

**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 14 September 2023

**BY:** Head of Corporate Support

**SUBJECT:** Civic Government (Scotland) Act 1982 (the 1982 Act)  
(Licensing of Short-term Lets) Order 2023  
Application for Grant of a Licence to operate a Short-Term  
Let (STL) at 68 Craighall Drive, Musselburgh, EH21 8FN

**4D**

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## **1 PURPOSE**

- 1.1 A licence application (Appendix 1) for the grant of an STL licence has been received from Dagmawi Orion Debench, to allow them to operate the property at 68 Craighall Drive, Musselburgh, EH21 8FN as a Short-Term Let (STL).
- 1.2 Six objections/representations from neighbours of the STL have been received between 16 May 2023 and 29 May 2023. 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 STL and to establish that the applicant is a fit and proper person to hold an STL licence (Schedule 1, Paragraph 5(3)(a)(ii)).

## **2 RECOMMENDATIONS**

- 2.1 The Licensing Sub-Committee is asked to consider the application and the objections/representations, and to determine whether the STL licence application for 68 Craighall Drive, Musselburgh, EH21 8FN is to be granted; granted subject to conditions; or refused.
- 2.2 If the STL licence is granted, the sub-committee is asked to decide the period of the licence; the duration of the licence will be 3 years unless determined otherwise by the sub-committee.

2.3 If the STL licence is granted, the sub-committee is asked to agree that this be granted subject to the conditions and standards outlined in Appendices 2 and 3.

### **3 BACKGROUND**

3.1 The Licensing of Short-Term Lets Order 2023 requires that where residential accommodation is provided by a host in the course of business to a guest, the accommodation is required to be licensed.

3.2 The STL application was received on 1 May 2023, and was dated 1 May 2023. Notices, under Paragraph 2 of Schedule 1 to the 1982 Act, were displayed at and around the property on 1 May 2023, 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**

3.3 The council has received an objections/representations from six neighbours (Appendices 4 to 9). In general, the objections/representations concern:

- Contradiction to the title deed
- The family-focused nature of the community
- Potential for antisocial behaviour

3.4 No objections have been received from consultees.

#### **Matters to be considered by the sub-committee**

3.5 In determining the application, the sub-committee must restrict itself to grounds of refusal specified in the 1982 Act. 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 STL (Schedule 1, (3))
- The applicant and/or any agent specified by the applicant are disqualified by an order of a Court from holding an STL Licence. (Schedule 1, (5), (3))
- The Sub-committee determines that the property is not suitable for occupation as an STL, or cannot be made suitable by including conditions on the STL Licence (Schedule 1, (5), (3)(c))
- In determining whether any property is, or can be made to be, suitable for occupation as an STL the sub-committee must consider:
  - The location, character or condition of the premises or the character or condition of the vehicle or vessel;
  - The nature and extent of the proposed activity;

- The kind of persons likely to be in the premises, vehicle or vessel;
- The possibility of undue public nuisance;
- Public order or public safety; or
- Any other good reason for refusing the application

### **Terms of an STL Licence**

3.6 An STL licence may include such conditions as the sub-committee thinks fit.

3.7 Any condition included in a STL licence may specify a date from which that condition is to have effect.

### **Grant of Licence and Conditions**

3.8 The duration of the licence will be 3 years (maximum) unless determined otherwise by the sub-committee.

## **4 POLICY IMPLICATIONS**

4.1 Licensing of Short-Term Lets is a statutory obligation for East Lothian Council. This report is based upon Legislation and Scottish Government guidance for licensing STLs.

## **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 Other – none.

## **7 BACKGROUND PAPERS**

7.1 Scottish Government Guidance published in March 2022 – Short Term Lets in Scotland Licensing Scheme, Part 2 Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms.

Appendix 1 Application Form

Appendix 2 Mandatory conditions

- Appendix 3 Additional conditions
- Appendix 4 Objection (Grosvenor)
- Appendix 5 Objection (Kempton)
- Appendix 6 Objection (Neill)
- Appendix 7 Objection (Smith)
- Appendix 8 Objection (Savege)
- Appendix 9 Objection (Anonymous)

<b>AUTHOR'S NAME</b>	Sheila Fitzpatrick
<b>DESIGNATION</b>	Team Leader – Licensing and Landlord Registration
<b>CONTACT INFO</b>	01620 820623
<b>DATE</b>	2 August 2023

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

## APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

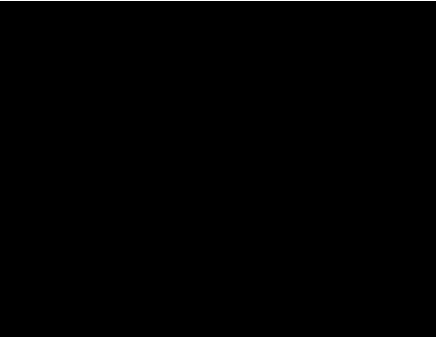
### PART 1: ABOUT YOU

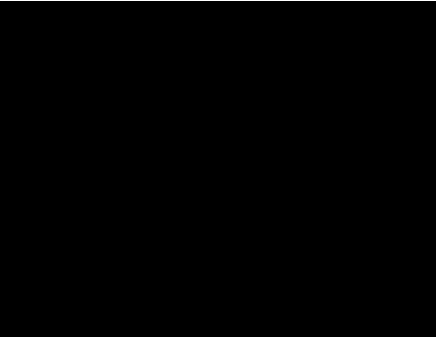
Are you applying as an individual or corporate entity?

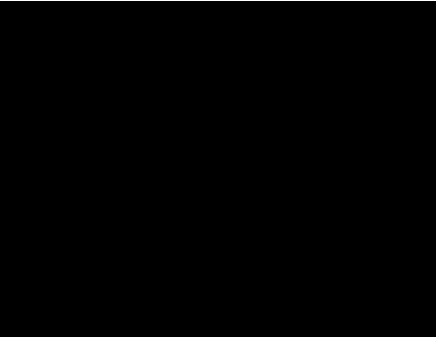
Individual  Corporate Entity

Fill in if you are applying as an individual:

Your full name  DAGMAWI ORION DEBENCH

Date of birth 

Place of birth 

Home Address 

Postcode 

Tel. No.  Email address 

Please provide your **home address history for the last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties (continue on a separate sheet if necessary):

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

**Agent(s) & Day to Day Manager(s)**

Do you have or intend to appoint an agent or day-to day manager?

Yes  No

If you answered yes, please provide details for your agent(s) or day to day manager(s).

Full name \_\_\_\_\_

Date of birth \_\_\_\_\_

Tel. No. \_\_\_\_\_ Email address \_\_\_\_\_

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

## Joint Ownership

Is your property jointly owned?    Yes     No

If you answered yes, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.

**Individuals, please go to Part 2.**

### Corporate entities

Corporate entities, please complete the relevant sections on the following pages.  
Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

Corporate entity name \_\_\_\_\_

Limited company number (if applicable) \_\_\_\_\_

First name and surname \_\_\_\_\_

Registered or principal office address \_\_\_\_\_

\_\_\_\_\_

Tel. No. \_\_\_\_\_ Email address \_\_\_\_\_

\_\_\_\_\_

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities (continue on a separate sheet if necessary).

Full name	Personal address	Place of birth	Date of birth

Please complete for all other named persons on the licence (e.g. any agent or day-to-day manager) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.



## PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

First application (existing operator\*)

First application (new operator)

New application (where property has been used as licensed STL previously)

Renewal

Change to existing licence

*\*This option is only available for applications made on or before 1 April 2023 by existing operators (ie those operating the premises in which a licence is being applied for as a short-term let on or before 1 October 2022).*

If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to '**The Type of Short Term Licence you require**' (below).

Existing licence number \_\_\_\_\_

Existing licence expiry date \_\_\_\_\_

If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.

Previous licence number \_\_\_\_\_

Previous licence expiry date \_\_\_\_\_

Please select the type of short-term let licence you require:

Home sharing

Home letting

Home sharing & home letting

Secondary letting

If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):

Yes  No  N/A

If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increase maximum occupancy).

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### PART 3: PREMISES DETAILS

Premises Address 68 CRAIGHALL DRIVE

MUSSELBURGH

Postcode

EH21 8FN

Unique Property Reference Number (if known) \_\_\_\_\_

EPC Rating\* BAND B (89)

*\* (if applicable – not required for home sharing or unconventional accommodation)*

Please select the type of premises:

Detached House  Semi-detached house

Terraced House  Flat

Unconventional accommodation

From the following options, please select the description that best describes your short-term let:

Self-catering  B&B

Guest house  Other form of home sharing

Home letting

Specify the number of rooms within the premises used as:

Bedrooms 3 Bed/Sitting rooms 1

Bathrooms 3 Kitchens 1

Lounges \_\_\_\_\_

Other (please specify) The kitchen has a large dinner/lounge area

Specify the maximum number of guests  
(excluding children under 2 years of age)

Detached House:

- Maximum occupancy per unit= 8 people

- Total maximum occupancy= 8 people

Advise if you operated this premise as a short-term let prior to 1 October 2022

Yes

No

## PART 4: CONVICTIONS

Has anybody named on the application been convicted of any offence? Please include details of any unspent convictions in the table below:

NAME	DATE	COURT	OFFENCE	SENTENCE

## PART 5: APPLICATION CHECKLIST

Note – this check list must be fully completed in order to submit your application

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 30/11/2023
Electrical Installation Condition Report	Valid to: 2032
Portable Appliance Testing Report	Valid to: 03/2025
Fire Risk Assessment	✓
Fire Service Safety Checklist	✓
Legionella Risk Assessment	✓
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: N/A
Floor plan	✓
EPC Certificate (for premises which are dwellinghouses)	Valid to: 08/12/2032
Public Liability Insurance	Valid to: 31/03/2024
Proof of consent from owner (if applicable)	N/A
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	N/A

<b>I have:</b> (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
Prepared information that will be available to guests at the premises including:  (a) a certified copy of the licence and the licence conditions, (b) fire, gas and electrical safety information, (c) details of how to summon the assistance of emergency services, (d) a copy of the gas safety report, (e) a copy of the Electrical Installation Condition Report, and (f) a copy of the Portable Appliance Testing Report.	✓
Applied for planning permission (if required).	N/A
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

<b>My premises</b> (please tick to confirm (or enter N/A))	
Meets current statutory guidance for provision of fire, smoke and heat detection	✓
Meets statutory guidance for carbon monoxide alarms	✓
Meets the required regulations for private water supplies (for premises with a private water supply i.e not provided by Scottish Water)	N/A
Meets obligations with regard to the Tolerable and Repairing standard (applicable to dwellinghouses)	✓

## PART 6: DECLARATION

East Lothian Council, as licensing authority, will use information it holds about you to determine whether you are a fit and proper person to operate a short-term let. In addition, licensing authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with Police Scotland and, if appropriate, other relevant authorities.

Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

I declare that I have read and understood the mandatory conditions that apply to short-term let licences and East Lothian Council's additional conditions

I will comply with the requirement to display a site notice in accordance with paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982

I declare that the information given in this application is correct to the best of my knowledge

Signed



Print name

**DAGMAWI ORION DEBENCH**

Date

**01/05/2023**

## **DATA PROTECTION ACT 2018**

Please note that the information given on this form may be stored electronically by this Authority for the purpose of licensing.

The Identity of the Data Controller under the Data Protection Act 2018 ("the Act").

East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA ("the Council")

The purpose or purposes for which the data are intended to be processed.

The Data will be processed in order for East Lothian Council to fulfil its statutory duty under the Civic Government (Scotland) Act 1982 in receiving, registering, determining and granting applications for licenses under the said Act. The Data will be shared with public bodies who require to be consulted about the application, such as the Police. It will also be shared with internal East Lothian Council services, particularly within the Environment Department who give advice to the Council as Licensing Authority, in respect of the application.

East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

### **Further information can be obtained from:**

Data Protection Officer  
Licensing, Administration and Democratic Services  
John Muir House  
Haddington  
dpo@eastlothian.gov.uk

# SHORT-TERM LETS

## MANDATORY LICENCE CONDITIONS

### Agents

1. Only those named as a holder of the licence can carry out the day to day management of the short-term let of the premises.

### Type of licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

### Fire safety

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of—
  - (a) fire or suspected fire, and
  - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(a).

### Gas safety

5. Where the premises has a gas supply—
  - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
  - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.



## **Electrical safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must—
  - (a) ensure that any electrical fittings and items are in—
    - (i) a reasonable state of repair, and
    - (ii) proper and safe working order,
  - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
  - (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
  - (d) arrange for a competent person to—
    - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
    - (ii) date label and sign all moveable appliances which have been inspected.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006(a).

## **Water safety: private water supplies**

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(b).

## **Water safety: legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

## **Safety & repair standards**

- 10.** (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

## **Maximum Occupancy**

- 11.** The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

## **Information to be displayed**

- 12.** The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—
- (a) a certified copy of the licence and the licence conditions,
  - (b) fire, gas and electrical safety information,
  - (c) details of how to summon the assistance of emergency services,
  - (d) a copy of the gas safety report,
  - (e) a copy of the Electrical Installation Condition Report, and
  - (f) a copy of the Portable Appliance Testing Report.

## **Planning Permission**

- 13.** Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(c) (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
  - (b) planning permission under the 1997 Act is in force.

## Listings

- 14.** (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—
- (a) the licence number, and
  - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008(a).
- (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

## Insurance

- 15.** The holder of the licence must ensure that there is in place for the premises—
- (a) valid buildings insurance for the duration of the licence, and
  - (b) valid public liability insurance for the duration of each short-term let agreement.

## Payment of fees

- 16.** The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

## False or misleading information

- 17.** The holder of the licence must not provide any false or misleading information to the licensing authority.

## Interpretation

- 18.** In this schedule—

“Electrical Installation Condition Report”  
means a report containing the following information—

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,

- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

**"Energy Performance Certificate"**

means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008(b),

**"Gas safety report"**

means a report containing the following information—

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,
- (f) confirmation that the check undertaken complies with the requirements of an examination of—
  - (i) the effectiveness of any flue,
  - (ii) the supply of combustion air,
  - (iii) subject to head (iv), its operating pressure or heat input or, where necessary, both,
  - (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
  - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(a),

**"holder of the licence"**

means any person to whom a short-term let licence has been granted or jointly granted,

**"home letting"**

means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host's only or principal home,

**"home sharing"**

means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host's only or principal home,

**"premises"**

means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

**"repairing standard"**

means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(b),

**"secondary letting"**

means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder's only or principal home,

**"short-term let"**

has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

**"short-term let licence"**

means a licence for a short-term let, and

**"type of short-term let"**

means one of the following purposes—

- (a) secondary letting,
- (b) home letting,
- (c) home sharing, or
- (d) home letting and home sharing.

# SHORT-TERM LETS

## ADDITIONAL LICENCE CONDITIONS

1. If there is a material change of circumstance affecting the Licensee or the operation of the Short-term Let, 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.
2. 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 licence holder should hold all necessary certificates.
3. 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.
4. 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
5. The Licensee will be responsible for the day to day running of the premises, and for ensuring that guests comply with the terms of their Lease and in particular to deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let.
6. Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
7. The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
8. 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.

- 9.** 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.
- 10.** Where a Short-term Let is in a shared building the licence holder must co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts. Where the guests fail to participate in the cleaning of common areas or environmental areas, the licence holder will be expected to carry out the work.
- 11.** 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 licensee must ensure that the guests 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).

## Licensing

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**From:** Amy Lee Grosvenor [REDACTED]  
**Sent:** 25 May 2023 11:48  
**To:** Licensing  
**Subject:** Objection for short term let license

**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.

Hello,

I'm emailing about the application for 68 Craighall drive, Musselburgh EH21 8FN short term let license.

When we signed the deeds for a house in this development, it states "Each Dwellinghouse and Unit is to be used and occupied as a private dwellinghouse and may not be sub-divided or occupied by more than one family at a time". So this applies for number 68 as well.

This is a new build area and is meant to be a quiet, friendly neighbourhood occupied by families and permanent residents. Having short term lets goes against why we have bought a house in this area. We don't want a high turnover of residents in the area or there to be excessive people/noises coming from a house.

My name is Amy Grosvenor, address [REDACTED] And I am signing on behalf of myself and my husband Adriano Calvitto who I bought the house with and live with.

Thanks,  
Amy



## Short Term Lets

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**From:** Licensing  
**Sent:** 24 May 2023 15:49  
**To:** Short Term Lets  
**Subject:** FW: FAO Licensing

**From:** megan kempton <[REDACTED]>  
**Sent:** 24 May 2023 15:41  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** FAO Licensing

**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.

FAO Licensing, John Muir House

### Proposed short-term lets license for 68 Craighall Drive, Musselburgh, EH21 8FN

Whom this may concern

I am writing in regards to the above licensing application. I have read the notice given and live on the Burgh Gate estate.

I wish to object strongly to the approval of a short-term license for the above address for the following reasons:

- In Title Deeds, Deed of Conditions 25.3 it states; "Each Dwellinghouse and Unit is to be used and occupied as a private dwellinghouse and may not be sub-divided or occupied by more than one family at a time." Given this statement, the use of short-term lets in the estate seems to go against the title deeds given.
- It is a new estate with young children and families located on it, we wouldn't want this new estate to be filled with a flurry of different people coming-and-going.
- It is disappointing that this property seems to have been purchased for the sole purpose of using this for a short-term lets. There is a lack of housing in East Lothian and allowing a brand new house to be used for short term letting will encourage further properties to be bought for letting out, reducing the stock of houses for those who would use them as a home full-time.
- If this was used for a short-term let such as an AirBnB or possibly additional student accommodation (as near Queen Margaret University), this causes concerns in regards to noise or nuisance.

I hope you can understand the above concerns and reasons for objection.

Kind regards

Megan Kempton  
 [REDACTED]

NHS Coronavirus Information

## Short Term Lets

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**From:** Licensing  
**Sent:** 19 May 2023 07:02  
**To:** Short Term Lets  
**Subject:** FW: HMO/Let for 68 Craighall Drive, Burgh Gate, Musselburgh

**From:** corinne neill [REDACTED]  
**Sent:** 18 May 2023 17:19  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** HMO/Let for 68 Craighall Drive, Burgh Gate, Musselburgh

**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.

I write to raise my objection to the above. This is a newly built estate in its infancy and family orientated.

We own our property here in Burgh Gate and my daughter and her family have a Social Housing property on the estate with her two young children.

We are very concerned at the recent application for home sharing and home letting. We are aware that for this permission to be granted starts a precedence in the estate which we are all aware causes anti-social behaviour, vandalism, noise problems and cause a negative effect on our estate in which we want our young children and families to feel safe in their own community and not have to put up with renters who have no regard for property, outside space or community.

This is a new development in its infancy but establishing roots as a family neighbourhood and for a property to be let out we are losing a family dwelling house.

It is very clear that this property was bought with the sole purpose of letting out and the fact that notice of intentions and objections were placed obscurely intentionally so no one would see and therefore no objections placed

Whilst there is sufficient parking for residents, this property only has one small driveway and if it let out to numerous people, we then have a problem with parking in inappropriate spaces, ie on pavements whereby young parents would not be able to get past with prams, small children on bikes etc.

We also believe that this type of licence is inappropriate given that it clearly states in our Deeds of Condition:-

Rule 25 use, enjoyment and alterations to dwellinghouses of the Deed of Conditions by Persimmon Homes Ltd for Burgh Gate, Musselburgh states that:-

"25.3 each dwelling house and unit is to be used and occupied as a private dwelling house and may not be sub-divided or occupied by more than one family at a time."

This application does not abide by this ruling whatsoever.

I look forward to hearing your views on this matters.

Kind regards  
Corinne Neill



NHS Coronavirus Information

**Keep using  
Covid sense**



[gov.scot/coronavirus](https://gov.scot/coronavirus)



## Licensing

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**From:** Derek Smith [REDACTED]  
**Sent:** 29 May 2023 23:37  
**To:** Licensing  
**Subject:** Representation - 68 Craighall Drive, Musselburgh EH21 8FN

[REDACTED]  
Objection to application for home sharing and home letting licence.

Applicant: Dagmawi Orion Debench  
68 Craighall Drive, Musselburgh EH21 8FN

Dear East Lothian Council Licensing,

Apologies for the lateness of this submission, I hope my views can still be considered. I was late becoming aware of the application due to the notice being displayed on the facing of the building overlooking a building site and not visible from any road that the public would use.

I am writing this letter to express my objection to the application for a short-term letting licence in the Persimmon Burgh Gate development. As a concerned resident and member of the community, I believe that granting such a license would have detrimental effects on the well-being of the neighbourhood and undermine the peaceful environment we have all come to appreciate.

A home share or short-term let property would lead to increased noise levels and a general sense of transience. This would directly contradict the family-oriented atmosphere in the area and goes against the developer's deed of conditions which states that "Each Dwellinghouse and Unit is to be used and occupied as a private dwellinghouse and may not be sub-divided or occupied by more than one family at a time".

The proposed short-term let accommodation would introduce a constant stream of temporary visitors to the area. This raises concerns about security, as the frequent turnover of occupants makes it challenging to monitor and regulate who enters and leaves the premises. Additionally, short-term lets often result in a lack of accountability and responsibility among tenants, leading to neglect of communal areas, increased waste generation, and a disregard for the local neighbourhood.

It is worth noting that the introduction of a short-term let property is incompatible with the original vision and purpose of the development. Prospective residents were drawn to this area with the understanding that they were investing in a peaceful and secure community conducive to long-term residential living. Approving this application would not only betray the trust of existing homeowners but also discourage potential future buyers who are seeking a stable and harmonious neighbourhood.

In light of these concerns, I kindly request that the applicant is not granted a licence. I ask you to prioritise the needs and interests of the existing residents who have chosen this area as their home, and who deserve a peaceful and sustainable living environment.

Regards,

Signed Derek Smith.

Derek Smith  
[REDACTED]

## Short Term Lets

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**From:** Licensing  
**Sent:** 16 May 2023 07:15  
**To:** Short Term Lets  
**Subject:** FW: Short-Term Lets Application

-----Original Message-----

From: Jo Savege [REDACTED]  
Sent: 15 May 2023 19:51  
To: Licensing <licensing@eastlothian.gov.uk>  
Subject: Short-Term Lets Application

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.

Hello

Dagmawi Orion Debench  
68 Craighall Drive, Musselburgh EH21 8FL

I am writing to object to the granting of the application for a Short Term Lets Licence for home sharing and home letting made for the above property.

The house is in a new housing development which has some years until completion. The community is in its infancy and a house with a transient population would not lend itself to be of benefit. It is unlikely the occupants would be invested in the care of the local community and would be more likely to come and go at unsocial hours. This has been demonstrated in other areas where short term lets exist and is the reason for the new legislation governing the housing sector.

In addition, there is a clause in the Deed of Conditions which states 'each dwelling house and unit is to be used and occupied as a private dwelling house and may not be sub-divided or occupied by more than one family at a time'. The application is seeking an arrangement which contravenes this.

Kind regards,

Jo Savege  
[REDACTED]

NHS Coronavirus Information

[[https://intranet.eastlothian.gov.uk/multimedia/1624/1624\\_250x83.jpg](https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg)]

18 May 2023

**Representation, in reference to a public notice of application for short-term lets licence in respect of 68 Craighall Drive, Musselburgh, EH21 8FN**

**Representation from:**



**Please note, I request that this representation is anonymised and my personal information removed before it is shared with the applicant. I do not give permission for my name, address, or email address to be shared with the applicant.**

My family owns a property and currently resides at the development at Burgh Gate. We are concerned by the recent application for a short-term lets license for home sharing and home letting at 68 Craighall Drive.

The development at Burgh Gate is an establishing family neighbourhood and our objections are based on the loss of a family dwelling house and the associated negative social effects such a license may have on the establishing community:

- We are aware that the establishment of HMOs in a community can lead to problems such noise, vandalism, anti-social behaviour and do not believe this is appropriate in a family community, where very young children should be allowed to thrive.
- HMOs are known to have a negative effect on the character of neighbourhoods, causing the character of an areas to change. For example, this may include decreased social cohesion, less local activities taking place due to being temporary occupants. Again, not an optimal environment for our children to grow and develop social and community spirit.
- We have heard evidence that HMOs can attract a transient population who do not care for the neighbourhood, and this transient nature too can cause a breakdown in community cohesion.
- As an aside, we are aware that parking can be exacerbated by the introduction of HMOs. While there is sufficient parking for the properties built at Burgh Gate, the introduction of HMOs can lead to problems in this area too.

Further, we do not believe this type of license is appropriate or allowed within this particular development. Rule 25 —*Use, Enjoyment and Alterations To Dwellinghouses* of the Deed of Conditions by Persimmon Homes Ltd. for Burgh Gate, Newcraighall states that:

“25.3 Each Dwellinghouse and Unit is to be used and occupied as a private dwellinghouse and may not be sub-divided or occupied by more than one family at a time.”

