limited, further information may be made public during the session.





