

**Civic Government (Scotland) Act 1982
Application for Renewal of House in Multiple Occupation (HMO) Licences
No 3, Bilston Cottages**

Report by Director, Corporate Services

1 Introduction

A licence as a House in Multiple Occupation is required where three or more unrelated persons are to be accommodated in the same house.

2 Background

Mr N Brown, Straiton has applied for the renewal of the HMO licence in respect of No 3, Bilston Cottages which expired on 28 August 2014 but runs on until it is determined. The maximum number of residents proposed is eight persons. A Map showing the location and other HMOs is attached as **Appendix 1**.

The Applicant has provided a fire risk assessment and confirmed that Notice of the submission of the application has been posted at or near the Property. The property is insured but it is not known to what extent or type.

On 6 December 2011, the Committee agreed:-

- (a) To grant the applications for renewal of the licences of No's 1, 2 and 3 Bilston Cottages and the application for material change of circumstance in respect of No 3 Bilston Cottages, increasing the number of residents there to eight, all subject to:-
 - (i) the appointment of a Night Warden on a daily basis at the location, and
 - (ii) the standard and additional conditions to secure the removal of signage, appropriate adaptation of the joint water supply and the circulation of the Applicant's contact details amongst residents in the vicinity; and
- (b) To remit to the Head of Housing and Community Safety, to fix the hours of operation of the night warden service and monitor the relative arrangements.

The Applicant introduced a Night Warden Service in February 2012 but this was discontinued some time after following an alteration to the working arrangements of the HMO.

3 Consultation

The Police, Fire and Rescue Services and the Council's Managers of Environmental Health and Trading Standards, Building Standards, Housing and Planning have been consulted.

4 **Objections**

Letters of objection and representation have been received two of which were received late. A copy of the timeous objection is attached as **Appendix 2(a)** which relates to the fear of disturbance, vandalism, noise, obstruction caused by parked cars, damage to vehicles, littering, lack of a presence of the landlord on site, etc.

The Committee can consider late representations if there is good reason. In this case, whilst the neighbours were aware that Notice had been posted in Nos 1 and 2, they were not aware of Notice being posted later at No 3. Copies of the letters of representation have been given to the Applicant. Informally, he has advised that he has no objection to these being considered.

5 **Reports by Consultees**

The Police state that the applicant is considered to be a fit and proper person to be the holder of a licence and there have been no reported incidents to the Police in relation to this address.

The Fire and Rescue Service indicate that at the last audit, the fire safety measures were found to be unsatisfactory, the duty holder was informed in writing of the deficiencies but it is their belief that these deficiencies do not cause public safety concerns and accordingly offer no objection.

The Building Standards Officer reports that the property is satisfactory.

The report by the Environmental Health Officer is attached. (**Appendix 3**).

In relation to the occupancy agreement, the statement by the Head of Housing and Community Safety is awaited.

6 **Procedure at Hearing**

The procedure for the Hearing is as shown in a separate report. The Committee should consider the representations and give the objectors and the applicant the opportunity to be heard and take a decision in their presence.

7 **Conclusion**

There are a number of issues, namely:-

(a) Letters of Representation

In respect of the letter of representation, the concerns impact on whether the house is suitable, and include (i) the fear of an increase in disturbance in the area; and (ii) a fear for public order and public safety.

The Representations which were received late can be considered if the Committee decide that there is good reason. If the Committee so decide, copies can be tabled.

(b) Objections

Those who have objected have been invited to appear and be heard.

The Committee may grant an HMO licence only if it considers that the living accommodation concerned (a) is suitable for occupation as an HMO, or (b) can be made so suitable by including conditions in the HMO licence. In determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO the local authority must consider (a) its location, (b) its condition, (c) any amenities it contains, (d) the type and number of persons likely to occupy it, (e) the safety and security of persons likely to occupy it, and (f) the possibility of undue public nuisance.

8 Options

The options available to the Committee appear to include agreeing:-

- (a) to grant the applications for the licences subject to the standard conditions;
- (b) as (a) above but restrict period and / or other;
- (c) as (a) or (b) above but subject to additional reasonable conditions;
- (d) to counsel the applicant; or
- (e) to refuse to grant the applications on reasonable grounds.

9 Resource Implications

There are no resource implications arising directly from this report.

10 Recommendation

The Committee is invited to consider the application.

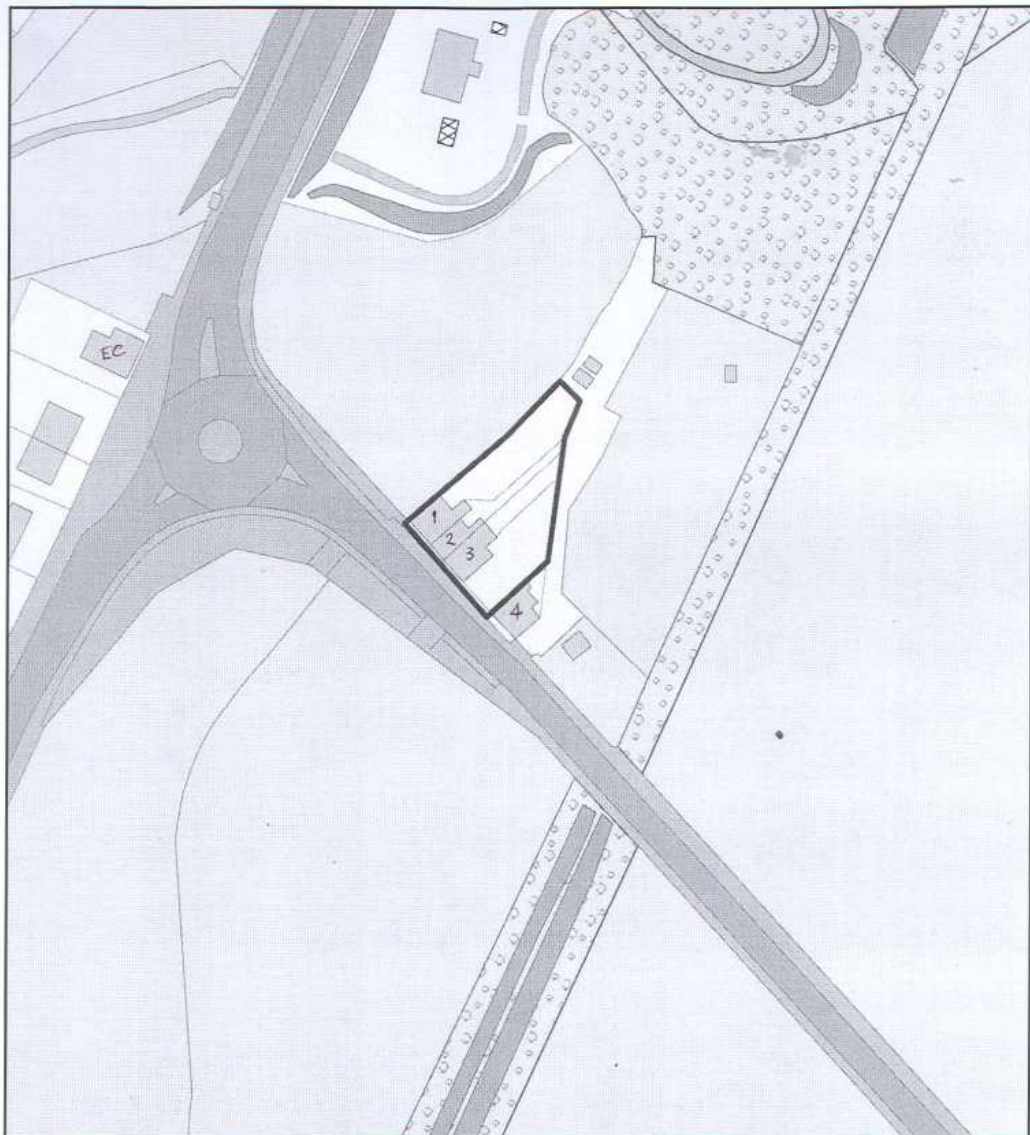
28 October 2014

Contact Person:

Mr R Atack

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APPENDIX 1



Midlothian

Corporate Resources

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZQ

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1 - 3 Bilston Cottages, Roslin.

26 September 2011

File No:

Scale: 1:1,250



APPENDIX 3

MEMORANDUM

To: Rosemary Walsh, Council Secretariat, Midlothian House

From: Moira Malcolm, Environmental Health, Communities and Economy

Our Ref: HMO/07/01100, 0111, 0112

Date: 5 November 2014

Subject: Application for renewal of a House in Multiple Occupation Licence
1, 2 & 3 Bilston Cottages, Roslin

I refer to the HMO licence applications for the above properties submitted by Neil Brown.

An inspection of the properties was carried out on 10 September 2014 at which time they were generally found to be clean and in a good state of repair, with the exception of the points raised below which require attention.

Ventilation

The extract fans in the bathrooms and kitchens of all three properties require to be cleaned.

Small Repairs

One item of disrepair was noted and requires to be repaired:

No 3 The varnish around the wash hand basin in the downstairs bathroom is damaged and requires to be repaired to prevent further water damage.

Certification

Satisfactory certification has been received in respect of electrical safety for Nos 1 & 2. No PAT certification has been received for any of the properties, nor any certification for No 3, including gas safety.

Carbon Monoxide Detectors

Cottage no 3 is provided with gas, and the boiler is located in the kitchen of this property however it does not have a carbon monoxide detector.

Electrical Outlets

Since the last licence inspection, Statutory Guidance for HMOs has been introduced and all bedrooms must be provided with 6 electrical socket outlets. The guidance permits upgrading work to be undertaken within an appropriate time frame during the period of the licence. All rooms currently have a minimum of 6 sockets with the exception of rooms 2 and 3 in No 2 Bilston Cottages, one of which has four and one has five working sockets.

Taking into account the provision of a common living area in cottages 1 & 2, the maximum potential occupancy of the bedrooms, as marked on the plans, are given in the following table:

Bedroom No.	Maximum potential occupancy
1 Bilston Cottages	
1	1
2	2
3	2
2 Bilston Cottages	
1	1
2	2
3	2
3 Bilston Cottages	
2	2
3	1
4	2
5	2
6	2
7	2

In no circumstances should any bedroom contain a greater number of persons than that listed in the maximum potential occupancy column.

This Division therefore has no objections to the granting of the HMO licence applications for the following number of residents, detailed on the licence application forms:-

- 5 residents for 1 Bilston Cottages;
- 5 residents for 2 Bilston Cottages; and
- 8 residents for 3 Bilston Cottages

subject to the following conditions:-

1. The mechanical ventilation (including all extract fans and cooker hoods) are cleaned throughout the properties;
2. The small repair as detailed above to cottages 3 is actioned;
3. The programme of regular inspection, maintenance and repair implemented to ensure that a good standard is maintained within each of the properties is continued and extended to include the outdoor area;
4. Bedrooms 2 & 3 in No 2 Bilston Cottages are provided with 6 electrical outlet sockets within three months;
5. A CO detector is provided in the kitchen of No 3;
6. Satisfactory gas safety and electrical installation reports are provided for No 3, and PAT reports are provided for all three properties.