

Notice of meeting and agenda



General Purposes Committee

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 23 February 2016

Time: 14:00

John Blair
Director, Resources

Contact:

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Further Information:

This is a meeting which is open to members of the public.

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minutes of Previous Meeting

Minutes of 5 January 2016 submitted for approval as a correct record **5 - 12**

5 Public Reports

5.1 Housing (Scotland) Act 2006

5.1.1 Procedure for Disposing of Applications for Licences - Report by Director Resources **13 - 26**

5.2 Application for House in Multiple Occupation Licences

5.2.1 Pentland House, Edinburgh Road, Penicuik - Report by Director Resources **27 - 40**

5.2.2 Polton Centre, Lasswade - formerly Midfield House Children's Home - Report by Director Resources **41 - 52**

Polton Centre - supplementary letter of representation **53 - 56**

5.2.3 Background to Proposals to Apply for Licences - Report by Director Resources **57 - 106**

5.3 Civic Government (Scotland) Act 1982

5.3.1 Procedure for Disposing of Applications for Licences - Report by Director Resources **107 - 110**

5.3.2 Street Trader's Application - Report by Director Resources **111 - 112**

6 Private Reports

No Private Business to be discussed

**General Purposes Committee
Tuesday 23 February 2016
Item No 4.1**

MINUTES of MEETING of the MIDLOTHIAN COUNCIL GENERAL PURPOSES COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 5 January 2016 at 2.00pm.

Present:- Councillors Coventry (Chair), Bennett, Bryant, Constable, Johnstone, Milligan, Montgomery, Muirhead, Parry, Rosie, Russell, Wallace and Young.

Apologies for Absence:- Councillors Baxter, Beattie, Imrie, Pottinger and de Vink.

1. Minutes

The Minutes of Meeting of 10 November 2015 were approved as a correct record, on the motion of Councillor Constable, seconded by Councillor Muirhead.

2. Civic Government (Scotland) Act 1982 –

(a) Procedure for (i) Disposal of Applications for and (ii) requests for the Suspension of Licences

There were submitted reports, dated 21 and 14 December 2015, by the Director, Resources, concerning the procedures for (i) disposing of applications for and (ii) requests for the suspension of licences, in terms of the Civic Government (Scotland) Act 1982.

Decision

To note the reports.

(b) Taxis (and Private Hire Cars fitted with Taxi Meters) - Review of Fare Tariff

With reference to paragraph 2 of the Minutes of 10 November 2015, there was submitted report, dated 14 December 2015, by the Director, Resources, concerning the review the Taxi Fare Tariff.

In his report, the Director confirmed, *inter alia*, that:-

(i) Public Notice had appeared in the Midlothian Advertiser on 19 November 2015, giving until 19 December 2015 for the submission of representations on the proposals; all holders Taxi (and Private Hire Car Licences with Meters) had been advised of the outcome of the review; and Taxi Licence holders had been asked to confirm whether they favoured the changed proposals as regards the increase in the initial fare;

(ii) 25 Taxi licence holders had advised that they favoured the changed proposal ; six did not support it and favoured the *status quo*; and one had suggested that at Christmas and New Year, Tariff 3 should exclude 27 December and 3 January; (and 26 Licence holders had signed the “petition” in favour of the increase and six had not responded); and

(iii) in consultation with the Chair, the date for implementation had been fixed for 5 February 2016.

Appended to the report, were the reports by the Director, Resources which had been considered at the last meeting.

The Clerk reported, *inter alia*, that, since the report had been written, further responses had been received, one from a licence holder who did not support the proposal; and another two which were late; and letters in support of the *status quo*, could be tabled if needed.

Decision

(1) To note the report; and

(2) To affirm the decision to increase Tariff 1 by sixty pence; and Tariff 2 by fifty pence, respectively, for a distance not exceeding 339m or for the initial period of waiting time of sixty seconds or for a combination of time and distance, with effect from 5 February 2016, as shown in **Appendix I** hereto.

3. Houses In Multiple Occupation (HMOs) – Overprovision Policy

With reference to paragraph 6 of the Minutes of 1 October 2013, there was submitted report, dated 5 December 2015, by the Director, Resources, concerning an examination of the factors relating to overprovision policy in respect of Houses in Multiple Occupation (HMOs) by a Joint Working Group.

In his report, the Director confirmed, *inter alia*,:-

- (a) that the Joint Working Group had met on three occasions, namely, 10 December 2013, 31 March 2015 and 15 December 2015;
- (b) Current Statutory Policy Guidance and its application elsewhere and in Midlothian;
- (c) that there was no simple numerical formula for pinpointing the threshold between provision and overprovision;
- (d) the need for sustainability; and
- (e) the options available, including considering applications on their merits; and
- (f) that the Working Group had agreed to recommend that the number of HMOs in any single locality be restricted to 8% of the total number of domestic properties.

Appended to the Report were:-

- (i) A Note of the Meeting of the Joint Working Group held on 15 December 2015;
- (ii) Potential Indicators and measures; and
- (iii) Statistical information relating to proportions of HMOs by Household and also HMO Occupants by Datazone Population.

In response to questions from Members, the Head of Housing and Customer Services explained the thrust of the recommendation; and the Housing Planning and Performance Manager clarified matters relating to the statistical information.

Decision

Rather than adopt the recommendation of the Joint Working Group and reflect the content of the Midlothian Local Plan, subject to the exclusion of student accommodation at Newbattle Abbey College and the Dalkeith Palace Wisconsin University Campus, to restrict the number of HMOs, such that the number of bed spaces available in HMOs can be no higher than 8% of the total number of residents in any single locality.

4. Links in Europe – Kreis Heinsberg, Germany and Komarom – Esztergom, Hungary

With reference to paragraph 3 of the Minutes of 10 November 2015, there was submitted report, dated 21 December 2015, by the Director, Resources, appraising Members of matters arising from the discussions with the representatives of Heinsberg and Komarom - Esztergom which took place on 14 October 2015, during the Festival of Friendship in Midlothian.

In his report, the Director confirmed that various developments were progressing as described in **Appendix II** hereto.

Decision

To note the report.

5. Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the Meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 3, 12 and 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Decision

- (a) Private Hire Car Licence –Application – Granted;
- (b) Taxi Driver's Licence – Request for Suspension – Agreed that the licence remain extant; and

(c) Private Hire Car Drivers' Licences –Applications (2) – Granted.

The Meeting terminated at 4.02pm.

APPENDIX I
(relative to paragraph 2(b))

Review of Fare Tariff
Civic Government (Scotland) Act 1982
Taxi (and Private Hire Cars fitted with Taxi Meters) Fares

For 1 or 2 passengers	Tariff 1	Tariff 2	Tariff 3	Tariff 4
For the initial hire not exceeding 339m For the initial period of waiting time of 60 seconds For a combination of time and distance	£2.80	£3.20	£3.80	£4.00
For each additional 168.3m For each additional 30 seconds of waiting time For a combination of additional time and distance	£0.20	£0.20	£0.35	£0.35

Monday to Friday	
Tariff 1 – Monday – Friday 6am – 6pm	Tariff 2 – 6pm to 6am and, at weekends, from 6am on Saturday to 6am Monday

Christmas and New Year – Between 6pm on 24 December and 6am on 27 December and 6pm on 31 December and 6am on 3 January	
Tariff 3 – Monday – Friday 6am – 6pm	Tariff 4 – 6pm to 6am and, at weekends, from 6am on Saturday to 6am on Monday

Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years. Each passenger must be properly seated.

Extra Payments	
When more than 2 passengers - £0.20 each Cleaning Fee – Travel Sickness - £20.00 Credit/Debit card payments - £1.00	Pre-bookings – Call Out Charge - £0.60 Cancellation Fee - £2.00

APPENDIX II

(relative to paragraph 4)

1 Festival of Friendship

It was anticipated that the Festival of Friendship would take place in Kreis Heinsberg, between 23 October –5 November 2017, probably Tuesday / Wednesday 31 October or 1 November to 4 Saturday / Sunday, 5 November, involving about thirty participants from each Komarom – Esztergom and Midlothian; a delegation of five (or maybe eight) may be invited from each Komarom – Esztergom and Midlothian; the Groups would be accommodated in Wegberg; and consideration may be given to prior visits to the Partner areas by some of the Midlothian groups which had participated in the 2015 Festival; and

it was likely that the Festival would take place in Komarom – Esztergom in October 2019; and consideration of the future of the Festival thereafter would require to be discussed.

2 Work Experience / Job Shadowing / College Exchanges

Consideration was being given to the identification of participants for the return visit to Kreis Heinsberg.

3 School Links

A Primary school link for pupil groups aged 10 – 12 in the Anita-Lichtenstein-Gesamtschule, Geilenkirchen and Sacred Heart may be pursued; tentative interest had been expressed by the Head Teachers of the High Schools in Midlothian and it was hoped that it would be possible to arrange contact.; and, as a result of discussions which had taken place during the 2015 Festival, a proposal had been made that a pupil from Waldfeucht be given a placement at Lasswade High School between August and December 2016.

4 Other Links

President Popovics had emphasised the importance of maintaining mining traditions and suggested trilateral cooperation between Mining Museums in making a joint application for European funding. The development of the link through the Scottish Mining Museum, Newtongrange, the Huckelhoven, Heinsberg Museum and the Tatabanya Museum would proceed in consultation with the Directors.

Other contact would be investigated, including:-

- (a) further exchange visits involving Scottish and Hungarian Schoolteachers which had led to successful exchanges previously and, from which, it had been hoped that exchanges of schoolchildren would follow;

- (b) the involvement of artists again in exchanges;
- (c) a camp in Kreis Heinsberg for Midlothian Scouts;
- (d) Exchanges involving Special Schools; and the opportunities for adult learners;
- (e) Sports;
- (f) exchanges of Music groups, following discussions during the Festival; and
- (g) the Science and Technology Sector.

Consultations were to take place to develop dialogue about the comments made by President Popovics (a) that there had not been a lot of activity involving Midlothian and that he would welcome any offers of interest so as enable the development of contact and involvement of all sections of the community; and (b) a new European funding stream had been introduced for trilateral and quadrilateral exchanges and it may be possible to attract support from that source, in the context of the offer by Landrat Pusch to host a meeting to develop the issues.

5 Other Related Matters

It was likely that a party, led by the Mayor of Jarnac would visit Dalkeith in August 2015; and it was customary for appropriate hospitality to be afforded during such visits.

**Housing (Scotland) Act 2006
Procedure for Disposal of Applications for Licences****Report by Director, Resources****1 Purpose of Report**

This report outlines the procedure to be adopted for a Hearing; and this report should be considered along with each application.

2 Procedure for Considering Applications at Hearings

The Procedure for considering applications is as follows:-

- 1 The objectors are given the opportunity to explain the basis of their objection (copies of the representations have been previously circulated to the applicant).
- 2 The applicant and the Members are given the opportunity to question the objectors.
- 3 The applicant is given the opportunity to speak in support of the application; and respond to the comments which have been made.
- 4 The objectors and the Members are given the opportunity to question the applicant.
- 5 The objectors and then the applicant are given the opportunity to sum up.
- 6 The Committee take a decision on the matter in the presence of the applicant and the objectors. The Committee may first adjourn but only for the expressly stated purpose of seeking procedural or legal advice (normally from the Clerk or Legal Adviser) and not for the purpose of taking the decision in private. The reasons for making the decision should be explained when conveying the decision.

3 Disposal of Applications for Licences

In disposing of an application for the grant of a licence the Committee may:-

- (a) grant the licence unconditionally;

- (b) grant the licence subject to conditions; or
- (c) refuse to grant the licence.

The Committee must refuse to grant an HMO licence if (a) the applicant, any agent specified in the application, and where the applicant or agent is not an individual, any director, partner or other person concerned in the management of the applicant or agent is disqualified by an order made under section 157(2) of the Act, or (b) the authority considers that any of those persons is not a fit and proper person to be authorised to permit persons to occupy any living accommodation as an HMO. Section 85 of the Antisocial Behaviour etc. (Scotland) Act 2004 applies to a local authority in deciding whether a person is a fit and proper person for the purposes of Agents as it applies to the authority when it is deciding whether a person is a fit and proper person for the purposes of section 84(3) or (4) of that Act.

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.

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, the local authority must have regard to—

- (a) whether there is an existing HMO licence in effect in respect of the living accommodation, and
- (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 in any locality, the local authority must have regard to—

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

An HMO licence may include such conditions as the Committee thinks fit. The Standard conditions are attached (**Appendix I**). Where an HMO licence includes, or is varied to include, a condition which requires work to be carried out in any living accommodation, the condition must also specify the date by which that work must be completed. No date may be specified which would (a) cause a condition of an HMO licence to have effect, or (b) require the work required by such a condition to be completed, before the date by which the local authority reasonably considers that the licence holder can secure compliance with the condition or, as the case may be, complete the work.

4 Appeals

Any decision may be appealed by summary application to the Sheriff.

An appeal may be made only by a person on whom notice of the decision requires to be served.

An appeal is not competent unless the person making it has followed every procedure made available for stating a case to the local authority in relation to the decision being appealed that it would be reasonable to have expected the person to follow.

An appeal must be made within 28 days of the person receiving notice of the decision.

But the Sheriff may on cause shown hear an appeal made after the deadline.

5 Recommendations

The Committee is recommended to note the terms of the report.

6 Report Background and Appendices

6.1 Background

Housing (Scotland) Act 2006.

15 February 2016

Contact Person:	R G Atack	Tel No: 0131 271 3161
Background Papers:	File CG 10.7 (RGA)	

APPENDIX I

Houses in Multiple Occupation Standard Licence Conditions
(These conditions should be read in conjunction with the Statutory Guidance.)

GENERAL

- 1 Where appropriate, the Licensee shall comply with the Food Safety Act 1990, and any regulations thereunder; the Health and Safety at Work etc Act 1974 and any regulations thereunder; and the Furniture and Furnishings (Fire) Safety Regulations 1988.
- 2 Where alterations to the premises are required or proposed a building warrant and certificate of completion shall be obtained under the Building (Scotland) Acts 1959 & 1970 and the Licensee shall comply with the building regulations and technical standards made thereunder.
- 3 The use of the licensed premises shall comply with the terms of any planning permission issued by Midlothian Council's Planning Committee.
- 4 No alteration shall be permitted to the premises without the written permission of the Director, Corporate Resources, Midlothian Council, or of any officer authorised to act for him in this respect.
- 5 The Licensee shall allow free access to the premises for the following officials for licensing purposes:-
 - (a) any officer of Midlothian Council;
 - (b) any officer of Lothian and Borders Police; and
 - (c) any officer of Lothian and Borders Fire & Rescue Service.
- 6 The Licensee shall take all available means to ensure that no disturbance arises from within the premises.
- 7 The Licensee shall maintain comprehensive building insurance and Property Owner's Liability Insurance in accordance with the approved Standards. These shall be displayed in the premises where they can be conveniently read by residents.
- 8 The licence holder must make the Licence, including any conditions, available to occupiers, within the premises where it can be conveniently read by residents.
- 9 The premises shall be maintained in a good state of repair, cleanliness and decoration.
- 10 The licence holder must ensure that the physical standards for HMO living accommodation, assessed as suitable by Midlothian Council when approving the licence application, are met at all times.

- 11 The Licence holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, gas and electrical installations, are maintained to a satisfactory standard throughout the period of the licence. The HMO owner shall hold all necessary certificates.
- 12 The licence holder must ensure that the number of persons residing in the premises shall not exceed the maximum number stated on the front cover of the licence.
- 13 Adequate facilities shall be provided for the storage and disposal of refuse.
- 14 A telephone to which the residents have access shall be installed in the premises for the purpose of calling the Emergency Services. This will be maintained in good working order by the Licensee.

FIRE PRECAUTIONS

- 15 Fire safety measures shall be implemented as per recommendations of the Fire and Rescue Service.

Applicants have a duty to provide a written fire safety risk assessment, in accordance with Part 3 of the Fire (Scotland) Act 2005 as amended and the Fire Safety (Scotland) Regulations 2006. Further guidance on the Act, Regulations, fire safety risk assessment and benchmarks is available on the Scottish Government Website, www.firelawscotland.org.

SAFETY / EMERGENCIES

- 16 The licence holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the living accommodation.
- 17 The licence holder should ensure, where considered appropriate, that let rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.
- 18 All chimneys / flues that are in use must be cleaned annually.
- 19 Glazing in the licensed premises positioned where accidental collision with it is likely must be constructed and installed, or protected, to minimise the danger of collision and injury to people. Compliance with BS6262 Part 4:1994 will satisfy this condition.

ELECTRICITY

- 20 The Licensee shall be responsible for ensuring that all electrical installations are in accordance with the current IEE Regulations and that electrical appliances provided by the Licensee are maintained in a safe and satisfactory condition.
- 21 At least once every five years (or earlier as directed by the approved electrical contractor) certification must be provided to confirm that the installed electrical system has been examined by a competent person and is functioning properly and is safe. Portable Appliance Testing of all plug in appliances shall be carried out on an annual basis to confirm they are functioning properly and are safe.

Continuity of certification is required and where a PIR certificate or PAT certificate expires part of the way through a licence period then a new PIR or PAT certificate shall be obtained.

- 22 There shall be a minimum of:-
- (a) in each kitchen, six electrical socket outlets;
 - (b) in each bedroom and living room, six electrical socket outlets; and
 - (c) elsewhere in the building, four additional socket outlets.
- 23 There shall be an electric lighting system providing at least one lighting point to every circulation space, bedroom, living room, kitchen, bathroom, watercloset compartment and other space having a floor area of two square metres or more. Any lighting point serving a stair within a HMO shall have controlling switches at each storey.

KITCHEN FACILITIES

- 24 Suitable and sufficient refrigerated and non-refrigerated facilities shall be provided for food storage. Food storage should be lockable where requested by the occupant.
- 25 A wholesome supply of cold running water, suitable for drinking purposes shall be provided for the use of residents. This shall be in a readily accessible position within the premises and accessible at all times.
- 26 Should full board not be provided, the premises shall have facilities for preparing, cooking and storing food. Each letting unit must contain a cooker with rings, grill and oven or ONE cooker (with rings, grill and oven) must be provided for up to FIVE people, TWO for between SIX and TEN people in a common kitchen. Cookers within common kitchens must be sited so as to provide the minimum activity space as detailed in Annex A of the statutory guidance.

- 27 Where there is a common kitchen, ONE sink with hot and cold water supply and integral drainer, must be provided for up to FIVE people. Two such sinks and drainers must be provided for between SIX and TEN people.
- 28 Suitable and sufficient worktop area with impervious surfaces shall be provided for preparing food.

SANITARY PROVISIONS

- 29 There shall be:
- (a) one watercloset for every five persons, either located on the same level as the floor containing bedrooms or on the first floor immediately above or below the storey containing the bedrooms; and
 - (b) one bath or shower for every five persons.
- 30 For the purposes of determining the scale of provision of sanitary facilities the number of persons shall include the occupying owner or manager and residing family where appropriate unless separate exclusive sanitary facilities are provided for them.
- 31 Every toilet shall have a wash hand basin within the toilet compartment itself, or within an adjacent space providing the sole means of access to the toilet. The watercloset and wash hand basin shall also be separated by a door from any room or space used wholly or partly for the preparation or consumption of food.
- 32 Hot and cold water supplies shall be suitable and sufficient for the purposes.
- 33 The licensed premises shall be provided with a safe and hygienic drainage and plumbing system in compliance with the relevant British or European Standards.
- 34 Every bedroom shall be located so that it is not necessary to pass through another bedroom in order to reach a bathroom, watercloset compartment, or circulation space.

HEATING, LIGHTING AND VENTILATION

- 35 The premises shall be provided with suitable and adequate heating, lighting and ventilation in accordance with standards detailed in the statutory guidance. Annual inspections shall be carried out by a Gas Safe Registered Engineer for gas appliances and an approved certificate shall be provided for solid fuel or gas appliances. Continuity of gas safety certification is required and where a gas safety certificate expires part of the way through a licence period, then a new certificate shall be obtained.

- 36 Each bedroom and living room shall have a fixed controllable space heating appliance (making available not less than, in the case of the former, 2 kilowatts and, in the case of the latter, 3 kilowatts). Where there is a central heating system, it must be capable of maintaining a temperature of 18°C (in the bedrooms and livingrooms) when the outside temperature is minus 1°C. Where there is a failure in the heating system, the system shall be fully operational within 12 hours or replacement heating appliances to the standards specified above shall be provided within the same period.
- 37 All bedrooms and living-rooms shall have adequate natural lighting, i.e. the area of clear glazing equal to at least 1/15th of the floor area of the room.
- 38 All bedrooms and living-rooms shall be ventilated directly to the external air by window or rooflight, the openable area of which must be equal to at least 1/30th of the floor area of the room.
- 39 All kitchens, bathrooms and waterclosets shall open to the external air, or alternatively, adequate mechanical ventilation must be provided.
- 40 The licence holder must ensure that Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.

CARBON MONOXIDE DETECTION

- 41 A carbon monoxide alarm which meets the requirements of BS EN 50291:2001 must be installed in the same room as any gas appliance.

SPACE STANDARDS

- 42 All bedrooms and any livingrooms shall comply with the minimum space standards detailed in Annex A of the statutory guidance. Activity spaces for bedrooms and kitchens also contained in Annex A must be met.

TENANTS RIGHTS

- 43 The Licensee shall ensure that adequate and up-to-date records are maintained for all residents. These records shall be made available on request to officials of Midlothian Council and Lothian and Borders Police and shall include the following details:
- (a) each resident's full name;
 - (b) dates of entry and departure of each resident; and
 - (c) records of rental payments and arrears.
- 44 The Licensee shall comply with all relevant legislation affecting private sector residential tenancies.

- 45 Written occupancy agreements shall be provided to each tenant and must meet with the approval of Midlothian Council. Once approved, the occupancy agreement shall not be altered unless the Licensee obtains further approval from Midlothian Council. Tenants' appliances shall be in good repair, used for the intended purpose and suitable for the intended purpose.
- 46 The Licensee shall be responsible for the day to day running of the premises, and for ensuring that residents comply with the terms of their Lease.
- 47 Only rent books, occupancy records, and tenancy agreements approved by the licensing authority shall be used.
- 48 Where the rent is payable weekly, payments shall be recorded in a rent book, which will be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents.
- 49 The Licensee shall issue receipts for any rental deposits received.
- 50 The Licensee shall refund the rental deposit, or part thereof, within 14 days of any agreed occupancy termination date or as soon as is practicable thereafter.
- 51 The Licensee shall ensure that residents' mail is available to residents on a daily basis.
- 52 The licence holder must ensure that actions to secure repossession must be only by lawful means.
- 53 The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.

Annex A - Space Standards

1 Bedrooms where common living room available

Single room (1 adult)	6.5 sq. metres
Double room (2 adults)	10.5 sq. metres
Triple room (3 adults)	16.5 sq. metres
Over 3 adults	16.5 sq. metres + 4.5 sq. metres per person over 3
Family room(2 adults + Children under 10)	10.5 sq. metres + 4.5 sq. metres per child

2 Bedrooms where no communal living area available

1 adult	10 sq. metres
2 adults	15 sq. metres
3 adults	19.5 sq. metres
Over 3 adults	19.5 sq. metres + 6 sq. metres per person over 3
Family Room(2 adults + Children under 10)	15 sq. metres +7 sq. metres per child.

3 Bedroom with cooker

1 adult	13 sq. metres
2 adults	19 sq. metres

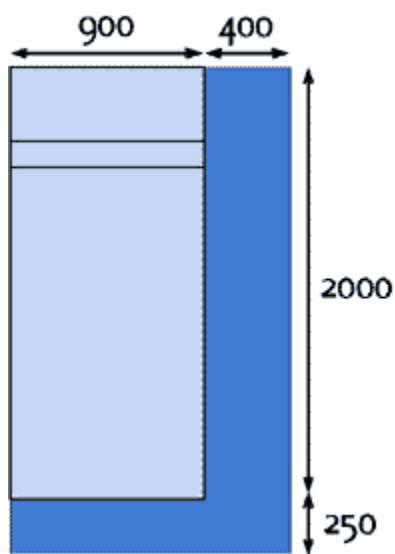
(In normal circumstances children would not be accommodated in bedrooms with cookers. If, exceptionally, they are, appropriate measures must be taken to ensure their safety.)

4 Communal Living Room

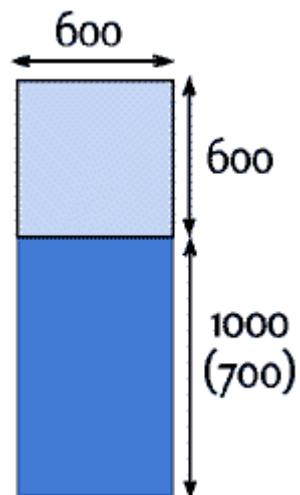
3-6 persons	11 sq. metres
7-10 persons	16.5 sq. metres
11-15 persons	19.5 sq. metres

Annex B - Activity Spaces

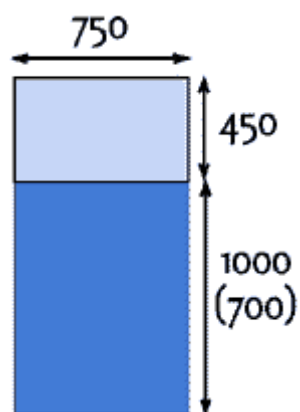
Bed space



Wardrobe space



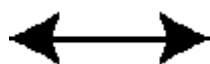
Chest of drawers space



key



Activity Space



Dimensions in millimetres

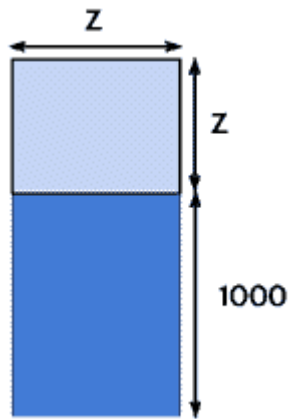
() Reduced dimension when measured to a bed

Notes

- 1 An activity space is measured at floor level.
- 2 The shaded area of an activity space may overlap only the shaded area of another activity space.

Annex C - Activity Space for Cookers

Cooker Space



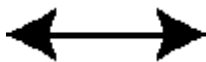
key



Activity Space

z

Not less than the dimensions of the appliance



Dimensions in millimetres

Note: An activity space is measured at floor level.

**Civic Government (Scotland) Act 1982
Application for House in Multiple Occupation (HMO) Licence
Pentland House, Edinburgh Road, Penicuik**

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 Pentland House, Edinburgh Road, Penicuik for 49 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 Pentland House, Edinburgh Road, Penicuik. The maximum number of residents proposed is 49. 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 on 15 February 2016, confirmed that it was 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 Representations

One letter of representation was received prior to the submission of the application from Mr A Robertson. (**Appendix 3**.) It is circulated for information.

The representations are addressed in the response. (**Appendix 4**).

5 Reports by Consultees

The Police offer no objection. The Fire and Rescue Service and Building Standards Officer report that the property has not been made ready for use as an HMO; 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 5**. The occupancy agreement, is considered satisfactory by the Head of Housing and Customer Care.

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, principally, the state of unreadiness of the property.

(a) Representation

One representation has been received (**Appendix 3**).

(b) Overprovision

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 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 which Pentland House is located in. There is a total population of 633 in this datazone so an occupancy of 49 occupants would not exceed the 8% level.

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

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

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 these 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 Pentland House

1. Appropriate management and supervision of the accommodation by a team of experienced staff.
2. Accommodation being provided to households with no history of criminal behaviour or substance dependency.
3. Supervision of the building and surrounding neighbourhood to avoid concerns about the safety of local residents and to address anti social behaviour currently occurring in the area.
4. Appropriate consultation with neighbours about the ongoing use of paths around the building and plans for adequate boundary fencing.

APPENDIX 2



Map



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

Pentland House, Penicuik Location Plan

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10-02-2016

Scale: 1:1,850



APPENDIX 3

Mr Kenneth Lawrie
Chief Executive
M.C.
General Purposes Committee

Planned Consultation

Pentland House
HMO

Dear Sir/Madam

(99.9999% of Penicuik and Midlothian did not know about HMOs).

Having attended Cabinet meeting on Tuesday 18 November 2014, and receiving report by Eibhlin McHugh, and presented to Cabinet by Kevin Anderson Customer & Housing Services, I am still not convinced the consultation gave a true reflection, or fair account of local reactions to Midlothian Councils report.

1. No mention in report – Police consultation?
2. No mention of Doctor/Health Workers consultation although Mr Anderson, said he spoke to a “doctors forum” locally? Other services Fire Brigade, ambulance.
3. Early in the so-called “consultation” (April 2014) to Penicuik and District Council, only 16 to 25 year olds, were mentioned by Mr Anderson, at that time no mention of other age group 26 to 80 was indicated. It was a “verbal” public relations exercise, with no written report brought forward, with local councillors Joe Wallace and Derek Rosie introduction possible debate! Not enough information PR disaster! Economic with the truth! Public Meeting – None!
4. I called in at Citizens Advice (Penicuik) and asked if “homeless” people contacted them – they said that only Edinburgh Council provided information (in their front window) and Midlothian Council did not provide any poster/contact numbers, etc for their services? Can we assume Midlothian Council does not have a homeless problem in Penicuik/Midlothian.
Please contact them! Address this issue please.
Note:- Consultation – No information at local library or town hall?
5. Planning – The old Lothian Region Care Home sign, at entrance of Pentland House was removed recently (last 2 weeks) and replaced by Midlothian Social Care sign – before Cabinet meeting recommendations – talk about “cart” before the “horse”! Fast track indeed!. I hope/assume John Blair’s team ensure “change of use”, from care home, to “temporary” social care building, is a “temporary lease”, before “change of use” back to 24 unit for elderly, in near future, given increased elderly (living longer) population, and retain building in Midlothian Councils estate – not handed over to private sector?. I would like this is writing please.

Please Note – Budget? For extra work on Pentland House

“Subsidence” - building and grounds – (1) Have you allowed cost of ground work/Cuiken-burn, has “subsidence” issues, at West end of building, due to flood/spate water pressure.

“Broken Bridge” (2) Pedestrian bridge is badly damaged and needs urgent repairs – This is the only “core” pathway in area. (Plastic pipe blocking burn) TV too!

“Service Access” (3) The side path inside grounds at west end of building requires widening/strengthening for service users – i.e. Grass cutting, Scottish Water, Electricity lighting access etc to Cuikenburn Valley and river

6. Future Planning – Midlothian/Penicuik Care Plan! - I am a pensioner, my wife is disabled and we need to move to a ground floor flat/house in near future – so I believe strongly, that provision for elderly is more important, than temporary HMO, and my local knowledge, and observation, is that a survey, ASAP should be conducted with all agencies, doctors/health centres and private providers, like Baldwin Court, Aaran House, Heinsberg House, to ensure Pentland House land/estate be publically retained, and owned, for future use for elderly. I would suggest “lonely” aged population should use this building for a new “drop in centre”, to socialise, and be mediated for future access, to nearby Cowan Court, and low/medium dementia people etc be houses, in 24 units for example “Broomhill Day Centre” is old, and no longer accommodate future increased use for elderly. Cowan Court is full, and large waiting list, only expensive private sector buildings, is alternative (as mentioned above).
7. Mr Kevin Anderson had I brief for HMO, but he compared it with Dunfermline, size and population difference was wrong.
8. Councillor Joe Wallace – councillor for Pentland House area has, at 2 Penicuik Community Council meetings, said various comments regarding Pentland House being in favour of a HMO House of Multiple occupation and want further about waiting lists for Penicuik housing
He is in breach of his “Midlothian Code of Conduct for Councillors”, regarding any personal of Council comments with Kevin Anderson while Planning – in my own opinion “Change of Use of Building”, and public consultation, was taking place, and at Penicuik Community Council meetings. I ask Kenneth Lawrie to investigate and give a report to Penicuik and District Community Council, and myself, and other residents like Mrs Margaret Wilson, ASAP. The Ombudsman/MSP is our next option, so please meet ASAP to discuss these 8 disturbing flaws in the whole consultation with the public and PDCC.

Yours sincerely

Resident and Community Councillor/Allan Robertson and Planning Convener.

Summary – We the residents, even at this late stage, would like council Chief Executive, John Blair (Planning) and General Purposes Committee, to defer any further decision, regarding Pentland House use as a HMO, till further notice, and public meeting, will take place on ASAP at 7pm venue – Penicuik Miners Welfare Club and Midlothian Council official spokespersons, and local and Midlothian Councillors welcome to attend.

Yours sincerely

Alan Robertson

Appendix 4

18 December 2014

Mr & Mrs A Robertson
43 Dykes Road
Penicuik
EH26 0JD

Dear Mr and Mrs Robertson,

Complaint – Pentland House HMO (House of Multiple Occupation) proposal.

I refer to your letter received on 1st December, 2014 regarding the HMO proposal at Pentland House, Penicuik, and advise that this matter has been dealt with in terms of the Council's complaints policy.

I thank you for your contributions to the public consultation on the proposed change of use of Pentland House, Penicuik (former Care Home), which was a useful exercise for us to take back to Cabinet on the feedback received. I have reviewed this case and note your concern in respect of the public consultation process.

Residents were made aware of consultation plans in the local press; Midlothian News and the Penicuik Cuckoo and also social networking websites. Homes in the immediate vicinity were made aware of the consultation dates by leaflet and posters were displayed in the neighbourhood and close to the adjacent Tesco store.

Local businesses along Edinburgh Road were visited on Monday 29 September. They were given information on the proposals and invited to the consultation events. Three consultation events were arranged during the week commencing 29th September. The times varied to give people with different work/social life patterns the opportunity to attend. Times included 10am – 1pm, 2pm – 5pm and 4pm – 7.30pm.

I can advise that Midlothian Council's Cabinet considered the matter on 18 November, which you attended and the public report detailed the consultation process and also the unedited feedback from these events was presented to members.

In your request for information, this has been compiled for ease of reference.

Complaints made by Mr Robertson	Response to complaints made.
No mention in report of Police consultation.	It was not detailed in the Cabinet report, although the proposals have been discussed at the Community Safety Partnership Delivery Group which is attended by Police and Fire Services.
No mention of Doctors/Healthworkers consultation.	It was not detailed in the Cabinet report, although the proposals have been discussed directly for these health service implications with the Head of Health and the Joint Director of Health & Social Care.
Early in the so- called consultation at Penicuik & District Community Council only 16 – 25 year olds were mentioned by Mr Anderson, no other age group.	Mr Anderson recalls the age related question was only in respect of the restricted housing options for this age group as a consequence of the Welfare Reform effects restricting them to a single shared room rate for housing costs.

Complaints made by Mr Robertson	Response to complaints made.
<p>Only Edinburgh Council provided homeless information on their front page.</p> <p>Can we assume Midlothian Council does not have a homeless problem in Penicuik.</p>	<p>Progress on the Homelessness Action Plan is reported in the annual Local Housing Strategy update.</p> <p>Midlothian Council publishes its performance information annually and service specific information includes homelessness. This is available on the Council's website in Housing Services and also in hard copy if you require this.</p>
<p>Planning concerns and potential sale of the building</p>	<p>A change of use planning application will be required and also a HMO application neighbour notification for the property. This was detailed in the Cabinet report.</p> <p>There are no proposals to sell the building.</p>
<p>Subsidence/Broken Bridge/Service Access</p>	<p>These issues are not specific to the HMO proposals so did not feature in the Cabinet report or consultation. They are receiving attention from Property Maintenance services.</p>

I advise that this complaint has been dealt with at Stage 2 in the Council's Complaints Policy, and I enclose the details of the complaints procedure for your information. If you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The contact details for the SPSO are as listed:

Scottish Public Services Ombudsman

4 Melville Street, Edinburgh EH3 7NS or SPSO, Freepost EH641, Edinburgh EH3 0BR

Tel: **0800 377 7330** Email: ask@spso.org.uk www.spso.org.uk

Yours sincerely

Kenneth Lawrie
Chief Executive
kenneth.lawrie@midlothian.gov.uk

APPENDIX 5

MEMORANDUM

From: Graham Drummond, Environmental Health
Your Ref: 2015/0657/HMO (67)
Our Ref: HMO/15/0057
Date: 22 February 2016

Subject: **Housing (Scotland) Act 2006**
Application for a House in Multiple Occupation Licence
Pentland House, 14 Edinburgh Road, Penicuik, EH26 8NW

I refer to the application for a House in Multiple Occupation Licence in respect of Pentland House, 14 Edinburgh Road, Penicuik submitted by Midlothian Council.

The property is a three storey building which sits within its own grounds on the north side of Edinburgh Road, Penicuik. The application form states there will be 43 bedrooms however there are actually 40 bedrooms (of which 4 are marked double bedrooms). The property could therefore provide accommodation for a maximum of 44 people, in addition to a maximum of 4 persons in each of the two self-contained flats. See annexed Occupancy Table.

Communal kitchens, bathrooms and toilet facilities will be provided on each floor. There will be 24/7 staff cover including two night staff.

Electrical Installation and PAT reports will require to be submitted demonstrating that the electrical system and appliances have been tested by a competent person and are safe.

Since Environmental Health first became involved in this project, plans have been provided showing the detailed kitchen layout.

In terms of the Scottish Government Statutory Guidance for Houses in Multiple Occupation, the property is suitable to accommodate 44 persons, in addition to 4 people in each of the self-contained flats. Subject to the following conditions, Environmental Health would have no objections to this application being granted:-

1. All bedrooms, kitchens and lounge areas are provided with a minimum of 6 electrical sockets.
2. All communal kitchen, bathroom and toilet facilities are completed in accordance with the Building Warrant drawings.
3. Various windows and fire exits are restricted from opening due to overgrown shrubbery. All such shrubbery should be cut back/removed.
4. Various windows are in disrepair and boarded over. The windows must be repaired and boarding removed.
5. The exposed electric fittings in bedroom 3 on the ground floor require to be removed or repaired.
6. Appropriate mechanical ventilation should be provided in the bathroom (numbered SF 09) on the second floor.

7. Before the building is occupied, up to date electrical safety and PAT reports shall be submitted confirming that the electrical system and all appliances provided have been inspected and are safe.

Annex Occupancy Table

The following table has been updated using Midlothian Council's Building Asset room numbers. The numbers used previously were numbers on the doors for the previous use and may not relate to any future numbering.

GROUND FLOOR		FIRST FLOOR		SECOND FLOOR	
Bedroom No	Occupancy	Bedroom No.	Occupancy	Bedroom No.	Occupancy
GF03	1	FF01	1	SF01	1
GF04	1	FF02	1	SF02	1
GF05	1	FF03	1	SF03	1
GF06	1	FF04	1	SF04	1
GF08	1	FF05	1	SF05	1
GF14	1	FF06	1	SF06	1
GF15	1	FF08	2	SF08	2
GF28	1	FF13	1	SF13	1
GF29	1	FF14	1	SF14	1
GF33	1	FF26	2	SF25	2
		FF27	1	SF26	1
		FF28	1	SF 27	1
		FF29	1	SF28	1
		FF40	1	SF38	1
		FF41	1	SF39	1
Total	10		17		17
		Self - contained flat	4	Self- contained flat	4

**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 Atack

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

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.

Received 22/2/16.
R

To A Turpie
Legal Services Manager
Finance and Integrated Resources Directorate
Service Support
Midlothian Council
Midlothian House
Buccleuch St
Dalkeith
EH22 1DJ

21/02/2016

Objection from:

Mrs Annabelle Broadhurst
2 Midfield Cottages
Lasswade
Midlothian
Eh18 1ED

Application for a HMO Licence, Midfield House, Polton Court, Lasswade

Dear A Turpie,

I wish to respond to the attached application, unfortunately I will not be able to attend the Committee on 23 February, but I hope that you will give serious consideration to my objections.

I have previously objected to this proposal (see below), I live at Midfield Lodge directly on the junction of the main road and the road leading to the old Young Peoples Centre.

I refer to the report which was put before Cabinet on 10/11/ 2014, I wish to make the following points.

Location

I can entirely understand your wish to use Midfield House: Midlothian Council own it, it costs to keep it empty, you have a statutory duty to fulfill, and it would be relatively inexpensive to convert, £40,000. You want to "maximize the use of existing assets" **2.4**

However, in terms of the stated requirements for Temporary Homeless Accommodation in the report it just does not fit the bill.

3.2 "Isolating households from their family/friend support and social networks....can set people up to fail", " Households in temporary accommodation can feel disconnected from the permanent community"

5.6 " In terms of where homeless applicants wished to be housed....households expressed a preference for Bonnyrigg (18%)"

Given its location, 1.5 miles from the centre of Bonnyrigg, Midfield will isolate people and disconnect them from the community, it is not in Bonnyrigg which is where people would like to be. If you were to start from scratch and choose a location for a new build, Midfield would not be the place you would choose.

Mitigation

To go on to the proposed mitigation measures designed to overcome the shortcomings of the location and the concerns of the residents.

1 and 2 The facility will only be supervised at night not during the day and there is no guarantee that at a future date people with either a criminal history or substance abuse issues would not be housed there.

3 Will the CCTV/lighting be extended down the approach road? If this is the case (and it would be ineffective without doing so given my experience of vandalism during the time of the Young Peoples Centre) it would be a double-edged sword promising security at the expense of privacy (my privacy) and seclusion.

4, 5 and 6 These are well thought out.

As you can see from the above I am still strongly opposed to the Midfield House proposal, It is not the appropriate place for it and I will not feel safe should it go ahead.

Yours sincerely

Mrs Annabelle Broadhurst
2 Midfield Lodges
Lasswade
Midlothian
EH18 1ED
Tel 0131 454 0094
E-mail annabelleb@btinternet.com

Original Objection.

Midfield House: Proposed Homeless Accommodation (Objection to the proposal)

Rationale behind the Proposal

At the information session held at Lasswade Library on Wednesday 24 September a display board outlined the case for the Midfield House proposal and stated that homeless people had expressed a strong preference for, " Accommodation in Bonnyrigg" which is entirely rational and understandable given that Bonnyrigg is a sizable community and homeless people living there would have: quick and easy access to shops, the Post Office, banking facilities, schools, health centre/doctors/dentist surgery, pharmacies and bus routes. They would also be close to family, friends and community life.

Midfield House is 1.5 miles from the centre of Bonnyrigg it is in a rural location not in an urban setting, there are no facilities nearby, the nearest shops in Rosewell and Polton are 1 mile away and banks, the post office, schools, doctors pharmacies etc are all in the centre of Bonnyrigg.

Midfield House is isolated (even if it is on a bus route) there are no facilities within easy walking distance and will isolate people living there from their family, friends and the community.

Impact on the existing Midfield Community

I speak for myself but I know that my neighbours in Midfield House (the old house divided into flats) share many of my misgivings.

I live in the part of the lodge next to the driveway at the exit to the main road and I feel particularly vulnerable living alone, my husband died at the end of September this year.

When Midfield was used as a Young People's Centre there were a number of incidents directed at us involving vandalism to our property and car, (rocks thrown at the car and at our fence, which had to be replaced) and the police were regular visitors to the centre.

The driveway/road from Midfield House exits onto the main road at Polton Road West. It is a difficult junction with very poor sightlines, directly onto main road with a 40mph limit which is regularly exceeded, there have been accidents. There is no pavement on the Midfield side and you must cross the road on the bad bend to reach the bus stop (for Bonnyrigg/Dalkeith) and pavement on the other side of the road. A dangerous crossing particularly for anyone with a child/buggy

This driveway/road runs within feet of my front door, everyone going to and from Midfield House must pass it, as a retired person living alone I am in a vulnerable position and feel that my person, house and car could easily become a handy target for anyone, resident or indeed visitor to Midfield House, with a grievance.

I urge you not to go ahead with this proposal.



Housing (Scotland) Act 2006
Applications for HMO Licences

Report by Director, Resources

1 Purpose of Report

To provide background information in respect of the proposed HMOs at Pentland House, Penicuik and the Polton Centre.

2 Consideration of Proposals

The report which was considered by Cabinet on 18 November 2014 is attached hereto by way of background information.

3 Recommendation

It is recommended that the Committee consider the report together with the applications.

15 February 2016

Contact Person:

R G Attack

Tel No: 0131 271 3161

Background Papers:

File CG 10.7 (RGA)

Additional Council HMO (House of Multiple Occupation) accommodation proposed at Midfield House and Pentland House

Report by Eibhlin McHugh, Joint Director, Health & Social Care

1 Purpose of Report

- 1.1** The purpose of this report is to provide Cabinet with an overview of the feedback following recent 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) following the initial report to Cabinet on these proposals on 22 April, 2014.
- 1.2** Both Pentland House and Midfield House are Midlothian Council owned Properties which are no longer being used by their respective services. Both are suitable properties for re-use in the provision of HMO accommodation and are of a reasonable standard. The advantage to using properties of this type is that the Council could substantially reduce the number of homeless households that reside in bed and breakfast accommodation in Midlothian. Bed & Breakfast (B&B) accommodation which is considered to be an unsuitable environment for homeless households and is also costly for the Council to provide.
- 1.3** The current shortage of affordable housing solutions cannot in the short to medium term meet the demand for those experiencing homelessness. Consequently, this pressure is likely to continue and the Council will continue to make use of temporary accommodation for some time to come.

2. Background

- 2.1** While Midlothian Council already has a range of temporary properties in council owned, Housing Associations (Registered Social Landlords) owned and Private Sector accommodation, there are restricted options for young single households receiving state benefits as a result of Welfare Reform, and the use of smaller accommodation with less shared facilities in an HMO is the most suitable option for many homeless households, it is also more suitable than using B&B accommodation. There will be opportunities for assisting service users with skills development to provide more varied and extensive support within the more constructive environment of the proposed HMO accommodation as opposed to B&B accommodation.

- 2.2** Midlothian Council's Approved 2014/15 Budget on bed and breakfast accommodation is based on 82 spaces and is set at £1,047,550.
- 2.3** Due to Welfare Reform impacts, additional budget has been provided in 2014/15 as a demographic pressure to provide for 82 spaces in Bed & Breakfast (B&B) for homeless households. The under-occupancy charge has had a negative impact on the number of people placed in bed and breakfast due to the Council not having sufficient one bedroom properties to place clients in. Currently there are an average of 87 bed spaces being used per week and this has placed significant pressure on the homelessness budget. The proposals in this report would potentially see the number of B&B bed spaces from private sector providers being used reduced significantly.
- 2.4** Building new purpose built homeless accommodation would be prohibitively expensive costing several million pounds and may not receive support from either elected members or members of the public. At a time when the Council needs to make efficiency savings, it is more appropriate to maximise the use of existing assets and also reduce council spending on the homeless budget.

3. Standards in Temporary Accommodation

- 3.1** Accessing quality temporary accommodation has been an integral part of Midlothian Council delivering the Homelessness 2012 commitment, and it is essential that the households in temporary accommodation receive a good and consistent service and that time spent in temporary accommodation is a positive move away from crisis. The temporary accommodation should be well managed with tailored support where necessary.
- 3.2** Homeless people in need of temporary accommodation have limited choice over the type, quality and location of accommodation they accept. Isolating households from their family/friend support and social networks if they are placed in a new area can set people up to fail. Households in temporary accommodation can feel disconnected from the permanent community, unable to settle in and make the accommodation a home.
- 3.3** The cost of providing temporary accommodation is significant for Midlothian Council and demand remains high, despite a reduction in overall recorded homelessness in recent years. Considering the time and resource that goes into providing temporary accommodation, it is critical that it delivers positive outcomes for people and we have a common standard for what good temporary accommodation, rather than simply a response to homelessness.
- 3.4** The detrimental impacts of poor standards in poor temporary accommodation are particularly severe for children living there, and impact on their physical and mental health and their educational attainment. Whilst there are standards in place for families with children, the majority of those seeking assistance under the homelessness legislation are single people and therefore without any such protection.

- 3.5** For several years Shelter Scotland has run an annual campaign on temporary accommodation Shelter and the Chartered Institute of Housing published Guidance on Temporary Accommodation Standards in 2010. The standards in the Guidance built on and consolidated those set out in the Code of Guidance on Homelessness as well as existing standards covered by legislation. These standards go beyond the physical standard of the accommodation to cover service, management and location standards, as reflected in these proposals.
- 3.6.** The Scottish Housing Regulator (SHR) is responsible for monitoring how social landlords are achieving the Scottish Social Housing Charter outcomes and standards and has published the indicators that it will use to do this. The Scottish Social Housing Charter, item 12, states that "homeless people are provided with suitable, good-quality temporary or emergency accommodation".

4. Community Consultation.

- 4.1** An Early Stage notification was provided to the Penicuik & District Community Council in March, 2014 and a further offer has been made to feedback on this report to the Community Council.
- 4.2** A community consultation process has since been carried out at the Midlothian Council Tenant's Day event on the topic of bed & breakfast use and supportive ways to reduce the time people spend in temporary accommodation as indicated in Appendix 1
- 4.3** To ensure a wider response from the local community to proposals to use Midfield House (former Young Persons Centre), Poltonhall and Pentland House, Penicuik (former Care Home) a series of 'drop in' events were conducted close to the location of the building in each area.
- 4.4** Appendix 2 indicates where and when they took place, together with the estimated number of attendees during the consultation events. It was agreed to run 3 events in Penicuik due to more attention being paid to the use of this building compared to that of Midfield House (Young Persons Centre) and due to it being surrounded by a larger number of properties and commercial premises.
- 4.5** These events were publicised through Midlothian News, the local press/social media sites and through leaflets posted to properties in the immediate vicinity of both buildings and posters displayed within the neighbourhood. All positive and negative responses are categorised by subject with the volumes for each category shown in the Appendices 3 & 4.
- 4.6** If there is approval to taking forward the proposals for use of these buildings as HMOs, the mitigation actions would be required to provide reassurance in the projects and address the listed concerns of residents in Appendices 5 & 6.

5. Homelessness legislation

- 5.1** The legislative framework for homelessness in Scotland is considered to be one of the most far reaching in Europe. The Housing (Scotland) Act 2001 amended the 1987 Act to require local authorities to provide temporary accommodation to all homeless applicants whilst either permanent accommodation is found or, in non-priority need cases, information and assistance is provided to secure alternative accommodation.
- 5.2** The Homelessness etc (Scotland) Act 2003 removed the priority need distinction meaning all unintentionally homeless households are eligible for permanent accommodation. It also included powers to limit the use of bed and breakfast accommodation for families with children.
- 5.3** Subsequently, this power was used to introduce the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004, which required local authorities to ensure that homeless households with children and pregnant women are not placed in unsuitable temporary accommodation unless exceptional circumstances apply. Unsuitable accommodation is defined in the order as accommodation which does not meet standards relating to the physical properties of the accommodation, its proximity to health and education services and its suitability to be used by children. Consequently the use of B&B accommodation for such households is deemed unreasonable.
- The Homelessness Code of Guidance* also includes guidance on this Order and other regulations relating to local authorities' duty to accommodate homeless applicants.
- 5.4** Midlothian Council was fully compliant with this duty to provide accommodation in respect of the abolition of priority need distinctions for homeless applicants in June, 2012, before the mandatory date of 31 December, 2012.
- 5.5** A reduction in the use of Bed and Breakfast accommodation would address an area of weakness in service delivery which has been identified by the Scottish Housing Regulator and from benchmarking sessions with the Scottish Housing Best Value Network (SHBVN). SHBVN consider the level of bed and breakfast use together with other homelessness indicators to rank Midlothian's Homeless Service as poorly performing. In addition, one of the key targets for the Council's Local Housing Strategy is to ensure a 50% reduction in the use of bed and breakfast accommodation by 2017.
- 5.6** Table 1, below shows that the majority of temporary accommodation units are in Dalkeith (25%), followed by Gorebridge (18%), both areas have high numbers of HMO units. Penicuik has the second highest number of households living in a HMO (21), but has few temporary properties, 53 compared to 112 in Dalkeith. In terms of where homeless applicants wished to be housed, Penicuik was most in demand by households, with 19% of households expressing a preference for this area, followed by Bonnyrigg (18%). Therefore, both of these towns would benefit from additional temporary accommodation provision in order to meet the needs of homeless households.

Table 1: Temporary Accommodation within Midlothian

Area	No. of Temporary Properties	No of HMO Bedspaces	No. of Total Households in Temp Accom	% of Total Households in Temp Accom	Homeless Applicant Area Preferences
Dalkeith	112	20	132	25%	10%
Gorebridge	71	28	99	18%	11%
Bonnyrigg	68	8	76	14%	18%
Penicuik	53	21	74	14%	19%
Mayfield	52	7	59	11%	8%
Loanhead	24	25	49	9%	7%
Newtongrange	20	0	20	4%	9%
Roslin	7	12	19	4%	5%
Rosewell	5	0	5	1%	4%
Danderhall	4	0	4	1%	5%
Pathhead	1	0	1	0%	4%
Total	417	121	538	100%	100%

5.7 At 31st March 2013, Scottish Government statistics reported 82 households were living in bed and breakfast accommodation in Midlothian. This was the fifth highest level of bed and breakfast use in Scotland; however as Midlothian is one of the smallest local authority areas in Scotland this is a disproportionately high level of bed and breakfast use. In comparison, Edinburgh had the highest level of Bed and Breakfast use, with 304 households in this type of accommodation; which translates to 0.1% of households in Edinburgh, while Midlothian had 0.2% of households living in this type of accommodation – double the proportion of Edinburgh. In addition, 16 out of the 32 local authorities had less than 10 households living in bed and breakfast accommodation on 31st March 2013.

5.8 Additional HMO accommodation proposed within the wider Bonnyrigg and Penicuik areas would be beneficial as most homeless households that live within this area cannot be accommodated in their own community which causes problems maintaining their social and family connections

6. Midfield House, Poltonhall

6.1 Midfield House Young Peoples Centre is a former home for young people in care, located just outside of Poltonhall. The location is secluded, although Poltonhall is 10 minutes walk and there is a bus stop outside the entrance to the property, and occupies 5 acres of meadow and trees. It has been vacated as a result of the development of alternative young people's accommodation in Penicuik and Dalkeith. The property build date is estimated at 1980 and it is possible to change the use of this building to a 15 bedspace temporary accommodation unit with shared facilities.

6.2 There are no current plans for an alternative use for this building, and the prospects to demolish are restricted by the presence of bats nesting in the eaves of the building (a bat box has been built at the side of the building to encourage them to use this). The property is in reasonable condition and the cost of using Midfield House, based on the identified costs within this business case, are estimated to be in the region of £40,000, listed in Appendix 7, which includes the cost of furnishing the property and obtaining necessary compliance in planning, building control and HMO licensing requirements

6.3 Staffing Requirement and Costs

The staffing requirement for Midfield House will be similar to that provided at the Council's Eastfield HMO non supported accommodation. Costs are anticipated to be in the region of £47,000 per annum. If homeless households with higher support needs were housed here then a higher level of staff support would be required and have cost implications.

Staffing required:

- 1x Night Caretaker
- 1x Part Time Support Worker
- Cleaning Service

6.4 Cost Benefit Analysis

Table 2, below, estimates that there would be a reduction in Bed and Breakfast spend from £1,047,550 to £881,475 in 2014/15 – a saving of £166,075. This is an estimate that assumes that use of a 15 unit HMO will reduce the number of Bed and Breakfast places from 82 to 69 – a reduction of 13 bedspaces which takes account of void periods and the potential need for some additional Bed and Breakfast places at times. As some rooms could be used as double rooms for couples the potential savings could be greater. Table 3 indicates the potential income from both rent and service charges.

Table 2: Cost Benefit of Use of Midfield House as additional HMO Accommodation with 15 Bedspaces

B & B Projected Spend 2014/15	£1,047,550
Projected B & B Spend if using Midfield HMO	£881,475
Total Reduction in Gross Spend	£166,075

Table 3: Income Generated from Use of Midfield House as an HMO

	Per Unit Annual Rental Income¹	Per Unit Annual Service Charge	Total Annual Rental Income	Total Annual Service Charge
Midfield HMO	£5,087	£9,662	£76,300	£144,930

Table 4, below, shows that, in addition to significantly reducing the total spend on bed and breakfast accommodation, the estimated revenue is higher than the estimated total operating cost. Financial modelling demonstrates that using Midfield House as an HMO will remain affordable within the Housing Revenue Account's Capital Plan over the next 10 years.

Table 4: Income Generated in Year 1

Item	Total
Operating Costs	
Staffing Cost	£47,000
Reactive Maintenance Costs	£12,330
Void Repair Costs 4@£350/unit	£21,000
Power Costs	£10,416
Debt Charges	£1,500
Void Income Loss	£22,513
Annual Furnishing Cost	£3,551
Ground Maintenance	£1,350
Total Operating Costs	£119,660
Revenues Generated	
Rental Income	£76,300
Service Charges	£144,930
Power and Heat Charge	£3,900
Total Revenues Generated	£225,130
Total	£105,470

6. Pentland House, 14 Edinburgh Road, Penicuik

7.1 Pentland House is a 43 bedroom former care home located close to Tesco in Penicuik on Edinburgh Road. It closed in September 2013 as it was replaced by Cowan Court, a new build 32 unit Extra Care Housing Development. A factor in Pentland House closing was that it failed to meet the Care Commission's National Care Standards for Care Homes for Older People. However, the property is in a reasonable condition throughout. Currently, the site has been proposed as a Phase 2 Council Housing Site and the building would at some stage require to be demolished, with associated costs.

7.2 Potential for use

To maximise use of this building it would be possible to use the property as a 43 bedroom HMO for homeless households who would otherwise be housed in bed and breakfast accommodation. There is currently office space which can be used for staff providing on-site support and interventions, or co-located Housing or Council Officers. There is a large kitchen area and dining area on the ground floor which can potentially be used as a community space and learning facility in low level support activities, ie. to supporting individuals who require help with independent living skills such as budgeting, dealing with official correspondence, managing appointments and relationships with third parties and generally managing their tenancy or home.

7.3 There are several rooms which can be used for confidential 1:1 meetings with service users. As this would be a large HMO, it will require a greater level of staff support, on site 24 hours a day. Whilst the condition of the building is reasonable, significant works in addition to building partition walls and providing CCTV are required, which includes renovation of several bathrooms and upgrading of the electrical supply which is out of date. In order to meet to meet HMO regulations, kitchen areas need to be provided in more areas of the building and an increased number of electrical sockets required in every bedroom. It is estimated that the total cost of renovation will be in the region of £345,000 (Appendix 8).

7.4 It is proposed that partition walls with door entry systems are built to separate the corridor areas to create 6 “flats” which each have their own kitchen/living area with around 8 households living in each flat who each have their own private room and shared toilet/bathroom facilities. Reconfiguring the access into separate flats avoids unauthorised access and any potential for anti social behaviour and minimises large groups socialising in areas of the hostel. The presence of staff and CCTV will ensure safety and security for occupants.

7.5 Quality of temporary accommodation is of particular relevance given the fact that many homeless households are spending longer in temporary accommodation as they wait for a permanent home to become available, especially for couples and families with children, who are proposed to be predominantly accommodated at Pentland House as there is limited provision in Midlothian West.

7.6 Staffing Requirement and Costs

It has been estimated that the total requirement for appropriately staffing the building would be:

- 2 x Senior Project Officers
- 6 x Night Workers

- 8 x Project Workers
- 1x Temporary Accommodation Officer
- 1 x Team Leader
- Cleaning Services

Staffing costs are higher for a building of this size. In other large shared homeless accommodation of this size the proportion of staff to residents is usually in the region of 2 staff for every 15 residents. It is estimated that annual staffing costs for this number of staff would be in the region of £479,000 per annum. In addition, the Council currently uses a stand by service to provide out of hours assistance to households threatened with homelessness and arrange B&B accommodation. There is the potential for the Duty Homeless service to be part of the role for night staff at Pentland House, with a few units designated as emergency short stay accommodation to avoid using B&B overnight accommodation.

7.7 Cost Benefit Analysis

Table 5, below, estimates that there would be a reduction in Bed and Breakfast spend from £1,047,550 to £600,425 in 2014/15 – a saving of £447,125. This is a conservative estimate that assumes that use of a 43 unit HMO will reduce the number of Bed and Breakfast places from 82 to 47 – a reduction of 35 which takes account of void periods and the potential need for some Bed and Breakfast units out of hours. As some units could be used as double rooms for couples the potential savings could be greater.

Table 5: Cost Benefit of Use of Pentland House as additional HMO Accommodation with 43 Bedspaces

B & B Projected Spend 2014/15	£1,047,550
Projected B & B Spend if using Pentland HMO	£600,425
Total Reduction in Gross Spend if using Pentland HMO	£447,125

Table 6, shows that the cost of using Pentland House as an HMO is an affordable option compared to new build units (up to 28 could be built on this site). The table indicates that using the existing building would be affordable compared to demolition and rebuilding, although it is recognised that this building will not last as long as a new build option. It is also noted that this building is currently vacant and securing it at present is costing the Council £1,163 per week.

Table 6: Cost Benefit of Pentland House compared to New Build Option

	Total	Per Unit Cost
Pentland HMO Development Cost	£345,000	£8,023
Pentland House New Build Cost	£3,948,513	£141,018

Table 7, below, also notes that the potential income from using Pentland House as an HMO rather than demolition would generate a far higher rental income but also require additional service charges. Whilst it should be recognised that the repairs and maintenance costs will be higher for Pentland House than new build properties, the overall cost of bringing this building into use is far less than the cost of demolition and building individual units, as Pentland House could be used for less than the unit cost of 2 new build properties on this site. The rental income from new build properties would take over 40 years to pay back the cost of building the units. In addition, this site could still be used for new build council housing in a later phase once the existing building has reached the end of its serviceable life.

Table 7: Income Generated from Pentland House HMO and New Build Option.

	Per Unit Annual Rental Income²	Per Unit Annual Service Charge	Total Annual Rental Income	Total Annual Service Charge
Pentland HMO	£5,087	£9,663	£218,741	£502,476
Pentland House Site New Build	£3,147	N/A	£88,112	N/A

Table 8, below, shows the estimated annual expenditure and income from using Pentland House for temporary accommodation. It details that that the estimated revenue is lower than the estimated total operating cost. However, the projected surplus at Midfield House would offset towards these costs. Financial modelling also suggests that running Pentland House as a Temporary Accommodation HMO will remain affordable within the Housing Revenue Account's Capital Plan over the next 10 years.

Table 8: Income Generated in Year 1

Item	Total
Operating Costs	
Staffing Cost	£476, 823
Reactive Maintenance Costs	£35,346
Void Repair Costs 4@£350/unit	£60,200
Power Costs	£44,000
Debt Charges	£25,500
Void Income Loss	£64,541

² Does not take account of void periods – which are higher in HMO accommodation due to the short stay nature of accommodation of this type. The cost of renting a 2 bed new build flat is used in this example. Actual rents would vary depending on the housing mix. It should be noted that maintenance costs would be far higher for Pentland House than a new build development – because the building is not new and because the nature of the client group would mean a higher level of wear and tear.

Annual Furnishing Cost	£11,000
Ground Maintenance	£3,870
Total Operating Costs	£721,280
Revenues Generated	
Rental Income	£218,741
Service Charges	£415,493
Electricity Charge	£11,180
Total Revenues Generated	£645,414
Total	-£75,866

8 Report Implications

8.1 Resources

There is a cost to the Council of both vacant buildings. At Pentland House, the cost of securing this building is £1,163 per week.

It is unusual for the Council to have this opportunity of two existing buildings which are surplus to requirements, located in areas of high need for temporary accommodation and which will not require large amounts of investment.

The cost of purchasing and renovating these buildings would be funded through Housing Revenue Account (HRA), current financial modelling suggests that this project would not have a negative impact on the affordability on the current approved HRA Capital Plan the costs and the impact on the HRA and General Services is broken down in the tables below.

One – Off Capital Renovation Works

Housing Revenue Account Capital Works	Midfield (Appendix 2)	Pentland (Appendix 3)	Total
Renovation Works	£32,664	£321,410	£354,074
Furniture Required to Bring Property into Use	£7,102	£21,961	£29,063
Total One – Off Capital Costs	£39,766	£343,371	£383,137

On- Going Revenue Running Costs

Expense Type	HRA	Homelessness (Furniture)	Total
Midfield (Table 4)			
Operating Costs	£116,109	£3,551	£119,660
Rental/Service Charge/Utilities Income	£221,579	£3,551	£225,130
Midfield Net Operating (Costs)/Income	£105,470	£0	£105,470
Pentland (Table 8)			
Operating Costs	£710,280	£11,000	£721,280

Rental/Service Charge/Utilities Income	£634,414	£11,000	£645,414
Pentland Net Operating (Cost)/Income	£(75,866)	£0	£(75,866)
Combined Operating (Cost)/Income	£29,604	£0	£29,604

Homelessness Budget Saving from Reduced Bed & Breakfast Spend

Expense Type	Bed & Breakfast Budget	Housing Benefit Claim Income Budget	Net Savings Effect
Approved Bed & Breakfast Budget 2014/15 (82 Spaces)	£1,047,550	£459,395	£588,155
Less Midfield (13 Spaces)	£166,075	£77,000	£89,075
Less Pentland (35 Spaces)	£447,125	£207,395	£239,730
Revised Bed & Breakfast Budget 2014/15 (34 Spaces)	£434,350	£175,000	£259,380

8.2 Risk

It is important to note that cost savings will only be realised if the level of bed and breakfast accommodation is capped, otherwise there is a risk there will be no noticeable cost saving arising, although the capacity of temporary accommodation units would increase.

8.3 Policy

8.3.1 Strategy

Housing need is high in Penicuik and three new build developments have already been completed as part of the Council's new build programme, with a further 3 sites in Penicuik having received planning permission and 2 more sites being considered. This includes Cowan Court, the recently completed extra care housing development, and an approved Complex Care development. Consequently, it is evident that there has been a significant level of new build affordable housing in Penicuik, and therefore not using this site for development would allow another community to benefit from housing investment at an alternative site in Midlothian.

9. Single Midlothian Plan and Business Transformation

9.1 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:

- ☐ Early years and reducing child poverty
- ☐ Economic Growth and Business Support
- ☐ Positive destinations for young people.

This report impacts on the delivery of the Single Midlothian Plan outcome measures in homelessness. Early intervention and tackling inequalities are key priorities for Midlothian Council and the Community Planning Partnership and these proposals meet those objectives.

- ☐ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

9.2 Adopting a Preventative Approach

Addressing the needs of homeless clients will assist in moving the balance of services and resources into preventing the need for longer term or crisis support. Early intervention and tackling inequalities are key priorities for Midlothian Council and the Community Planning Partnership.

9.3 Involving Communities and Other Stakeholders

Internal consultation has taken place with Finance, Planning and Building Control services. Consultation has also taken place with the Welfare Reform Officers Group.

A community consultation process has also been carried out as detailed in this report.

9.4 Ensuring Equalities

An Equality Impact Assessment has been undertaken to take account of the needs of equality groups in relation to homelessness.

9.5 Supporting Sustainable Development

There are no issues in this report in relation to Sustainable Development.

9.6 IT Issues

There are no IT issues associated with this report.

10. Summary

In 2004 the Scottish Parliament decided that children and expectant mothers should not be living in B&B accommodation and set a legislative standard that would prevent this. Poor quality temporary accommodation is equally unsuitable for any homeless household whether it is technically classified as a B&B/hostel or not, and some temporary accommodation can be damp, dangerous and in disrepair but still be deemed 'suitable' under existing provisions.

Midlothian Council's new build social housing programme has delivered 940 houses since 2006 over 19 sites and it remains vital to increase the provision

of socially rented housing to meet the increasing demand. We know that there are thousands of people on the waiting lists for social housing, along with those required to make a homeless application. With the impacts of welfare reform, people are struggling to manage very limited household budgets and some are being forced to move home, with restricted housing choices.

These proposals for an additional HMO provision by the Council will demonstrate that Midlothian Council are committed to making sure temporary accommodation in Midlothian is of a good quality, and that people get the help and support they need during this time, with accommodation supplied in an area of demand. The report reflects best practice in the provision of temporary accommodation focusing on:

- physical standards
- location standards
- service standards
- management standards

These proposals are intended to be realistic and achievable, yet meaningful to ensure a standardised level of quality. The aim is to make a difference to people's experience of temporary accommodation and ensure that they have the information and support required, and are ready to take on and sustain a permanent tenancy. For the Council, the additional HMO provision will ensure the higher standards should provide efficiency savings through a reduction in repeat homelessness and more sustainable tenancies.

10. Recommendation

Cabinet is recommended to

- a) agree to carry out the feasible mitigation actions noted in the report following the wider community and stakeholder consultation exercise, and
- b) to approve the proposals for the use of both Pentland House and Midfield House as temporary accommodation options for homeless household that will provide positive outcomes in an improved environment, and
- c) note that the proposals also prevent significant spend on Bed & Breakfast provision, and
- d) note that these proposals are dependent on compliance with the necessary Planning permissions, Building Standards requirements and HMO licensing requirements for Pentland House and Midfield House.

Date: 24 October, 2014

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Appendix 1

Feedback from Annual Midlothian Tenant's Day, Friday 27th June, Dalkeith Arts Centre

Presentation 2-Temporary Accommodation in Midlothian

Stephen Clark, Housing Planning & Performance Manager and Simon Bain, Housing Services Manager, spoke about temporary accommodation, the demand for it and the different types; the cost for using this type of accommodation and ways to reduce the use of bed and breakfast accommodation. Following this presentation, the group of 37 tenants split into two groups to discuss this issue in greater detail.

Feedback from Stephen's Group

Stephen then asked some questions to gather the group's views.

- The group agreed that the use of bed and breakfast needs to reduce and were supportive of ways that the Council could reduce the time homeless people spend in this accommodation.
- One tenant asked if the Council were re-furbishing Pentland House and Midfield Housing which are potential buildings that could be used to provide temporary accommodation. Stephen Clark agreed that the buildings would require upgrading to ensure they were of a good standard.
- One tenant had spent some time in a bed and breakfast and had found the experience to be a very negative one. She felt that once she was there she was forgot about, her thoughts were that "once the Council put a roof over your head they leave us" and said that we give priority to drug addicts and alcoholics. The tenant felt that she would have preferred to stay in accommodation like Pentland or Midfield House as she could speak to staff on site about any queries she might have. She also felt that the quality of bed and breakfast was not good enough for homeless households in a difficult situation.
- The group did not have any concerns about using Council buildings as HMO's there was however a suggestion made that rather than having HMO's with a mixture of tenants who require support and tenant's who don't would be to have one for people who require support and one for tenants who don't. This was suggested by two tenants of the group and agreed by all in the group.

Feedback from Simon's Group

The group discussed the potential to use existing Council buildings as HMO's. Points included:

- All tenants were supportive of the aim to reduce use of bed and breakfast accommodation and some were surprised to learn about the high cost of this accommodation.
- One tenant was concerned about how the Council could control the behaviour of the tenants. Simon reassured the group that there would be a number of strategies

put in place i.e. individual support plans for residents; CCTV on site; occupancy agreements highlighting the expectations of tenants together with a high ratio of staff compared to residents.

- One tenant asked if the communities get to know about offenders that may be placed into these properties. It was discussed that risk assessments are carried out when looking at housing options for ex-offenders but it was pointed out that neither Pentland House nor Midfield House was to be intended for accommodating ex offenders.
- One tenant asked if buildings outwith busy communities could be used. Simon noted that the buildings being considered were in different locations which also needed to be accessible for homeless households.
- One tenant asked that the Council should be building 1 bedroom properties for current Council tenants, Simon acknowledged that a significant number of new council properties would be 1 bedroom to meet the need for smaller properties to match need on the waiting list.

Appendix 2

Consultation on Additional Council HMO (House of Multiple Occupation) accommodation proposed at Midfield House and Pentland House

Background

To ensure a wider response from the local community to proposals to use Midfield House (former Young Persons Centre), Poltonhall and Pentland House, Penicuik (former Care Home) it was agreed to conduct a series of 'drop in' events close to the location of the building in each area. Table 1, below, indicates where and when they took place, together with the estimated number of attendees during the consultation events. It was agreed to run 3 events in Penicuik due to more attention being paid to the use of this building compared to that of Midfield House (Young Persons Centre) and due to it being surrounded by a larger number of properties and commercial premises. These events were publicised through Midlothian News, the local press/social media sites and through leaflets posted to properties in the immediate vicinity of both buildings and posters displayed within the neighbourhood.

Who Attended?

Council staff were present to talk to attendees in detail about the proposed plans. Those attending some or all of the events included Senior Housing Managers, Temporary Accommodation Officers, the Housing Options Officer, and the Tenant Participation Officer. In addition one member of TAPTAG (Tenants and Prospective Tenants Action Group) volunteered to assist the Council at the Lasswade Library events. At one Pentland House event a former homeless person attended to talk about his experiences in using temporary accommodation in Midlothian.

As shown below, approximately 16 households attended the two drop in events at Lasswade Library whilst 33 attended Pentland House drop in events. In both cases the majority of residents who attended lived in the local community (Penicuik and Bonnyrigg/Poltonhall).



Members of staff were able to discuss in detail with members of the public what sort of experience homeless households face and the challenges that the Council faces in meeting their housing needs. They were also able to provide attendees with the reasons behind use of the buildings for this purpose. This included:

- Making use of empty buildings to reduce the spend on Bed and Breakfast accommodation by over £400,000 every year.
- The restrictions the Council face in housing homeless people aged under 35 years, as a result of welfare reform.
- Providing emergency accommodation to local people as there is a shortage of temporary accommodation units in both Bonnyrigg/Poltonhall and Penicuik compared to other areas in Midlothian as shown in Figure 4, below.

Figure 4: Temporary Accommodation Units in Midlothian

Area	No. of Temporary Properties	No of HMO Bedspaces	No. of Total Households in Temp Accom	% of Total Households in Temp Accom	Homeless Applicant Area Preferences
Dalkeith	112	20	132	25%	10%
Gorebridge	71	28	99	18%	11%
Bonnyrigg	68	8	76	14%	18%
Penicuik	53	21	74	14%	19%
Mayfield	52	7	59	11%	8%
Loanhead	24	25	49	9%	7%
Newtongrange	20	0	20	4%	9%
Roslin	7	12	19	4%	5%
Rosewell	5	0	5	1%	4%
Danderhall	4	0	4	1%	5%
Pathhead	1	0	1	0%	4%
Total	417	121	538	100%	100%

Common Responses from Attendees

1. A significant number of attendees were not previously aware of the scale of homelessness within their own community.
2. The overriding concern of most attendees who were opposed to the proposal was that households would bring crime, noise, vandalism and nuisances to their area. It was clear that most residents would be more comfortable with the proposals as long as households living in the accommodation were not leading chaotic lifestyles and the accommodation was well managed. Some were reassured that any resident who was having a negative impact within the community would be removed within 24 hours in accordance with the Occupancy Agreement terms.
3. In the case of Pentland House it was pointed out that the building had been subject to vandalism recently with windows broken and litter around the premises. It was suggested that a well managed, appropriately supervised building would actually reduce loitering and risk of anti social behaviour. In the case of Midfield Young People's Centre some residents had problems with young people who previously lived in the property and worried they might experience similar problems.
4. Many attendees felt that all homeless households had become homeless due to drugs/alcohol/criminal behaviour and staff were able to explain that homelessness could happen to anyone for a variety of reasons, from a fire or flood to a relationship breakdown or financial circumstances, etc.
5. Some attendees did not think that shared toilets/kitchen/bathrooms were appropriate for households. However it was explained that a significant number of homeless households at present were using accommodation with shared facilities which cost the Council significantly more money to provide in bed and breakfast accommodation than it would in a Council-owned HMO. It was also explained that this accommodation was provided on an emergency basis for short term use.
6. Residents who lived very close by to both buildings were concerned about the value of their property being affected, and also about the boundary fencing/foliage that they wished to see addressed as part of their security. A significant number of these concerns would be relevant regardless of what purpose the buildings would be used for.

Recommendations

If taking forward the proposals for use of these buildings as HMOs, the following actions would be able to mitigate some of the concerns of residents:

Midfield House (Young Persons 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.

Pentland House

1. Appropriate management and supervision of the accommodation by a team of experienced staff.
2. Accommodation being provided to households with no history of criminal behaviour or substance dependency.
3. Supervision of the building and surrounding neighbourhood to avoid concerns about the safety of local residents and to address anti social behaviour currently occurring in the area.
4. Appropriate consultation with neighbours about the ongoing use of paths around the building and plans for adequate boundary fencing.

Appendix 3

Midfield House proposals – attendee responses

As part of the consultation process for the proposal to use Midfield House as temporary accommodation, the department held two drop-in sessions during which attendees were asked for their written feedback.

In total 9 feedback forms were received which contained 33 different comments and responses.

- 4 Responses were positive
- 12 Responses were negative
- 17 Responses were neutral. These included questions and suggested improvements for the proposals.

All positive and negative responses were categorised by subject with the volumes for each category shown in tables 1 and 2 below.

Table 1: Overview of positive and negative responses

Positive Comments		Negative Comments	
Support the proposals generally	4	Don't support the proposals generally	4
		Concerns relating to security/the management of the building and the surrounding area	8
Total	4	Total	12

This report will review and provide a response to the comments received in each category.

Response Category	Individual Response	Council Response/Recommendation
Support the proposals generally	Good to be able to discuss with council employees	Noted.
	Useful finding out about the security staff at night and CCTV and that these will not be offenders but low support. I had expected then to be families due to use of 'households' description	Noted.
	After hearing the proposals I have no adverse comments. I would rather the building was used than left unoccupied.	Noted.
	Interesting learning about homelessness and the amount of young people who become homeless	Noted.
	The session was informative.	Noted.

Response Category	Individual Response	Council Response/Recommendation
Don't support the proposals generally	1. Quite shocked that 15 possible families could be housed here.	As the property has mainly single bedrooms with only 2 or 3 suitable double rooms it is unlikely that more than 18 residents would be resident here at any time.
	2. Midfield House is 1.5 miles from the centre of Bonnyrigg it is in a rural location not in an urban setting, there are no facilities nearby, the nearest shops in Rosewell and Polton are 1 mile away and banks, the post office, schools, doctors pharmacies etc are all in the centre of Bonnyrigg. Midfield House is isolated (even if it is on a bus route) there are no facilities within easy walking distance and will isolate people living there from their family, friends and the community.	Google maps estimates that it is an 18 minute walk to the nearest local amenities. The property is a few minutes walk from a bus stop. This supports the Number 49 Lothian Bus service into Bonnyrigg. As there is a lack of HMO accommodation in Bonnyrigg/Poltonhall/Lasswade homeless applicants currently are likely to be provided with accommodation in another area of Midlothian which has the potential to isolate them from friends/family and amenities that they use such as their own doctors surgery. In addition, any homeless applicants who are car users could be selected for this accommodation to avoid all households being reliant on public transport services.
	3. No facilities for homeless people at this place!	The accommodation provided would have facilities within the building including access to a shared lounge, kitchen, toilets and shower-rooms. There would also be laundry facilities. As noted above there are accessible external community facilities.
	4.	

Response Category	Individual Response	Council Response/Recommendation
Concerns relating to security/the management of the building and the surrounding area	5. Security, privacy, value of my home are all major concerns.	There is no evidence to indicate that the use of this building for this purpose would impact negatively on house prices. The building has been a long established location for providing residential accommodation to children and there are currently people living in the accommodation as Property Guardians to avoid the building being vandalised. The proposal does not intend to make additions to the property, just to use an existing building to provide secure, safe, comfortable accommodation to homeless households who would otherwise be required to live in Bed and Breakfast accommodation.
	6. I live in the part of the lodge next to the driveway at the exit to the main road and I feel particularly vulnerable living alone, my husband died at the end of September this year.	The use of this accommodation would be supervised by staff during the night and CCTV would also be in operation to ensure the safety of proposed HMO occupants and neighbouring areas.
	7. The driveway/road from Midfield House exits onto the main road at Polton Road West. It is a difficult junction with very poor sightlines, directly onto main road with a 40mph limit which is regularly exceeded, there have been accidents. There is no pavement on the Midfield side and you must cross the road on the bad bend to reach the bus stop and pavement on the other side of the road. A dangerous crossing particularly for anyone with a child/buggy.	This issue could be mitigated for example by considering a reduction in the speed limit to ensure the safety of all residents who live locally and may currently be at risk. It is recommended that use of the building be for single people and couples only to avoid parents having to walk longer distances with children to access local facilities.
	8. Completely object to the proposals on the grounds of personal safety, security of myself and my property. Not satisfied with answers on definitions of those to be housed there and still believe this is a fait accompli. Insulting to have my property	This accommodation is intended for households with low support needs that do not have a history of criminal or antisocial behaviour. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy.
Concerns relating to security/the management of the building and the surrounding area		

	named as proposed homeless accommodation	Midfield House Young Persons Centre shares a similar name to the adjacent property, Midfield House. It is recommended that a change of name for the building is proposed in order to avoid confusion/upset to residents of the neighbouring property.
	9. I have huge concerns about living next to this homeless accommodation given that the Council didn't manage the young people previously living in the YPC with children running away and frequent police attending.	This accommodation is intended for households with low support needs that do not have a history of criminal or antisocial behaviour. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy.
	10. It is a VERY quiet, isolated area and I am nervous about coming home alone in the dark. There is a youth antisocial aspect at Rosewell I believe, and that makes me nervous.	This accommodation is intended for households with low support needs that do not have a history of criminal or antisocial behaviour. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy.
	11. This driveway/road runs within feet of my front door, everyone going to and from Midfield House must pass it, as a retired person living alone I am in a vulnerable position and feel that my person, house and car could easily become a handy target for anyone, resident or indeed visitor to Midfield House, with a grievance.	This accommodation is intended for households with low support needs that do not have a history of criminal or antisocial behaviour. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy. Midfield House Young Persons Centre shares a similar name to the adjacent property, Midfield House. It is recommended that a change of name for the building is proposed in order to avoid confusion/upset to residents of the neighbouring property.

	<p>12. I am sure with some objective reflection you can appreciate how this was never likely to be good news for residents of this area of Midlothian no matter how positive the contribution to humanity offered by a facility of this nature when appropriately located. Key to this is the fact that people choose to invest by moving to this area because it is so quiet, rural, and peaceful. What you and your colleagues propose is certainly very likely to significantly transform this area from its current characteristics into something far less desirable by any potential neighbouring residents standards.</p>	<p>The building has been a long established location for providing residential accommodation to children and there are currently young people living in the accommodation to avoid the building being vandalised. The proposal does not intend to make additions to the property, just to use an existing building to provide secure, safe, comfortable accommodation to homeless households who would otherwise be required to live in Bed and Breakfast accommodation.</p>
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Response Category	Individual Response	Council Response/Recommendation
Neutral Responses	13. Are B&Bs still used for homeless people?	Yes. During August 2014, a total of 113 homeless households had to be accommodated within privately owned Bed and Breakfast accommodation. Compared to other local authorities this is higher than average. In 2013, Midlothian had the fifth highest use of Bed and Breakfast accommodation in Scotland. A key target for the Council's Local Housing Strategy 2013 – 2017 is to reduce the use of this accommodation by 50%.
	14. Are these types of hostels the new way forward to eliminate B&Bs?	Council Officers believe that well managed HMO accommodation provides more suitable emergency accommodation for homeless households and is also a less expensive option.
	15. Is homelessness a big issue in Midlothian?	In Midlothian, there were 533 households assessed as being homeless in 2013/14. Midlothian Council provided 398 lets during the same period, so cannot meet this demand for housing, despite progressing with new council housing development. Homelessness is still a big issue across Scotland. In 2013/14 29,326 households were assessed as being homeless.
	16. What is 'move on' accommodation?	Midfield House would be used as "move on"

		accommodation as it would not provide permanent accommodation for households but would be providing short term accommodation to households who are assessed as homeless until they can be provided with a suitable temporary let of housing, such as a Council-owned temporary accommodation property or a private let.
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Response Category	Individual Response	Council Response/Recommendation
Neutral Responses	17. What if a resident causes problems in the hostel/neighbourhood?	This accommodation is intended for households with low support needs that do not have a history of criminal or antisocial behaviour. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy.
	18. You state 3 months (how long someone will remain in temp on average), where will tenants be moved on to?	Midfield House would be used as “move on” accommodation as it would not provide permanent accommodation for households but would be providing short term accommodation to households who are assessed as homeless until they can be provided with a suitable temporary let of housing, such as a Council-owned temporary accommodation property or a private let.
	19. Who is the external support provider?	The Council currently works with Places for People who provide support services in current Council HMO accommodation on its behalf. These services are subject to external inspection.
	20. Poor lighting along the main road.	It is noted that this is a small settlement with little external lighting at present. Some residents felt that their community as a whole would benefit from improved street lighting.
	21. Bus stop right outside Midfield House obvious cut through for those living at the accommodation through our homes.	Residents would be made aware of the appropriate route to their accommodation. If this did become an issue there would be the potential to consider improved fencing between the properties to deter residents making a shortcut.
	22. Interested to find out how the accommodation will be managed.	This accommodation would be managed with overnight supervision with staff visiting during the day to meet with

		individual residents. Similar models of Council HMO Accommodation exist in Midlothian and staff were on hand during the day to discuss specific details of how accommodation is managed. The Housing Services Manager can also be contacted to discuss any other queries relating to this accommodation.
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Response Category	Individual Response	Council Response/Recommendation
Neutral Responses	23. I would like the fencing/hedges between the properties much more secure.	Residents would be made aware of the appropriate route to their accommodation. If this did become an issue there would be the potential to consider improved fencing between the properties to deter residents making a shortcut.
	24. Use another name - not Midfield House	Agreed to take this forward.
	25. My original concern that it was the 'old' Midfield House building which was going to be affected - and I did not relish this being radically altered (or demolished). I was reassured by learning it was the 'modern unit' that was affected.	Noted.

Appendix 4

Pentland House proposals – attendee responses

As part of the consultation process for the proposal to use Pentland House as temporary accommodation, the department held three drop-in sessions during which attendees were asked for their written feedback.

In total 16 feedback forms were received which contained 32 different comments and responses.

- 5 Responses were positive
- 15 Responses were negative (10 of these were from one person)
- 12 Responses were neutral. These included suggested improvements for the proposals.

All positive and negative responses were categorised by subject with the volumes for each category shown in tables 1 and 2 below.

Table 1: Overview of positive and negative responses

Positive Comments		Negative Comments	
Support the proposals generally	4	Don't support the proposals generally	1
The proposals would be good for homeless people	1	Unhappy about the categories of people believed to use temporary accommodation	3
		The building should be used for something else/facilities are not suited to proposals	11
Total	5	Total	16

This report will review and provide a response to the comments received in each category.

Response Category	Individual Response	Council Response/Recommendation
Support the proposals generally	1. The talking heads video helps to bring a human element to the statistics. It was also helpful to speak to officers present. Thank you for making this opportunity present.	Noted.
	2. Most of the items were very interesting. Everyone was most helpful.	Noted.
	3. Lots of information on display giving clear idea of proposal. Council staff on hand were very approachable, informative and extremely capable of giving clear insight into the development and use of the building	Noted.

	4. Proposed plans/photos interesting. As a local resident, I enthusiastically support this proposal for many reasons. Should this project go ahead I would hope that it would be sufficiently funded and staffed to prevent issues.	Noted.
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Response Category	Individual Response	Council Response/Recommendation
The proposals would be good for homeless people	5. I think it's a good idea for homeless families as I don't think it's a good idea putting them into bed and breakfasts. As long as the families are vetted.	Noted.

Response Category	Individual Response	Council Response/Recommendation
Don't support the proposals generally	6. Unhappy with the situation but was reassured that the premises will be supported 24 hours a day if this is actually the truth	The proposals recommend 24 hour staff presence, with a total of 12 members working on a rota to ensure continuous supervision.

Response Category	Individual Response	Council Response/Recommendation
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Unhappy about the categories of people believed to use temporary accommodation	7. My main concerns are people with drug problems etc hanging around my garden as I have had problems with this in the past and have had the council involved. I have a son whose safety comes first. I don't like the idea of it being a homeless unit and I know the problems the other homeless units in Midlothian have had and think it's a bit too close for me.	Pentland House would not be used for households with high support needs who require support to address drug/alcohol dependency issues. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy.
	8. Shared food/fridge? Cross contamination by drug users etc - NOT ON!	It is not proposed that food is provided to occupants. Several other homeless HMOs and bed and breakfast establishments require occupants to share a fridge along with shared cooking facilities. If a homeless household in any form of temporary accommodation requires to store prescribed medication for a diagnosed condition in a fridge, they would be provided with their own fridge in their room. It would cost approximately £4000 to provide fridges in every room in Pentland House – this option could be considered if there are issues for residents in sharing fridge space.
	9. The surrounding area is reasonably quiet 'now' after years of police/ASBO team intervention and good neighbourhood fighting against junkies/alkies, unsocial tenants and the odd paedophile - SO WHY CHANGE A PEACEFUL AREA. It makes no sense.	It is not proposed that Pentland House would be used for people leaving prison, or as a “bail hostel”, or a rehabilitation facility. This accommodation is intended for households with low – medium support needs that do not have a history of criminal or antisocial behaviour. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy.

Response Category	Individual Response	Council Response/Recommendation
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The building should be used for something else/facilities are not suited to proposals	10. Would be more useful to build one bedroom flats in the area. There is a huge demand for them.	Midlothian Council has planned for the development of new Council Housing on six sites in Penicuik. A significant proportion of properties being built will be one bedroom properties.
	11. General opinion and concerns centre on the age group mix and sex mix inside the building and change of use from an old folks housing area.	Homelessness affects households of all ages. The Local Housing Strategy 2013 – 2017 analysed recent trends and reported that 38% of homeless households were aged between 16 and 24, 60% between 25 and 59, with the remainder being over the age of 60. The building is suitable for a range of household ages and gender. It is proposed that the building be segregated with specific groups being allocated their own “flat” within the building, such as accommodation for single men over the age of 40, or accommodation for young women aged 16 – 24. Households would not have unauthorised access to other flatted areas of the building.
Response Category	Individual Response	Council Response/Recommendation
The building should be used for something else/facilities are not suited to proposals	12. Shared toilets? With children and strangers moving about building - NOT ON!	A number of homeless households in Midlothian are currently required to use shared bathroom and toilet facilities in bed and breakfast accommodation and HMO accommodation. It is very unlikely that children would be accommodated within the building for more than a short stay until suitable accommodation is located. The building is suitable for a range of household ages and gender. It is proposed that the building be segregated with specific groups being allocated their own “flat” within the building, such as accommodation for single men over the age of 40, or accommodation for young women aged 16 – 24. Households would not have unauthorised access to other flatted areas of the building. Homelessness affects households of all ages. The Local Housing Strategy 2013 – 2017 analysed recent trends and reported that 38% of homeless households were aged between 16 and 24, 60% between 25 and 59, with the

		remainder being over the age of 60.
	13. No en-suite for family groups, whether single mum/dad etc. NOT ON!	<p>A number of homeless households in Midlothian are currently required to use shared bathroom and toilet facilities in bed and breakfast accommodation and HMO accommodation. It is very unlikely that children would be accommodated within the building for more than a short stay until suitable accommodation is located.</p> <p>The building is suitable for a range of household ages and gender. It is proposed that the building be segregated with specific groups being allocated their own “flat” within the building, such as accommodation for single men over the age of 40, or accommodation for young women aged 16 – 24. Households would not have unauthorised access to other flatted areas of the building.</p> <p>Homelessness affects households of all ages. The Local Housing Strategy 2013 – 2017 analysed recent trends and reported that 38% of homeless households were aged between 16 and 24, 60% between 25 and 59, with the remainder being over the age of 60.</p>
	14. Single men or other men in nearby rooms and in same building - NOT ON!	<p>A number of homeless households in Midlothian are currently required to use shared bathroom and toilet facilities in bed and breakfast accommodation and HMO accommodation. It is very unlikely that children would be accommodated within the building for more than a short stay until suitable accommodation is located.</p> <p>The building is suitable for a range of household ages and gender. It is proposed that the building be segregated with specific groups being allocated their own “flat” within the building, such as accommodation for single men over the age of 40, or accommodation for young women aged 16 – 24. Households would not have unauthorised access to other flatted areas of the building.</p> <p>Homelessness affects households of all ages. The Local Housing Strategy 2013 – 2017 analysed recent trends and</p>

		reported that 38% of homeless households were aged between 16 and 24, 60% between 25 and 59, with the remainder being over the age of 60.
	15. Children especially young ones go to sleep early - noise level from other adults in the building?	Residents within the building would be required to adhere to requirements of their occupancy agreement, including keeping noise to a minimum, particularly at night.
	16. Retain building as it was planned for as an area for 'old folk' and/or disability housing needs, our requirement - after all we are told of increasing age longevity, so we need to demolish and build ground floor housing to meet increasing demand.	The Council recently completed Cowan Court which provides extra care housing to older people and is close by. Midlothian Council has planned for the development of new Council Housing on six sites in Penicuik. A significant proportion of properties being built will be one bedroom properties.
	17. The central location is not suitable for this homeless unit.	This location is suitable for homeless households who would want to have easy access to local facilities in the area including shops, public transport.

Response Category	Individual Response	Council Response/Recommendation
The building should be used for something else/facilities are not suited to proposals	18. This is like putting good money after bad. Yes people who are homeless need somewhere permanent to live. This proposal seems to be more for single people.	This building is not new but it does not require substantial renovation to make it fit for the proposed re-use purpose. It is proposed that households are accommodated here for a number of months until they can be matched with more suitable longer term accommodation.
	19. We have drug problems here and this will mean it is even more. We think it should be pulled down and houses or flats built for permanent housing. Not in favour.	This accommodation is intended for households with low support needs that do not have a history of criminal or antisocial behaviour. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy. Midlothian Council has planned for the development of

		new Council Housing on six sites in Penicuik. A significant proportion of properties being built will be one bedroom properties.
	20. Generally talking about the proposed use of the building looking at the pros and cons and social impact on the area, it is wise not to be blinkered by a quick fix. Penicuik Shopping Centre is a good example of a bad decision.	<p>Use of existing buildings by Midlothian Council is just one action that is being considered as part of a range of activities to services to homeless or those at risk of homelessness. For example, the Youth Homelessness Prevention Team is successful in working with young people and their families to prevent young people becoming homelessness which has led to a reduction in the level of homelessness. There is also a greater focus on looking at wider housing options for those at risk of homelessness.</p> <p>The proposal is not for a new building in the location but making best use of an existing asset. The building has been empty for some time and could be used to provide good quality emergency accommodation.</p>

Response Category	Individual Response	Council Response/Recommendation
Neutral - Planning of Consultation Events	<p>21. The staff were helpful however publicity, especially locally, was poor. The information was also helpful, but why was the public library not used or town hall to help Penicuik people be informed; even it was just to show the proposed plans? Only Dykes Road received consultation leaflet on times? No local businesses were informed - I asked them! Local library in central Penicuik had no information? Town Hall had no information? Most importantly, from when the leaflet was distributed on Thursday 25th September (before the weekend) till last consultation date Thursday 2nd October it was a very small window of opportunity for people to come along.</p> <p>Only one night till 7pm. Propose another consultation event at public library and public meeting will be proposed at next community council meeting 13 October 2014. We hope after our own consultation of the community council, to invite councillors and Mr Kevin Anderson along to the public meeting chaired by TBA. Also local councillors should be involved and listen to views for and against Pentland House proposals.</p>	<p>Residents were made aware of consultation plans in the local press; Midlothian News and the Penicuik Cuckoo and also social networking websites.</p> <p>Homes in the immediate vicinity were made aware of the consultation dates by leaflet and posters were displayed in the neighbourhood and close to the Tesco store. Council Officers have offered to attend a further meeting of Penicuik & District Community Council to discuss the findings of the consultation and the proposals.</p> <p>Local businesses along Edinburgh Road were visited on Monday 29 September. They were given information on the proposals and invited to the consultation events.</p> <p>Three consultation events were arranged during the week commencing 29th September. The times varied to give people with different work/social life patterns the opportunity to attend. Times included 10am – 1pm, 2pm – 5pm and 4pm – 7.30pm.</p>

Response Category	Individual Response	Council Response/Recommendation
Neutral	<p>22. Why has it taken 18 months to come to this proposal? Why not sooner?</p>	<p>This site was on the Council's list of potential sites for council housing but it was recognised that, rather than demolish this building, it may be useful to retain this for use as temporary accommodation. It was necessary to wait until all potential housing sites in Penciuik were reviewed until we could decide whether or not we could retain</p>

		<p>Pentland House.</p> <p>Five other sites have now been identified for council housing in Penicuik. We then had to undertake a feasibility study and report our findings to the Council's Cabinet in April, 2014, who then requested we consult with the community on this proposal.</p>
	23. Why hasn't the Foyer Model been outlined in the proposal?	<p>To clarify – this is not a Foyer Model of accommodation. It is to use as an alternative to bed and breakfast accommodation which will be both cheaper for the council and provides a more suitable standard of temporary accommodation for homeless households. Foyer accommodation is generally targeted for young people aged 16 – 25 and tenants living in a foyer who might stay there for a longer period of time.</p> <p>Our proposal intends that most service users would stay in this accommodation for a few months and the age range would not focus solely on young people. However, with the level of staff we intend to have on site in the building there is scope to provide support to people that occupants in a foyer would receive, such as basic household skills e.g. Cooking, household budgeting, energy efficiency advice; employability skills and training.</p>
Response Category	Individual Response	Council Response/Recommendation
Neutral	24. Why have no conditions been outlined in the proposal?	Respondent was contacted for clarification in relation to this comment. No response.
	25. Is there opportunity for career advisers, rehabilitation, community integration?	The on- site support workers would discuss employability and training with households. In terms of rehabilitation/community integration this accommodation is not proposed to be used for people who require rehabilitation/community integration, we have accommodation elsewhere to support households with these needs.
	26. Will the council be conducting a Feasibility study?	We have undertaken a feasibility proposal which was provided to elected members which gave details on renovation costs, building running costs and the revenues that this building would generate if used for temporary accommodation.

	<p>27. How soon from this date will the proposal go to planning (if successful)? And will there be an more detailed proposal prior to then? I would ask that you don't take these questions as a criticism I am considering writing a wee article on this to give to the community from an architectural point of view. I feel this would help in assuring and focusing there attention on what I feel to be key areas. I feel very passionately about this proposal, it shows amazing potential to be an exemplary solution to the Homeless problem. I will give my full opinion shortly once I have had an opportunity to analyse further information.</p>	<p>We expect to report our findings from consultation to Cabinet by the end of the year. If successful we would be required to obtain planning permission to change the use of the building and we would have to obtain a House in Multiple Occupation License. We would do this by the spring of 2015.</p>
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Response Category	Individual Response	Council Response/Recommendation
Neutral	<p>28. I have no objections to the use of the building but my main concern is the boundary as my garden (address supplied) is used as a short cut (behind the building) for antisocial behaviour and this enables them to get away from the police.</p>	<p>If the proposal for use of Pentland House as an HMO is approved then new fencing would be put in place to resolve this issue and also to ensure the privacy of residents within the building.</p>
	<p>29. Was concerned about what problems would come out of this project.</p>	<p>This accommodation is intended for households with low support needs that do not have a history of criminal or antisocial behaviour. In the event of an occupant causing negative impact either within the property or within the neighbouring community they would be removed from the accommodation within 24 hours based on the legal terms of occupancy.</p>
	<p>30. Fencing all round like Noble's showroom forecourt? Secure gates. No public through road? Will there be toilets/bathrooms per flat?</p>	<p>If the proposal for use of Pentland House as an HMO is approved then new fencing would be put in place to resolve this issue and also to ensure the privacy of residents within the building.</p> <p>It is noted that there is a footpath at the side of the building – there is also an alternative footpath route very close by. It may be possible to shut this footpath off to the public to ensure the privacy of occupants and to avoid young people congregating in this area. There is currently evidence of</p>

		vandalism to the building in this area. There are shared toilets and bathrooms in each of the separate areas of the building.
	31. Planning permission - I asked Kevin Anderson if 'change of use' from an old folk's home to a 'hostel' homeless unity, is to be discussed as part of the change over - NOT YET!	Planning permission for a change of use to the building would be sought if elected members approve this proposal.
	32. Plans interesting. It will be staffed 24/7.	Yes this has been confirmed.

Appendix 5

Objection response received from Alison Duncan, 5 Midfield House

From: Kevin Anderson

Sent: 23 October 2014 16:33

To: 'Alison Duncan'; Simon Bain

Cc: Owen Thompson; Derek Milligan; Bob Constable; Jim Bryant; Adam Montgomery; Ian Baxter; Derek Rosie; Margot Russell; Alex Bennett; Andrew Coventry; Russell Imrie; Catherine Johnstone; Jim Muirhead; Bryan Pottinger; Joe Wallace

Subject: RE: MYPC homeless accommodation objections

Dear Ms Duncan,

I acknowledge receipt of your email and apologise for the delay in response as I have been out of the office most of this week. Thank you for your contributions to the public consultation on the HMO proposals for Midfield House YPC, which was a useful exercise to take to elected members on the feedback received. I can confirm that your submission will be included in the report to Midlothian Council Cabinet, in November, to detail that and any mitigation actions or reassurance on the issues raised.

In response to your specific questions:

1. Information leaflets state that the homeless accommodation will be 'low level support'. There has been no assurance that, change of use once established, it will not in future be used for residents needing a high level of support. Can councillors – or the council's officers - state unequivocally that this will not be the case?

I can confirm that the planned provision for homeless households at Midfield YPC is for low level

support. The staffing model, building configuration and control measures reflect that and shall be

detailed in the Cabinet report, which will be publicly available. There is no intention to change that

provision for a significantly different client group, as the existing proposals do not support that

requirement, which we provide in appropriate accommodation available elsewhere in Midlothian.

2. Does the council have an obligation to house anyone who is homeless as a result of being evicted from a council property due to anti-social behaviour?

The local authority has a duty to assess any household presenting as homeless to determine if this

results from actions they have taken, or failed to take to prevent becoming homeless. Where there

is a determination that the household is intentionally homeless as a consequence, the Council does

not have a duty to provide accommodation beyond a maximum 28 day period to allow them to

make their own alternative arrangements.

3. If so, would such a homeless person be classed as 'low support'?

It is not necessarily the case that support is required. The local authority is required to assess each

Homeless household for any support requirement, which ranges from those who do not

necessarily require any support, to supporting individuals who require help with independent

living skills such as budgeting, dealing with official correspondence, managing appointments and

relationships with third parties and generally managing their tenancy or home.
Any support exceeding that level requires specific provision.

4. What is the legal definition of 'low support' in the context of council homeless provision?

I detail the legal definition extracted from the Housing Support Services (Homelessness) (Scotland) Regulations 2012.

Prescribed housing support services

2. (1) For the purposes of section 32B(1) (whether a person may be in need of prescribed housing support

services) of the Housing (Scotland) Act 1987 the following housing support services are prescribed—

(a)advising or assisting a person with personal budgeting, debt counselling or in dealing with welfare benefit

claims;

(b)assisting a person to engage with individuals, professionals or other bodies with an interest in that person's

welfare;

(c)advising or assisting a person in understanding and managing their tenancy rights and responsibilities,

including assisting a person in disputes about those rights and responsibilities;

(d)advising or assisting a person in settling into a new tenancy.

(2) For the purposes of paragraph (1), housing support services are prescribed only insofar as they are relevant to enabling that person to occupy, or to continue to occupy, residential accommodation as that person's sole or main residence.

regards
Kevin Anderson
Head of Customer and Housing Services
Community Safety, Housing Services, Revenues Services,
Customer & Library Services.
Midlothian Council
Buccleuch House
1 White Hart Street
Dalkeith
Midlothian

From: Alison Duncan

Sent: 17 October 2014 11:45

To: Kevin Anderson; Simon Bain

Cc: Owen Thompson; Derek Milligan; Bob Constable; Jim Bryant; Adam Montgomery; Ian Baxter; Derek Rosie; Margot Russell; Alex Bennett; Andrew Coventry; Russell Imrie; Catherine Johnstone; Jim Muirhead; Bryan Pottinger; Joe Wallace

Subject: MYPC homeless accomodation objections

For attn Midlothian councillors & Mr Kevin Anderson, Head of Housing / Mr Simon Bain, Housing Services Manager

Dear Mr Anderson,

I spoke to you recently at an information session held by Midlothian Council regarding proposals to turn the former Midfield Young People's Centre into accommodation for homeless households. On that occasion you noted that comments on the proposals would be accepted to mid-October - I would be grateful if you would acknowledge this mail, and confirm that the following points will be taken into consideration during decision-making.

I have several questions and significant associated concerns regarding these proposals, not least that the council is simply seeking a cheap, 'out of sight, out of mind' solution to what are often complex needs of people who have become homeless for a variety of reasons. Please could you answer the following queries, or forward them to the appropriate person for reply?

Questions

5. Information leaflets state that the homeless accommodation will be 'low level support'. There has been no assurance that, change of use once established, it will not in future be used for residents needing a high level of support. Can councillors - or the council's officers - state unequivocally that this will not be the case?
6. Does the council have an obligation to house anyone who is homeless as a result of being evicted from a council property due to anti-social behaviour?
7. If so, would such a homeless person be classed as 'low support'?
8. What is the legal definition of 'low support' in the context of council homeless provision?

Associated concerns

1. MYPC is a rundown building which was deemed no longer fit to house young people. No mention was made in the information session of any practical improvements to the present accommodation. I do not see that the accommodation can now be regarded as fit for people who are homeless - some of whom may be little older than the former residents.
2. MYPC is isolated from community facilities such as schooling, doctor, benefits/employment offices, shops, and leisure. To access any of these requires a car, or a minimum £3 round bus trip - a significant sum for anyone on a low or borderline income.
3. At night, anyone using the 31 bus to Polton Cameron Crescent must walk from there to the MYPC along a narrow pavement on a road with no streetlighting. The 49 service comes further, to the drive of Midfield House, but this still leaves a walk along the unlit road to the MYPC. Some bus drivers stop at the MYPC entrance if asked, but this is hardly something on which the council should rely where it has a duty of care. Anyone getting off at the entrance to Midfield House to go to MYPC would understandably make their way through the lit drive & garden of Midfield House. Residents of Midfield House understandably do not want their garden to become a late-night public way.
4. There is no effective garden boundary between MYPC and Midfield House, which has caused problems in the past.
5. Wooded ground to the rear of both properties has in the past been a magnet for groups of underage drinkers - underlining again that this property is not suitable for the suggested purpose.
6. The council has continually failed to distinguish clearly between the two properties in its printed and website literature - this needs to be addressed promptly. Some council staff officers have been unaware that the MYPC has immediate neighbours - which does not create confidence that the effect of these proposals on neighbours has been properly considered.

I look forward to hearing from you - thank you.
Yours sincerely,
Alison Duncan, 5 Midfield House, EH18 1ED

Appendix 6

Midfield House: Proposed Homeless Accommodation (Objection to the proposal)

From: Henry Broadhurst

Sent: 07 October 2014 22:15

To: Simon Bain

Cc: Annabelle Broadhurst

Subject: Midfield House Hostel for Homelessness

Dear Simon,

Thank you for your previous email.

Please find attached from my Mum Annabelle. I am sure with some objective reflection you can appreciate how this was never likely to be good news for residents of this area of Midlothian no matter how positive the contribution to humanity offered by a facility of this nature when appropriately located. Key to this is the fact that people choose to invest by moving to this area because it is so quiet, rural, and peaceful. What you and your colleagues propose is certainly very likely to significantly transform this area from its current characteristics into something far less desirable by any potential neighbouring residents standards.

I suspect you will be fully aware by now that there seems to be a clear majority of local residents who are strongly opposed to this proposed development?

Please find the attached letter that my Mum has asked me to forward to you.

Thanks,

Henry

Rationale behind the Proposal

At the information session held at Lasswade Library on Wednesday 24 September a display board outlined the case for the Midfield House proposal and stated that homeless people had expressed a strong preference for, " Accommodation in Bonnyrigg" which is entirely rational and understandable given that Bonnyrigg is a sizable community and homeless people living there would have: quick and easy access to shops, the Post Office, banking facilities, schools, health centre/doctors/dentist surgery, pharmacies and bus routes. They would also be close to family, friends and community life.

Midfield House is 1.5 miles from the centre of Bonnyrigg it is in a rural location not in an urban setting, there are no facilities nearby, the nearest shops in Rosewell and Polton are 1 mile away and banks, the post office, schools, doctors pharmacies etc are all in the centre of Bonnyrigg.

Midfield House is isolated (even if it is on a bus route) there are no facilities within easy walking distance and will isolate people living there from their family, friends and the community.

Impact on the existing Midfield Community

I speak for myself but I know that my neighbours in Midfield House (the old house divided into flats) share many of my misgivings.

I live in the part of the lodge next to the driveway at the exit to the main road and I feel particularly vulnerable living alone, my husband died at the end of September this year. When Midfield was used as a Young People's Centre there were a number of incidents directed at us involving vandalism to our property and car, (rocks thrown at the car and at our fence, which had to be replaced) and the police were regular visitors to the centre.

The driveway/road from Midfield House exits onto the main road at Polton Road West. It is a difficult junction with very poor sightlines, directly onto main road with a 40mph limit which is regularly exceeded, there have been accidents. There is no pavement on the Midfield side and you must cross the road on the bad bend to reach the bus stop (for Bonnyrigg/Dalkeith) and pavement on the other side of the road. A dangerous crossing particularly for anyone with a child/buggy

This driveway/road runs within feet of my front door, everyone going to and from Midfield House must pass it, as a retired person living alone I am in a vulnerable position and feel that my person, house and car could easily become a handy target for anyone, resident or indeed visitor to Midfield House, with a grievance.

I urge you not to go ahead with this proposal.

Yours sincerely

Annabelle Broadhurst

Appendix 7

Estimated Costs for using Midfield House as HMO Accommodation

Works	Cost
Electrics for new cooker in main kitchen	£150
1000mm base unit c/w left hand sink unit	£280
Alterations to existing kitchen units ironmongery and doors	£120
Extra socket to Pantry for Fridge units	£65
Sockets upgraded in 15 bedrooms	£3,400
Alterations to upper kitchen units as discussed	£1,200
Fire door and associated hardware	£500
Carpet for hall area	£300
Blank panels for 5 lower bedroom windows	£400
CCTV installation including monitor and digital recorder and four cameras	£3,000
Alarming of all fire doors	£1,500
Contingency for sundry items	£500
Plumbing for showers, etc	£220
Painting Costs	£8,000
Bat Costs	£5,000
Deep Cleaning	£500
New door entry system	£250
Obtaining Planning Permission, Design Fees and Building Warrants	£5,000
Contingencies 7.5%	£2,279
Total	£32,664

Furnishing Costs, including 15 beds and bedding packs, and wardrobes, living area furniture, kitchen appliances, 5 kitchen packs, lounge furniture.	£5,633
Curtains and Blinds	£869
Potential flooring	£600
Total	£7,102

Appendix 8: Estimated Costs for using Pentland House as HMO Accommodation

Works	Cost
Upgrading electrics throughout including DB's, ventilation, power and lighting all to current IEE Regs	£110,000
Refurbishment of toilet facilities throughout	£50,000
Repairs to roofing and rainwater goods	£10,000
External harling repairs	£3,000
Brickwork repairs in several areas	£2,000
Window and rooflight repairs	£12,000
Replacement Windows	£30,000
Removal of kitchen equipment	£1,000
Removal of generator plant	£500
Expanded Kitchen Unit Areas x 2	£5,000
Fencing	£5,000
Deep Cleaning for most rooms and hallways	£1,000
<i>Decommission and remove lift</i>	£3,500
<i>Supply and installation of commercial washing machines and tumble dryers</i>	£7,500
<i>Construction of stud partition wall on three floors to divide up corridors, including fire door with vision panel and electronic door lock</i>	£4,200
<i>New door entry system to front door</i>	£250
<i>Installation of steel palisade fencing and gate to rear boundary line</i>	£22,500
<i>Installation of CCTV System, including internal and external cameras</i>	£22,500
Obtaining Planning Permission, Design Fees and Building Warrants	£5,000
Contingencies 10%	£31,460
Total	£321,410

Furnishing Costs, including 43 beds and bedding packs, and wardrobes, living area furniture, kitchen appliances, 5 kitchen packs, lounge furniture.	£18,271
Curtains and Blinds -	£2,490
Carpets - 10 bedrooms, some extra lino in kitchen/lounge areas	£1,200
Total	£21,961

**Civic Government (Scotland) Act 1982
Procedure for Disposal of Applications for Licences**

Report by Director, Resources

1 Purpose of Report

This report outlines the procedure to be adopted for a Hearing; and this report should be considered along with each application.

2 Procedure for Considering Applications at Hearings

The Procedure for considering applications is as follows:-

- 1 The objectors are given the opportunity to explain the basis of their objection (copies of the representations have been previously circulated to the applicant).
- 2 The applicant and the Members are given the opportunity to question the objectors.
- 3 The applicant is given the opportunity to speak in support of the application; and respond to the comments which have been made.
- 4 The objectors and the Members are given the opportunity to question the applicant.
- 5 The objectors and then the applicant are given the opportunity to sum up.
- 6 The Committee take a decision on the matter in the presence of the applicant and the objectors. The Committee may first adjourn but only for the expressly stated purpose of seeking procedural or legal advice (normally from the Clerk or Legal Adviser) and not for the purpose of taking the decision in private. The reasons for making the decision should be explained when conveying the decision.

3 Disposal of Applications for Licences

In disposing of an application for the grant of a licence the Committee may:-

- (a) grant the licence unconditionally;

- (b) grant the licence subject to conditions; or
- (c) refuse to grant the licence.

The Committee may refuse an application for a licence if, in their opinion –

- (i) the applicant or any other person responsible for the management of the activity is not a fit and proper person to be the holder of the licence;
- (ii) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant of such a licence if he made application himself;
- (iii) where the application relates to premises, those premises are not suitable or convenient for the activity having regard to –
 - (i) the location, character or condition of the premises;
 - (ii) the nature and extent of the proposed activity;
 - (iii) the kind of persons likely to be in the premises;
 - (iv) the possibility of undue public nuisance;
 - (v) public order or public safety; or
- (iv) there is other good reason for refusing the application.

Otherwise the Committee must grant the application.

If the Committee grant conditionally or refuse the application, the applicant has the right of appeal to the Sheriff. The Sheriff may uphold an appeal only if he considers that the Licensing Authority in arriving at their decision:-

- (1) erred in law;
- (2) based their decision on any incorrect material fact;
- (3) acted contrary to natural justice; or
- (4) exercised their discretion in an unreasonable manner.

There is no right of appeal against the Council's decision in relation to applications for Temporary Licences.

4 Spent Convictions

Where the Chief Constable intends to libel convictions which are 'spent', if the Committee agree that justice could not be done without disclosure of these, the spent convictions shall be heard and details will be circulated if so agreed.

5 Treatment of Fixed Penalties, Police Warnings and other Alternatives to Prosecution (ATPs)

In terms of the Rehabilitation of Offenders Act 1974 certain convictions become "spent" after several years and cannot be considered by the Committee ie with the exception of taxi and private hire car drivers, which Licensing Authorities are permitted to consider.

Representations by the Chief Constable either objecting to applications or seeking suspension may also contain details of conduct of the applicant which are not convictions, classed as ATPs, the main types of which include (1) warnings given by the Police or Procurator Fiscal; (2) Conditional Offers and Compensation Offers made by the Procurator Fiscal under Section 302 of the Criminal Procedure (Scotland) Act 1995; (3) a Fixed Penalty offered by the Police under Section 129 of the Antisocial Behaviour etc (Scotland) Act 2004; and (4) certain foreign warnings or fixed penalties.

ATPs are "spent"; warnings become "spent" as soon as they are issued; and the remainder are regarded as "spent" within three months of issue.

Most ATPs appearing on such objections will be "spent"; offences that resulted in ATPs which are "spent" cannot be considered by the Committee; and the exemption allowing the Committee to consider "spent" convictions do not apply to ATPs.

The Chief Constable can ask the Committee to consider "spent" ATPs, by exercising discretion under Section 7(3) of the Rehabilitation of Offenders Act 1974, which permits the Committee to consider them if it is satisfied that justice cannot be done except by considering them ie subject to the driver being asked for a view as to whether the information should be submitted (and before the Committee decide whether or not to consider any ATPs).

Many road traffic offences are dealt with through the issue of Conditional Offers of Fixed Penalties under the Road Traffic Offenders Act 1988 which are not ATPs and therefore can be considered by the Committee.

Letters from the Chief Constable objecting to applications may also contain details of complaints and allegations against the driver which have not resulted in conviction or ATPs and details of pending criminal court cases; and as these are not convictions or ATPs, can be considered by the Committee.

6 Recommendations

The Committee is recommended to note the terms of the report.

16 February 2016

Contact Person: R G Atack **Tel No:** 0131 271 3161
Background Papers: **File CG 10.1 (RGA)**
Civic Government (Scotland) Act 1982.

**Civic Government (Scotland) Act 1982
Application for Street Trader's Licence
Mrs S Scott, Rosewell****Report by Director, Resources****1 Purpose of Report**

To present information to the Committee to facilitate consideration of an application by Mrs Scott, Rosewell, for a Street Trader's Licence in respect of a site at the Bryans Industrial Estate.

2 Background

There are no objections to the grant of the licence. However, it has not been possible to ascertain whether the vehicle to which the application relates is suitable and or convenient for the activity. The applicant has been asked to provide information several times but has failed to do so. It is uncertain whether the applicant is still at the address from which she applied. The six month period allowed for consideration for such applications is just about to expire.

In the circumstances, arrangements for a Hearing have been made to enable the Applicant one last opportunity to provide information prior to the final determination of the licence. Subject to the moveable stall being suitable, applications are granted subject to conditions.

3 Procedure for Considering Applications at Hearings

The Standard Procedure for considering applications is as shown in a separate report.

4 Disposal of Applications for Licences

In disposing of an application for the grant of a licence the Committee may:-

- (a) grant the licence unconditionally;
- (b) grant the licence subject to conditions; or
- (c) refuse to grant the licence.

The Committee may refuse an application for a licence if, in their opinion –

- (i) the applicant or any other person responsible for the management of the activity is not a fit and proper person to be the holder of the licence;

- (ii) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant of such a licence if he made application himself;
- (iii) where the application relates to premises, those premises are not suitable or convenient for the activity having regard to –
 - (i) the location, character or condition of the premises;
 - (ii) the nature and extent of the proposed activity;
 - (iii) the kind of persons likely to be in the premises;
 - (iv) the possibility of undue public nuisance;
 - (v) public order or public safety; or
- (iv) there is other good reason for refusing the application.

Otherwise the Committee must grant the application.

If the Committee grant conditionally or refuse the application, the applicant has the right of appeal to the Sheriff. The Sheriff may uphold an appeal only if he considers that the Licensing Authority in arriving at their decision:-

- (a) erred in law;
- (b) based their decision on any incorrect material fact;
- (c) acted contrary to natural justice; or
- (d) exercised their discretion in an unreasonable manner.

5 Conclusion

There are no objections to the grant of the licence. However, it has not been possible to assess whether the premises are suitable and indeed whether the applicant is still interested. Further information has been requested in order to help demonstrate that the premises are suitable and convenient.

6 Recommendation

The Committee is recommended to consider the terms of the report when considering the application. If the Committee is minded to grant the application subject to additional conditions, consideration should be given to which.

3 February 2016

Contact Person:

R G Attack

Tel No: 0131 271 3161

**Civic Government (Scotland) Act 1982
Public Processions**

Report by Director, Resources

1 Purpose of Report

To present information concerning the organisation of public processions to enable consideration to be given to the imposition of standard and other conditions where this is seen to be appropriate.

2 BACKGROUND

- 2.1 There is nothing in the legislation that requires the organiser of a public procession to obtain the express permission of the Local Authority to hold the procession. All that is required of the organiser is that he gives due written notice. Notice shall be given by it being posted or delivered by hand to the main office of the Local Authority so that it arrives not later than seven days before the date when the procession is to be held. There is an expectation that Organisers will give much longer notice of pre-planned and regular processions.

The Notice shall specify the date and time when the procession is to be held, its route, the number of persons likely to take part in it, the arrangements for its control being made by the person proposing to hold it; and the name and address of that person.

The Local Authority may, after consulting the Chief Constable, make an order prohibiting the holding of the procession or imposing conditions on the holding of it. The conditions may include conditions as to the date, time and duration of the procession, as to the route to be taken by it, prohibiting its entry into any public place specified in the Order. At least two days before the date when the procession is to be held, the Local Authority must deliver to the organiser a copy of the Order and a written statement of the reasons for it.

There is no duty imposed on the Council to consult the public. However, a press release is issued. The Police, Roads Services and the Local Councillors are consulted to give them the opportunity to request that the matter be submitted to Committee for consideration. The key considerations are public safety, public order, danger of damage to property and disruption to life in the community. The Director, Resources has delegated authority to 'permit' processions where there are no objections or representations. Hitherto, such processions were permitted on the conditions shown in **Appendix 1** hereto.

- 2.2 Last year, consultation took place with the local Police after the change to Police Scotland when the conditions shown in **Appendix 2** were recommended. The approach to processions has been under review since.

Organisers have the ability to ask for Temporary Traffic Regulation Orders (TTROs) in terms of the Road Traffic (Special Events) Regulations 1994. As a cost saving measure, posting of Notices on Lamp posts / Street Furniture was adopted as the preferred method of achieving public notice. TTROs have been promoted for each of the processions since on that basis. There was a suggestion that as far as possible (a) routes be altered to provide as much off-road procession as possible; and (b) the feasibility of composite orders be explored. Also, the Police argued that Traffic Management specialists be engaged by Organisations; and a suggestion was made that Council Staff should undertake the manning of barriers to control access to routes, etc. These issues will receive further consideration.

In relation to joint working and information sharing, the Organisers of appropriate events will meet a joint consultative group of Officers, including the Police and Roads Services, to help identify matters of concern.

4 Report Implications

4.1 Resource Implications

Apart from the promotion of the TTROs, there are no resource implications in connection with the granting of the “permission”. Any other resource implications will relate to the physical implementation of TTROs by Order; and the physical erection of barriers, etc where necessary. Police manpower will be provided where this is considered necessary by the Police.

4.2 Risk Implications

The risk implications relate to the control exercised by Police Scotland.

4.3 Policy Implications

Equalities

The Human Rights of the participants (and the residents) require to be protected.

5 Right of Appeal

In the event that the Council imposes conditions to prohibit a procession, the organiser has the right of appeal to the Sheriff.

He may uphold the appeal only if he considers that the Licensing Authority in arriving at their decision erred in law, based their decision on any incorrect material fact, exercised their discretion in an unreasonable manner or otherwise acted beyond their powers.

The Sheriff may uphold the appeal and remit the case with the reasons for his decision to the Local Authority for reconsideration of their decision or if he considers that there is insufficient time, vary the order or make any such order as the Local Authority were empowered to make or dismiss the appeal. The Local Authority has the right to be heard at the appeal. The Sheriff may include in his decision on an appeal under this section such order as to the expenses of the appeal as he thinks proper.

These provisions are subject to the Public Order Act 1936.

6 Conclusion

The regulation of processions in public has been reviewed and authority is requested to proceed on the basis that processions will be regulated by conditions recommended by Police Scotland, as shown in **Appendix 2** where appropriate.

For those processions against which representations are received, the Committee will continue to consider these at Hearings.

7 Recommendation

The Committee is recommended to approve the revised approach and conditions.

3 February 2016

Contact Person:
Background Papers:
(Scotland) Act 1982.

R G Attack Tel No: 0131 271 3161
File CG 10.1 (RGA) Civic Government

APPENDIX 1

PUBLIC PROCESSIONS - Conditions that have been imposed in the past

- 1 The parade will commence at the exact time, xxxx hours, as stated.
- 2 An official is appointed to liaise with the Officer in Charge and who will be readily identifiable prior to the event.
- 3 The organiser will provide sufficient, readily identifiable stewards.
- 4 Participants march not less than four and not more than six abreast.
- 5 No paramilitary uniforms or insignia are worn or displayed
- 6 No banners or placards likely to incite a breach of the peace are to be displayed.
- 7 No person on the parade will use a loudspeaker or similar, other than for control of participants
- 8 The organiser shall ensure that no more than 150 people (including the band and marshals) shall form the parade on its route.
- 9 The organiser will ensure that provisions are made for regular and sufficient pedestrian passage across the parade
- 10 No musical instrument other than a side drum or similar will be played when passing places of worship when a ceremony or service is taking place for a distance of 50 yards before or after that location other than to retain the beat.
- 11 The parade at all times will continue moving, and no part will stop unless for emergency purposes, on direction of or with agreement of police or at the parade route end.
- 12 Any instruction given by the Police are immediately complied with.
- 13 The organisers will ensure that all participants act in an orderly manner.

APPENDIX 2

Conditions recommended by Police

1. An Official, readily identifiable, is appointed to liaise with the Officer in charge of the Police operation at the event.
2. The parade commences promptly, at the time stated and finishes at the time stated.
3. The route is as stated.
4. The number of participants does not exceed that stated.
5. Sufficient stewards are available to marshal participants and bands before, during and at the dispersal of the parade.
6. The participants march no less than 4 and no more than 6 abreast.
7. The Organiser will ensure that sufficient toilet facilities are available.
8. The Organiser will make all band members aware that no drinking in public will be permitted.
9. No paramilitary uniforms or insignia are to be worn which may be in contravention of the Terrorism Act, 2000.
10. No banners or similar placards likely to incite a Breach of the Peace will be displayed or which may be in contravention of the Terrorism Act 2000 are to be displayed.
11. No person in the parade will use a megaphone or similar instrument, other than for the control of participants.
12. The Organiser will ensure that provision is made to allow sufficient and regular pedestrian passage through the parade.
13. No musical instrument other than a snare drum or similar for keeping the beat, should be sounded or played when passing any designated place of public worship being used at the time, for the purposes of a religious ceremony of any kind, or for a distance of 50 metres before and after that location.
14. Any instructions required to be given by the Police are immediately complied with.
15. The parade at all times will continue moving and no part will stop unless for emergency purposes, on direction of or with agreement of the Police or at the parade route end. In the event of any emergency vehicle requiring to enter the parade route at any time during the event, the parade will be stopped and participants moved to the left side of any road. Police and stewards will concentrate on keeping the right side of any road clear of pedestrians, maintaining a clearway until instructed otherwise by Event Control and/or the Silver Commander.

16. Stewards must wear high visibility reflective jackets or vests and, if the event will take place during the hours of darkness, carry functioning battery-powered torches.
17. The names of all the participating bands and the named responsible person for each band together with contact details of that person are to be given to the Police for security checks at least seven days before the event. Only bands, which clear the Police security check, can participate in the parade.

Police Scotland will not, as a general rule, provide any resources to assist in the traffic management or movement of the parade. They may, operational requirements permitting, give attention to the parade to ensure that the applicant/organiser complies with their statutory responsibilities.