

MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE

THURSDAY 12 JUNE 2025 COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON & HYBRID MEETING FACILITY

1

Committee Members Present:

Councillor C Cassini
Councillor C McFarlane
Councillor J McMillan (Depute Convener)
Councillor T Trotter

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Solicitor

Ms S Fitzpatrick, Team Leader – Licensing and Landlord Registration

Ms A O'Reilly, Licensing Officer

Ms N Harrison, Licensing Standards Officer

Ms S O'Flaherty, Landlord Registration Officer

Ms A Smith, Planner

Mr S Robertson, Assistant Planner

Mr G Robinson, Service Development Officer

Ms E Barclay, Democratic Services Assistant

Others Present:

PC I Anderson, Police Scotland Mr T Cramer, Watch Commander, Scottish Fire & Rescue Service

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor J Findlay
Councillor C McGinn

Declarations of Interest:

None

The clerk advised that the meeting was being held as a hybrid meeting, as provided for in legislation; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the Council

was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for five years from the date of the meeting.

The clerk recorded the attendance of Committee members by roll call.

1. MINUTES FOR APPROVAL Licensing Sub-Committee, 8 May 2025

The minutes were approved as an accurate record of the meeting.

2. APPLICATION FOR RENEWAL OF AN ANIMAL BOARDING LICENCE – DOGS BY LEIGH, THORNTONLOCH HOLDINGS, BLACKBERRY FARM, DUNBAR

An application had been received from Leigh Bisset for the renewal of a licence to operate an animal boarding establishment. It had come before the Licensing Sub-Committee because Environmental Health Officers had indicated that conditions on the site did not meet the requirements for the licence.

Ms Bisset was present to speak to her application, and was accompanied by her landlord, Donna Collins.

lan Forrest, Solicitor, introduced the application, and highlighted emails from Lynn Slight, Environmental Health Officer. He noted that officers from Environmental Health were unable to attend. He also asked Committee members whether they wished to consider a late email submitted by the applicant, to which they agreed.

Ms Bisset provided information on the operation of her business, and described the site. She explained that a change of use for the site had been approved in 2022, and advised that only dog walking and daycare were offered. She reported that a caravan had ben sited in the field, which had a generator, and kitchen and toilet facilities. She advised that the vans could be used if dogs required isolation time, and there was also sufficient storage for muzzles, leads, medication, and treats.

Ms Bisset responded to questions from Committee members. She advised that Ms Slight had provided the required conditions, and Ms Bisset considered that the caravan met the requirements for indoor space. Ms Bisset said her research had indicated that the caravan did not require planning permission because it could be easily moved. She advised that dogs could be isolated using the cages in the vans at feeding time, and cages were also available in the caravan.

Councillor Trotter asked whether Ms Bisset was satisfied that her facilities met the conditions of the licence. Ms Bisset explained that she accommodated only 10-12 dogs at a time for daycare, and was happy that the facilities were adequate for the number of dogs she looked after. She advised that her days ran between 9am and 2pm.

Responding to a question from Councillor Trotter, Sheila Fitzpatrick, Team Leader – Licensing and Landlord Registration, advised that facilities were inspected by Environmental Services when required.

Responding to a question from Councillor McMillan, Mr Forrest advised that Committee members could not grant the licence subject to updated feedback from Environmental Health; the only options were to grant or refuse the licence, or to defer making a decision pending further information.

Councillor Trotter proposed that the application be continued to allow a further site visit to be undertaken by an Environmental Health Officer to confirm that all was in order at the site. Councillor McMillan seconded this proposal.

Councillor McMillan then moved to a roll call vote, and Committee members unanimously indicated their support for the proposal to continue the application.

Decision

The Licensing Sub-Committee agreed to continue the application to allow a site visit to be conducted by Environmental Health.

2. APPLICATION FOR THE GRANT OF LICENCES TO OPERATE HOUSES IN MULTIPLE OCCUPATION 7 & 9 Hope Park, Haddington

Applications had been received from John Friel for licences to operate 7 & 9 Hope Park, Haddington, as houses in multiple occupation (HMOs). The applications would be heard by the Licensing Sub-Committee due to several objections having been made by statutory consultees. The Sub-Committee was required to focus on the suitability of the properties to operate as HMOs, and on the applicant to hold HMO licences.

Mr Friel was present to speak to the application. Representatives from statutory consultees who had made objections were also present: Amelia Smith and Scott Robertson on behalf of the Planning Authority; Sheila Fitzpatrick on behalf of Landlord Registration; and Watch Commander Torquil Cramer on behalf of the Scottish Fire and Rescue Service (SFRS).

Mr Forrest introduced the applications and highlighted the objections from statutory consultees. He also advised that Mr Friel had made several submissions by email a very short time before the meeting began; Committee members had not had time to consider these late submissions, and Mr Forrest asked the Licensing Sub-Committee whether it wished to accept these late submissions.

Members expressed feelings that the submissions had been made too late. In response, Mr Friel summarised what was contained within the submissions, which included evidence of work carried out following a visit from SFRS. He advised that this paperwork had also been sent to Mr Cramer.

The Convener moved to a roll call vote on whether the Sub-Committee would accept the late submissions, and Committee members unanimously agreed that they would not.

Mr Friel spoke in support of his applications. He advised that he had owned the properties at 7 and 9 Hope Park for around 20 years, and had moved between these addresses. He advised that seven people currently lived at no. 7, and six people lived

at no. 9. He provided the HMO licensing history of the properties. He advised that fire procedures at 7 Hope Park had been followed to bring the property up to standard after he had previously been advised that an HMO licence was required, and further work had also been required at 9 Hope Park. He explained that an application had been made two years previously, but had been missing some paperwork. He reported that the objections in 2023 had been made by antisocial neighbours, but reassured the Sub-Committee that there had been no problems at the property. He explained that someone had come to sleep under the stairs because he had had to be moved from the other property; his alcohol problem had made another resident uncomfortable, but the man had been unable to take another tenancy due to his employer owing him money. Mr Friel said he considered the previous objections to be historic and not relevant to the current applications, and reiterated that the objectors had caused him problems for a number of years. He reported that everything SFRS and Environmental Health had brought to his attention had been actioned. He advised that his tenants had stayed for a long time and there had never been any issues with, or record of, antisocial behaviour.

Mr Friel answered a number of questions from Councillor McMillan. He gave further context as to why the man had been staying under the stairs. He clarified that although he described the tenants as friends, they had been paying rent, even when no HMO licence had been in place. He advised that the smoke detector systems had been the same as were required in domestic properties, however, Mr Cramer had brought to his attention that there was a requirement that the detectors be hardwired.

Responding to further questions from Committee members, Mr Friel explained that his landlord registration had lapsed due to illness, but he had completed the required actions when the issue was brought to his attention. He was not aware of any issues of fly tipping. He reported that experts had written emergency fire action plans for the two properties; the documents had been sent over to SFRS, displayed in the properties, and new tenants would be given a fire safety induction. He said that the correct procedures had been followed for site notices for each application. He also reported that neighbours had dropped litter over the gate to one of the properties, but said he had not reported this to Police Scotland.

Mr Friel responded to concerns raised by Councillor Cassini about his lack of attention to fire regulations. Mr Friel advised that Mr Cramer had recognised that fire detectors, fire blankets, extinguishers, and rules against smoking were all in place; he reported that work to hardwire smoke detectors and add additional detectors had been commissioned as soon as he became aware of these requirements. He reiterated that all records had now been sent to SFRS.

Councillor McMillan asked whether the pods in the garden used for people to sleep in were still in place. Mr Friel explained that sheds had been in place in the back garden for 20 years, but replacement sheds had required planning permission, for which an application was being processed. He explained that mattresses had been in place when family came to visit, but only for a few days. He advised that the sheds housed tools, and the pods had been added when he had intended to breed puppies.

Mr Cramer advised that a fire safety audit had taken place on 5 June as part of the HMO application process. He acknowledged that much of the required work appeared to have been undertaken, but he had not had opportunity to properly review the submissions. Mr Cramer wanted to return to the premises for further inspection of installation certificates and to check the correct equipment had been installed. He advised that the responses to the inspection had been submitted one week following the inspection.

Councillor Trotter asked how quickly a further inspection could be organised. Ms Fitzpatrick pointed out that other colleagues would also have to be consulted because the application had been non-compliant in various areas. Committee members agreed to proceed and hear from all consultees in attendance.

PC Anderson advised that there had been no objections to the initial applications, and added that he would be unable to comment on any further matters which may come to light. He confirmed that any further concerns would be notified according to usual processes, but Police Scotland was satisfied that there were no matters currently outstanding.

Amelia Smith, Planner, provided a summary of the relevant planning history of the properties. She reported that an unauthorised change of use of 7 and 9 Hope Park was investigated, as both were operating as HMOs without grant of planning permission. She advised that the extension to the rear was also without grant of planning permission, and Mr Friel had not regularised these positions following attempted communications with him. She advised that Councillors had provided authorisation in June 2024 for planning enforcement action in relation to the unauthorised extension and HMO operation; the six-month period by which Mr Friel had to comply had expired in February 2025. As such, Ms Smith advised that the Planning Authority looked to refer to the procurator fiscal or take direct action.

Mr Friel pointed out that a retrospective planning application had been made for the conservatory to the rear of the property, and for some sheds for which he had not realised planning permission had been required; he reported that the site notice was currently on display. He said he did not understand what it meant to apply for planning permission for an HMO.

Responding to questions from Committee members, Ms Smith confirmed that a retrospective planning application for the extension to the rear of the property was pending consideration. She confirmed that the application had been received several months following the expiry of an enforcement notice. She advised that the enforcement notice and the planning application were two separate processes; the planning application would still be determined within the determination date, but the decision would be likely to reflect the fact that an enforcement notice had been served. Ms Smith confirmed that, from a planning perspective, an HMO was classed as a property in which five or more unrelated persons lived.

Mr Friel responded that his properties did not have more than five unrelated persons living in them; he advised that there was only one single person living in each property, and others were couples or siblings. Ms Smith advised that, following complaints in 2022 and 2023, Mr Friel was served with a planning contravention notice with regards to operating unauthorised HMOs, and was formally requested to apply for retrospective planning permission. Mr Friel reiterated that he was not aware that there was any proof that there had ever been more than five unrelated persons living in the properties.

Ms Fitzpatrick informed Committee members that there were different rules for HMOs in terms of licensing and planning; a licence was required to operate an HMO with three or more unrelated persons, and, in addition, planning permission was also required to operate an HMO with five or more unrelated persons. She informed the Sub-Committee of a multiagency visit in November 2023, which had found 14 tenants living between the two properties. She provided a breakdown of bedroom occupancy between the properties from that time. She also noted that single beds were found in both sheds at the rear of the property.

Ms Fitzpatrick advised that she was also a consultee in her landlord registration capacity. She reported that rent suspension orders had been served on both addresses in August 2024, following service of planning enforcement orders relating to the operation of unlawful HMOs. A further visit on 1 October 2024 found that the properties were being operated as HMOs, at least under the licensing definition of an HMO, and all occupants spoke to having paid rent throughout September. She confirmed that all tenants had the right to private residential tenancy agreements, and the landlord would have to abide by several notices to end those tenancies.

Councillor Trotter commented that it was not in anyone's interest to stop Mr Friel from being able to make a living, however, thought it was impossible to grant the application while enforcement action was ongoing. He felt there were too many matters outstanding to consider granting the licence. He was also concerned that Mr Friel had not taken action until recently, despite matters being raised a considerable time ago.

Councillor McFarlane expressed disappointment that fire safety instructions had been left so late to be implemented.

Councillor Cassini expressed concern for the residents, should the HMO licence applications be refused, however, she felt the current situation would not allow the Licensing Sub-Committee to grant the applications.

Councillor McMillan noted the pressure the Homelessness Team was under, but also took advice from officers regarding non-compliance. He felt that Mr Friel had ignored regulations and communications, despite officers being as helpful as they could be. He was minded to refuse the applications based on the evidence from consultees.

Responding to a question from Committee members, Mr Forrest advised that a licence refusal would mean that a fresh application could not be made for a year.

Mr Friel asked Committee members to defer making a decision until such time as Mr Cramer could perform a further inspection. He also questioned whether refusal of a licence would mean that he would have to evict his tenants, and said he did not know where he stood legally.

Councillor McMillan reprimanded Mr Friel submitting papers late and for ignoring communications with the Council. He said that Mr Friel ought to know where he stood legally because he had been operating in a licensed industry where he had a legal and personal responsibility for his tenants. He commented that legal advice as a landlord was something Mr Friel had lacked in the past.

Councillor Trotter wanted assurance that Mr Friel would attend to matters well in advance, as he would not be as lenient if there were further delays. Mr Friel reiterated that all requirements from SFRS had now been actioned.

Councillor McMillan said that the Sub-Committee was discussing an ultimatum, and questioned whether Committee members could have confidence that Mr Friel would manage the situation properly, given previous evidence.

Councillor Trotter proposed to defer making a decision on the application until such time as the planning applications could be determined, and to allow a follow-up site visit to be conducted by a representative of SFRS.

In terms of the timing of the deferral, Mr Forrest noted that a special meeting may be convened depending on the timing of the planning application decision, or the application might return to the next scheduled meeting of the Licensing Sub-Committee on 11 September.

Councillor McMillan then moved to a roll call vote on the proposal to defer making a decision on the application. Committee members indicated their support for this proposal, apart from Councillor McMillan, who voted against the proposal.

Councillor McMillan urged Mr Friel to think about safety and to work with officers in the coming weeks.

Decision

The Licensing Sub-Committee agreed to continue the application until such time as the planning applications could be determined, and to allow a follow-up site visit to be conducted by a representative of the Scottish Fire and Rescue Service.

Note: Summary of information

The Licensing Sub-Committee agreed to exclude the public from Item 4 in terms of paragraph 2 (information relating to individual tenants) of Schedule 7A to the Local Government (Scotland) Act 1973.

4. APPLICATION TO WAIVE THE REQUIREMENT FOR AN HMO SITE NOTICE

Members agreed to waive the requirement for HMO site notices for the properties discussed at Items 4a, 4b, and 4c.



COMMITTEE: Licensing Sub-Committee

MEETING DATE: 11 September 2025

BY: Executive Director – Council Resources

REPORT TITLE: Taxi Fare Review

REPORT STATUS: Public

1 PURPOSE OF REPORT

1.1 To allow the Licensing Sub-Committee to consider the review of the scale of the fares or other charges currently in operation in respect of the East Lothian taxi fleet.

2 RECOMMENDATIONS

- 2.1 Members are recommended to:
 - complete the review of taxi fares by considering the representation received from the trade following the advertisement of the proposed fares (approved LSC 8 May 2025) (as laid out in Appendix 2 below) and approving the alternate rates put forward by VPMU following consideration of said representation, as laid out in Appendix 3 below;
 - ii. agree the tariff will come into effect eight weeks after the date of advertising; and
 - iii. authorise officers to advertise and explain the effect of the proposals and invite representations from the public.

3 BACKGROUND

- 3.1 There is a statutory requirement for the Council to review taxi fares at least once every 18 months. The last review took place August 2023 (Appendix 1 existing tariff), with the fares being adopted on 27 January 2024 meaning a review was required no later than May 2025 in order to comply with the statutory timescales.
- 3.2 The consultation and review by the Sub-Committee was completed on 8 May 2025 when the proposals were approved (Appendix 1). The proposals

- were advertised and a representation was received from the trade (Appendix 2).
- 3.3 Alternative calculations have now been proposed by ELC's Vehicle Plant and Maintenance Unit (VPMU) (Appendix 3), taking account of the representation noted at paragraph 3.2 above.
- 3.4 Before any new scale of fares and other charges can come into force, the Council must advertise any new proposed scale in the local press to give an opportunity for public representations. Said notice must also specify the date on which it is proposed that the tariff shall take effect, which must take account of the period for representations and for appeals to the Traffic Commissioners. It is therefore suggested that the proposed date of coming into effect should be eight weeks after the date of advertising. Following the coming into effect of the tariff, there would be a further notice published confirming that the new tariff is now in effect.

4 POLICY IMPLICATIONS

4.1 None. In fixing a scale of fares and other charges, the Council as Licensing Authority is complying with a statutory duty.

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: None
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

6.1 Select the statement that is appropriate to your report by placing in 'X' in the relevant box.

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socioeconomic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.



or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:				
Subject	Impacts identified (Yes, No or N/A)			
Equality and human rights				
Socio-economic disadvantage/poverty				
Climate change, the environment and sustainability				
Corporate parenting and care-experienced young people				
Storage/collection of personal data				
Other				

[Enter information on impacts that have been identified]

The Integrated Impact Assessment relating to this report has been published and can be accessed via the Council's website:

https://www.eastlothian.gov.uk/info/210602/equality_and_diversity/12014/integrated_impact_assessments

7 APPENDICES

- 7.1 Appendix 1 Proposed tariff (approved 8 May 2025)
- 7.2 Appendix 2 Representation (Torrance, 27 May 2025)
- 7.3 Appendix 3 Alternative proposal

8 BACKGROUND PAPERS

8.1 None

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Ian Forrest
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Date	29 August 2025

Head of Service Approval

Name	Hayley Barnett
Designation	Head of Corporate Support
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	Confirmed
Approval Date	2 September 2025

EAST LOTHIAN COUNCIL CIVIC GOVERNMENT (SCOTLAND) ACT 1982 TAXI FARE SCALE

FARE TABLE FOR TAXI CABS 30 June 2025

For 1 to 8 Passengers	TARIFF 1	TARIFF 2	TARIFF 3
	6am – 6pm	6pm- 6am	
For the initial period of waiting and Section 2. For the initial hire not exceeding 713.70 yards	£3.80	£5.06	£6.33 1. 6pm on 24 th December until 6am on 27 th December 2. 6pm on 31 st December until 6am on 2 nd January
For each additional 40 seconds of waiting time	27p	27p	53p
2. For every additional 146.5 yards	27p	27p	53p
3 .Or a combination of 1 and 2 above	27p	27p	53p

EXTRA PAYMENTS

• Car valeting charge for customer misuse - £120 no change

NOTES

• The above fares are applicable only within East Lothian

From: <u>Ian Torrance</u>
To: <u>Fitzpatrick, Sheila</u>

 Subject:
 Re: Taxi Fare Review 2025

 Date:
 27 May 2025 14:20:39

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

Thank you for your email regarding the proposed taxi fare increase. After some consideration, we were wondering if the yardage could be changed without any additional increase to the price. Specifically, could the increments be set to increase at 30p instead of the unusual 27p? Additionally, can the odd .06p on tariff 2 be deleted? Our customers and drivers find these odd figures frustrating when dealing with cash. For example our night shift when dealing with customers the worst of wear, neither party don't want to deal with coppers so we loose out.

Regards

Ian Torrance

For and on behalf of

Torrance Taxis
1a Spott Road, Dunbar
East Lothian
EH42 1LE

Tel: 01368 862612

Web: http://www.torrancetaxisandtravel.co.uk.

The information contained in this e-mail and any accompanying documents may contain information

that is confidential or otherwise protected from disclosure. If you are not the intended recipient of this

message, or if this message has been addressed to you in error, please immediately alert the sender

by reply e-mail then delete.

From: Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk>

Sent: 09 May 2025 09:22 **Subject:** Taxi Fare Review 2025

Please see the attached for your attention.

Regards,

EAST LOTHIAN COUNCIL CIVIC GOVERNMENT (SCOTLAND) ACT 1982 TAXI FARE SCALE

FARE TABLE FOR TAXI CABS XXXX

For 1 to 8 Passengers	TARIFF 1	TARIFF 2	TARIFF 3
	6am – 6pm	6pm- 6am	
For the initial period of waiting and Section 2. For the initial hire not exceeding 650 meters	£3.80	£5.00	£6.40 1. 6pm on 24 th December until 6am on 27 th December 2. 6pm on 31 st December until 6am on 2 nd January
For each additional 40 seconds of waiting time	30p	30p	60p
2. For every additional 155 meters	30p	30p	60p
3 .Or a combination of 1 and 2 above	30p	30p	60p

EXTRA PAYMENTS

• Car valeting charge for customer misuse - £120 no change

NOTES

• The above fares are applicable only within East Lothian

O'Reilly, Arlene

From:

Slight, Lynn

Sent:

20 August 2025 09:05

To:

Licensing

Cc:

Rafferty, Alison (Licensing); IDOX EH

Subject:

AB066.25 - Animal boarding Licence Dogs by Leigh report

Follow Up Flag:

Follow up

Flag Status:

Flagged

Dear Licensing,

I refer to the email trail below concerning Dogs by Leigh, operating from Blackberry Farm, Thorntonloch, Dunbar. This application for an animal boarding establishment licence was heard at Licensing Sub Committee ,12 June 2025 where members deferred the decision on the application and requested Environmental Health make a further inspection of the premises and provide a written report.

I can advise that an inspection was carried out on 19th August 2025 in the presence of the business operator Leigh Bissett. The inspection was pre-arranged and no dogs were on site. The business operates from a 2 acre field, bounded by hedgerow and fencing with two gated access points.

Since Environmental Healths initial inspection in February 2025 the operator has altered the business model to a maximum of 8-10 dogs on site from 0800 to 1330 with a further 10/12 dogs in the morning and afternoon sessions for dog walking. The site is closed at approximately 1400h each day. The site operates Monday to Friday.

A generator and dog cages have been provided and fitted into a new caravan unit on site. The caravan has a fitted sink with a water supply and provides shelter. Mains water is provided in an IBC (international bulk container) and refilled as necessary. The operator has the required information on each dog (owners' details, veterinary contact, microchip number, vaccination record etc)

Additional secure crated accommodation is available via the two business vans (total of 21 separate crates). A dog first aid kit is available in both vans.

The applicant has been advised to check and reinforce the boundary fence as required and if deemed appropriate contact Network Rail to repair / replace the fence which forms a boundary to the main rail line. No complaints of noise or the general conduct of the premises have been received by Environmental Health, and no complaints or concerns have been notified from clients.

The operator has been running the business from this site since 2020. They wish to improve the facilities on site particularly the shelter accommodation and provision of additional power via solar panels.

With the improvements already secured and consideration for further improvements in due course Environmental Health have no objections to the issuing of the licence subject to the standard conditions and subsequent re applications will be dealt with as required.

Kind regards

Lynn Slight Senior EHO East Lothian Council



REPORT TO: Licensing Sub-Committee

MEETING DATE: 12 June 2025

BY: Executive Director for Council Resources

SUBJECT: Housing (Scotland) Act 2006, Part 5

Application for Grant of Licences to Operate Houses

in Multiple Occupation (HMOs) at 7 Hope Park, Haddington, EH41 3AH 9 Hope Park, Haddington, EH41 3AH

1 PURPOSE

1.1 Licence applications (Appendix 1) for HMOs have been received for the two addresses above.

- 1.2 Historic letters of objection and complaints have been received from neighbouring residents. There are current breaches of both planning and housing legislation related to both addresses. Relevant representations and objections are required 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 authority.
- 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 That the Sub-Committee:
- a) Considers both applications and representations/objections/background information, and determines whether the HMO licence applications are to be granted, granted subject to conditions, or refused.
- b) If the licences are granted, the Sub-Committee is asked to decide the period of the licences. This can range from six months to three years.

4

c) If the licences are granted, the Sub-Committee is asked to agree that they 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/or cooking facilities, the owner must apply to the local authority for a licence to operate an HMO. The property must also be the residents' main or principal residence in the UK.
- 3.2 9 Hope Park, EH41 3AH was previously licensed as an HMO. This licence expired on 18 July 2020.
- 3.3 East Lothian Council (Licensing) actions (from 18 July 2020) are summarised in Appendix 3.
- 3.4 Historic neighbour complaints/objections are compiled in Appendix 4. These complaints/objections have not been received in response to the required display of a site notice for the current application.
- 3.5 Consultation responses to the current applications are found at Appendix 5.

4 POLICY IMPLICATIONS

4.1 None.

5 INTEGRATED 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 Housing potential for multiple homelessness presentations should the licence be refused and current residents are unable to secure alternative accommodation.

7 BACKGROUND PAPERS

7.1 None.

Appendix 1 – Licence application forms for 7 and 9 Hope Park, EH41 3AH

Appendix 2 – Licence conditions

Appendix 3 – Summary of East Lothian Council (Licensing) actions

Appendix 4 – Historic objections/complaints

Appendix 5 – Consultation responses (7 & 9 Hope Park, EH41 3AH)

AUTHOR'S NAME	Ian Forrest
DESIGNATION	Solicitor
CONTACT INFO	Ext 7389
DATE	22 May 2025



HOUSES IN MULTIPLE OCCUPATION LICENSING CONDITIONS

- 1. The Licensee shall make the Licence and these conditions, available to occupiers within the premises where it can be conveniently read by residents.
- 2. If there is a material change of circumstance affecting the Licensee or the operation of the HMO, the Licensee must inform the licensing authority as soon as possible. No alteration must be made to the property without the prior written consent of the authority.
- 3. The granting of a licence requires that notice in writing be given to every occupier of premises in the same building and the occupiers of adjoining premises which share a common boundary with the land upon which the licensed premises are situated, advising them of the name of the Licensee or managing agent, a contact address, daytime telephone number and emergency telephone contact number. For the purposes of this condition, "common boundary" means any land or buildings which share a boundary with the land on which the licensed premises are situated or are on the opposite side from the licensed premises of any road, pathway or common area less than 20 metres in width. Where the licensed premises are in a sub-divided building, notification requires to be made to all other parts of that building, in addition to any land or buildings falling within the terms of the preceding sentence. Where any such adjoining buildings are themselves part of a sub-divided building, all parts of that building require to be notified.
- **4.** 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.
- 5. Where appropriate, the Licensee shall comply with the Food Safety Act 1990, and any regulations thereunder. The Food Hygiene Regulations, The Health and Safety at Work Act 1974, and any regulations thereunder and The Furniture and Furnishings (Fire) Safety Regulations 1988.



HOUSES IN MULTIPLE OCCUPATION - LICENSING CONDITIONS (continued)

- **6.** All licensed premises shall comply with the requirements of the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 and will be provided with:
- Adequate means of escape in case of fire.
- Adequate means of ensuring that the means of escape can be safely and effectively used at all times.
- Adequate and suitable fire-fighting equipment.
- An adequate fire alarm system.
- An adequate number of smoke detectors.
- An adequate number of Notices detailing procedures in the event of fire.
- 7. The equipment required to comply with these conditions shall be adequately maintained at all times, and it shall be the responsibility of the Licensee to ensure sufficient instructions are given to the residents of the licensed premises regarding the procedures to be followed in the event of a fire.
- **8.** To ensure an adequate electricity supply is maintained to the installed Fire Detection system, where credit card meters are in use, the Licensee will be responsible for ensuring that the meters remain in credit when the premises are unoccupied for any period exceeding 48 consecutive hours.
- **9.** 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.
- **10.** 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.
- 11. The number of persons residing in the premises shall not exceed the maximum number stated on the licence. The use and occupancy levels of each room shall not be changed without the approval of East Lothian Council. Any change may be subject to a variation fee.



HOUSES IN MULTIPLE OCCUPATION - LICENSING CONDITIONS (continued)

- **12.** The Licensee shall allow access to the premises at any reasonable time to the following officials for licensing purposes:
- Any officer of East Lothian Council.
- Any officer of the Scottish Fire & Rescue Service
- Any officer of Police Scotland
- **13.** The Licensee shall comply with all relevant legislation affecting private sector residential tenancies.
- **14.** Written occupancy agreements must be provided, and must meet with the approval of East Lothian Council. Once approved, the occupancy agreement must not be altered unless the Licensee obtains further approval from the Council.
- **15.** The Licensee will be responsible for the day to day running of the premises, and for ensuring that residents comply with the terms of their Lease and in particular to deal effectively with any anti–social behaviour by tenants to anyone else in the HMO or in the locality of the HMO.
- **16.** Actions to secure repossession must be only by lawful means.
- 17. The Licensee shall be responsible for ensuring that all electrical installations are in accordance with the current IEE Wiring Regulations, and gas installations comply with the Gas Safety (Installation and Use) Regulations 1998.
- **18.** Gas and electrical appliances provided by the Licensee must be maintained in a safe and satisfactory condition. Continuity of certification must be maintained. Tenants' appliances should be in good repair, used for the intended purpose, and suitable for the intended purpose.
- 19. Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
- **20.** The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.



HOUSES IN MULTIPLE OCCUPATION - LICENSING CONDITIONS (continued)

- **21.** 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.
- 22. The building should be maintained in a reasonable state of repair, having regard to its age, type and location. Garden and environmental areas should also be adequately maintained. Where an HMO is in a shared building the Landlord must co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts. Where the tenants fail to participate in the cleaning and maintenance of common areas or environmental areas, the landlord will be expected to carry out the work.
- **23.** Adequate and suitable facilities must be provided for the storage and disposal of refuse. Where bins are provided to terraced and tenemental property they must be clearly identified by flat or property address. The landlord must ensure that the tenants utilise the bins provided and ensure that refuse or bins are placed out on collection day and that bins are returned to the bin storage area following collection (where applicable).
- **24.** The Licensee will ensure that residents' mail is made available to residents on a daily basis.
- **25.** The Licensee shall maintain comprehensive Building Insurance and Property Owner/Public Liability Insurance in accordance with the approved Standards.

Unlicensed House in Multiple Occupation (HMO)

Addresses - 7 Hope Park, HADDINGTON, EH41 3AH

9 Hope Park, HADDINGTON, EH41 3AH

Landlord - John Friel



Summary of events

Date	Action
17 Dec 2020	Advised by Mr Friel that 9 Hope Park not currently being used as an HMO. Also,
	that he sometimes lived at no. 9 and sometimes at no. 7
19 Aug 2022	Email from Police Scotland who advised both 7 and 9 Hope Park identified as
	HMOs
7 Sep 2022	Landlord Registration officer (LRO) and Environmental Health officer (EHO) visited
	both addresses where Mr Friel admitted four lodgers lived at each address and he
	lived at no. 7.
	HMO application forms and guidance notes left with Mr Friel who advised he
	would submit the applications the next day.
8 Sep 2022	LRO emailed details of HMO licence application fees to Mr Friel
12 Sep 2022	HMO application fees received for 7 and 9 Hope Park, EH41 3AH (2 x £811 – for
	occupancy between 6 and 10 persons)
4 Jan 2023	Compliance notices received for both properties stating Site Notices were publicly
	displayed 2 to 23 December 2022
21 Apr 2023	LRO phoned Mr Friel re no HMO licence applications received. Mr Friel stated
	they would be dealt with on the same day.
1 May 2023	Voicemail left for landlord (from LRO) – no HMO licence applications received
19 May 23	Planning Contravention Notices served (Unauthorised change of use to HMO).
28 Sep 2023	Landlord Registration expired
20 Oct 2023	Rent Penalty Notice served to take effect 1 November 2023
31 Oct 2023	Landlord Registration renewal applied for
6 Nov 2023	Application forms received for 7 and 9 Hope Park, EH41 3AH
15 Nov 2023	Objection to HMO licence received
17 Nov 2023	Email to Mr Friel from Licensing Officer advising a number of discrepancies with
	application forms and advising that no supporting documentation lodged with
	either application form
21 Nov 2023	Second objection to HMO licence received
23 Nov 2023	Multi-agency (Environmental Health, Planning, Landlord Registration, Police
	Scotland and Scottish Fire and Rescue Service) visit to 7 and 9 Hope Park. Mr Friel
	was not in attendance. It was found to be c. 14 tenants between both properties
	resident.
	No. 7 – 1 bedroom on ground floor (occupied by Mr Friel)
	- 3 bedrooms on first floor
	- Attic converted to bedroom (with en suite)
	- Occupant advised that there was 1 couple in 1 first floor bedroom, the
	other first floor bedrooms were single rooms and the attic bedroom was
	a twin room

	No. 9 – 1 bedroom on ground floor				
	- 3 bedrooms on first floor				
	- 1 attic bedroom with ensuite				
	 Occupant advised there were two double bedrooms and 3 				
	 single bedrooms in the property. The occupant also advised that rent 				
	was paid in cash and no receipts were received for rent payments.				
	In addition to the original buildings, it was found that there were two 'garden				
	sheds' in the structure attached to the rear of the building. Single beds were				
	observed in both the sheds.				
6 Dec 2023	Meeting with LRO, Planning representative, Homelessness Team representative				
	and Mr Friel held at John Muir House, HADDINGTON, EH41 3HA.				
	LRO discussion – Mr Friel advised that objections received to HMO licence				
	applications and would therefore be determined by Licensing Sub-committee. Mr				
	Friel also advised that HMO applications were incomplete and therefore not valid,				
	and in order to submit valid applications all supporting documentation was				
	required to be lodged (EICR, Gas Safe certificate, LRA, FRA etc)				
	Mr Friel also admitted that a single person had been sleeping in the understair				
	cupboard of one of the properties (reported by Police Scotland following their visit				
	of 19 August 2022).				
	Planning discussion – report to be provided by Planning regarding a number of				
	sites in breach of planning permissions				
	Homelessness discussion – concern that occupants of both properties did not				
	receive formal tenant / lodger agreements, frequent presentations to the				
	Homelessness team from former tenants of Mr Friel, potential presentations from				
	current lodgers due to both properties being in breach of HMO legislation				
8 Dec 2023	Further compliance notices received stating Site Notices displayed between 2				
	November 2023 and 7 December 2023				
21 Mar 24	No supporting documentation to the HMO applications received				
10 Jul 24	Enforcement Notice – Unauthorised change of use to HMO. Takes effect 20/08/24				
	(6 month compliance period).				
13 Aug 24	HMO applications considered withdrawn (as not competent) and Mr Friel advised				
	of same				
15 Aug 24	Rent Suspension Orders served by Sheriff Officer, taking effect 21 Aug 24				
1 Oct 24	Visit to both addresses with Police Scotland Officers (x 3). Established properties				
	both still being used as HMO and occupants have been paying rent to Mr Friel				
	throughout September.				
2 Oct 24	Tel call from Mr Friel querying visit to properties (1 Oct 24). Advised offences				
	being committed by operating unlicensed HMO and receiving Rent. Mr Friel				
	advised he would submit new applications, with supporting documentation and				
	pay licence application fees by end of week.				
L	1				

Sheila Fitzpatrick – Team Leader, Licensing & Landlord Registration – 3 October 2024

From: Henry, David (Safer Communities Team)

Sent: 22 March 2023 16:37

To: Grant, Shona <sgrant@eastlothian.gov.uk>

Subject: HMO

Hi Shona,

The Safer Communities received this complaint (see below)- please note the HMO 5 bedroom part of the complaint which you might find of interest/investigate. The complainer alleges that he has seen at least 13 people/tenants.

Kind Regards

Dave Henry

David Henry

Working From Home

Safer Communities Team

The George Johnstone Centre

35 Winton Place

TRANENT

EH33 1AE

Telephone Number: 01620 829902

Service Case Ref	ELGF58664
Date created	Sat, 18 Mar 2023 15:57 pm
Your name	
Your address	

Property type private tenant Town Haddington Your email address Email address Your home telephone number Your mobile telephone number 7/9 hope park John Friel is constantly out side day and evening shouting and swearing on his phone he is using his garden as a storage yard so we have workmen arriving 6/7am daily even on Sundays loading vans with tools and materials Give as full a he has ladders stored in open view we have to description of the keep our windows locked as fear of a break in complaint as possible I believe these properties are hmo 5 bedroom houses we have strange people walking around at all hours making noise and sitting watching tv on phone in the garden sitting in cars outside smoking drugs playing loud music Perpetrator's name (if John feel known)

Perpetrator's address (if

known)

7 and 9 hope park Haddington

From: Henry, David (Safer Communities Team)

Sent: 26 April 2023 11:30

Hi Shelia,

I hope you're well.

Update.

On 12/4/23 I visited Hope Park, Haddington and did a bit of door knocking and left calling cards- so far I received very little information to suggest that there is ASB. One neighbour said that they were not aware of any disturbances or noise other than the traffic outside. It doesn't look like there were any reports to the Police either.

I'll be calling the complainer again but just wanted to keep you posted.

Thanks

Dave

From:

Sent: 03 April 2023 17:36

I beleave you may have been contacted already about the ongoing troubles we are having with John Friel We are according to the house deeds it is only allowed to be used as a one family dwelling house not multiple occupancy some of the issues we are having are tenants Smoking drugs in the garden Shouting and swearing on the phone Drinking till late in the garden Tenants sitting in cars with the engine running 4 pm listing to music

Many thanks

Sent from my iPhone

From:

Sent: 12 November 2023 15:08

To whom it my concern

I would like to object to Mr Freil's HMO applications as reasons below; we have had multiple incidents with him and his tenants.

Firstly, we have had to deal with noise at all hours of the day and night, parties, tenant's consuming drugs in the garden/smoking marihuana which caused us having had to close our back door and locking our pets in, having to listen to tenants having sex with the windows wide open, fire alarms going off for hours on end, have an early morning police raid on both

properties and all the tenants removed for questioning. Between the two properties, there are often ten or more cars parked on the street which is not illegal, and I am aware of it, but simply not fair to us residents trying to park outside our own homes.

Secondly, Mr Freil advertises these two properties as a 3-bedroom HMO with outdoor smoking area and parking. These are actually being used as 5-bedroom properties with average 10 people per house. He has also created single storey timber framed and timber lined structure with corrugated polycarbonate roof lining attached to the dwelling without planning permission, so his tenants have a place to eat and drink as well as socialise and smoke. On many occasions we have had to listen unpleasant and unacceptable language coming from the tenants, Mr Freil himself and his employees.

He has blocked communal access to rest of the properties with locked gates and keypads that are meant to have access 24/7. I have listed my concerns about the extension below and I have emailed planning and building control multiple times but unfortunately, had no response to this day (please note, over a year now).

He also conducts his business called CRS construction from 7-9 Hope Park. Heavy construction materials are aften loaded and unloaded, transported though the seating area and stored in the garden, with workers constantly coming and going, sometimes at extremely early hours.

Lastly, the deeds to the property clearly state that these two properties are for family residential use only and not to be used as HMO / CONSTRUCTION business builder's yard. The structure that he has created illegally, is now in a process of being enclosed and forming an extension to the property, is fully attached to the dwelling and projects approximately 4m from the external wall into the garden and extends the length (north to south) of their property including a wraparound at the southern elevation. The structure he has built, is border line (i.e., the distance is 0m). He has also blocked access from both sides with gates\doors with keypad locks as I have stated above. The "extension" has been wired to supply electricity to lights, fridge freezers and televisions.

The concerns in particular I have raise to building \ planning

- The structure is built over a shared access path which forms part of an external escape route for your property and your neighbouring properties to the south as well as the north
- The external walls of the structure are constructed in combustible materials and on this basis do not appear to have met the technical requirements (Technical Standard 2.6.1) for fire resistance of external walls i.e. the external walls sharing the boundary should have a 30 minute fire resistance as a minimum (on the basis they are less than 1m from the boundary)
- Similarly the external wall cladding is timber lined and does not appear to have been treated to provide the required European Classification A1 or A2 (as Technical Standard 2.6.4)
- The roof covering appears to be a corrugated polycarbonate sheet and therefore unlikely to meet the requirements for 'low vulnerability' as required under Technical Standard 2.8.1 for roof coverings not more than 6m from a boundary

I am similarly concerned for the wellbeing and safety of the property occupants. For example, is there adequate installations for the early warning of fire and subsequent escape.

As part of my fire escape has been blocked, to date I have had no updates or any correspondence on any off my concerns, the properties are a death trap waiting to happen and I have raised these concerns directly with Mr Freil also to no avail.



From:

Sent: 14 November 2023 16:36

To: HMO Licensing hmo@eastlothian.gov.uk

Subject: Re: Objection John Patrick Freil HMO 7 & 9 Hope Park Haddington EH41 3AH

You don't often get email from Learn why this is important

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon thank you for receipt of my email

further to my original objections about mr frail and his application

I have found out today that he has people sleeping in two plastic ikea garden sheds in the back garden calling them pods.

(I have witnessed this myself)

Should I be calling the police about this kind of letting out rooms it seams he just does what he wants to make money with no regard to the safety and welfare off his tenants or neighbours I cannot see how this is legal in any way and at the moment I presume he does not have an hmo license at the moment

it greatly concerns me that somebody can operate in such a way



From: Sent: 20 November 20

As the owner of the property we have several objections to granting an HMO licence to the above properties. We have been complaining for almost two years to the council on how the two properties are occupied first complaint 14 December 2021, yet Mr Friel's been allowed to

continue behaving in an inappropriate manner, and in fact since then has extended the properties. See bullet points.

Below are copies of emails from my partner to the council, joint owner of

Points

- He has been operating illegally with numerous families / random people in both properties for a number of years, and in some cases over 20 people across both properties.
- I have personally witnessed disgusting behaviours including drug taking, fighting, loud obnoxious behaviour. Mr Freil sits out in the front street partially dressed on a very regular basis, there is even a suite in the garden, this is unacceptable a demonstration of what is anti-social behaviours/
- Mr Friel has blocked the communal access to the properties this has been discussed with police, due to an altercation when we tried to get access.
- He has built extension to the properties without planning permission, this runs across both properties (which now links the two properties) He has people sleeping in sheds out in the garden. Photographic evidence is available. Hope Park is a conservation area.
- The deeds of all properties at Hope Park are clear that the properties should only be used as family dwellings.
- My tenants complain to me on a daily basis about the behaviours of the neighbours at 7 & 9
 Hope Park.
- I believe that our property is devalued due to unsociable behaviours and obscene building structures.
- Mr Friel for years has been operating a building business from number 7 Hope Park for at least 15 years. People arrive at various hours day and night with deliveries, unloading vans.
 Staff shouting and swearing if there are wage / payment issues.
- There have been a number of police raids reported to us by our tenants, this is upsetting and disturbing.
- Parking in the street is taken over by John Friels work vehicles and tenants vehicles.
- There is a risk to life in these properties.
- I believe there is a GLAA issue that should be reviewed and looked into.

From:				
Sent:	23 November	2023	14:46	

23rd November 2023

Dear Sirs,

I have recently bought and feel that I must add my voice to the objections to the proposed HMO at 7 and 9 Hope Park.

While preparing a submission to the Planning Department for proposed upgrades to my property (still at draft stage), the architect I had instructed informed me that the large extension to the rear of 7 and 9 Hope Park, together with the large garden shed, have neither planning permission nor building warrant.

Also, my neighbour has shown me recent photographic evidence suggesting that said large extension appears to be sleeping pods and may have been evolving over the past 2 years. I have no objection to HMOs in principle, but when it appears that neither building control nor planning have been consulted, it does raise alarm bells over issues of fire hazard and access. My wife and I are elderly and this matter is causing us quite some alarm.

Finally, given that there are many design constraints in this Conservation Area, it seems contradictory that the above should be happening.

I look forward to hearing from you in due course.

Yours faithfully,

O'Reilly, Arlene

From:

Cramer, Torquil <torquil.cramer@firescotland.gov.uk>

Sent:

26 August 2025 16:01

To:

Short Term Lets

Subject:

RE: 7 & 9 Hope Park Haddington

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Arlene,

Just a quick update, Mr Friel has made a good effort to rectify the outstanding deficiencies, I'll visit him again next week to 'hopefully ' get him over the line for the meeting in September.

Regards

Torquil

Torquil Cramer GIFireE| Watch Commander | Fire Safety Enforcement Officer Prevention & Protection | MELB | Haddington Community Fire Station 47- 49 Court Street | Haddington | EH41 3AE

Mobile: 07989 220751

Email: torquil.cramer@firescotland.gov.uk



Safety, Teamwork, Respect, Innovation,

From: Short Term Lets <stl@eastlothian.gov.uk>

Sent: 24 July 2025 13:49

To: Cramer, Torquil <torquil.cramer@firescotland.gov.uk>

Subject: 7 & 9 Hope Park Haddington

CAUTION: This email originated from outside of SFRS. Do not click links or open attachments unless you are certain the email is genuine and know the content is safe.

Good Afternoon Torquil, I hope your are well.

Just looking for an update on Mr Friel's case for the upcoming licensing sub committee meeting in September please. As you know it was deferred so we could have a further inspection from the Fire Service etc.

Many Thanks

Arlene

Arlene O'Reilly | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. <u>licensing@eastlothian.gov.uk</u>

From: Smith, Amelia

To: Cmtte Licensing Sub

Cc: <u>Licensing</u>

Subject: FW: HMO"s - John Friel - 7 & 9 Hope Park, Haddington

Date: 01 September 2025 08:31:59

Attachments: <u>image001.png</u>

Hi Licensing / committee services,

I can confirm my attendance.

Just by way of an update, the planning application submitted by Mr Friel under ref: 25/00336/P has subsequently been withdrawn.

Kind regards,

Amelia.

From: Environment Reception **Sent:** 29 August 2025 13:23

To: Taylor, Emma

Subject: FW: HMO's - John Friel - 7 & 9 Hope Park, Haddington

Hi Emma

Sorry not sure if this will be for you?

Thanks Kirsty

From: Licensing

Sent: 29 August 2025 12:30

To: Fire (torquil.cramer@firescotland.gov.uk); Environment Reception; Environmental

Health/Trading Standards; Slight, Lynn; Small, Louise (Homelessness)

Cc: Cmtte Licensing Sub

Subject: HMO's - John Friel - 7 & 9 Hope Park, Haddington

Good Afternoon All

Further to the Licensing Sub Committee back in June, the above was continued for more information. The next Licensing Sub Committee Meeting is to be held in the Council Chambers on Thursday 11th September, 2025 at 2pm. Your attendance at this meeting is requested, the Agenda and joining instructions will follow one week before. Can you please confirm your attendance by email to

licensingcommittee@eastlothian.gov.uk

Kind regards

Gillian

Gillian Herkes

Licensing Officer

Democratic & Licensing Services

John Muir House

Haddington

East Lothian Council

01620 820114

gherkes@eastlothian.gov.uk

Please note: - My working days are Tuesday to Friday