

**Civic Government (Scotland) Act 1982
Application for House in Multiple Occupation (HMO) Licence
Polton Centre, Lasswade**

Report by Director, Resources

1 Purpose of Report

To present an application for consideration for a licence as a House in Multiple Occupation (HMO) by Midlothian Council and Alex Marks, 1 White Hart Street, Dalkeith in respect of Polton Centre, Lasswade for seventeen occupants.

2 Background

A licence is required where three or more unrelated persons are to be accommodated in the same house.

Midlothian Council and Alex Marks 1 White Hart Street, Dalkeith has applied for an HMO licence in respect of Polton Centre, Lasswade. The maximum number of occupants proposed is seventeen. The Polton Centre was formerly a children's home and stands in its own grounds, separated from Midfield House by a fenced / shrubbed boundary. Several documents, namely the Space Heating Certificate, the Risk Assessment, the Electrical Safety Certificate and Building and Public Liability Insurance Policies have not been submitted.

Before deciding to proceed with the project, the Council, as Housing Authority, carried out a consultation exercise, as described in the attached excerpt from the Minutes of Meeting of Cabinet on 18 November 2014, shown in **Appendix 1**. A copy of the relative report is reproduced separately.

A Map showing the location is attached as **Appendix 2**.

The Applicant was required to post Notice at or near the site to confirm that application had been made and that representations could be made; and has confirmed on 15 February 2016, that it was re-posted from 17 June to 10 July 2016.

3 Consultation

The Police, Fire and Rescue Services and the Environmental Health, Building Standards, Housing, Anti Social Behaviour and Planning Sections have been consulted.

4 Objections

One letter of objection / representation has been received. (**Appendix 3**).

5 Representations

The representations relate to the suitability of the site and public safety.

6 Reports by Consultees

The Police offer no objection. The Building Standards Officer and Fire and Rescue Service report that the property has not been made ready for use as an HMO and a Building Warrant has not been approved; and will not be able to confirm their position until after the completion certificate has been issued. An application for Planning Permission for change of use will be submitted. The report by the Environmental Health Officer is attached as **Appendix 4**. The occupancy agreement, is considered satisfactory by the Head of Housing and Customer Care.

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, principally, the state of unreadiness of the property.

(a) Objection

One objection has been received (**Appendix 3**). The objector should be given the opportunity to be heard.

(b) Overprovision

On 6 January 2016, the Committee agreed that applications can be refused if there is overprovision in a locality in which the HMO is situated.

On 5 January 2016, the Committee noted that applications can be refused if there is overprovision in a locality in which the HMO is situated.

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. The criteria are / are not met.

The approved methodology was that any areas where in excess of 8% of the population were living in an HMO could be considered as an overprovision of HMO accommodation in the area. Most areas in Midlothian are well below this level.

There are no other HMOs within the locality of the datazone in which the Polton Centre is located. So an occupancy of 17 occupants would not exceed the 8% level.

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

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

(c) Suitability of the Premises

The supporting documents relate to the relative issues.

(d) Consideration

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.

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.

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 on the basis of the information that has been made available; and if it is decided that the housing accommodation can be made suitable by including additional conditions in the licence, remit consideration of these to the Director, in consultation with the Chair ie following satisfactory completion of the alterations, subject to the standard and any reasonable conditions.

9 February 2016

Contact Person:

Mr R Attack

Tel No: 0131 271 3161

APPENDIX 1

Excerpt from Minutes of Meeting of Cabinet on 18 November 2014

Additional Council HMO (House of Multiple Occupation) Accommodation Proposed at Midfield House and Pentland House

With reference to paragraph 1 of the Addendum to the Minutes of 22 April 2014, there was submitted report, dated 24 October 2014, by the Joint Director, Health and Social Care, providing an overview of feedback received following community consultation events by the Housing Service on the proposed change of use of Midfield House (former Young Persons Centre), Poltonhall, and Pentland House, Penicuik (former Care Home), to HMO accommodation.

The report explained that both properties were owned by the Council; were of a reasonable standard; were no longer being used by their respective services; and were considered to be suitable for re-use as HMO accommodation.

It was also explained that the advantage to using properties of this type was that the Council could substantially reduce the number of homeless households residing in bed and breakfast accommodation in Midlothian. Bed and breakfast accommodation was considered to be an unsuitable environment for homeless households as well being costly to the Council.

The report pointed out that the current shortage of affordable housing solutions could not, in the short to medium term, meet the demand from those experiencing homelessness. Consequently, this pressure was likely to continue and the Council would therefore need to continue to make use of temporary accommodation for some time to come.

Information was also provided on the following matters:-

- Standards of temporary accommodation;
- Community consultation;
- Homelessness legislation;
- Staffing requirements and costs;
- Cost-benefit analyses; and
- Resource implications.

With regard to the community consultation which had taken place, the report advised that if there was approval to take forward the proposals for using the two buildings as HMOs, then the mitigation actions would be necessary to provide reassurance in the projects and to address the listed concerns of residents in Appendices 5 and 6 of the report.

Decision

(a) To agree to carry out the feasible mitigation actions noted in the report following the wider community and stakeholder consultation exercise;

(b) In addition, to instruct the officials to investigate the following actions in relation to the proposed HMO provision at Midfield House:-

- The possible extension of the 30mph speed limit out from Poltonhall;
- The re-location of the existing bus stop for Midfield House (or preferably the provision of an additional bus stop) as the existing bus stop was not ideally situated; and
- The provision of additional boundary fencing to prevent residents from crossing through other owner's properties;

(c) To approve the proposals for the use of both Pentland House and Midfield House as temporary accommodation options for homeless households that will provide positive outcomes in an improved environment;

(d) To note that the proposals also prevent significant spend on bed and breakfast provision, and

(e) To note that the proposals were dependent on compliance with the necessary Planning Permissions, Building Standards requirements and HMO licensing requirements for Pentland House and Midfield House.

Recommendations which will help ameliorate concerns in respect of Polton Centre

1. Appropriate management and supervision of the accommodation by a team of experienced staff members.
2. Accommodation being provided to households being assessed as having either no low support needs, or no history of criminal behaviour or substance dependency.
3. CCTV and lighting to ensure the safety of the households living in the proposed HMO property and the surrounding neighbourhood.
4. Consideration being given to traffic calming measures around the entrance to Midfield House Young Person's Centre.
5. Consider additional boundary fencing to avoid residents crossing through other owner's property.
6. Consider changing the name of the building to differentiate it from the neighbouring property.



Planning
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZQ

Polton Centre, Lasswade Location Plan

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10-02-2016

Scale: 1:1,750



APPENDIX 3



06.05.2015

Dear Sir

I would like to lodge an objection to a licence for multiple occupancy in the Young Persons' Centre. Homeless people will be very isolated there and I am quite sure it isn't where they would like to be.

A homeless home will seriously affect my life which only became peaceful and enjoyable when the young people were moved out. My husband died in September and I am very vulnerable as a result. The residents in Midfield House (the original Midfield House) are not at all happy either and may feel driven to sell up.

It seems to me, for the sake of using the house, a great shame to upset so many people.

The building needs a change of name as very confusing having 2 Midfield Houses.

Yours faithfully

Annabelle Broadhurst

APPENDIX 4

MEMORANDUM

To: Rosemary Walsh, Council Secretariat, Midlothian House
From: Ian Wilson, Environmental Health
Date: 6 November 2015
Subject: HMO Licence application- Midfield House, Lasswade

I refer to the HMO licence application for the above property submitted by Alex Marks on behalf of Midlothian Council.

These premises were previously used as a childrens residential home. At the present time the premises are being used as a permanent home to only four professional people. These people are called “guardians” and are charged a cheap rent by a letting company Ad-Hoc in return for having a security presence in the building.. As this is their only residence and there are more than 2 persons in residence this means that the building is being used illegally as a HMO.

A recent inspection of the property was carried out and the property was generally found to be generally clean although the décor throughout is fairly poor and in need of re-decoration.

An additional kitchen will be provided on the first floor level to provide adequate and sufficient cooking facilities.

There are sufficient numbers of bathrooms/shower rooms relative to the number of occupants.

Certification

Appropriate certification is required for electrical safety, gas safety and fire safety risk assessment. These were not provided with the application but are to follow at a later date.

Some bedrooms did not have the required minimum of 6 electric sockets.

Tenancy Occupation

A large communal living area is available for the tenants, therefore the minimum space standard for each letting bedroom is 6.5m². There are 11 single bedrooms and 4 double bedrooms giving a maximum occupancy of 19. The occupancy of the bedrooms, as marked on the plan, are given in the following table.

Bedroom No.	Maximum occupancy
GF04	1
GF06	2
GF07	1
GF10	1
FF01	1
FF02	1
FF03	1
FF04	1
FF05	2
FF06	1
FF07	2
FF08	1
FF09	1
FF10	2
FF11	1

Conclusion

Environmental Health has no objections to the granting of the HMO licence at Midfield House/Polton Court, Lasswade for 19 residents subject to the following conditions:

- 1 The decoration of the premises generally throughout the premises requires to be improved.
- 2 The ceiling near to the common room on the ground floor has been vandalised and this is required to be repaired and re-decorated as necessary.
3. Each bedroom shall be provided with a minimum of 6 electrical sockets.
4. The ceiling of the shower room on the first floor which is affected by mould requires to be redecorated and the extract fan to this shower room requires to be repaired.