

REPORT TO: Licensing Sub-Committee

MEETING DATE: 14 November 2019

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Housing (Scotland) Act 2006, Part 5, Application for Grant of a Licence to Operate a House in Multiple Occupation at 69 Kennedy Crescent, Tranent, EH33 1DN

2b

1 PURPOSE

- 1.1 A licence application for grant of an HMO licence has been received from Cameron Veitch of Benchmark 4 LLP, to allow them to operate the property at 69 Kennedy Crescent, Tranent, EH33 1DN as a House in Multiple Occupation (HMO) (Appendix 1).
- 1.2 Letters of objection/representations have been received from local residents. Relevant representations and objections require to be considered prior to the Council taking a decision on the licence application, and it is therefore a requirement that this application is determined by the Licensing Sub-Committee and not through delegated powers.
- 1.3 The Sub-Committee is required to focus on the suitability of the property as an HMO and to establish that the applicant is a fit and proper person to hold an HMO licence.

2 RECOMMENDATIONS

- 2.1 The Licensing Sub-Committee is asked to consider the application and representations/objections, and to determine whether the HMO licence application for 69 Kennedy Crescent, Tranent, EH33 1DN is to be granted; granted subject to conditions; or refused.
- 2.2 If the HMO licence is granted, the Sub-Committee is asked to decide the period of the licence; this can range from six months to three years.

- 2.3 If the HMO licence is granted, the Sub-Committee is asked to agree that this be granted subject to the conditions and standards outlined in Appendix 2.

3 BACKGROUND

- 3.1 The Housing (Scotland) Act 2006, Part 5 requires that where a property is to be occupied by three or more persons from three or more families, who share use of a sanitary convenience, personal washing facilities and cooking facilities, the owner must apply to the Local Authority for a licence to operate an HMO. The property must also be their main or principal residence in the UK.
- 3.2 The property at 69 Kennedy Crescent, Tranent, EH33 1DN has previously been rented to tenants who are from the same family. The owner now wishes to rent the property as an HMO.
- 3.3 The HMO Application was received on 5 August 2019, and was dated 26 July 2019. Notices, under Section 2 of Schedule 24 of the Housing (Scotland) Act 2006, were displayed at and around the property on 31 July 2019, and remained in place for the statutory minimum 21 days. These notices inform local residents of the licence application and give information regarding their right to submit objections and/or make representations in relation to the application.

Representations/Objections Received

- 3.4 The Council has received six representations which object to the granting of the application. These are from neighbours at numbers 58, 65, 67, 71, 73 and 95 Kennedy Crescent, Tranent, EH33 1DN. The representations are competent as they were received in the correct format, and within the 21 day time period as set out in the above legislation. All representations were in writing and were received on or around 18 August 2019. All six representations can therefore be considered by the Sub-Committee. Redacted copies of the representations are attached to this report (Appendix 3).
- 3.5 The representations raise objections to the granting of an HMO Licence at 69 Kennedy Crescent, Tranent, EH33 1DN. The concerns raised relate to several issues. In summary these are:
- limited available parking;
 - the potential for antisocial behaviour;
 - the estate is a family estate and not suitable for student accommodation; and
 - there is a restriction in the title deeds (title condition) that prevents the subdivision of the property or occupation of the property by more than one family at a time.

Matters to be Considered by the Sub-Committee

3.6 In determining the application, the Sub-Committee must restrict itself to grounds of refusal specified in Part 5 of the Housing (Scotland) Act 2006. This states that an application shall be refused if:

- The applicant and/or any agent specified by the applicant are, in the opinion of the Sub-Committee, not fit and proper to be authorised to permit persons to occupy any living accommodation as an HMO (Section 130)
- The applicant and/or any agent specified by the applicant are disqualified by an order of a Court from holding an HMO Licence. (Section 130)
- The Sub-Committee determines that the property is not suitable for occupation as an HMO, or cannot be made suitable by including conditions on the HMO Licence (Section 131). In determining whether any property is, or can be made to be suitable for occupation as an HMO the Sub-Committee must consider:
 - its location;
 - its condition;
 - any amenities it contains;
 - the type and number of persons likely to occupy it;
 - whether any rooms within it have been subdivided;
 - whether any rooms within it have been adapted resulting in an alteration to the situation of the water and drainage pipes within it;
 - the safety and security of persons likely to occupy it; and
 - the possibility of undue public nuisance.
- The Sub-Committee considers that there is (or, as a result of granting the licence, would be) an overprovision of HMOs in the locality (as determined by Sub-Committee) in which the property concerned is situated (Section 131A). In determining whether to refuse to grant an HMO Licence as a result of overprovision, the Sub-Committee must have regard to:
 - whether there is an existing HMO Licence in effect in respect of the property;
 - the views (if known) of the applicant, and if applicable, any occupant of the living accommodation;

- the number and capacity of licensed HMOs in the locality; and
- the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.

Terms of an HMO Licence

- 3.7 An HMO licence may include such conditions as the Sub-Committee thinks fit.
- 3.8 Any condition included in an HMO licence may specify a date from which that condition is to have effect. An HMO licence will have a valid period of between six months (minimum) and three years (maximum), to be determined by the Sub-Committee and declared on the licence.

Consultation Responses

- 3.9 Police Scotland have been consulted and have indicated that nothing is known to the detriment of the applicants, and that they have no issues with the application for an HMO Licence at 69 Kennedy Crescent, Tranent, EH33 1DN.
- 3.10 On 30 August 2019 the property was inspected by East Lothian Council's Team Manager – Public Health & Environmental Protection. A report was prepared by the Principal Environmental Health Officer on 21 October 2019 (Appendix 4). The recommendations of the Officer, in summary are:
- a current Gas Safety Certificate must be submitted to cover the boiler;
 - all bedrooms must have at least six electrical sockets provided;
 - the attic space on the second floor must not be used as sleeping accommodation; and
 - if internal changes have been made on the ground floor of the property, revised plans should be submitted to clearly show these changes.

Grant of Licence and Conditions

- 3.11 An HMO Licence can be granted for a minimum of six months and a maximum of three years.

4 POLICY IMPLICATIONS

- 4.1 Licensing of Houses in Multiple Occupation is a statutory obligation for East Lothian Council. This report is based upon Legislation and Scottish Government guidance for licensing HMOs.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
6.2 Personnel – none.
6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Scottish Government Guidance published in January 2012 - Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities

Appendix 1: Application Form

Appendix 2: Recommended Conditions and Standards

Appendix 3: Redacted letters of Representation/Objection

Appendix 4: ELC Public Health and Environmental Report

AUTHOR'S NAME	Sheila Fitzpatrick
DESIGNATION	Team Leader – Licensing and Landlord Registration
CONTACT INFO	01620 820623
DATE	30 October 2019

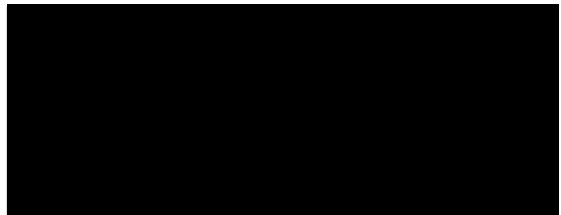
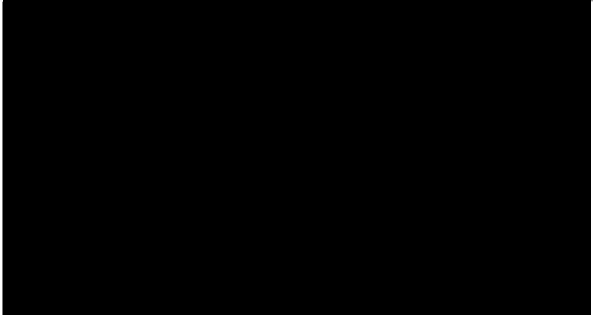
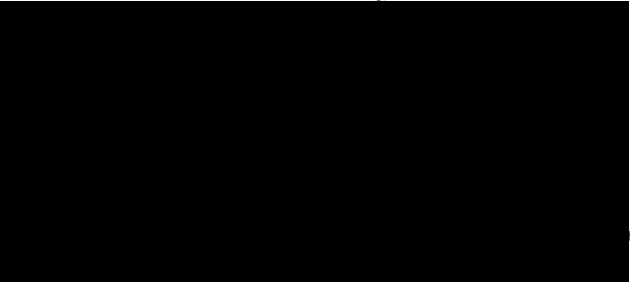
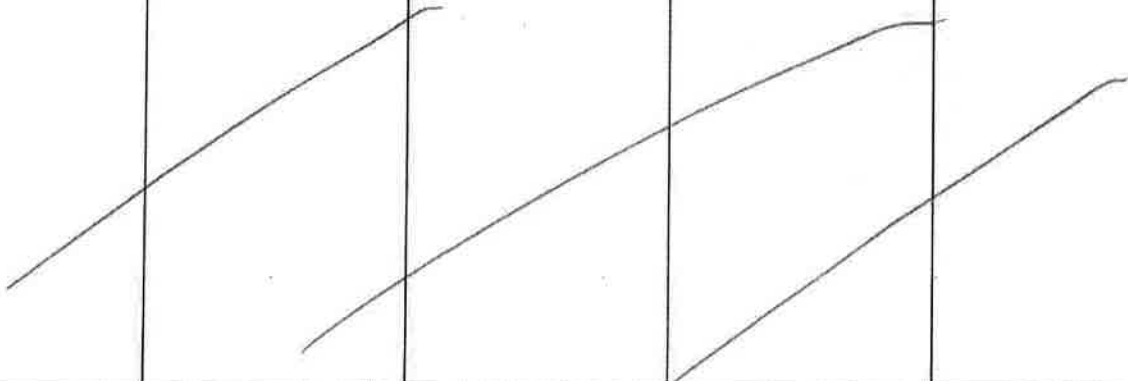
**EAST LOTHIAN COUNCIL
HOUSING (SCOTLAND) ACT 2006**

APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

To be completed in BLOCK CAPITALS

Delete where appropriate

<p>NAME AND ADDRESS OF PREMISES (inc postcode)</p> <p>for which the Licence is required (hereinafter referred to as 'the premises')</p> <p>(If premises are in a flatted or sub-divided building, please give flat number and location eg 1st floor left)</p>	<p>69 KENNEDY CRESCENT , TRANENT EH33 1DN</p>
<p>1. To be completed by the owner if a natural person</p> <p>(a) Full name</p>	<p>First Name [REDACTED]</p> <p>Surname [REDACTED] OF BENCHMARK 4 LLP</p>
<p>(b) Home Address</p> <p>Business hours telephone number</p> <p>Home telephone number</p>	<p>[REDACTED]</p>
<p>(c) Age, date and place of birth</p>	<p>[REDACTED]</p>
<p>(d) Is the applicant to carry out the day to day management of the activity?</p> <p>If not, give the full name, address and date of birth of the employee or agent so engaged.</p>	<p>* YES</p>
<p>2. To be completed by the owners if a company or partnership</p> <p>(a) Full Name</p>	<p>BENCHMARK 4 LLP</p>

<p>(b) Address of Registered/Principal Office</p> <p>Business hours telephone number</p>				
<p>(b) Full names, private addresses and dates of birth of all directors, partners or other persons responsible for the management of the business</p>				
<p>(c) Full name, address and date of birth of employee or agent to carry on the day to day management of the activity</p> <p>Business hours telephone number of the employee or agent</p> <p>Home telephone number of the employee or agent</p>				
<p>3. Subject to the provisions of the Rehabilitation of Offenders Act 1974, state below particulars of any convictions, conditional offers and/or fixed penalties, spent or otherwise, recorded against any person named in 1 and 2 above including any recorded against the company.</p>				
<p>Name</p>	<p>Date</p>	<p>Court</p>	<p>Offence</p>	<p>Sentence</p>
				

<p>4.</p> <p>(a) Has any person named in 1 and 2 above previously held or do they currently hold a House in Multiple Occupation Licence?</p> <p>If yes, which Authority gave the Licence?</p> <p>When was it granted?</p> <p>When did/does it expire?</p> <p>(b) Has any person named in 1 and 2 above ever applied for and been refused a House in Multiple Occupation Licence?</p> <p>If YES, which Authority refused the Licence?</p> <p>When was it refused?</p>	<p>YES CURRENTLY HOLD 4 HMO LICENSES WITH EDINBURGH COUNCIL</p> <p>EDINBURGH 2007 to PRESENT DAY 2020</p> <p>NO</p>
<p>5.</p> <p>(a) Does the landlord/agent/manager live on the premises?</p> <p>(b) If YES, what is the number of people in the landlord/agent/manager's family (including the landlord) living on the premises?</p> <p>(c) Does the landlord/agent/manager and/or his/her family share any facilities with the other residents of the premises?</p> <p>If YES, please specify what facilities are shared</p>	<p>NO</p> <p>NO</p> <p>*YES/NO</p>
<p>6.</p> <p>(a) Specify the number of storeys in the premises</p> <p>(b) Total number of bedrooms</p> <ul style="list-style-type: none"> • single • double • other <p>(c) Occupant capacity of premises</p>	<p>Number 2</p> <p>TOTAL = 4</p> <p>No of single BRs = 0</p> <p>No of double BRs = 4</p> <p>No of other BRs = <u>ATTIC STORE ROOM</u></p> <p>5</p>

<p>7. Is a standard lease or other form of tenancy agreement used at the premises?</p> <p>If YES, please provide a copy with the application</p>	<p>*YES PRT OR ANY OTHER TYPE OF LEASE EAST LoTHIAN COUNCIL DEEM SUITABLE</p>
<p>8. Is gas used for cooking or heating purposes in the premises?</p> <p>If YES, include a copy of the current gas safety certificate with the application</p>	<p>YES</p>

DECLARATION – DELETE AS APPROPRIATE

I/~~We~~ declare

* (A) that I/~~we~~ shall, for a period of 21 days commencing with the date hereof, display at or near the premises so that it can be conveniently read by the public, a notice containing such information required by the Housing (Scotland) Act 2006

OR

* (B) I am/~~we~~ are unable to display a notice of this application at or near the premises because I/~~we~~ have no rights of access or other rights enabling me/~~us~~ to do so, but that I/~~we~~ have taken the following steps to acquire the necessary rights, namely-

OR

* (C) that I am/~~we~~ are not required to display a notice as the application is in respect of premises to be used as a women's refuge.

(D) that the particulars given by me/~~us~~ on this form are correct to the best of my/~~our~~ knowledge and belief.

(E) that I/~~we~~ have read the attached guidance notes.

I/~~we~~ enclose £ In payment of the appropriate fee and hereby make Council for the *grant/renewal of the licence applied for.

Date 26/7/2019

Signature of applicant or agent

Agent's address



Position of applicant in Company/
Partnership if not otherwise stated

MEMBER OF LLP

NB Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction, to a fine not exceeding £50,000.

Information supplied on this form may be held on computer and applicants are advised that in processing this application background enquiries will be made which may include reference to personal data held on computer.

Fees (as at 1 April 2019)

License fees are as follows:

- 3 - 5 Occupants £420.00
- 6-10 Occupants £680.00
- 11-20 Occupants £1,040.00
- 21-30 Occupants £1,250.00
- 31-40 Occupants £1,455.00
- 41-50 Occupants £1,665.00
- 51-75 Occupants £2,180.00
- 76-100 Occupants £2,700.00
- 101-200 Occupants £3,740.00
- 201+ Occupants £4,775.00

Fees will also be altered in line with the Retail Prices Index on the first day of April each year.

Licenses generally last for 3 years but the License period can be shortened if deemed necessary.

A refund of 20% is granted to unsuccessful applicants for Licenses

Applications should be emailed to hmo@ewastlothian.gov.uk or sent to **East Lothian Council, Licensing, John Muir House, Haddington, East Lothian EH41 3HA**. The appropriate fee requires to be paid when the application is lodged. Payment can be made via East Lothian council contact centre (01620 827827) or at a payment counter in council offices. Opening hours can be checked by calling the contact centre.

Fitzpatrick, Sheila

From: [REDACTED]
Sent: 27 September 2019 03:05
To: HMO Licensing
Subject: 69 Kennedy Crescent Tranent EH33 1DN 4 bed HMO

27/9/2019

Dear HMO Licensing / Sheila Fitzpatrick.

Regarding 69 Kennedy Crescent Tranent.

I am writing to make clear that this application is for 4 persons & not 5 persons as was mistakenly put on paperwork.

Therefore. Please can this application be annotated/ammended to a 4 bed HMO as opposed to a 5 bed?

Please let me know you received this e mail.

Thank you and kind regards

[REDACTED]

STANDARDS AND CONDITIONS

- LC1** The licence holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The HMO owner should hold all necessary certificates.
- LC2** 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.
- LC3** The licence holder must ensure that the physical standards for HMO living accommodation assessed as suitable by the local authority when approving the licence application are met at all times.
- LC4** The licence holder must ensure that the number of persons residing in the premises shall not exceed XXXX.
- LC5** The licence holder must make the Licence, including any conditions, available to occupiers, within the premises where it can be conveniently read by residents.
- LC6** The licence holder must ensure that actions to secure repossession must be only by lawful means.
- LC7** The licence holder must ensure that Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
- LC8** The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
- LC9** The licence holder should ensure that let rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.

East Lothian Council
Licensing

18th August 2019

19 AUG 2019

East Lothian Council
Democratic Services (Licensing)
John Muir House
Haddington
EH41 3HA

Received

Dear Sirs,

HMO Licence Application- 69 Kennedy Crescent, Tranent

We would like to register our objection to the above application on the following grounds:-

1) Application Advertisement -

The Notice of Application paperwork states that this should be advertised outside the property to allow residents around the proposed HMO a chance to comment. In this instance the advert placed on a lamp post approximately 150 yards from the property and in a quiet location away from the normal footpath. The fact that it was wrapped around the lamp post made it very difficult to understand as you had to stand at 3 different angles to read it. If a friend who's house overlooks this area had not brought the Notice to our attention we and our other neighbours would not have been able to object or pass comment on this proposal.

As an addendum to this point, when we arrived home from work on Thursday 15th August, a Notice had also been placed on the front door of the property but the date on this was the same as the original Notice (31st July) which does not allow the proper time for all the neighbours to comment should they wish to do so.

2) Parking -

Kennedy Crescent is, like many other residential streets, already overcrowded with existing cars from the current residents as on average each house has 2 cars. This, coupled with the fact that there is very little on street parking, makes the potential for up to an additional 5 cars/ work vans likely to cause dangerous/ unsafe parking and an increased risk of accidents to the many young children in the street.

3) Noise & Anti Social Behaviour -

Kennedy Crescent is an enclosed residential estate where the vast majority of properties are owned and occupied by families, many of whom have young children. The neighbourhood, especially the lower part of the street where the application property is located, is very quiet and an area where there has not been a property or residents that have caused noise, anti social behaviour or neighbourhood problems. Many of the current residents in the street have chosen to live here both for the fact that it is very close to the local school as well as for the very quiet and peaceful location which is perfect for families to live and for children to play safely in the street. In fact the most recent tenants of 69 Kennedy Crescent have decided to buy another property within the estate as they felt it was an ideal quiet location for their family to settle.

4) Property Title Deeds -

Having reviewed the Title Deeds of our property clause Eighteen states the following "Each of the feus and the buildings thereon shall be used for private residence only and for no other purpose whatsoever;- and none of the said dwelling houses shall be sub-divided or occupied by more than one family at a time".

A copy of this section of the Title Deeds can be provided if required.

5) Alterations to Property -

This former 3 bedroom house has been significantly altered to form a 5 bedroom accommodation, having both the garage and the attic space converted. We do not know if this complies with building regulations as we are aware that others in the estate have been refused permission to convert the attic space as there is insufficient height for it to be classed as a bedroom.

On a personal note our house is semi detached, adjoining the proposed HMO property so we are concerned that multiple occupancy with tenants sharing facilities could impact greatly on us. We have lived here for 20 years, since the property was built and have a disabled son who finds loud noise and changes to routine challenging. His bedroom backs onto next door and should a tenant living there cause any sort of disruption this would cause him distress.

In summary we feel that to introduce a property with an HMO licence to this very quiet neighbourhood could cause very significant problems in terms of parking, noise & potential anti social behaviour.

Yours faithfully

A large black rectangular redaction box covering the signature area.

East Lothian Council
Licensing

19 AUG 2019

Received

18th August 2019

East Lothian Council
Democratic Services (Licensing)
John Muir House
Haddington
EH41 3HA

To Whom it May Concern,

HMO License Application

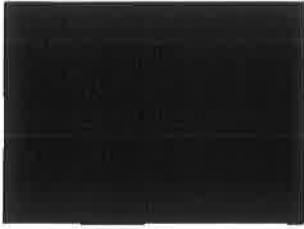
Please register our objection to the application for 69 Kennedy Crescent, Tranent for the following reasons:-

- Kennedy Crescent is a street where families have chosen to live mainly due to the fact that it is very close to the primary school. All the houses and gardens are well maintained & children regularly play out in the street. It is a very quiet area and there has never been any noise or disturbance at any of the houses. We are all concerned that if the HMO license is granted and the property has up to 5 unrelated tenants there is potential for this to change.
- Currently parking in Kennedy Crescent is very limited with most households having 2 or more cars and many of the properties having space for only one car on their drive. There are no designated parking places around number 69 and the addition of potentially 5 more vehicles to this already crowded street is likely to increase the risk to road safety, especially for children.
- The deeds of our properties state that only families can occupy the houses within Kennedy Crescent so this application for the property to have unrelated tenants should not proceed.

We would also like to make you aware that the Notice of the application was only placed on the door of the property on Thursday 14th August. I believe before then it was on a lamp post at the other end of the street and it was only by chance that the neighbours found out.

Please allow a family estate to continue as one by declining this application.

Yours faithfully



19th August 2019

House in Multiple Occupation Application

69 Kennedy Crescent, Tranent, EH33 1DN

To whom it may concern.

It has come to my attention that an application has been submitted in respect of the above noted property for a House in Multiple Occupancy Licence.

I should like to record my objection to this application on the following grounds.

When originally purchasing the property, the Deed of Conditions Paragraph "Eighteenth" states the following (copy page attached).

Each of the feus and the buildings thereon shall be used for private residence only and for no other purposes whatsoever, and none of the said dwelling houses shall be sub-divided or occupied by more than one family at a time, with further statement regarding business use etc.

Yours faithfully,



East Lothian Council
Licensing
20 AUG 2019
Received

to access thereto when required for the purpose of inspecting maintaining renewing cleansing and emptying the same subject always to making good and restoring all damage to the surface occasioned thereby.

SEVENTEENTH

The Feuars will be bound to maintain the water supply pipes and connections leading from the water main all to the satisfaction of the local water authority and where the said water supply pipes and connections leading from the water main are common to two or more feus all costs including cost of repairing and renewing the same shall be shared equally by the Feuars using such common pipes and connections and where water supply pipes pass from one of the feus through any of the other feus, the feu or feus through which the said pipes pass shall be subject to servitude rights of wayleave in favour of the Feuars using same and they shall be entitled to access thereto when required for maintenance and renewal and any other necessary purposes subject always to making good and restoring all damage to the surface occasioned thereby.

EIGHTEENTH

Each of the feus and the buildings thereon shall be used for private residence only and for no other purpose whatsoever; And none of the said dwellinghouses shall be sub-divided or occupied by more than one family at a time; And no trade business profession or occupation of any kind shall be carried on in or

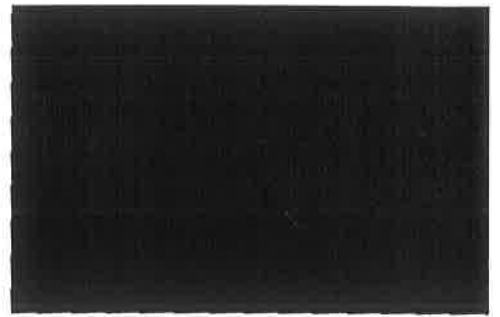
ELH 9 6 2 0 1

19

East Lothian Council
Licensing

19 AUG 2019

Received



16/08/2019

Dear Sir/Madam,

Please accept this letter as
a formal objection to the HMO application
for 69 Kennedy Crescent, Tranent.

My reasons are as follows:

- 1/ Parking is already a problem. Multiple families
will equal multiple cars.
- 2/ The title deeds for these houses forbid
more than one family.
- 3/ This could have an effect on our property
value.

If you require further information please
do not hesitate to contact me

Regards



East Lothian Council
Licensing

15/8/19

19 AUG 2019

Received



Dear Sir/Madam,

I am writing to object to
the House in Multiple Occupation application for
69 Kennedy Crescent, Tranent, EH33 1DU.

My objections are due to -

- a) the notice not being properly distributed / displayed
outside the property.
- b) Lack of parking at the property including on
the street
- c) This is a private, home owner, family estate.
This house was originally a 3 bed family home
which was extended for family use not an
HMO and goes against our title deeds

Yours Sincerely



Certainly,



Sent from my iPhone

On 22 Oct 2019, at 13:16, Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk> wrote:

Good afternoon [REDACTED],

Further to your email of 13 August 2019 can you please advise your home address – a condition of lodging an objection is that names and addresses are included in the written submission.

Regards,

Sheila Fitzpatrick
Team Leader – Licensing and Landlord Registration
hmo@eastlothian.gov.uk

From: Home Account <[REDACTED]>
Sent: 13 August 2019 07:45
To: HMO Licensing <hmo@eastlothian.gov.uk>
Subject: HMO Application - [REDACTED]

Dear sirs,

I have been trying to view the HMO application made by the above party for an address at Kennedy Crescent, Tranent but cannot find such on the East Lothian Council web site.

Could I ask you to clarify where more detail can be obtained in relation to the application?

I am definitely against such an application on the following grounds, but I would like to understand if these are sufficient to warrant an objection or how best to articulate my objection.

We are original house owners in Kennedy Crescent having moved here in 1999. The private estate was purposely designed for family dwelling homes with the majority of homes having their own gardens and driveways. There are communal lands for children to play on although the quiet nature of the estate permits limited play on the street itself.

My principle objection to the HMO application is the significant change that will result in temporary lodgers coming and going into the heart of this small development. Whilst renting the whole house as a property is likely to attract occupants with a similar family ethos as those around them, and thereby adding to the community/neighbourhood spirit, multi-occupancy properties do not. Knowing who lives around you is important to all families but especially to those with younger children. Safety is essential and I would have concerns that the approval of short term letting introduces an increased risk when there is less transparency and visibility of who is staying in such a property at any given time.

The potential additional movement in and around the house may cause additional noise on a quiet road, which itself is showing signs of over-crowding in respect of vehicles. With space already at a premium its unclear where further vehicles could be safely parked without infringing on the ability for family and other visitors to use the small number of communal spaces.

Again this goes against the original intent of the housing development which was baked in to all of our property deeds which states that the houses can only be used by a single family. This lies at the very heart of why many house owners chose to move into Kennedy Crescent/Mitchell Way and with so many other properties already available to rent in and around Tranent, I see no reason why this application should be approved at the expense of a well established estate.

Regards

[REDACTED]

East Lothian Council

MEMORANDUM

TO: Sheila Fitzpatrick – Team Leader – Licensing & Landlord Registration

FROM: Shona Grant, Team Manager – Public Health & Environmental Protection

DATE: 21 October 2019

SUBJECT: Housing (Scotland) Act 2006
Application for a House in Multiple Occupation Licence
69 Kennedy Crescent, Tranent EH33 1DN

I refer to the House in Multiple Occupation Licence application submitted by [REDACTED] of BENCHMARK4 LLP in respect of premises at 69 Kennedy Crescent, Tranent EH33 1DN. The property will be managed by Mr [REDACTED]

An inspection of the premises was carried out on 30 August 2019.

The property is a two storey semi-detached house which has had the integral garage converted to a bedroom and associated en-suite. The attic space creates a second floor and has been converted to a room which is to be used for storage. The accommodation comprises on the ground floor an entrance vestibule with en-suite bedroom leading off, living room with stairs leading to the first floor (please note that discussions during the Fire Officers inspection may have lead to a hallway being created with the stairs leading off and the living room becoming a separate room) and a dining kitchen. On the first floor there is a hallway, three further bedrooms (one en-suite) and a main bathroom. On the second floor there is an attic storage room. The property has a front and rear garden and a driveway.

Location

The property is located within a residential area on Kennedy Crescent in the town of Tranent.

Condition of the Accommodation

The property is in a good state of repair and work has been undertaken to comply with relevant HMO standards. It is heated by gas central heating and the boiler is located within a cupboard in Bedroom 1 on the ground floor. Each of the bedrooms have adequate natural lighting and ventilation. The kitchen and bathroom have natural ventilation and/or adequate mechanical ventilation. The electric lighting system throughout the property complies with the required standard.

Amenities

There is one kitchen within the property which has an electric hob and oven. There is a microwave and freestanding fridge freezer, there is also a further integrated fridge freezer. There is a sink with integral drainer and a dishwasher as well as a washing machine and an external washing line to dry clothes. The property has one main bathroom which has a bath with shower over it, wc and wash hand basin. Two of the bedrooms have en-suite shower rooms which each have a shower cubicle, wc and wash hand basin. The kitchen, cooking and sanitary facilities within the property offer sufficient amenities for the proposed number of occupants (five). There is an adequate piped supply of hot and cold water and the drainage system appears to be safe and hygienic.

Type and number of persons likely to occupy the accommodation

The maximum occupant capacity of this property is five. In terms of space and layout there are four bedrooms within this property. Each of the bedrooms are of a size which exceeds the minimum space standards for single/double occupancy and capable of accommodating a bed, a freestanding wardrobe and drawers. There is adequate activity space in all rooms. The property will be used as accommodation for individuals who are working in the area.

Safety and Security

There is one gas appliance within the property (central heating boiler). There is a carbon monoxide detector suitably located near to this appliance. A Gas Safety Certificate was viewed and dated 14 August 2018. Therefore an up to date certificate will be required. In terms of electricity, the number of electrical socket outlets available for occupier use should be a minimum of 6 in each kitchen, 6 in each bedroom and living room and 4 additional sockets anywhere in the building. The property generally complies with this standard with the exception of one of the bedrooms. In terms of electrical safety a current and valid copy of an 'Electrical Installation Condition Report (EICR)' was viewed and dated 10 December 2018. A PAT certificate is not required as the owner has supplied a statement confirming this. The property is capable of being adequately secured and exited with recourse to a key.

Fire Safety Audit Form

The Fire Officer attended this property and will provide a separate report.

Summary

I would therefore have no objections to the granting of this HMO licence application for up to five residents and subject to the following condition:

1. A current Gas Safety Certificate must be submitted to cover the boiler.

2. All bedrooms must have at least six electrical sockets provided.
3. The attic space on the second floor must not be used as sleeping accommodation.
4. If internal changes have been made on the ground floor of the property, revised plans should be submitted to clearly show these changes.