

**Civic Government (Scotland) Act 1982
Application for House in Multiple Occupation (HMO) Licence
54 Main Street Gorebridge**

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

Ms Elaine Collins, 9 Cleuch Avenue, North Middleton has applied for an HMO licence in respect of 54 Main Street Gorebridge. The maximum number of residents proposed is four persons. A Map showing the location and other HMOs is attached as **Appendix 1**.

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. Copies are attached as **Appendices 2(a) – (j)** and a summary thereof is shown in **Appendix 3**.

5 Representations

Representations have been made about the way in which Notice about the application for the HMO licence was posted. The applicant has or appears to be complying / have complied, albeit that the Notice was removed on at least one occasion.

Those who express concerns, as respects the adequacy of this, draw attention to the fact that the original notice was removed. Whilst there may be cause for concern, it would appear that the applicant has complied with the legislation in that the notice has been posted on or near the House in such a way that it could be read conveniently by Members of the Public.

However, the applicant has yet to certify that the notice was posted and formally explain that, as the original notice had been removed, the Notice was posted again.

6 **Reports by Consultees**

The Police offer no objection. The Fire and Rescue report is awaited. Normally they will report that the fire safety measures were found to be adequate or any deficiencies are not sufficient to give cause for public safety concerns. The Building Standards Officer reports that the property is satisfactory. Planning Permission for change of use is not required. The report by the Environmental Health Officer is attached. (**Appendix 4**). In relation to the occupancy agreement, the statement by the Head of Housing and Community Safety is attached (**Appendix 5**).

The Applicant has provided the fire risk assessment and insurance document, electrical and gas safety certificates.

7 **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.

8 **Conclusion**

There are a number of issues, namely:-

(a) Posting of Notice

Had there been very few objections, then perhaps it could have been argued that those who wished to make representations as respects the proposals had been denied the opportunity. In the event, the number of objections indicate that more or less the whole of the neighbouring community knew about the proposal.

If the Committee are concerned that the notice was posted incorrectly, the applicant can be ordered to post it again. The Committee can also seek to give public notice in the Press (and delay any further consideration at this stage).

The Committee is asked to address these issues before proceeding with the Hearing.

(b) Letters of Representation

In respect of the letters of representation, the concerns impact on whether the house is suitable, and include:-

- (i) increased number of incidents of public disorder in the area; and
- (ii) increased fear of the threat of theft perpetrated by the residents of the HMO; and
- (iii) a fear for public order and public safety.

(c) Objections

Those who have objected have been invited to appear and be heard. It has been suggested that they nominate a spokesperson(s) in order to facilitate the conduct of the Hearing.

The Community Council ask that the Committee continue consideration of the application pending the conclusion of their deliberations.

(d) Overprovision

On 21 August 2012, the Committee agreed to note that applications can be refused if there is overprovision in a locality in which the HMO is situated. The term "locality" is not prescribed.

The local authority may refuse to grant an HMO licence if it considers that there is (or, as a result of granting the licence, would be) overprovision of HMOs in the locality in which the living accommodation concerned is situated.

In considering whether to refuse to grant an HMO licence on this basis, the local authority must have regard to—

- (a) whether there is an existing HMO licence in effect in respect of the living accommodation,
- (b) the views (if known) of—
 - (i) the applicant, and
 - (ii) if applicable, any occupant of the living accommodation.

It is for the local authority to determine the localities within its area.

In considering whether there is or would be overprovision for the purposes in any locality, the local authority must have regard to—

- (a) the number and capacity of licensed HMOs in the locality, and
- (c) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.

There is an existing HMO in Main Street, Gorebridge, namely at No 24, which can accommodate up to eight persons. Mrs Collins is the licence holder. In the wider area, in Gorebridge, there are three HMOs, namely those at 2a Barleyknowe Lane; St Ronans, 49 Hunterfield Road; and 7, Station Road; Gorebridge

Some of the objectors raise the question of other properties which may be occupied on a rental basis. Such properties do not fall within the definition of HMOs and these ought to be excluded as irrelevant in this context ie in order that any decision is based on evidence that can be defended if challenged in debate about the application and in the Courts.

9 Options

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

- (a) to grant the application for the licence 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 application on reasonable grounds.
- (e) to grant the request of Gorebridge Community Council and continue consideration of the application pending the conclusion of their deliberations.

10 Resource Implications

Any resource implications are likely to impact on the Housing Service, as homeless persons are to be accommodated in these premises.

11 Recommendation

The Committee is invited to consider the application.

10 October 2012

Contact Person:

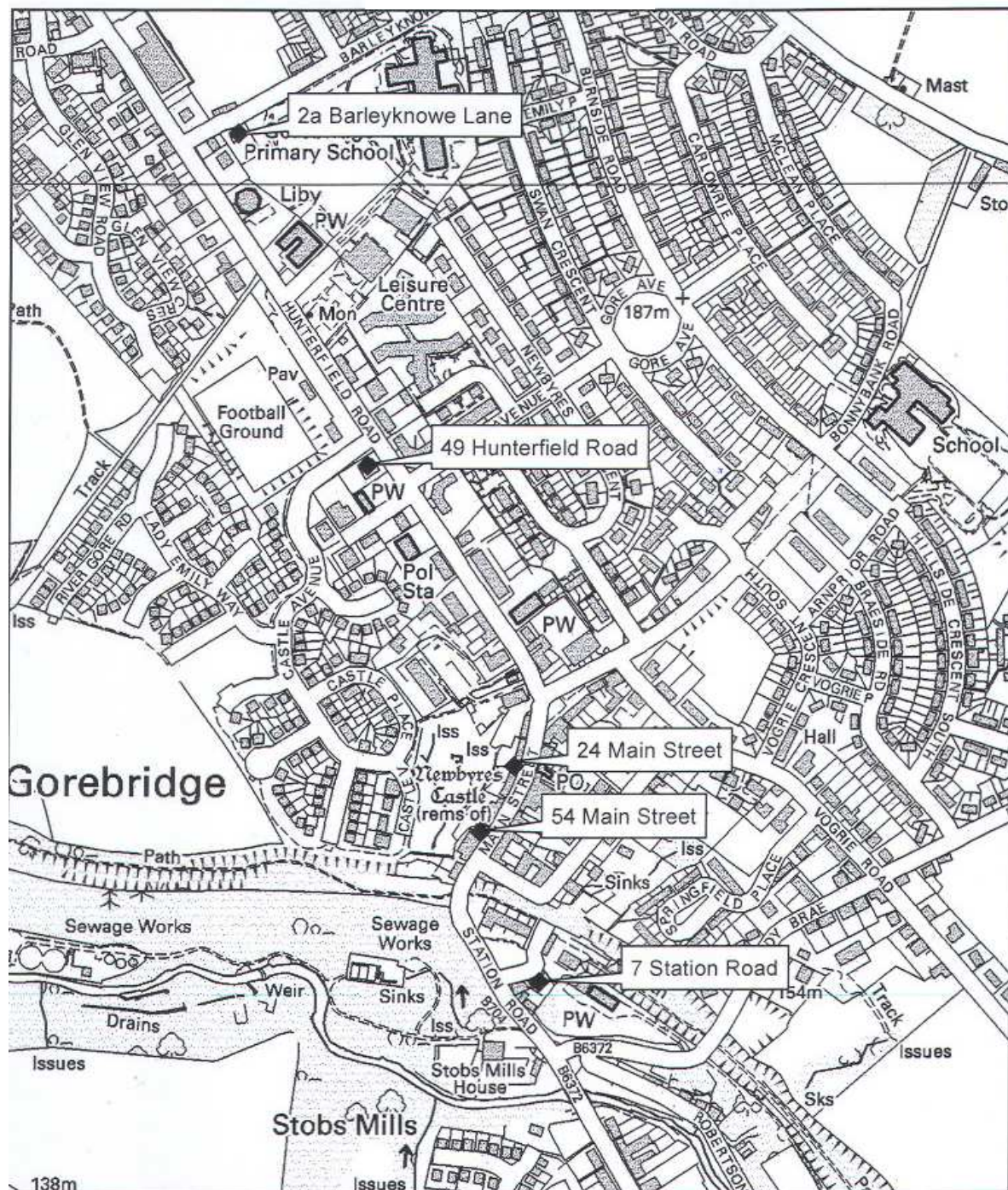
Mr R Atack

Tel No: 0131 271 3161

Background Papers:

File CG 10.26()

(RGA/MT)



Corporate Resources
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZQ

Gorebridge HMOs

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File No: N/A

Scale: 1:5,000



APPENDIX 2A

60 Main Street
Glencairn Cottage
Main Street
Gorebridge
Midlothian
EH23 4BY

12th September 2012

Corporate Resources
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

Re: Application for a HMO Licence for number 54 Main Street, Gorebridge, Midlothian
Applicant: Ms. E. Collins
Notice dated: 10 Sept 2012

Dear,

I am writing to strongly object to the application of a HMO Licence for the above named property. It has been known to the community that this property has been operating as a Homeless Hostel (HMO) since the start of 2012. Since this change of use there have been numerous incidents directly related to number 54 ranging from anti social behaviour, noise, theft and damage to property. There is frequently broken bottles and rubbish on the street by the property for residents to remove. The property has become a public nuisance.

The most recent disturbing incident was experienced on leaving my home at 2.30 in the afternoon with my 2 year old son to be met by an aggressive male staggering about the street shouting abusively into a mobile phone. Witnesses saw the same male leave number 54 from where he had been shouting abusive comments out an open window to passing pedestrians and people using the ATM located across the road. I had to go back into my home until I felt it was safe to leave and reported the incident to the Community police Officer for Gorebridge. The property owner Ms Collins does not live in Gorebridge so there is no monitoring of activities in the evenings/weekends at the property. On the same day when returning home four adults left the property staggering along the street and road. This is unacceptable for residents to live with this public nuisance.

The community as a whole, and individual residents have time and again raised there concerns regarding certain rented properties on the Main Street. The problems have increased in the past year. Number 54 was previously a shop and has a corner position on the street. By the very nature of being designed and built as a shop over a hundred years ago, the property opens directly unto the street. What appears to be three bedrooms on the street side look directly into the Main Street. Residential properties are in very close proximity to each other and more so since the conversion of commercial premises into houses. Pedestrians must walk directly pas the windows.

I strongly object on the grounds that any further HMO properties would contribute further to cultural, social, physical and economic changes to the community. I feel that if an area becomes known as a problem people will find it difficult to sell their homes and will discourage future investment and improvements to the Main Street which is the centre of the Village.

Under the locality plan for Gorebridge (2010) and the mission statement of Midlothian Council, the Council and supporting agencies has a commitment to providing safe and healthy living environments for the people of Midlothian. There are many families on the Main Street with young children. People should feel safe and secure in their environment to conduct their daily lives. More temporary housing provision at 54 will not create this environment. Under advisement of Lothian & Borders Police residents of Main Street are establishing a Neighbourhood Watch but this is not enough to tackle the problems faced by the Community. If anything it has highlighted how bad things have become with the incidents from rented property.

There is not direct parking facilities by people's properties and so the common access lane between numbers 58 and 54 is a vital safe temporary parking place for the safe off-loading of children, shopping etc. Since the theft of a car that was parked in this lane by a resident of 54, this lane has not felt safe to use, certainly not in the evening.

The main door for 54 opens directly onto this lane. Residents, which include children, must walk directly by the doorway of 54 to access their properties. This can feel threatening when there are tenants of 54 smoking, drinking and using offensive language out in the lane. Noise from this property can at times be heard in our garden.

I have taken reference from the Housing (Scotland) Act 2006, part 5 along with the guidelines for HMO properties, Midlothian Council, 2012. My objections are:-

I strongly object to the Licence on the grounds of overprovision in a locality. There is already an HMO at number 24 Main Street plus several other properties in close proximities to number 54 providing social/homeless housing provision (52a, 52b, 58,48).

There is not the capacity in such a small area as Main Street for yet another HMO. The Main Street area is effectively being turned into a Ghetto.

On a final note, Ms E Collins has made her intentions known to the community that she is negotiating to lease the residential property 56A, owned by Scotmid and apply for an HMO licence for this property. This property is adjacent to 54 with the access lane as mentioned earlier separating them.

The same objections would stand if a Licence was applied for number 56A. It would be unbearable for residents.

I hope that this letter has outlined clearly the reasons for objections to this application for a HMO Licence. I strongly feel that 54 Main Street is not an appropriate location for a HMO of its nature (temporary homeless accommodation). The objections outlined in this letter will be taken as far as is deemed possible by current law.

My main wish is that the Main Street area of Gorebridge is maintained as a safe, secure and happy place to live for all in the community.

I hope to hear from you in due course and would appreciate an acknowledgement of receipt of this letter.

Yours sincerely,

Stephanie Walker

APPENDIX 2B

Diana Harcus & John Heron
56F Main Street
Gorebridge
EH23 4BY

15/09/2012

We are writing today to object to the HMO licence application for number 54 Main Street Gorebridge. This property has already been running as an HMO for about a year now and the living room was converted into a third bedroom. However it is advertised on late rooms as a holiday let, not a property for homeless people.

There has been a constant flow of different faces on the Main Street which is rather unsettling. There has been an increase of disturbances on the Street and I have had to attend court due to one residence of 54. We do not feel that this is acceptable. I don't feel my property is safe when I leave for work in the morning due to the fact that you don't know who is living in the street, or visiting these people in the street. My partner's motor bike was taken and one resident of 54 was looking at it two nights before it was taken. It was later found in pieces on Ebay, this info was passed to the police but nothing was done.

We have had items stolen from our coal cellar, mountain bikes, and other items and my 14 year old son has also been invited in to number 54 for a drink/party when he walked passed the property to gain access to our house, however I am happy to advise that he declined this offer and advised me when he came home. They also don't seem to know when their wheelie bins need to go out as we have to take out their bins, otherwise they would use other residents bins. Another neighbour of mine had bags of rubbish placed into their coal cellar, also there have been times when I have caught the residents children of 54 in the coal cellars pulling out various items and leaving them in my venal making it difficult to park, I have had to get out my car, put the rubbish back and then drive in. I have also had to sweep broken glass from the venal as they leave broken bottles in the venal.

You don't know who is living on the main street from one day to the next which is very unsettling and you don't know what type of person is living in your street. We have had loud music blaring out until the small hours, arguing, fighting, I have been nearly spat on as I walk past as the resident have their windows opened and spit out the windows, they even sit on the window ledges and smoke and drink. Not a great look for a historical street.

There is already on HMO in the main street – no 24, and this has caused issues within the street. We do not feel that the street can sustain another one. Gorebridge Main Street is supposed to be a historical street, to us it resembles a ghetto these days. Broken bottles, litter, wheelie bins all scattered about the Main street is not a good look. Another HMO on the main street would ruin the street, it is pretty much on its way there already. We can not sell our property as who would want to buy in to a street like this? Most shops have been turned in to dwellings that should not have been made in to dwellings.

We as council tax payers want to be able to live in peace, we don't expect to be calling the police every other day for incidences that occur on the main street due to HMO properties. We have lived on this street for 14 yrs, it was a quiet street where everyone knew each other and it was safe. I no longer feel that this street is safe, I no longer know most of my neighbours. These HMO properties have contributed to this and the street is no longer quite nor does it look anything like it did when I first moved in 14 years ago.

We do not support this application at all, we do not wish for the demise of the Main Street any further, we feel that the quality of our lives on the main street has deteriorated and would do so further should any further HMO be granted on the main street.

Kind regards

Diana Harcus

John Heron

APPENDIX 2C

Gorebridge Community Development Trust
Chair
Archie Pacey MBE
160 Barleyknowe Road
Gorebridge
Midlothian
EH23 4PS

Date

Mr R Attack
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith, EH22 1DN

Dear Mr Attack

Houses in Multiple Occupancy, Gorebridge

Gorebridge Community Council and Gorebridge Community Development Trust have been approached by local people expressing concerns about the siting of houses in multiple occupancy in Main Street Gorebridge. Allegations are being made of an increase of anti-social behaviour associated with one such house. These concerned residents have been invited to attend a meeting of Gorebridge Community Council in Gorebridge Primary School at 7.00pm on Tuesday, 18 September 2012.

In order to give due consideration to this issue the Community Council really needs to ascertain the facts. It is believed that one such registered property already exists in Main Street, application for a second is currently pending, and rumours of a third abound.

Main Street, Gorebridge, is a schedule conservation area. In recent years certain environmental improvements have been introduced and Midlothian Council is in process of submitting a CARS application to Historic Scotland for funding to support further improvements.

In light of the above it would be appreciated if no further Main Street houses are registered as HMOs until such time as the community Council has time to form a view on the matter.

Yours sincerely

Archie Pacey
Chair, GCDT

Copies to: Councillors C Johnstone, Muirhead and Pottinger
Mr E Robertson, Secretary, Gorebridge Community Council
Mr D Thomas, Manager GCDT

38 Main Street
60 Main Street
56f Main Street
56d Main Street
45 Main Street
48 Main Street
42 Main Street
28A Main Street

APPENDIX 2D

Gorebridge Community Development Trust
Chair
Archie Pacey MBE
160 Barleyknowe Road
Gorebridge
Midlothian
EH23 4PS

19 September 2012

Mr R Attack
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith, EH22 1DN

Dear Mr Attack

Houses in Multiple Occupancy, Gorebridge

The scheduled meeting of Gorebridge Community Council duly took place yesterday evening and was attended by 2 Midlothian Councillors and representatives of Gorebridge Community Development Trust.

A deputation of some dozen residents of Main Street, Gorebridge, was heard, expressing serious concerns at what they perceive to be a major change in use of Main Street through the location there in recent times of a disproportionate concentration of residents displaying problem behaviours. These include a variety of anti-social and criminal behaviours, including malicious damage to property, theft, noise, enticement of young people and intimidation. Residents report that their quality of life has diminished considerably and they no longer feel safe alone in Main Street, especially at night. The friendly, peaceful community life that they used to enjoy has gone. They attribute their trouble to a mobile antisocial population in the home in multiple occupancy at 24 Main Street and in a number of other dwellings apparently managed by Orchard and Shipman as some sort of homeless hostel.

Having received numerous complaints from members of the deputation, the police are aware of the situation, although the complainants are not impressed by the police response.

The Community Council and the Development Trust, very impressed by the testimony of the deputation, are of the opinion that the concerns of Main Street residents are fully justified and require urgent attention. The peace of these Midlothian residents is being seriously breached. We urge Midlothian Council to find ways of restoring tranquillity to this conservation area that is currently the subject of a Council application to Historic Scotland for CARS project funding.

Yours sincerely

Archie Pacey, Chair, GCDT

Eddie Robertson, Secretary

Copies to: Councillors C Johnstone, Muirhead and Pottinger
Mr D Thomas, Manager GCDT
Stephanie Walker, 60 Main Street, Gorebridge EH23 4BY

APPENDIX 2E

56D Main Street
Gorebridge
Midlothian
EH23 4BY

24-Sept-12

Dear Sir/Madam,

We are writing in regard to the application for an HMO licence for no. 54 Main Street, Gorebridge.

We would like to object to the application for the following reasons. Firstly on the grounds that there is already an HMO licensed property on Main Street and as such we believe that a second HMO would represent an overprovision in this location. Over the course of the last few years many of the local shops have been converted into flats with no corresponding modification in vehicle thoroughfare or parking. The street is congested and no longer functions as a town centre. To increase the number of residents per property would compound this issue.

Another reason is that Main Street is currently experiencing an escalating problem with antisocial behaviour, the current and past residents of no. 54 being some of the perpetrators. It is not uncommon to walk past the property and find broken glass and litter outside some of the windows. Number 54 is currently let out to a variety of individuals with the tenants often changing on a weekly basis. It is becoming a common occurrence to meet the tenants exiting the property or loitering in the shared access lane quite clearly under the influence of alcohol or other substances, either first thing in the morning or late at night which can be very intimidating.

We have in the past been the victims of crime associated with no. 54. This happened when my wife and I went away for a few days for Christmas. When we returned we saw that one of the windows of no. 54 had been broken and there were several pieces of wood lying beneath the window. When we went up to our flat we realised that the pieces of wood were in fact one of our patio chairs. It seems that while we were away, someone came up to our patio, stole our property and used it to smash a window. While the chair was in no way valuable, it's very unsettling to know that people have been on our patio, taking our belongings.

A few weeks ago we also had the unnerving experience of being woken at 5am by two men who were clearly drunk hammering on our door, pretending to be police officers. We didn't open the door to them as it was clear from their demeanour that they were not in the police force. It turned out that they were looking for someone and thought knocking on doors in the early hours of the morning was acceptable.

Our experiences are not isolated examples of problems being directly caused by people living in a few properties, one of which is no. 54. Many of our neighbours have experienced similar or even worse issues. It is our belief that this kind of antisocial behaviour is likely to increase if this licence is granted.

Having read the document "Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish local Authorities" (August 2011, updated January 2012) we notice that factors to be considered (part 4.3.7) include "the possibility of undue public nuisance". There is already a public nuisance which is not likely to be made better by granting the licence.

Another of the factors to consider is "whether any rooms have been subdivided", what was once an open plan kitchen and living room has been divided to make a separate kitchen and third bedroom. This leaves the property without a living room now.

It is our hope that you will refuse this licence application

Yours sincerely,

Paul & Jennifer Bunyan

APPENDIX 2F

Main Street Neighbourhood Watch
58 Main Street
Gorebridge
Midlothian
EH23 4BY

Mr R Atack
Corporate Resources
Midlothian House
Midlothian Council
Buccleuch Street
Dalkeith
EH22 1DN

25th September 2012

Dear Mr R Atack,

Application for Licence of Houses in Multiple Occupancy Occupation
54 Main Street Gorebridge, Midlothian.

As Residents of Main Street Gorebridge we are writing to express our objections regarding the above application. There is currently one HMO at 24 Main Street Gorebridge and the community feel that this is sufficient for the size of the community of Main Street Gorebridge. In recent years there have been major changes in the occupancy of dwellings in the main Street which the community have not been informed of and this has led to the deterioration in the quality of life of long standing residents.

There are a number of properties at present on Main Street providing temporary housing along with the HMO at 24. Residents have increasingly experienced incidents of anti-social behaviour, noise, theft and damage to property. In many cases these have been directly related to the residents of temporary housing on Main Street including number 54 which is currently a homeless hostel. It is felt that the approval of a second HMO property would further add to the problems faced by the community. We ask that the Council gives the matter urgent attention and acts in a way in which to maintain the safety and harmony of Main Street Gorebridge.

Yours sincerely,

Main Street Neighbourhood Watch, Gorebridge

Gillian Morrison, 20C Private Road, EH23 4HG

20B Private Road, Gorebridge

Lorraine Amedro, 45 Main Street

Paul Bunyan, 56D Main Street

Fran Stewart, 39 Main Street

Stephanie Walker, 60 Main Street

D Marcus – 56F Main Street

J Bunyan, 56D Main Street

A Amedro, 45 Main Street

R Emmerton, 43 Main Street

Unreadable signature – 45 Main Street

Unreadable signature – 48

APPENDIX 2G

Francesca Stewart
38 Main Street
Gorebridge
EH23 4BY

25 September 2012

Mr R Atack
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 4DN

Dear Mr Atack

Re: Application for Multiple Occupancy at 54 Main Street, Gorebridge

Further to our recent telephone conversation, I am writing to voice my opposition to a licence for multiple occupancy accommodation at 54 Main Street, Gorebridge.

Because there is already a property at number 24 Main Street given over to this purpose, I do not feel that another is sustainable in the small area of the Main Street.

We already encounter problems due to transient tenants in many ways and I do not wish to see this escalate.

I have no objection to this letter being passed to the applicant, Mrs Collins and I am also willing to attend any hearing retarding the matter.

I trust this is satisfactory and look forward to hearing from you in due course.

Yours sincerely

Fran Stewart

APPENDIX 2H

Mr R Emmerton
42 Main Street
Gorebridge
Midlothian
EH23 4BY

27 September 2012

Director of Corporate Resources
Midlothian Council
Midlothian House
Dalkeith
EH22 1DN

Dear Sir,

REF:- 54 Main Street Gorebridge
Licence Application for house of Multiple Occupancy

I would register my objection to the above application on the grounds that:-

- a) It is the property owners intention to operate this as a homeless hostel
- b) The owners have a similar property at No. 24 Main Street
- c) Its approval would result in an increase in the already existing high concentration of homeless accommodation within Main Street
- d) Its approval would encourage similar licence applications within Main Street to be submitted in the future
- e) Its refusal would set a precedent for any future HOM applications within Main Street
- f) The nature of this accommodation unfortunately is likely to result in an increase in the existing level of anti-social behaviour which impacts on the lives of the residents
- g) The effect it could have on community safety issues
- h) The effect it would have on the property values

I trust the above grounds for objection will be duly noted and look forward to receiving notification of the outcome of your considerations in due course.

Yours Faithfully

R Emmerton

APPENDIX 2J

48 Main Street
Gorebridge
Midlothian
EH23 4BY

27 September 2012

Dear Mr Atack

I write to object the HMO Licence being granted at 54 Main Street, Gorebridge for the following reasons.

Firstly, no visible notice of the above proposal is sited on/near 54 Main Street.

According to the Scottish Executive guidelines "the Landlord is required to display a notice about the property for 21 days to let people know. This notice should state how you can object and give a closing date. This is not the case.

Secondly, over the past few years there has been an increase in the number of anti-social issues – noise, damage to property. Therefore, it is important for permanent residents to protect their property and their neighbourhood.

My key objection which underpins the above is that Gorebridge's Main Street sites numerous Listed Buildings, Listed boundary walls and is steeped in local history.

It is vital that Midlothian Council respect this conservation area by protecting the Main Street's heritage and reject this HMO application.

Yours sincerely

J Young
27/09/12

I agree to this letter being copies to the applicant.

APPENDIX 3

Objector letters – 54 Main Street, Gorebridge

Letter received

19 September 2012	Colin & Francesca Stewart 38 Main Street Gorebridge EH23 4BY	1 Fear of Crime 2 Overprovision
	Stephanie Walker 60 Main Street Glencairn Cottage Main Street Gorebridge EH23 4BY	1 Fear of Crime 2 Overprovision 3 Lack of immediate presence to exercise control
	Archie Pacey Chair, Gorebridge Community Development Trust 160 Barleyknowe Road Gorebridge EH23 4PS	1 Fear of Crime 2 Public Safety 3 Public Order 4 Seeks delay to enable CC to reach a view
25 September 2012	Main Street Neighbourhood Watch 58 Main Street Gorebridge EH23 4BY	1 Overprovision 2 Problems associated with Tenants 3 Fear of Crime 4 Public Safety
26 September 2012	Paul & Jennifer Bunyan 56D Main Street Gorebridge EH23 4BY	1 Fear of Crime 2 Public Safety 3 Public Order 4 Overprovision 5 Undue Public Nuisance 6 Rooms have been sub-divided
28 September 2012	J Young 48 Main Street Gorebridge EH23 4BY	1 Non – posting of Notice 2 Public Safety 3 Public Order 4 Injurious to Character of area
	Mr R Emmerton 42 Main Street Gorebridge EH23 4BY	1 Fear of Crime 2 Overprovision 3 Public Safety 4 Public Order
1 October 2012	Francesca Stewart 38 Main Street Gorebridge EH23 4BY	1 Overprovision 2 Problems associated with Tenants

3 October 2012

Diana Harcus & John Heron
56F Main Street
Gorebridge
EH23 4BY

1 Fear of Crime
2 Public Order
3 Public Safety

APPENDIX 4

MEMORANDUM

To: Rosemary Walsh, Council Secretariat, Midlothian House

From: Moira Malcolm, Environmental Health

Our Ref:

Your Ref: G10.26 (RA/RW) 2012/0686/HMO (59)

Date: 23 October 2012

Subject: Civic Government (Scotland) Act 1982
Application for a House in Multiple Occupation Licence
54 Main Street, Gorebridge

I refer to the application for an HMO licence submitted by Elaine Collins in respect of the above property and would report as follows.

An inspection of the property was made on 12 October 2012. During the inspection the property was found to be well managed and clean throughout.

The property is a ground floor flat comprising 3 bedrooms (one with en-suite facilities), kitchen, and 1 bathroom.

The kitchen amenity includes one sink and drainer, cooker, ample cupboard and worktop space. Laundry facilities comprising a washing machine and tumble dryer currently located in the hall are to be relocated to the kitchen.

One bedroom has an en-suite shower room and the other two rooms have access to a bathroom with wc, wash hand basin, bath and shower.

The dimensions of each of the three bedrooms, as detailed on the plan, are given below. All bedroom sizes are in excess of the minimum space standards for their given occupancy, and the maximum occupancy is given below.

Room No.	Room Size (m ²)	Maximum occupancy
A (with en-suite)	11.28	1
B	14.49	1
C	24.47	2

The dimensions of the windows to all bedrooms are sufficient to comply with the minimum benchmark standards of 1/15 of the floor area.

Gas central heating is installed in the property with individual rooms being heated by radiators. A gas safety record dated 31 May 2012 was submitted and is satisfactory.

Sufficient electrical sockets are located within each of the bedrooms. A periodic inspection report has been submitted in respect of the premises confirming that the electrical system meets current standards. A satisfactory PAT report dated 18 October 2012 has also been submitted.

This Division therefore has no objections to the granting of this HMO licence application for the 4 residents requested on the licence application form.



MEMORANDUM

TO: Rosemary Walsh, Council Secretariat, Midlothian House
FROM : Kevin Anderson, Head of Housing & Community Safety
REPORT: Civic Government (Scotland) Act, 1992
Application for a House in Multiple Occupation Licence
SUBJECTS: 54 Main Street, Gorebridge

This report relates to the application for a House in Multiple Occupation Licence for the premises at 54 Main Street, Gorebridge and is in relation to the leasing terms of the Occupancy Agreement provided and the relevant legislative requirements.

All types of HMO should provide occupants with some form of agreement setting out the rights and responsibilities of both parties, even if the accommodation is only temporary as good management based on a clear tenancy/occupancy agreement can be very effective in tackling any occupancy or property problems at an early stage.

Good management by the landlord is vital if the aims of HMO licensing are to be achieved. Physical standards must be maintained, tenants' rights must be respected, and any problems which arise during the period of the licence must be effectively addressed. Good management is also key to tackling the issues which most concern neighbours of HMOs, such as building maintenance, cleaning, and noise or disturbance. For these reasons, Midlothian Council are expected to give equal weight to management issues as to physical standards in deciding whether to grant, renew or suspend a licence.

The Occupancy Agreement model provided is in a format to meet the statutory requirements and contains the required conditions for rights and responsibilities of the parties concerned with the exception of the mandatory conditions:

- **The landlord must provide tenants and adjoining neighbours with details of how they can contact him or his agent in an emergency, or with non-urgent complaints.**
- **The tenancy/occupancy agreement includes a statement indicating that pursuit or repossession of a tenants accommodation will be by lawful court proceedings only.**
- **The tenancy/occupancy agreement confirms that the tenants will not interfere with equipment or services, in particular those related to general safety or fire safety, such as door closers, and smoke detectors. Tenants must not misuse fire precautions.**

Tenancy issues have been reported and are subject to a separate report on the requirements for temporary accommodation in Midlothian as the concerns are not specific to these premises.

Date: 19 October, 2012