

Grange Prestonfield Community Council
Cameron House Community Education Centre
Minutes 19th June 2013

Present: John Palmer (**JP**) (Chair), Tony Harris (**TH**) (Vice-Chair), Sue Tritton (**ST**) (Secretary), Maureen Edwards (**ME**), Mike Hunter (**MH**), Pat Abel (**PA**), David Stevenson (**DS**), Allister Thom (**AT**), Graeme Muir (**GM**), Doreen Allerton (**DA**)

In Attendance: Cllr Steve Burgess (**SB**), PC Evelyn Hegarty (**EH**)

Public (3): Sergey Gorobets, John McClure, Mark Peebles

Apologies: Alastair Pugh, Gilly Dennis, Janet Sidaway, Ray Footman, Bill Reid, Andreas Grothey

1. Welcome - Introduction and Apologies

JP welcomed everyone.

2. Declarations of Interest. None

3. Minutes of the Meeting of 15th May 2013

These had been previously circulated and were approved; proposed by MH, seconded by TH.

4. Matters Arising (not on the agenda)

JP had written giving the Views of GPCC about the CC scheme which has still to go to committee.

5. External Reports

a) Council Report: No report due to the absence of AS.

b) Police Report: PC Evelyn Hegarty reported:

- **Vandalism (especially graffiti) in the Grange:** There appears to be a group of people targeting stone buildings (which are difficult to clean). Graffiti in Southside is a current priority – Police are working with CEC who have a database of “tags”. Police are encouraging residents to report anyone painting graffiti
- **Housebreakings – in Prestonfield and Grange areas.** Typical number throughout the area.
- **Assaults:** Most committed by person known to the victim

Other matters raised:

- GM reported that the Police had lost video evidence of a crime – EH said she couldn't comment on this
- JP asked about possible loss of beat officers (taken away to deal with other areas) who are appreciated by the public. EH replied that the result of the merging of 8 Divisions into “Police Scotland” is still not fully known and what the result of the review might be. She said the local Police enjoyed their role and thought it important. She suggested that GPCC should write to express our view.
- ST asked about the changing relationship of the Police with CEC. Cllr SB said there is a temporary joint “Police and Fire Board” to oversee the new arrangements. JP commented that the mergers might result in a loss of democratic accountability. TH reported that concern had been raised at a recent EACC meeting that national policies could conflict with previously established local policies. CCs urged to comment.

c) Councillors Report: Cllr Burgess reported:

- **Prestonfield modernisation programme (kitchens and bathrooms):** Deputation to Health and Housing Committee from Prestonfield Neighbourhood Centre on behalf of tenants with mobility problems who want to have choice in the modernisation (e.g. for wet room showers). At present no appeals procedure – committee thought an appeals process is required.
- **Prestonfield Allotments:** These are now established and well used – but no water supply. Scottish Water says £9k to provide water – need to get a water supply (possibly a long hose).
- **20mph Pilot:** This will be reported to TIE in August/September. CEC has been recording data and feedback from residents. There will be no formal consultation but now would be a good time to comment (send comments to Steven Murrell). MH said we had commented in the local Transport Consultation. SB said he had received messages about rat-running and speeding and had passed these on. JP repeated disappointment that the Police won't enforce. Felt that if speeds reduce from, say, 35 to 25mph without enforcement then the pilot could be considered a success. SB said there would be formal consultation if the 20 mph was to be extended and/or made permanent.

6. Reports of Interest Groups

a) Planning: A report had been circulated. TH reported:

- **54 St Albans Road:** Objection submitted about overshadowing neighbouring garden.
- **20 Observatory Road:** Had been contacted by a neighbour concerned about overlooking – agreed to object.
- **Royal Blind School:** This is now for sale. The principal (Julie Fardell) had resigned and her deputy, Elaine Brackenridge, will take charge at Canaan Lane.
- **Local Development Plan:** Comments had been submitted.
- **Supplementary Guidance for City Centre and Tollcross:** out for consultation.
- **Cycle storage in front gardens:** Need official guidelines about safe storage and not permitting unsightly sheds in Conservation areas.
- **Civic Forum:** Next meeting – Tuesday 25th June in City Chambers (4 for 4.30pm)
- **7 Lady Road (HMO proposal):** GM said residents are opposed to this. TH felt there are no real grounds for objection.

GM asked SB for information about “Party Lets” which are becoming a nuisance to residents. SB said these now have to be approved by Planning; there are several problems and work is being done. (*information previously circulated attached again*). JP said that any problems (noise etc.) should be reported to CEC.

b) Roads and Transport- Priestfield RPP:

John McClure (public) had received information from Gavin Sherriff (CEC) that the results of the survey will go to October TIE meeting. Meeting concerned about the delay and therefore slippage of the programme for this area and the Nether Liberton RPP. JMcC would like GPCC support in expressing concern about the delays. Agreed that JP would write to John Bury (copy to councillors). **JP**

c) AAH reorganisation: Consultation on the REH PAN had been held in early June – very little detail provided but there should be more at a meeting with CC reps on July 10th.

d) Licensing. EACC had noted the change in policy allowing Sunday opening from 11am (previously midday) – this change in policy had not been communicated to CCs. No applications in our area apart from several applying for the Sunday change. GPCC to remind the Licensing Board to contact CCs when there is a change in policy.

7. Community Council Elections

Timetable given below for information:

Timetable for Community Council Elections 2013

Elected Representatives

Monday 2 Sept	Notice of Election (start of nomination period)
Monday 23 Sept	Close of Registration (forms to Returning Officer)
Thursday 3 October	Notice of Poll (if a poll is required)
Thursday 24 Oct	Polling Day (if a poll is required)

Nominated Representatives

Monday 2 Sept	Notice of Election
Monday 23 Sept	Close of Registration (forms to Community Council Liaison Officer)
TBA	Meeting of registered Local Interest Groups to elect Nominated Members

8. Summer Newsletter.

MH reported that less progress had been made than hoped – mainly due to the difficulty of arranging a meeting with Kenny Kemp. KK is available next week and a meeting will be arranged. Agreed to use the same template as in the December 2012 edition. MH has a quote of £549 for 7,500 copies. Also, a quote of £100 per 1000 copies delivered – agreed to get 1,500 delivered. Everyone to contact MH with suggestions for articles – agreed that QBC not to be included.

9. Community Gardens

- **Rose Garden.** No progress – on agenda for meeting of “Environment and Town Centre” Forum next day. Douglas Dalgleish had circulated details of updated SARA website (lots of information on Rose Garden) which includes link to GPCC website. He asked for a reciprocal link. TH has still to hear from Bill Elliot (Scottish Water) about ownership etc.
- **Newington Cemetery.** TH is in contact with Alan McKinney about restoration of headstones etc. Since the report to the last meeting, TH has obtained details of monumental inscriptions prepared by the Scottish Genealogical Society and would look at other records held at Mortonhall. GPCC to publicise interest, including via South Central NP, in setting up a Friends Group similar to that proposed for Warriston Cemetery. DA reported that the Grange Association is designing two “Information Boards” for the Grange Cemetery

10. Office Bearers Reports

a) Chair’s Report:

Dalkeith Road Pharmacy: JP had received a letter from the NHS – decided that appeal should be reheard. JP had also contacted Jim Eadie, MSP who is keen to follow up on regulations about who can open a pharmacy.

b) Treasurer’s Report: (sent by email) £929.47 available.

c) Secretary’s Report:

Information about Sunday markets outside the Commonwealth Pool.

11. Neighbourhood Partnership matters.

South Central Health and Wellbeing Priority Group – DS reported on the meeting at the Braidwood Centre, 69 Dumbiedykes Road, on 11 June. The agenda included:

"Discharge Planning Survey Report" by NHS Lothian, of June 2013. This included reactions from members of the public, and discussion of how to meet the problems raised, to what happens before, during and immediately after discharge from hospital.

"Initial Report on the Consultation on NHS Lothian Homeopathy Services" This was discussed at length, with opinions for and against such services being provided at NHS expense. General opinion seemed to be that it was not the place of the Group to express a collective view on this, but that interested individuals, in and outwith the group, should be encouraged to write in with their views and to express their views to relevant politicians.

We were told of: "Over 50's Advice Service" for advice on form-filling etc., based at the Southside Community Centre, 117 Nicolson Street, telephone 0131-620-7222 for an appointment.

"Carer's Cafe" - Last Monday of month, 1030 -1200, Prestonfield Neighbourhood Centre, 63 Prestonfield Avenue. For meeting and mutual support. Also 2nd Wednesday of Month, 7-8.30pm

12. EACC Matters

- **Executive meeting on xx June:** Report on Q&A with CEC
- **Next Q&A:** With Derek McKay, Minister for Local Government and Planning. Thursday 19th September 6.30-8.30pm.
- **Autumn 2013:** Saturday morning event on the Integration of Health and Social Care.
- **New CC Scheme:** Unfortunately Eileen Hewitt could not attend but will be producing election material.

13. Date of next meeting – Wednesday 18th September 2013

14. AOCB

- **Ornamental Gardens:** GM asked about the status of the 7 gardens, 5 of which are not being maintained. TH said this is really a matter for the Craigmillar Park Association and he is in contact with Mike Shields who is checking how and when CEC took over responsibility from the owners. GM said title deeds of residents say they are responsible. TH asked GM to send a copy of the Feu Charter. Stating this.
- **Ambulance Noise:** GM reported that ambulances are breaking the "agreement" made during arbitration between Scottish Ambulance Service and Lady Road residents over sirens, noise, driving the "wrong way" etc. JP said that if GM wants help from GPCC we would have to see this agreement. GM insisted that it was a "private agreement" and that he had written to the Chair of the Arbitration panel but received no reply.

The meeting closed at 9.00pm

**SOUTH CENTRAL HMO WORKING GROUP
SHORT-TERM HOLIDAY LET BACKGROUND & UPDATE
16 APRIL 2013**

- 1 In March 2012 SfC commissioned a review of the powers available to deal with the impact of short term private lets used as so called 'party flats'. This was in response to long-standing neighbour complaint of antisocial behaviour, late night noise from within such properties and unacceptable behaviour and littering of streets and common parts of these properties. Neighbouring residents were extremely unhappy with the CEC response to addressing their concerns.
- 2 The review took place April to August 2012 and examined: the background to concerns; complaint and contextual information; existing legislative controls and their enforcement; and future control options. It was undertaken by a cross-service group led by (SfC) and reported their findings and recommendations to the Health, Social Care and Housing committee on 11 September 2012.
- 3 The outcome of this review resulted in the development and introduction new comprehensive ASB procedures and recommendations that (i) a 'Short Let Task Force' be formed to improve enforcement consistency and expertise and (ii) that Opinion of Counsel be sought to clarify and explore the legal position in relation to future planning and licensing control options.
- 4 The Task Force was formed over October/November with Kathy Evans being identified as Task Force Manager. The first formal meeting of the Task Force took place on 27 November 2012. Initial Counsel Opinion was received on 13 December 2012 with supplementary comments and clarification on 21 December 2012.
- 5 Feedback from neighbouring residents in relation to Task Force action and enforcement under the revised ASB procedures has been very positive. For example: *"Kathy Evans is doing a very good job and keeps us informed with a weekly update. The two ASBNs have been served on the two properties in Grove Street and we have now had several weekends of amazing peace with no one in either of the flats"*.
- 6 Following on from the receipt of Counsel Opinion a report was submitted to the Planning Committee of 28th February 2013. This report is an update on Planning guidance and in it makes reference to Party Flats. Under consideration was whether short term stay commercial leisure apartments (party flats) can constitute a 'material change of use'. The Committee agreed that, in deciding whether this is the case, regard will be had to:
 - The character of the new use and of the wider area;
 - The size of the property
 - The pattern of activity associated with the use, including number of occupants, periods of use, issues of noise, disturbance and parking demands
 - The nature and character of any services provided

The Committee agreed to add the following wording to the relevant section of the published version of the Guidance for Businesses:

In the case of short stay commercial leisure apartments, the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.

7 Licensing

- 7.1 Party flats do not come within the existing House in Multiple Occupation licensing regime at present. However, Ministers do now have a power to bring by order additional types of multi-occupancy property within the scope of HMO licensing.
- 7.2 The Scottish Government could attempt to have party flats licensed under either the HMO or Civic Government licensing regimes. Licence application fees would fund the operation of the licensing regime.
- 7.3 If a licensing regime for party flats is introduced it may include businesses which do not cause problems. There may well be opposition to regulation either through the 2006 Act or the 1982 Act. Opposition could be based on the argument that the control of property rights introduced by such a regime is disproportionate to the problem which can and should be addressed through existing legislation.
- 7.4 There are a wide variety of properties that are used for party/holiday accommodation which do not hold licences of any type at present. These include small hotels and bed and breakfast premises. The majority of these cause little difficulties for neighbours and significant overcrowding or fire safety issues do not arise. If a licensing regime is proposed, concerns would no doubt be raised that the above properties should be excluded as they do not cause a problem and the licence fees and procedures would merely add to their operating costs.
- 7.5 Every effort would therefore require to be made to create a suitable definition to capture the properties most likely to cause problems. It would be difficult to set out a definition which avoids affecting properties and property rights which do not cause any of the problems associated with Party Flats and also avoids having exclusions which would allow Party Flats to operate without being licensed. Accordingly, careful consideration will have to be given as to whether this avenue of control is pursued at present or whether it should be part of a future review should additional controls be deemed necessary.

8. Next Steps

- 8.1 The Task Force is currently working towards establishing a single reporting line, which will be able to be used by members of the public when issues or concerns are raised regarding Short Term Lets (party flats). The initial proposal is to link this reporting email/telephone line to the existing customer contact centre so as to ensure ease of use and consistency of service for the customer.

Kathy Evans

Community Safety Manager – South Team