

**Housing (Scotland) Act 2006 – Parkhead Lodge, Milton Bridge
Application for Renewal of House in Multiple Occupation (HMO) Licence**

Report by Director, Corporate Resources

1 Purpose of Report

This report provides further information concerning the application for Renewal of Houses in Multiple Occupation (HMO) licence for Parkhead Lodge, Milton Bridge.

2 Background

One objection was received.

3 Hearing

The objector has advised that he is unable to attend for the reasons described in the attached email.

In respect of the comments made , on 5 May 2009 the Committee agreed that the application be granted for a period of one year on the standard conditions and subject to production of a monthly report, restriction of the quantity of visitors, operation of a 'rapid removal' policy, the formation of a liaison group and a community safety group.

On 6 September 2011, the Committee agreed to grant the application for renewal of the licence for a period of one year, subject to the standard conditions and the production of bi - monthly reports by the Applicants; and the introduction of local community liaison arrangements.

In her most recent report (September 2012), the licence-holder's Agent confirms:-

- (a) The staffing arrangements which provide the licence-holder with the ability to monitor the quantity of visitors who are admitted to the premises;
- (b) Tenancy trends since the renewal of the licence in September 2011;
- (c) Police activity at the locus; and
- (d) Plans to integrate the facility more fully into the community through the Council's Community Learning and Development Officers and the Prince's Trust.

As regards the rapid removal policy, it was explained previously that such a policy was in conflict with the Housing (Scotland) Act 2001, which states that regulations must include provision for a minimum period of notice to be given by the person providing the accommodation to the occupier before the right of occupancy can be terminated; but such provision does not prevent the earlier termination of occupancy rights where there is a serious danger to other occupiers or staff of the accommodation (ie. each case will be determined rather than a blanket policy being applied)

In normal circumstances, HMO licences are granted for a period of three years. Any licence can be varied (but not in respect of the reduction in its term), or revoked if there is sufficient cause.

4 Conclusions

The objector cannot appear and be heard. He wishes the Committee *inter alia*, to consider granting the application for a period of one year, subject to production of a monthly report and the imposition of a restriction of the quantity of visitors and rapid removal policy.

The term of the licence has been one year until now. It is for consideration whether that period ought to be lengthened.

There is a controlled entry system for access and 24 hour staff presence so it ought to be possible to monitor the volume of visitors.

It is not possible to impose a rapid removal policy.

5 Recommendations

The Committee is recommended:-

- (a) to consider the terms of the report; and
- (b) to consider the application.

3 January 2013

Contact Person:	R G Atack	Tel No: 0131 271 3161
Background Papers:	File CG 10.7 (RGA)	Housing (Scotland) Act 2006
Application for Licence		

From: Graeme Cassie [<mailto:graeme@graemecassie.me.uk>]

Sent: 30 December 2012 00:03

To: Rosemary Walsh

Subject: Fw: **Parkhead Lodge HMO renewal**

I will be unable to attend the Council General Purposes committee meeting on Tuesday 8th January due to customer commitments at work. I had hoped to rearrange them but was unable to do so. I wish the application to be considered in my absence but would like the following written observations to be taken into account. I would also like a report from the meeting.

I am writing to make representation about the HMO licence renewal for Parkhead Lodge, Milton Bridge, Penicuik. I would like to see the initial restrictions, (with the exception of condition 5) which were placed on the licence when it was first granted retained for the renewed licence. These restrictions were as follows:

1. The application be granted for a period of one year
2. Subject to production of a monthly report,
3. Restriction of the quantity of visitors,
4. Operation of a 'rapid removal' policy,
5. The formation of a liaison group and a community safety group

I would like to see some evidence that these initial conditions placed on the licence by committee have in fact been complied with. Last year at renewal time there had been 29 Police calls within the previous year. This year when I checked there had been 28 calls from August 2011 to August 2012. This is still not good enough and we have also had some anti social behaviour and noise from the wooded area immediately across the road from Parkhead Lodge.

This shows that the initial restrictions are still required. It looks like the liaison group is not going to happen so I am happy if that restriction is dropped but I would like to see it replaced with a commitment to continue the 24 hour on-site social workers. Also at the last renewal there was some doubt about the rapid removal policy being in place due to the Tenancy contracts that were being used. I would like to ensure that the contracts issued to tenants reflect and allow the "rapid removal" policy.

I have attached the docketed reply for completeness. Apologies that I am not able to attend in person.

Regards

Graeme Cassie

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