

**Civic Government (Scotland) Act 1982**  
**Application for Renewal of House in Multiple Occupation Licence**  
**Parkhead Lodge, Edinburgh Road Penicuik**

**Report by Director, Corporate Resources**

**1 Introduction**

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

**2 Background**

Midlothian Council and Mrs Alexandra Marks, Buccleuch House, Buccleuch Street, Dalkeith have applied for the renewal of an HMO licence in respect of Parkhead Lodge, Edinburgh Road, Penicuik for five residents. A Map showing the location is attached as **Appendix 1**.

On 5 May 2009, the licence was granted for a period of one year on the standard conditions and subject to the production of a monthly reports about the activity; implementation of a 'rapid removal' policy; and the formation of an appropriate liaison group.

At the renewal stage, the licence was granted for a further year.

A copy of the most recent report 'monthly' reports submitted by the licence holder is attached at **Appendix 2**. Reports were submitted on 4 June 2009 (before the HMO was operational), 1 October 2010, February 2011 and 15 April 2011. Despite guidance being given as to content, the reports do not address issues such as liaison arrangements, etc.

**3 Consultation**

The Police, Fire and Rescue Service and the Council's Environmental Health, Building Standards, Housing and Planning Officers have been consulted.

**4 Objections**

Two letters of objection have been received. Copies are attached at **Appendix 3**. Copies have been given to the Applicant.

## 5 **Reports From Consultees**

The Police offer no objection. The Fire and Rescue Service have made no comment ie the fire safety measures were found to be adequate or any deficiencies are not sufficient to give cause for public safety concerns.

The Building Standards and Environmental Health Officers consider that certain matters require attention as described in **Appendices 4 and 5**.

## 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**

### **Letters of Representation**

In respect of the letters of representation, there appears to be fear of a rise in the incidence of crime in the community as the result of the activity. These concerns impact on whether the site is suitable.

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

## 8 **Options**

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

- (a) to grant the application for renewal of 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
- (f) to refuse to grant the application on reasonable grounds.

## 9 **Resource Implications**

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

## 10 **Recommendation**

The Committee is invited to consider the application.

**J BLAIR**  
**Director**

**8 August 2011**

**Contact Person:**

**Mr R Atack**

**Tel No: 0131 271 3161**

**Background Papers:**

**File CG 10.26( )**

**(RGA/MT)**

# APPENDIX 1



## APPENDIX 2

### HMO LICENCE REPORT MIDLOTHIAN COUNCIL – PARKHEAD LODGE. Submitted 22 August 2011

#### Introduction

This report provides a review of the accommodation services at Parkhead Lodge HMO complex over the period it commenced to present operations. The complex consists of the 5 bed HMO building, in addition to the adjacent 8 self contained one bedroom flats.

The complex has an on-site a caretaker based in the HMO from 11am to 8am the next day. Each Friday and Saturday night an extra sleepover resource is provided by an experienced support worker to assist residents and if necessary in with dealing with any challenging behaviours or situations. It has been past experience that any incidents have occurred on a Friday or Saturday night if these happen.

During the day support workers are available on site to work with the clients of both the HMO and the flats to progress their prospects in further education options, employability, independent living skills and any other specific issues which may be relevant to individual clients.

#### Entry Criteria

People selected for Parkhead Lodge are background checked with the Community Safety Team for any history of anti-social behaviour or other activities. It has become apparent that young people can enter the complex with no history, but problems or issues then become apparent. In order to control this the Council initially place people in the HMO house prior to allocating them a flat so that their support needs can be assessed. It is not always possible to fill vacancies in the flats from the house due to the limited number of spaces and the readiness of clients to move on when vacancies become available. Stringent checks are made to ensure these clients are not involved in any anti-social behaviours.

There is an escalating warning system for residents in the flats and the HMO house which are related to any pattern of behaviour or particular one-off instances. The project is managed by a Council Temporary Accommodation Officer to supervise any warnings and identify when a client is not suitable for the project.

#### Managing Incidents

It has been recorded that there have been two incidents within the HMO building which have required police involvement. Both of these were domestic situations and most incidents have involved residents of the flats rather than those living in the HMO house as the breakdown of calls indicates that:

- 35 calls were Aspire Staff managing the complex in response to incidents which arose
- 10 calls residents
- 9 calls were anonymous persons
- 2 calls were non-residents

This breakdown indicates residents and staff at Parkhead Lodge are contacting the police as any inappropriate situations become apparent.

The incident history demonstrates a variety of causes ie. domestic disputes; persons feeling intimidated; dealing with loud parties; removal of banned persons from the complex. The incident report has identified only 2 occasions of successive incidents linked to a particular property or resident confirming that most calls are one off incidents.

Any incidents are dealt with in accordance with the Council warning system for temporary accommodation residents. If there are more than one or two isolated incidents, a client will be assessed as to whether they are able to sustain accommodation at Parkhead Lodge. If they remain they will be closely monitored but any successive incident will result in them moving on to alternative accommodation or ejection. If alternative accommodation is sought for them, it is with more support in order that the client learns the skills necessary to sustain a future tenancy.

### **Summary**

Incidents have occurred in Parkhead Lodge complex are most associated with occupants of the flats rather than the HMO house. In order to allay the community concerns extra resources have been provided, including the sleepover staff member, to manage all residents.

The HMO licence premises should not suffer detriment by the activities of residents in the neighbouring flats and appropriate policies and procedures are pursued as necessary to deal with persistent offenders and move them into more appropriate accommodation where any incidents have taken place.

Regular monitoring, including police call outs, has been taking place with reviews by the Housing & Homelessness teams and Community Safety staff to ensure any patterns are identified and to look at preventing any incidents.

**22 August 2011**

## APPENDIX 3

MIDLOTHIAN COUNCIL CORPORATE RESOURCES	
RECEIVED	23 MAY 2011
REFERRED	
COPY TO FILE	

16 Trelawney Terrace  
Penicuik  
EH26 0NB  
20<sup>th</sup> May 2011

**Ref:** Parkhead Lodge, Parkhead Lodge, Edinburgh Road, Glencorse, Penicuik, EH26 ONP. HMO application

Dear Sir/ Madam

I am writing to make representation about the HMO licence renewal for Parkhead Lodge, Milton Bridge, Penicuik. I would like the licence to be refused on the grounds that this establishment is currently posing a danger to the local community. Recently we have seen an increase in anti social behaviour, noise and also criminal activity in and around the establishment. I know from an FOI request that Parkhead Lodge had 29 calls from the Police regarding various offences between May 2010 and May 2011. Some of these offences have been serious assault cases including an assault on a Police officer. This is exactly what the local community predicted two years ago when we researched similar establishments operated by the applicant.

The landscaping surrounding Parkhead Lodge in my view makes it unsuitable for the kind of establishment that the landlord is running. Across Edinburgh Road there is a strip of land with a grit path running through it used by the local community for leisure and dog walking. This path is surrounded with trees and bushes which shield the path from view of the road and also the houses in Glencorse housing estate. This path is not lit and gets very dark at night. Recently we have seen large groups of residents from Parkhead Lodge hanging about smoking and drinking in this area. This has made residents very wary of using this area after dark or when the residents are present. I have now had to change where I walk my dog after dark to avoid this darkened isolated area for fear of meeting residents from Parkhead Lodge.

There is also a bus stop very close to the Lodge which is used regularly by the residents of Glencorse Housing Estate. Due to the rising crime and anti social behaviour from residents of Parkhead Lodge I worry about my family using public transport from this bus stop especially at night. Residents from Parkhead Lodge regularly hang about at this bus stop.

This area normally enjoys a low crime rate and up until around 6 months ago, apart from a few incidents when Parkhead Lodge first opened, we saw very little change in this. Over the last 6 months however there has been a drastic rise in anti social incidents, groups of youths hanging around being unruly and noisy. There has also been violent behaviour witnessed and heard on a number of occasions sometimes with Police involvement and sometimes without, where I have been very concerned for the victim's welfare.

If the licensing Authority still decides to renew an HMO licence to this property I would like to see the initial restrictions which were placed on the licence when it was first granted retained for the renewed licence. These restrictions were as follows:

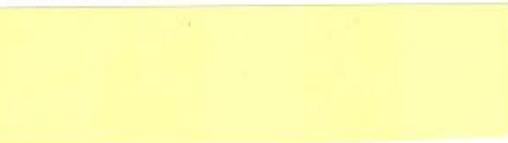
- The application be granted for a period of one year
- Subject to production of a monthly report,
- Restriction of the quantity of visitors,
- Operation of a 'rapid removal' policy,
- The formation of a liaison group and a community safety group

I would also like to see the imposition of a curfew placed on the residents.

I would like to see some evidence that these initial conditions placed on the licence by committee have in fact been complied with. When I initially enquired about this renewal I was informed that it was to be renewed by delegation without going through committee. I assume that the compliance of all of these conditions have been investigated and found to be fully complied with by the applicant.

If these conditions have not been met then it places in doubt the fitness and propriety of the applicant.

Yours Faithfully

A large yellow rectangular redaction box covering the signature area.

Graeme Cassie

Graeme Cassie  
16 Trelawney Terrace  
Penicuik  
EH26 0NB



83 Stevenson Road  
Penicuik  
EH26 RH  
18<sup>th</sup> May 2011

To Midlothian Council

Parkhead Lodge HMO Licence Renewal

I refer to the above process and would like the following points to be taken into consideration when considering the renewal of this licence.

When this licence was first approved in April 2009, there were conditions attached to the licence and it is my belief that these conditions should still apply.

In 2009 the council gave a firm commitment that there would be adequate safeguards and controls in place which would allow for peaceful habitation of this unit which would not impinge on the safety and peace of nearby residents.

In addition, the documents which were circulated at that time also stated that support would be provided to the unit in a number of ways;

*Support to the unit will be provided in a number of ways*

- 1) A caretaker will be on site during the day and overnight.
- 2) A temporary accommodation officer from Housing will be responsible for the day-to-day housing management of the unit.
- 3) Support as described above for young people leaving care, provided by the Social Work Throughcare and Aftercare Team. This will include support for the individual young people and as a group.
- 4) Support as described above for the wider group, commissioned from a support agency.
- 5) Discussions have also taken place with local police and links will be established with the local Inspector and his team

*We were also told that' it is also hoped that a community liaison/support group may be established to work with residents of the Lodge on a regular basis and build up a good relationship between the facility and the local community'*

It is my opinion that that the council have failed on a number of these statements. As I understand it, there was not a caretaker present overnight. I also believe that links with the police have not been made other than in a negative way. There have also been no community/support/liason group set up.

Since April 2010, there have been 29 calls made to the police about this residency. I myself have made 4 of these, and this includes 1 999 call. There are calls to this residency most weekends and several Police officers have been assaulted.

As well as the actual incidents where the police have been called the lodge itself, I have also had reason to call the police due to the residents of the lodge causing disruption around my property and on 2 occasions actually being in my garden and having no respect for the residents property or the fact that we are trying to sleep.

We have also had the issue of visitors to the lodge coming and parking in our street and blocking our driveway – in the middle of the night this is not a problem but at 5am it can be.

There have also been several occasions when residents are sitting across the road from the Lodge smoking and drinking and making it uncomfortable for people to walk past and stopping our children being able to play on the grass. Whilst the residents on these occasions are doing nothing that would warrant a police call it is my opinion that this behaviour cannot be allowed to continue and make local residents feel uncomfortable and impinge on their safety and peace.

As I understand it the tenancy agreements are as normal Midlothian tenancy agreements and this makes it difficult to remove troublemakers. I would also like this situation to be reviewed and the tenancy agreements to be special ones which would make removal of tenants on an antisocial behaviour issue much easier and quicker.

Whilst I realise that the licence will be granted I would expect there to be conditions applied to this such as the following:

- o It is only renewed for a short period such as 6 months to alleviate complacency on the authorities part
- o That the tenancy agreements are reviewed for the flats so that offenders can be evicted quickly
- o That residents are not allowed to gather outside the boundaries drinking and smoking and making local residents feel uncomfortable
- o The support given to the residents is increased and if residents are not willing to engage in this then they are asked to leave
- o Links with the local police and the residents are worked on and built upon in a positive way.

I would also like to be sent the minutes of the meeting where this is discussed and decided.

Regards

  
Louise Clapperton

## APPENDIX 4

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### MEMORANDUM

**To:** Rosemary Walsh  
Council Secretariat, Midlothian House

**From:** David Ralston  
Senior Building Standards Surveyor, Fairfield House

**Our Ref:** HMO/035/2/DR.LW

**Your Ref:** G.10.26 (31)

**Date:** 29 June 2011

**Subject:** **Application for Renewal of a House in Multiple  
Occupation Licence  
Parkhead Lodge, Edinburgh Road, Penicuik**

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I refer to the application for a Renewal of Licence for the above and would confirm that the following matters require to be attended to:-

- \* The emergency light fitting at the head of the stair requires to be securely fitted.
- \* The light fitting within the shower room to room E should be replaced.
- \* The shower head should be re-attached to the shower within room E.
- \* We have been lead to believe that there are no mains water supply to the property, this should be investigated and re-instated.

Once I have received confirmation that these matters have been attended to I will then confirm that there will be no objections from the Building Standards interest.

## APPENDIX 5

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### MEMORANDUM

**To:** Rosemary Walsh, Council Secretariat, Midlothian House

**From:** Moira Malcolm, Environmental Health and Trading Standards

**Our Ref:** HMO/07/0107

**Date:** 28 June 2011

**Subject:** Application for renewal of a House in Multiple Occupation  
Licence  
Parkhead Lodge, Glencorse

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I refer to the HMO licence application for the above property submitted by Midlothian Council and Alexandra Marks.

An inspection of the property was carried out on 22 June 2011 at which time the property was generally found to be clean, well managed and in a good state of repair with the exception of the points raised below which require attention.

#### **Drinking water supply**

I understand that work to provide mains water is to begin w/c 27.6.11. Until this time bottled water has been provided for drinking but no water cooler is available to safely dispense this water. A water cooler must be provided.

#### **Certification**

Up to date PAT and PIR reports with respect to electrical safety has been received, however the gas safety certificate submitted with the application form was dated 18.5.10 and now requires to be updated.

#### **Kitchen**

The extract fan above the cooker has been removed. This requires to be replaced.

#### **Bedroom E (ensuite)**

The shower hose has been removed as has one of the down lighter fitments. These require to be replaced.

It is my understanding that these points are in hand.

Taking into account the provision of a dining room/common living area, the maximum potential occupancy of the bedrooms, as marked on the plan, are given in the following table. It is understood that all bedrooms will be restricted to single occupancy only. Based on the provision of communal living room facilities all bedroom sizes are in excess of the minimum space standards for single occupancy.

Bedroom No.	Room size (m <sup>2</sup> )	Maximum potential occupancy
1	9.68	1
2	9.71	1
3	13.01	1
4	11.02	1
5	9.67	1

This Division therefore has no objections to the granting of this HMO licence application for the 5 residents requested on the licence subject to the following condition:-

1. A water cooler is provided;
2. An up to date gas safety certificate is provided;
3. The extract fan in the kitchen is replaced;
4. The missing shower hose and down lighter fittings are replaced.