



**Civic Government (Scotland) Act 1982
House in Multiple Occupational Licence – Application– 7 James Lean
Avenue, Dalkeith**

Report by Director, Corporate Resources

1 Purpose of Report

The purpose of the report is to present an application for a licence to Committee for consideration.

2 Background

Patrick Nevin, 11 Easthouses Way, Dalkeith and Miss M Burnett, 79 High Street Dalkeith have applied for a House in Multiple Occupation Licence in respect of 7 James Lean Avenue, Dalkeith, Dalkeith for 5 persons.

The application was submitted without plans on 4 August 2010. Plans were received on 15 December 2010 and consultations took place, then.

(They also submitted applications for properties at 4 Stone Place, Mayfield and 29 Kippielaw Park, Easthouses (the plans for which were received on 17 January 2010 and consultations were started); and it is expected that a further application will be made in respect of 35 Woodburn Street, Dalkeith.)

3 Objection

A petition (See **Appendix 1**) signed by 44 residents has been received making representations against the grant of the licence. A copy has been given to the applicant. All have been invited to attend the Hearing and be given the right to be heard (but may appoint a spokesperson). A copy of the petition has been placed in the Members' Library.

4 Consultation

The Police offer no objections. The reports from Environmental Health and Building Standards are shown in **Appendices 2** and **3**. The Fire and Rescue Service are expected to report that the standard of fire precautions for the use of the premises as an HMO, is not satisfactory. Details are awaited; and it is likely that, if the Committee are of a mind to grant the licence, he will request an action plan from Mr Nevin detailing the timescales for the necessary improvements. A response from Housing is awaited.

5 Procedural Aspects

The procedure for the Hearing is as shown in a separate report. The Committee should consider the representations and give the objectors and the applicant the opportunity to be heard and take a decision in their presence.

6 Report Summary

An application for a House in Multiple Occupation licence in respect of 7 James Lean Avenue Dalkeith has been submitted. Consultations on the other applications are not yet mature enough to enable the applications to be considered.

7 Recommendation

The General Purposes Committee is asked to consider the application.

JOHN BLAIR
Director.

6 Report Background and Appendices

6.1 Background

Civic Government (Scotland) Act 1982

Application for licence.

Report Contact: Mr R Atack
Background papers: File C G 0.26

Tel No: 0131 271 3161
(RGA/CW)

where possible, remove it altogether. The opportunity to remove the risk altogether is before you.

Yours Sincerely,

Signed

Address

- 15 James Lean Ave Dalkeith
- 15 JAMES LEAN AVE DALKEITH
- 17 James Lean Ave Dalkeith
- 17 James Lean Ave Dalkeith
- 19 JAMES LEAN AVE DALKEITH
- 13 James Lean Avenue Dalkeith
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- 9 JAMES LEAN AVENUE
- 5 JAMES LEAN AVENUE
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- 15 JAMES LEAN AVE
- 18 JAMES LEAN AVE DALKEITH
- 18 James Lean Ave
- 10 JAMES LEAN AVE

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1 James LEAN AVE

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8 James LEAN Avenue

8 James LEAN Avenue

43 JAMES LEAN AVENUE

43 JAMES LEAN AVENUE

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20 James LEAN avenue

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28 James LEAN AVE

25 James LEAN Avenue

25 JAMES LEAN AVENUE

23 " "

23 " "

23 " "

23 " " NOT AN ADULT

27 " "

27 " "

27 " "

27 " "

27 " "

27 " "

33 JAMES LEWIS AVENUE

TELEPHONE

TELETYPE

Please see addendum attached

Addendum dated 31st August 2010

We would request that you note the following two points;

1. As you are aware, the original notice was incorrectly addressed and posted. Following the notice being re posted correctly, as of 28th August it is no longer posted at all. Therefore the conditions are again not being met.
2. The potential for water damage to the property directly below number 7, James Lean Avenue, was raised in our representations. We can now unfortunately confirm that water damage has indeed already been caused to the ground floor property ceiling. Putting more people into this property is only going to raise the risk of further or more significant water damage to neighbours.