

# Public Document Pack



To: Councillor Carle, Convener; and Councillors Allan, Boulton, Corall, Cormie, Delaney, Lesley Dunbar, Forsyth, Graham, MacGregor, Malik, Malone, Nathan Morrison and Townson.

Town House,  
ABERDEEN Date Not Specified

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 30 JUNE 2015 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### B U S I N E S S

#### REQUESTS FOR DEPUTATION

- 1.1 None received at this stage

#### MINUTES AND COMMITTEE BUSINESS

- 2 Minute of Previous Meeting of 12 May 2015 (Pages 7 - 24)
- 2.1 Minute of the Meeting of the Licensing Urgent Business Committee of 29 May 2015 (Pages 25 - 26)
- 2.2 Minute of the Meetings of the Sports Ground Advisory Group of 3 December 2014 and 27 February 2015 (Pages 27 - 32)

#### COMMITTEE BUSINESS STATEMENT

- 3.1 Committee Business Statement (Pages 33 - 34)

#### COMMITTEE REPORTS AND OTHER BUSINESS

- 4.1 Requests for Film Classification - Belmont Cinema (Pages 35 - 70)

**APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS**

- 5.1 Application for Licences (Pages 75 - 82)
- 5.2 Grant of a Licence for a House in Multiple Occupation - 7 St Machar Place  
(Pages 83 - 106)
- 5.3 Grant of a Licence for a House in Multiple Occupation - 237 Clifton Road  
(Pages 107 - 122)
- 5.4 Grant of a Licence for a House in Multiple Occupation - 45 Newburgh  
Drive, Bridge of Don (Pages 123 - 130)
- 5.5 Grant of Licence for a House in Multiple Occupation - 15 Rose Street  
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- 5.6 Grant of a Licence for a House in Multiple Occupation - First Floor Flat, 118  
Hilton Heights (Pages 135 - 138)
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Flat, 31 Elmfield Avenue (Pages 139 - 142)
- 5.8 Grant of a Public Entertainment Licence - Sheddocksley Community  
Centre (Pages 143 - 146)
- 5.9 Renewal of a Second Hand Dealer's Licence - McCalls Ltd (Pages 147 -  
158)
- 5.10 Grant of a Second Hand Dealer's Licence - AF High Performance Cars Ltd  
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- 5.11 Variation of a Street Trader's Licence - Liam Davidson (Pages 161 - 164)
- 5.12 Grant of a Street Trader's Licence - The Street Canteen (Pages 165 - 166)
- 5.13 Renewal of a Private Hire Driver's Licence - Genadijs Judins (Pages 167 -  
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- 5.14 Grant of a Taxi Driver's Licence - Firanescu Constantin (Pages 169 - 170)

- 5.15 Renewal of a Taxi Driver's Licence - George Alexander Duncan (T191) (Pages 171 - 172)
- 5.16 Renewal of a Taxi Licence - Albert Eduard Milne (T851) (Pages 173 - 174)
- 5.17 Renewal of a Taxi Licence - Rainbow Cars Ltd (T333) (Pages 175 - 176)
- 5.18 Renewal of a Taxi Licence - TX Cab (T587) (Pages 177 - 178)
- 5.19 Renewal of a Taxi Licence - Alexander Massie (T384) (Pages 179 - 180)
- 5.20 Renewal of a Private Hire Licence - Rainbow Cars Ltd (PH182) (Pages 181 - 182)
- 5.21 Renewal of a Private Hire Licence - Rainbow Card Ltd (PH232) (Pages 183 - 184)
- 5.22 Renewal of a Private Hire Licence - Rainbow Cars Ltd (PH054) (Pages 185 - 186)
- 5.23 Renewal of a Private Hire Licence - Rainbow Cars Ltd (PH033) (Pages 187 - 188)
- 5.24 Renewal of a Private Hire Licence - Lee Christopher Allan (PH152) (Pages 189 - 190)

**APPLICATIONS TO BE HEARD IN PRIVATE IN TERMS OF THE DATA  
PROTECTION ACT 1998 - INCLUDING LIST OF APPLICATIONS**

- 6.1 Application for Licences
- 6.2 Landlord Registration Application
- 6.3 Grant of a Tattoo and Skin Piercing Licence
- 6.4 Variation of a Late Hours Catering Licence
- 6.5 Grant of a Taxi Driver's Licence
- 6.6 Grant of a Taxi Driver's Licence
- 6.7 Grant of a Taxi Driver's Licence

- 6.8 Renewal of a Taxi Driver's Licence
- 6.9 Renewal of a Taxi Driver's Licence
- 6.10 Renewal of a Taxi Driver's Licence
- 6.11 Renewal of a Taxi Driver's Licence
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- 6.23 Renewal of a Taxi Driver's Licence
- 6.24 Renewal of a Taxi Driver's Licence
- 6.25 Renewal of a Taxi Driver's Licence
- 6.26 Renewal of a Taxi Driver's Licence
- 6.27 Grant of a Taxi Driver's Licence

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

To access the Information Bulletins for this Committee please use the following link:

<http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13012&path=13004>

Should you require any further information about this agenda, please contact Allison Swanson, tel 01224 522822 or email [aswanson@aberdeencity.gov.uk](mailto:aswanson@aberdeencity.gov.uk)

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## AGE CLASSIFICATION REQUEST

2015

*Belmont Film House , 49 Belmont Street , Aberdeen*

# BIKES VS CARS

## SYNOPSIS

The bicycle, an amazing tool for change. Activists and cities all over the world are moving towards a new system. But will the economic powers allow it? Bikes vs Cars, a new film project from BANANAS!\* and Big Boys Gone Bananas!\* director Fredrik Gertten, looks into and investigates the daily global drama in traffic around the world.

Climate change and never-ending gridlocks frustrate people more than ever. Instead of whining, people in cities around the world take on the bicycle as a Do It Yourself solution. Road rage and poor city planning creates daily death amongst the bicyclists. And now they demand safe lanes.

It's an uneven fight. Activists and politicians that work for change are facing a multi-billion dollar car, oil and construction industry that use all their means to keep society car dependent. We know that the world needs radical changes to save the climate and the environment, but the car industry is selling more cars than ever. Today there are one billion cars in the world. By 2020, that number will double.

The film will follow the individuals around the world that are fighting to create change. We meet Aline at Sao Paulo's Ciclofaxia, the weekly Sunday ride where one lane of Paulista Avenue is opened for bikes only. Aline is an inspirational person in the city's bicycle movement, who tries to focus on the positive aspects of being a cyclist. But that can be difficult in a city where one bicyclist is killed every four days. And in Toronto, where mayor Rob Ford strips away the city's bike lanes in his battle to win the "war on cars," we watch as members of the Urban Repair Squad infiltrate the streets at night, using spray paint and stencils to replace them.

From bike activists in Sao Paulo and Los Angeles, fighting for safe bike lanes, to the City of Copenhagen, where forty percent commute by bike daily, Bikes vs Cars will look at both the struggle for bicyclists in a society dominated by cars, and the revolutionary changes that could take place if more cities moved away from car-centric models.

## FILM DETAILS

Director: Fredrik Gertten. Run time: 87 mins. Country of Origin: Sweden. Year of Production: 2015.  
Language: English, Portegeuse and Spanish with subtitles.



SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

None

VIOLENCE

None

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## AGE CLASSIFICATION REQUEST

2015

*Belmont Film House , 49 Belmont Street , Aberdeen*

# LIAF PROGRAMME 1

## SYNOPSIS

A programme of short films from the London International Animation Festival, specially chosen for children aged 5-6

## FILM DETAILS

Revolution Chris Turner, Helen Friel & Jess Deacon, UK 2015, 2 min 30 sec

A real life pop up book that moves all by itself tells the story of the cyclical journey of a single water droplet

The Little Cuddle Maggie Rogers, UK 2015, 2 min 30 sec

A little cuddle isn't quite sure just exactly what he is, so he sets off to ask some friends if they know

Hidden Talent Mirian Miosic, Croatia 2015, 2 min 30 sec

Every cat has a hidden talent of some kind. Imagine what happens when a hundred cats all get together

Trampoline Maarten Koopman & Floris Kaayk, Netherlands 2015, 2 min

Some things were just never meant to jump up and down on a trampoline. Little things are OK but giant animals... hmmm, not such a great idea

The Smortlybacks Ted Sieger & Wouter Dierickx, China 2015, 2 min 40 sec

A hilarious herd of smortly little creatures just love to work as a team, even if they can be a bit clumsy sometimes

Snowflake Natalia Chernysheva, Russia 2015, 2 min 40 sec

When a little African boy receives a paper snowflake in a letter, he longs to know what real snow is like

The Gallant Captain Katrina Mathers, Graeme Base & Patrick Sarell, Australia 2015, 8 min 30 sec

A fearless young boy sets off for an adventure on the high seas with his faithful cat

Just Like You Isabel Garrett, UK 4, min

The journey of a little shrew who lives in the woodland where everything and everyone is colourful.

Miriam's Kite Riho Unt, Estonia 3, min

Miriam's pet chicken takes to the skies when it catches a ride on top of her soaring kite. That gives her little brother an idea – but will it work out as well for him as it did for the hen?

The New Species Katerina Karhánková, Czech Republic 3, min sec

Stumbling across a mysterious bone sparks the imaginations of three kids, who decide to seek scholarly wisdom from a paleontologist.

Emil Martin Schmidt, Germany 4, min sec

An egg shakes, rattles and rolls – something is trying to hatch!

Rockin' Rhino Verena Fels, Germany 3,3 min sec

Dancing is so much fun, but not if you have to dance by yourself. So the little rhino needs to come up with an idea to make everyone join in.

My Mum is an Aeroplane Yulia Aronova, Russia USA 3, min

Different people have different mothers. Mother musicians, mother animal doctors, even mother construction workers. But my mother is an aeroplane!

Serious and Bert Ivo Christov & Manuela Seiler, Switzerland 4, min 4 sec

It's nearly winter time. One squirrel wants to carefully store all his nuts, but his friend has another plan.

SUGGESTED RATING UTILISING BBFC GUIDELINES

DISCRIMINATION

e

DRUGS

e

HORROR

e

IMITABLE BEHAVIOUR

e

LANGUAGE

e

NUDITY

e

SEX

e

THEME

e

VIOLENCE

e

# LIAF PROGRAMME 2

## SYNOPSIS

A programme of short films from the London International Animation Festival, specially chosen for children aged 7 and over.

## FILM DETAILS

5 mètres 8 Nicolas Deveaux, France , 5 min 5 sec

If you ever thought giraffes couldn't do fancy tricks take a good look at this troupe of graceful, long-legged divers

Ordinary Day Vuk Palibrk, Serbia , 5 min 5 sec

A wonderfully imaginative animation done with pencil and eraser on paper, that demonstrates that even the most ordinary day can throw up the most extraordinary of obstacles.

The Wires Tatiana Moshkova & Marina Moshkova, Russia 4, min 5 sec

What if the words coming from our mouths could turn into living creatures and start making decisions of their own?

The Planets Andy Martin, UK , min

Twelve planets, twelve adventures.

My Stuffed Granny Effie Pappa, UK 4, min 5 sec

Times are hard for Sofia's family. With her father out of work, they rely solely on Greedy Grumpy Granny's pension. But what will they do when Granny is no more?

Johnny Express Kyungmin Woo, South Korea 4, 5 min

Johnny is a space delivery man who travels to other planets to deliver packages, but this doesn't always go to plan.

The Little Cousteau Jakub Kouril, Czech Republic , 8 min 5 sec

A young boy, transfixed by the exploits of undersea explorer Jacques Cousteau, has his own octopus adventure at home.

Rabbit and Deer Péter Vác , Hungary , 6 min sec

Rabbit and Deer live happily together until their friendship is tested by Deer's obsession about finding the formula for the third dimension.

7 tonnes Nicolas Deveaux, France , min sec

There's an elephant in the gym and it's having a LOT of fun!

Big Hands Oh Big Hands, Let It Be Bigger And Bigger Lei Lei, China , 8 min 4 sec

In the city of Shanghai all the people have very big hands – except for one very special person who has tiny ones.



SUGGESTED RATING UTILISING BBFC GUIDELINES

P

DISCRIMINATION

e

DRUGS

e

HORROR

e

IMITABLE BEHAVIOUR

e

LANGUAGE

e

NUDITY

e

SEX

e

THEME

e

VIOLENCE

e

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## AGE CLASSIFICATION REQUEST

2015

*Belmont Film House , 49 Belmont Street , Aberdeen*

# AUSTERIA

## SYNOPSIS

**Jerzy Kawalerowicz spent decades trying to realise his most personal project, a tale of anti-Semitic persecution during the First World War that allowed him to suggest, without tackling the Holocaust directly, that the culturally-engendered pacifism and passivity and Poland's Jews sowed the seeds of their later destruction. This was – to put it mildly – a controversial notion but Kawalerowicz's sympathy and sincerity is evident.**

**Director: Jerzy Kawalerowicz. Poland. 1982. 103 minutes.**

SUGGESTED RATING UTILISING BBFC GUIDELINES

12A

DISCRIMINATION

Persecution of Jews

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

Mild natural and sexualized nudity

SEX

Mild sex

THEME

Persecution of Jews during World War I

VIOLENCE

Mild war violence takes place off screen

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## AGE CLASSIFICATION REQUEST

2015

*Belmont Film House , 49 Belmont Street , Aberdeen*

# SALTO – JUMP

## SYNOPSIS

**In this rich and subtle dream-play, a man arrives in a small country town and demands sanctuary from an unspecified threat. But who is he, why do people remember him differently, and can he really perform miracles? Many Poles consider this Cybulski's greatest performance and he's certainly on riveting form, especially when performing a 'salto' folk dance towards the end.**

**Director: Tadeusz Konwicki. Poland. 1965. 100 minutes.**



SUGGESTED RATING UTILISING BBFC GUIDELINES

12A

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

Mild sexualized nudity

SEX

None

THEME

A mysterious stranger comes to a small town and causes the locals to reevaluate their perceptions.

VIOLENCE

None

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## AGE CLASSIFICATION REQUEST

2015

*Belmont Film House , 49 Belmont Street , Aberdeen*

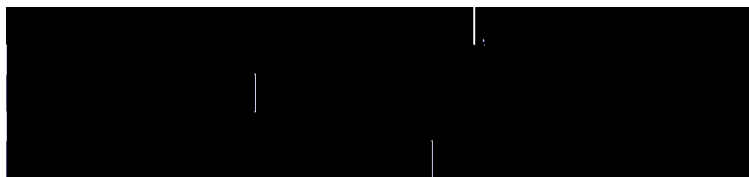
# PROVINCIAL ACTORS

## SYNOPSIS

### **Provincial Actors**

The story of a trendy young theatre director attempting a politically controversial reinterpretation of a well-known Polish play provides both an allegorical study of cultural interference and a lacerating portrait of a withering marriage. The film is set in a small town near Warsaw, to which a young and coming director comes to produce a classic play with a modern vein. A vast portion of *Provincial Actors* features a provincial theatre troupe rehearsing for a play. Everyone in the production gets his usual stereotypical role, and all view the play as dreadful communist propaganda, employing lines of dialogue like: "We thirst for blood when our blood is spilled". Except, one Party-line toeing actor, Chris, sees the play as a career-changing opportunity to make a name for himself. Chris puts all of his time and energy into the play. The other actors laugh at him for his skewed perspective. His wife listens to his fears, complaints and frustrations, while resigning herself to a fading career in a puppet theatre. The result is tragic. His wife leaves him. Later, Chris has a nervous breakdown and attempts suicide.

Director: Agnieszka Holland, 1979, Poland, Filmhouse, 110 minutes



## SUGGESTED RATING UTILISING BBFC GUIDELINES

# 15

### DISCRIMINATION

None

### DRUGS

No References to Illegal drug use.

There are scenes in which people smoke cigarettes and drink alcohol. These reflect the time in which the film is made and the film shows some negative consequences of alcohol consumption.

### HORROR

In one scene, a man commits suicide by jumping out of a window. There is no injury detail and no focus on the activity. In another scene the main character puts a shotgun to his head with the intention to commit suicide, but he doesn't go through with it.

### IMITABLE BEHAVIOUR

None

### LANGUAGE

None

### NUDITY

None

### SEX

None

### THEME

Mental health/failing marriage.

### VIOLENCE

Main character pushes wife on the floor and gives her a slap in the face. The violence is moderate and does not dwell on details, no injury is shown.

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## AGE CLASSIFICATION REQUEST

2015

*Belmont Film House , 49 Belmont Street , Aberdeen*

# WESELE – THE WEDDING

## SYNOPSIS

**First performed in 1901, Stanislaw Wyspianski's play turns the marriage of a poet and a peasant into a state-of-the-nation allegory about the attractions and pitfalls of national self-determination at a time when independent Poland didn't exist. Wajda's splendidly grotesque adaptation pulls out every cinematic stop in emphasizing the piece's phantasmagorical elements as his camera hurtles from reality to fantasy.**

**Director: Andrezej Wajda. Poland. 1973. 108 minutes.**



SUGGESTED RATING UTILISING BBFC GUIDELINES

# 12A

DISCRIMINATION

None

DRUGS

Mild hallucinatory sequences

HORROR

Some moderate gruesome and disturbing images

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

A wedding between two different social classes kickstarts an angry look at the gulf between classes.

VIOLENCE

Mild violence

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## AGE CLASSIFICATION REQUEST

2015

*Belmont Film House , 49 Belmont Street , Aberdeen*

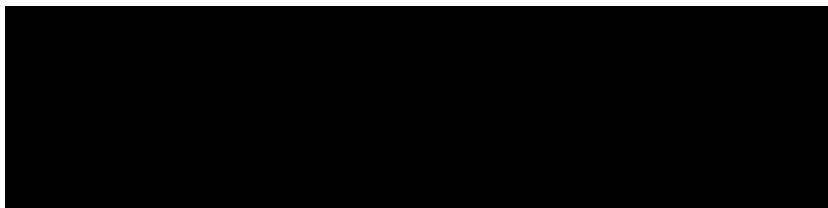
# TO KILL THIS LOVE

## SYNOPSIS

### **To Kill This Love**

A young couple, living early 1970s Poland, notionally a socialist paradise, are constantly fighting official obstacles. In their struggle to find a place to live together, they discover love and life in a big city, dreaming of independence they cannot enjoy. The guy gets in over his head when he becomes a petty thief and can't repay his debts. The girl works in a hospital and is struggling to not get emotionally attached to the things she sees.

Director: Janusz Morgenstern, 1972, Poland, Filmhouse, 97 minutes



## SUGGESTED RATING UTILISING BBFC GUIDELINES

# 15

### DISCRIMINATION

None

### DRUGS

No References to Illegal drug use.

There are scenes in which people smoke cigarettes and drink alcohol. These reflect the time in which the film is made and the film shows some negative consequences of alcohol consumption.

### HORROR

None

### IMITABLE BEHAVIOUR

None

### LANGUAGE

None

### NUDITY

In a few scenes breasts are visible.

### SEX

There are a few scenes where it is implied that a man and woman are having sex, but the scenes are undetailed.

### THEME

relationships

### VIOLENCE

Violence against animals: a small puppy is thrown in the air and caught. The animal is not harmed. A man puts dynamite around a dog with the intention to blow up the animal. It is only suggested that the dog explodes. A man throws rocks at a dog, but the dog is not harmed.

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## AGE CLASSIFICATION REQUEST

2015

*Belmont Film House , 49 Belmont Street , Aberdeen*

# WALKOWER - WALKOVER

## SYNOPSIS

Jerzy Skolimowski's second feature (and first full-length narrative) cemented his status as a one-man Polish New Wave, with rhythms of his films influenced as much by jazz and (his own) poetry as by more conventional storytelling. Skolimowski himself plays a dropout-turned-amateur boxer who's distracted from his bouts when Teresa (Aleksandra Zawieruszanka), an old university friend, re-enters his life.



SUGGESTED RATING UTILISING BBFC GUIDELINES

U

DISCRIMINATION

None

DRUGS

No References to Illegal drugs or drug use.

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

Music. Concert recording

VIOLENCE

None

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Second Floor West, Marischal College

|       |   |           |              |
|-------|---|-----------|--------------|
| To    | Eric Anderson, Team Leader, Corporate Governance                                  |           |              |
| From  | Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure |           |              |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>          | Date      | 18 June 2015 |
| Tel.  | 522870  | Our Ref.  |              |
| Fax.  |   | Your Ref. |              |

## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.17 Morrison Drive, Aberdeen**

**Applicant/s: Peter A.Mutch**

**Agent: Aberdein Considine & Co.**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 30 June 2015 for the reason that one letter of representation/objection was received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### **The premises:**

The property at No.17 Morrison Drive, Aberdeen, is a first-floor flat with accommodation comprising of 3 letting bedrooms, one public room, one bathroom & one kitchen. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 31 March 2015 and was received by the HMO Unit on 31 March 2015.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 31 March 2015 – 24 April 2015.

**Letter of Representation/Objection:**

One letter of objection from Julie Gilliatt was received by the HMO Unit on 16 April 2015, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The objector has been invited to attend the Committee meeting and her letter of objection is attached as Appendix 'B'.

**Letter from Licence-Applicant**

The licence-applicant, who has also been invited to attend the Committee meeting, submitted a letter in support of his application. His letter is attached as Appendix 'C'.

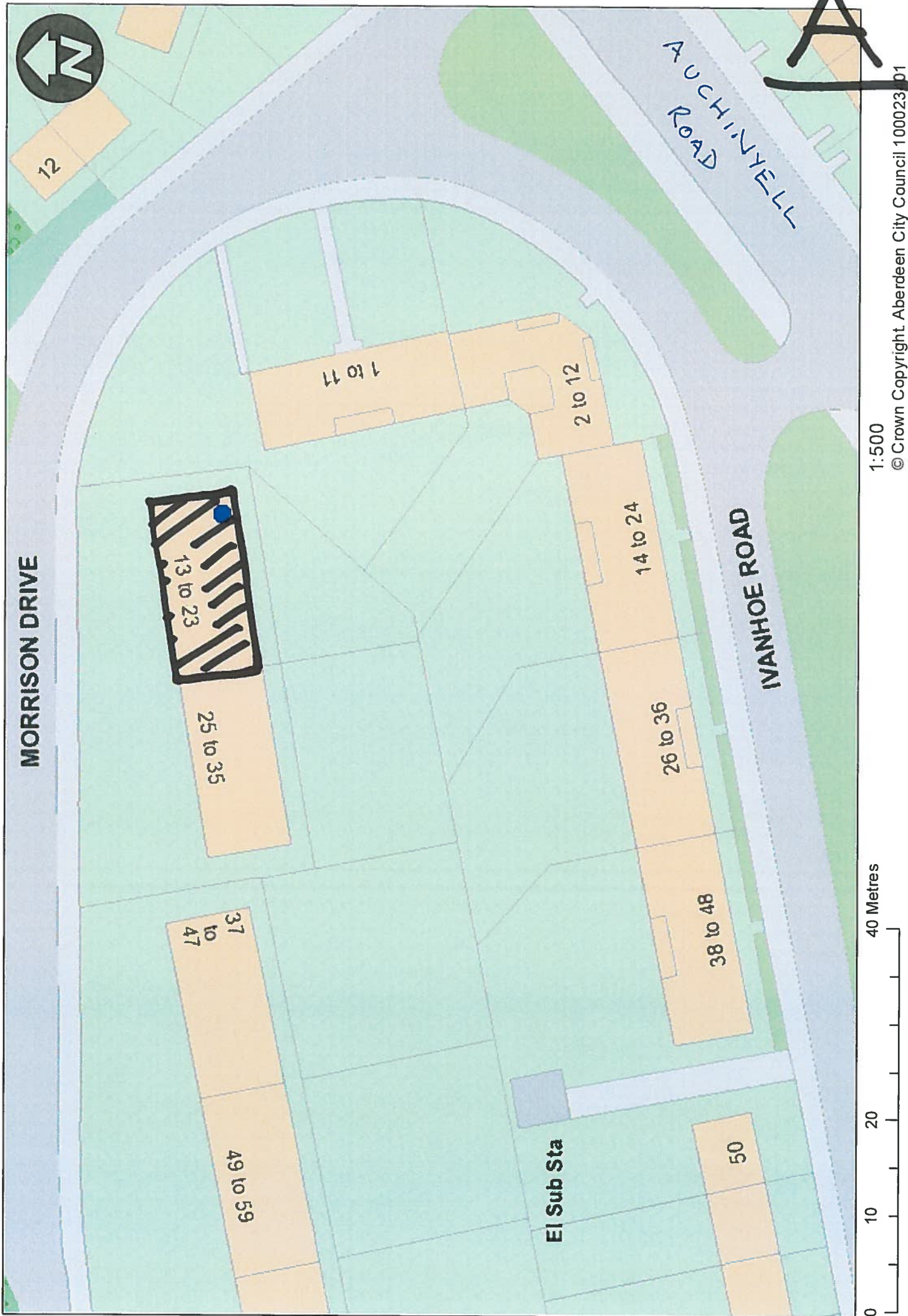
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of the objector making 2 complaints of anti-social behaviour at No.17 Morrison Drive, Aberdeen. The complaints were made on 29 November 2014 & 17 December 2014, and both complaints alleged banging and thumping from within No 17 Morrison Drive. The ASBIT team advise that no anti-social behaviour was witnessed.
- The objector copied me into her e-mail correspondence with the landlord's Agent, Aberdeen Considine & Co. in December 2014 and January 2015. The correspondence concerned excessive noise from within No.17, and a damaged ceiling caused by water leaking from No.17.
- The applicant and his property are currently registered with the Council.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The applicant was originally granted an HMO licence in April 2012, and the application under consideration is to renew his HMO licence.
- No.17 Morrison Drive is contained within the 6-flatted block numbering 13, 15, 17, 19, 21 & 23 Morrison Drive. No.21 Morrison Drive is a licensed HMO.

- All HMO upgrading work has been satisfactorily completed therefore the Committee may grant the HMO licence if they are so minded to do so.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



1:500  
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HMO Unit  
Housing & Environment  
Business Hub 11  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Ms Julie Gilliatt

'B'  
                    

15 April 2015

To the HMO Unit

Re: Application for HMO licence at Number 17 Morrison Drive

I would like to register my objection to the renewal of the above application due to the following

1. Environment – Due to the tenants using all the bins for their rubbish, myself and other residents in the block have had to have locks fitted to our bins, this has led to the tenants leaving their rubbish at the side of the bins and myself and other residents having to clear up the mess.
2. Security – The tenants used to prop the main front security door open with a brick so they could get in the building. this caused me concern as anyone had access to the building.
3. Safety – If the tenants couldn't get in, they continually rang my buzzer. If I switched off my buzzer they would knock on my window, this would happen at all hours of the day and evening and as I live alone I found this very unsettling.
4. Noise – Due to the lack of soundproofing from Number 17, I have had to listen to constant banging and stomping, this has caused me a lot of distress. My 8 year old Grandson has always stayed with me at least 1 night a week. This had to stop as he was not able to sleep due to the noise from number 17. I have to apologise to family and friends who come over to see me because of the noise, this makes it very difficult for me to relax in my own home. When it got too much for me, I did get the anti-social behaviour team to come out and after being in my flat and listening to the noise they went up and spoke to the tenants. I have also had to spend several nights sleeping on the sofa in my lounge as the tenants would keep me awake at night. I have kept a diary log of this
5. Damage – I have lived in my property for over 20 years and had never had any problems with damage, yet in the last 12 months I have had hundreds of pounds of damage to both my kitchen and bathroom and as the damage was caused by water I cannot claim off the landlords insurance unless I can prove negligence so I am going to have to pay for the repairs myself. I received no apology from either the tenants or the landlords for the damage caused to my property.

I used to live in a safe, secure, peaceful and happy environment. For the past 12 months I have hated being at home, and as I am over 60 years of age, I am finding it difficult to deal with the stress caused by the continual disturbance from the tenants.

I would like to be happy at home again, I would love to have my family and friends over without having to apologise to them and to have my Grandson back in my life on a regular basis.

Yours faithfully

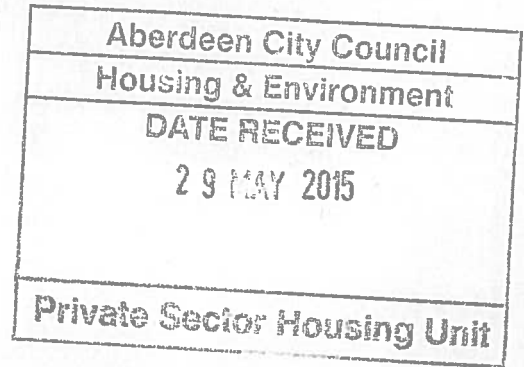
Julie Gilliatt

|                             |
|-----------------------------|
| Aberdeen City Council       |
| Housing & Environment       |
| DATE RECEIVED               |
| 16 APR 2015                 |
| Private Sector Housing Unit |

27<sup>th</sup> May 2015

C

Mr Ally Thain  
Private sector housing manager  
Aberdeen City Council  
Business hub 11  
2<sup>nd</sup> Floor West  
Marischal college  
Broad street  
Aberdeen AB10 1AB



Dear Mr Thain

**HMO Application 17 Morrison Drive Aberdeen**

Further to your letter dated 16<sup>th</sup> April and in response to the letter of objection received I would like to say how surprised I was to receive this notification.

3 years ago when I first successfully applied for an HMO I made a point of speaking to the other tenants of the block. Julie Gilliat in particular had reservations regarding the noise levels generated by the previous owner, a single parent with 1 child. I made a point of giving her not only the 24 hour tenant emergency response number for my agents Aberdeen Considine but also my own mobile number in case there was anything that she was unhappy with.

In the past 3 years neither I nor Aberdeen Considine has heard any complaint from Ms Gilliat.

I will answer the points made in the same order as they were raised by Ms Gilliat

1. Environment-This issue has never been highlighted previously by Ms Gilliat or indeed raised by any of the other 4 occupiers of the building. Aberdeen Considine inspect the property and its environment on a 3 monthly basis and have never observed any issue with rubbish .I have also checked with Grampian Housing the factors and they have had no complaint from Ms Gilliat or observed an issue .
2. Security-Again no previous report of this from Ms Gilliat. There is a small piece of brick which is inside the front door. This has been there since I checked on 17<sup>th</sup> April having received your letter. It was still there today so obviously not causing too much concern .
3. Safety-Neither I nor Aberdeen Considine have any knowledge of this issue. As it was a safety issue I would have thought Ms Gilliat would have reported this to the anti social behaviour unit.
4. Noise -This was an issue Ms Gilliat raised when I first met her. For the next 3 years she has not mentioned it again. On 30th November 2014 she requested a visit from the anti social behaviour unit who informed Aberdeen Considine of the complaint of excessive noise during a party at 1030pm.This was the 1 and only incident reported to the unit.



Aberdein Considine spoke with the tenants on 1<sup>st</sup> December 2014 and reminded them of their obligations to the property and requested that there was no reoccurrence of this type of behaviour. They also hand delivered letters to the neighbours to the property to apologise for any inconvenience and to update them that the tenancy at the property would be ending soon.

Following on from this I immediately served notice on the tenants with 2 months notice and they left on 1<sup>st</sup> February 2015. I am sorry for Ms Gilliat's issues but I'm not sure what more I can do. In general older tenements are not well sound proofed; the noise from the flat above is clearly audible in my property too.

5. Damage-I am sorry but yet again Ms Gilliat has not made either me or Aberdein Considine aware of any incident. I have certainly never been asked to investigate any claim or reimburse Ms Gilliat for any damage which may have been caused.

I am aware of a faulty washing machine pipe which leaked and was quickly replaced and my hall and kitchen walls were damaged when the apartment above flooded, perhaps this also affected Ms Gilliat.

In summary I have had 3 tenants in 3 years without complaint or notice of any issues. The last tenants who were in the property for 9 months have caused a noise issue for Ms Gilliat which when I was made aware was sorted immediately by serving notice to them. I would dispute Ms Gilliat's other complaints which have never been notified to any relevant party despite my agents and my own numbers being in her possession and her obvious awareness of the role of the anti social behaviour unit and that of the factor Grampian housing.

I am a responsible landlord and this is my 1 and only property. I have attended to HMO requirements quickly and effectively so would be disappointed to be refused a renewal based on historical issues that were never raised or notified at the time.

I would like Ms Gilliat to enjoy a safe, peaceful and happy environment and will continue to avail her of the appropriate contact numbers to report any issues if they occur. I will attend the licensing committee meeting on 30<sup>th</sup> June so I may answer any questions that may arise.

Kind regards,  
Yours sincerely

Peter Mutch

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Second Floor West, Marischal College

|       |   |           |              |
|-------|---|-----------|--------------|
| To    | Eric Anderson, Team Leader, Corporate Governance                                  |           |              |
| From  | Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure |           |              |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>          | Date      | 18 June 2015 |
| Tel.  | 522870  | Our Ref.  |              |
| Fax.  |   | Your Ref. |              |

## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at**

**No.7 St.Machar Place, Aberdeen**

**Applicant/s: Warren H.Burgess**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 30 June 2015 for the reason that 4 letters of representation/objection were received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations below)

### **The premises:**

The property at No.7 St.Machar Place, is a 2-storey, semi-detached house. The applicant is currently refurbishing the house to provide accommodation of 5 letting bedrooms, one kitchen/utility/family room, one bathroom & one shower-room. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 9 April 2015 and was received by the HMO Unit on 10 April 2015.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 9 April 2015 – 30 April 2015.

**Letter of Representation/Objection:**

4 letters of objection were received by the HMO Unit, all within the statutory 21-day Notice period, and must therefore be considered by the Committee. All objectors have been invited to attend the Committee meeting, and details of their letters are as follows;

- A letter dated 29 April 2015 from Mrs B.McPetrie, Planning Secretary, Old Aberdeen Heritage Society (attached as Appendix 'B').
- A letter dated 30 April 2015 from Dewi Morgan on behalf of the Old Aberdeen Community Council (Attached as Appendix 'C').
- A letter dated 28 April 2015 from Christine Burgess (attached as Appendix 'D').
- A letter dated 24 April 2015 from E.Hepburn (attached as Appendix 'E').

**Letter from Licence-Applicant**

The licence-applicant, who has also been invited to attend the Committee meeting, submitted a letter in support of his application. His letter is attached as Appendix 'F'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.7 St.Machar Place, Aberdeen.
- The applicant is currently registered with the Council and has registered 3 other rental properties, (2 of which being licensed HMOs), however the property which is the subject of this report has not been registered therefore it will be necessary for the applicant to do so before letting it.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.

- The applicant purchased No.7 St. Machar Place in April 2015, therefore the application under consideration is a 'first-time' application.
- There is no record of any previous HMO licence application in respect of No.7 St. Machar Place.
- The applicant applied for Planning Permission on 10 April 2015 to replace the windows, carry out external alterations to the house and form a car runway at the front of the house. He received a letter dated 14 April 2015 from the Head of Planning & Sustainable Development advising that Planning Permission was not required because the proposals were considered to be 'permitted development', and the application fee that he paid would be reimbursed.

On 23 April 2015, the Council agreed to add the houses at Nos.3 – 8 St.Machar Place, to the Old Aberdeen Conservation Area. The applicant contacted the Planning Service on 24 April 2015 to check whether the Conservation Area status would have any impact on his proposals, and was advised in writing that the proposals which were the subject of his original application for Planning Permission, did not require Planning Permission at that time. However, because No.7 St.Machar Place was now part of the Conservation Area, Planning Permission was now required and it would be necessary for the applicant to resubmit his application for Planning Permission.

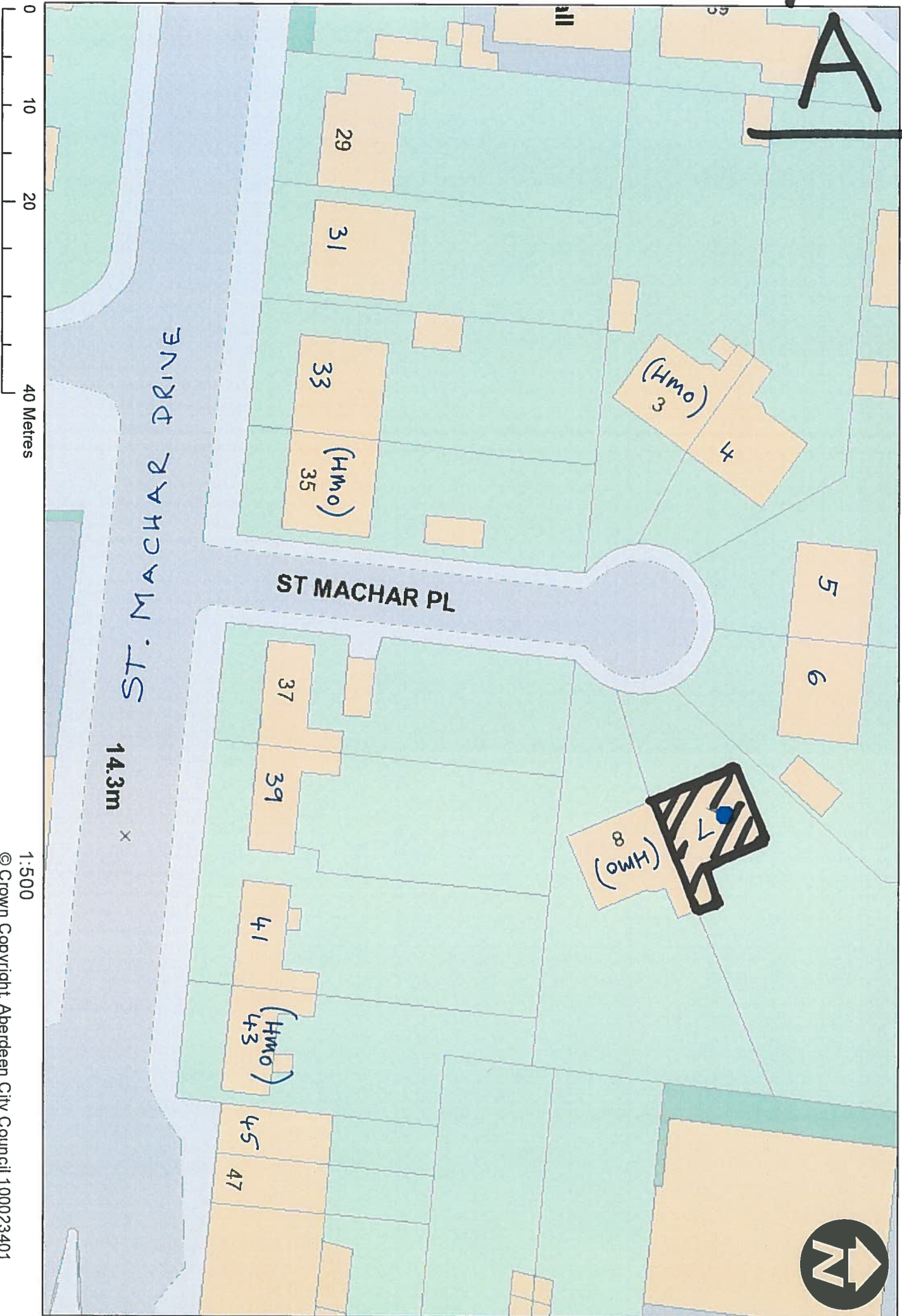
The applicant has since resubmitted his application for Planning Permission to replace the windows, carry out external alterations to the house and form a car runway at the front of the house. At the date of this report, the application remains pending. For clarification, the applicant does not require Planning Permission Change of Use to an HMO.

- The landlords of Nos.3 St. Machar Place, 8 St.Machar Place, 35 St. Machar Drive, 43 St. Machar Drive & 80 St.Machar Drive all hold current HMO licences.
- All 4 letters of representation/objection mention, or infer, 'overprovision' of HMOs in the area, which is a ground of refusal available to local authorities when considering HMO licence applications. The Housing & Environment Committee of this Council, at its meeting on 27 August 2013, agreed that no policy on HMO overprovision be introduced, and that remains the position at the date of this report. However, the Communities, Housing & Infrastructure Committee, at its meeting on 19 May 2015, agreed:
  - to instruct officers to investigate an over-provision scheme for Aberdeen based on the Dundee model of a cut-off percentage per locality (other than in the exempt city centre), and using a traffic light system of differentiation; and,*
  - to instruct officers to report back to the August Committee on the feasibility of such a scheme and on the process of consultation required to enable such a scheme to be operational as quickly as possible.*

- The houses at Nos.3 – 8 St.Machar Place, were added to the Old Aberdeen Conservation Area on 23 April 2015, hence the requirement to apply for Planning Permission.
- St.Machar Place is a Controlled Parking Zone, and every household in St.Machar Place is entitled to a maximum of 2 parking permits, regardless of the size of the household and regardless of whether or not the premises includes a car runway.
- The applicant is carrying out an extensive refurbishment of the house, which includes the HMO upgrading work & fire safety work. At the date of this report, these works have not been completed, and I will update the Committee on progress of the works at the meeting.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



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1:500  
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## OLD ABERDEEN HERITAGE SOCIETY

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HMO Unit  
Aberdeen City Council  
Housing and Environment  
Business Hub 11  
Second Floor West  
Marischal College

|                             |
|-----------------------------|
| Aberdeen City Council       |
| Housing & Environment       |
| DATE RECEIVED               |
| 01 MAY 2015                 |
| Private Sector Housing Unit |

29th April 2015

Dear Sirs,

### 7 St Machar Place, Old Aberdeen – Application for HMO Licence

Old Aberdeen Heritage Society wishes to register the strongest possible objection to this application.

Our grounds for objection relate to the grounds for refusal made available to the City Council by the 2006 Housing (Scotland) Act, as amended by the 2011 Private Rented Housing (Scotland) Act.

The legislation gives local authorities the power to refuse an HMO application on the grounds, amongst others, of **unsuitability of accommodation** and also of **overprovision**. It should be noted also that if the authority is not satisfied that the property is suitable for use as an HMO for any reason, then the authority has no power to grant the licence. (Statutory Guidance on Licensing of HMO's. Jan 2012, para 2.2.7)

#### ① UNSUITABILITY OF ACCOMMODATION

The Society holds that this property is unsuitable for use as an HMO **by reason of its location**. This is one of the factors which the 2006 Act states must be considered by the local authority "in determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO".

No 7 St Machar Place is a modest bungalow with a small front garden, situated in the Old Aberdeen Conservation Area. It has always been a family home. It is situated in a cul-de-sac comprising a very small circle of six bungalows. It is our view that the location of this property makes it unsuitable for conversion to HMO because appropriate parking can not be provided, and as a result there would be increased pressure on an already restricted area.

It should be noted here that the City Council's Local Development Plan recognises the parking problems which can be associated with HMOs, and so sets out the conditions which must be fulfilled. The Supplementary Guidance in the current LDP, entitled "Householder's Development Guide", in its section on HMOs, states:-

" **Multiple occupancy can intensify pressure on amenity, particularly with regard to shared mutual areas and car parking** "

In the Draft LDP Supplementary Guidance, in the equivalent section on HMOs, it states:-

" **Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the local area.**" (emphasis ours)



Against this background, it should be noted that there is already pressure on parking in this area, increased in recent years by the restrictions which accompanied the designation of a Controlled Parking Zone.

It should also be noted that an example of the intensification of pressure on parking by the presence of an HMO, can be seen at a bungalow in the same circle, let out to students, where three cars are often parked nose-to-tail, with the car at the rear sometimes obstructing the pavement. This property is not unusual. Many HMOs do, in actual fact, generate a number of cars, whether the landlord intends this or not.

Given, then, the likelihood of multiple cars being generated by an HMO in this cul-de-sac, there are important pertinent questions:-

- (a) **What are the Council’s recommended parking standards for an HMO?**
- and
- (b) **Can these standards be met by the current proposal for an HMO?**

(a) The current Local Development Plan does not include parking standards specifically for HMOs, but this has been rectified in the Draft LDP, in the Supplementary Guidance on “Transport and Accessibility”. In section 7.1.9 of this Guidance, the Council classifies each area of the city into **zones** for the purpose of parking standards.

St Machar Place falls into the “Outer City Zone”. Guidelines are set in this document for residential car parking spaces, with a special new category for Houses in Multiple Occupancy, and the recommended level for an HMO in the Outer City Zone is 0.5 parking spaces per bedroom. We understand that the property in question would be let to 5 occupants, and therefore the allocation recommended is either 2 or 3 parking spaces.

(b) Can these standards be met by the current proposals?

It is the Society’s view that these stands can not be met, for the following reasons:-

- (i) There is room for, at most, one car to park in the circle.
- (ii) Planning permission would not be granted for creating a further parking space by turning the front garden into a parking area.

To expand on (ii), an important factor in assessing the location of this property, is the fact that the house is situated in the Old Aberdeen Conservation Area, and as such is subject to more restrictions than in other areas, as the Council has a duty to preserve and enhance all Conservation Areas.

The Draft Local Development Plan, in the “Transport and Accessibility” (7.1.9) Supplementary Guidance, has a section on “Parking in Conservation Areas”, which states:-

**“Planning permission is required to form a car park within a front or rear garden”**

Under “Parking in Front Gardens”, it is made clear that such parking will only be considered at all “on the condition that the garden is large enough to accommodate a single car whilst leaving a reasonable space between the parked car and the house”.

This particular property, which has a smaller garden than the others, does not have a garden large enough for this.

The Guidance continues, to require that suitable landscaping should be provided to screen the parking area. This, too, is impossible in this case, because of the small area involved.

The final item in the list of criteria is that “the formation of a parking area must not result in the loss of significant garden trees”. Trees in a Conservation Area have statutory protection and there is, indeed, a “significant garden tree” at the front of the property which would be lost.

All these points are drawn together in the Council's Conservation Area Strategic Overview and Management Plan, approved in July 2013. This key document includes, under "General Guidance for all Conservation Areas", a section on "Parking in Front Gardens" -

### Parking in Front Gardens

"Parking in all but the largest front gardens which have already been designed with driveway access in mind, will have a detrimental effect on the setting of buildings in the Conservation Area, potentially obscuring important features".

It is clear from all the above, that planning permission would not be granted for a parking space in the front garden of No.7.

To sum up then, the location of the property for which an HMO Licence is sought makes it unsuitable for use as an HMO because the recommended (and realistic) car parking standards can not be met, resulting in the exacerbation of parking pressures in the area, and an inadequate provision of spaces for the occupants of the proposed HMO.

## ② OVERPROVISION

The Society wishes also to object to this application on the grounds of Overprovision, which grounds for refusal are laid out in Section 131A of the Private Rented Housing (Scotland) Act 2011.

It is important to note at the outset here, that it is not a legal requirement for a local authority to have in place a formal Overprovision Policy before it can use its statutory power to refuse an HMO application on the grounds of overprovision. It may be expected that local authorities will choose to do so, but there is no legal inhibition to a licensing committee taking overprovision into account in their decision – making on a case-by-case basis, in a similar manner to the way liquor licences are considered, without a formal policy in the background.

The law simply states that "a local authority may refuse to grant an HMO licence if it considers that there is, (or as a result of granting the licence, would be) overprovision of HMOs in the locality in which the living accommodation concerned is situated"

Nowhere in Section 131A does it say that an Overprovision Policy must be in place before a Council can make that decision. The Licensing Committee is therefore at liberty to make a decision on the merits of each application, on a case-by-case basis.

The Act also makes it clear that the Council is free to decide which locality they will consider in relation to a particular application for an HMO, in assessing whether there will be overprovision.

In the case of St Machar Place, which is a self-contained cul-de-sac of six small houses, it would seem appropriate to look at what effect the proposed HMO would have on the level of provision in that distinct unit, along, perhaps, with the two houses at the entrance to the cul-de-sac. We attach a plan of this area, and it can clearly be seen the effect this would have.

St Machar Place, along with the houses at its entrance, at present has two HMOs out of a total of eight. If the HMO application for No.8 (to be considered in May) is approved, this will rise to a total of three out of eight, and if this current application, for No 7, were to be granted, the total would be no fewer than four out of the eight houses, or three out of the six in the circle itself.

By any standard, this is significant overprovision – for 50% of the family homes in this circle to be converted to HMOs.

At this point, a distinction must be made between overprovision seen in terms of a lack of demand, and overprovision seen as the provision of more HMOs than is good for the area. It is the latter sense which is the subject of Section 131A of the 2006 Act. There can therefore be overprovision even though there is still a demand.

Overprovision, or too high a concentration of HMOs in a locality, can manifest itself in a number of ways, and the Government “Guidance on Planning Control and Licensing” (2012) recognises that the residential amenity of a community can be adversely affected by high concentrations of HMOs.

By far the most important of the listed effects of such overprovision is the material change to the character of the area, which brings about an imbalance in the community. Increased population density is one outcome, resulting in increased demand on services and on-street parking provision. There is also increased competition for private houses, leaving ordinary families unable to afford a home in the area. Lastly, there is a loss of community cohesion owing to the high proportion of transient residents.

In the case of No 7 St Machar Place, the granting of an HMO licence (whether No.8 has by then been granted a licence or not,) would result, we hold, in exactly these adverse effects. Whether two, or three in number, out of a total of six houses, in a distinct and confined area, the effect that such a high proportion of HMOs would have would be significantly detrimental to the amenity of this cul-de-sac. Even with only one house currently being operated as an HMO, it is clear that there are problems with parking.

Much wider issues, however, arise if the proportion of HMOs in the circle were to increase to one third or one half, as this begins to impact on community amenity. The residential balance of the community is then lost, and with it is lost the settled nature of the locality, in this case this small cul-de-sac. When that settled nature is lost, the area becomes less attractive to families who would otherwise have liked to live there, and so a knock-on effect can take place, resulting in the complete loss of the area as family housing.

In conjunction with the tendency for the average family to be priced out of the chance of buying one of these homes, the traditional demographics of the area can change out of recognition.

An important case to note with regard to this is a recent planning application for change of use to HMO at 39 Kings Crescent. This application was refused by the City Council, and their refusal was upheld by the Scottish Government Reporter, in a decision issued on 29th Jan 2015. In his decision letter, he stated:-

**“to allow change of use at this particular location would be inappropriate in view of the excessive concentration of HMOs in the area”**

The Reporter goes on to say that the proposal:-

**“would result in an unacceptable material change in the character of this primarily residential locality”**

Although this was a decision on a planning application, and not a licence application, the principle is the same, and it is clear that the Reporter gives considerable weight to the detrimental effect on the character of a community where there is too high a concentration of HMO's.

Section 131A of the 2006 Act does, of course, also require the local authority “to have regard to the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need”.

There is, indeed, a need for housing accommodation in Old Aberdeen, but it is primarily for affordable housing for families, which is scarce. It is well documented, in particular, that there is a shortage of family homes for University staff here. There has also been a shortage of student accommodation across

the city. But that will be more than adequately provided for by the purpose-built accommodation currently being built and planned, amounting, we understand to several thousand spaces. A significant proportion of these are within easy reach of the University. HMO accommodation is not, therefore, required to meet a need for the foreseeable future, whereas there is a need for affordable family housing in Old Aberdeen, particularly for University staff, and for families with young children for whom a house with a garden is important.

The need for affordable family housing in Old Aberdeen can not be met if HMO applications are never refused. The resulting proliferation of HMOs simply means that this form of housing is in effect being prioritised over any other form of housing, and this can not be in the interests of a balanced community.

\* \* \*

In summary, the Society wishes to appeal to the City Council's overarching policy objective to promote mixed sustainable communities. Uncontrolled proliferation of HMOs in any area undermines the settled residential nature of the area, and so undermines the balance of permanent residents, which in turn eventually undermines the sustainability of a community.

The proposed HMO at No.7 St Machar Place would bring the proportion of HMOs in this compact locality up to a level where there would clearly be overprovision, as evidenced in the material change of residential character which would ensue.

Old Aberdeen Heritage Society holds that the application for an HMO licence at this address should be refused, on the grounds both of (a) unsuitability of the accommodation  
and  
(b) overprovision of HMOs in the locality.

and accordingly we would request that the Licensing Committee decline the application.

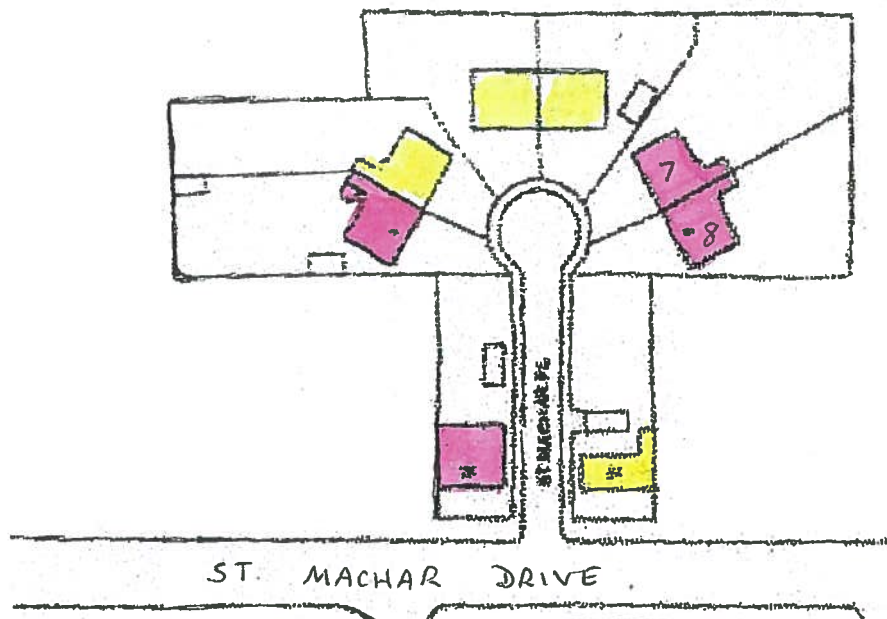
Yours faithfully

Mrs B McPetrie

Planning Secretary

ST. MACHAR PLACE, WITH THE HOUSES WHICH LINE THIS  
CUL-DE-SAC.

THOSE SHADED IN PINK ARE THE ONES WHICH WOULD ALL BE  
HMOs IF A LICENCE WERE TO BE GRANTED FOR NUMBERS  
7 AND 8. — that is, 50% of the properties.



HMO Unit  
Housing and Environment  
Aberdeen City Council  
Business Hub 11, Marischal College  
Broad Street, Aberdeen, AB10 1AB

30<sup>th</sup> April 2015

'C'  
—

**Application for an HMO licence for No 7 St Machar Place dated 9<sup>th</sup> April**

The Old Aberdeen Community Council wishes to **object** to the application for an HMO licence for No 7 St Machar Place. Our objection is on the basis of acute overprovision and the consequent social impact this creates.

St Machar Place is a small, 1920s development of 6 bungalows in a cul-de-sac, making this an ideal location for family housing. However, pressure on housing due to the steadily increasing number of students choosing to live in the area and the resultant increase in the numbers of HMOs is changing the character of Old Aberdeen, to the detriment of the residents, and the community as a whole.

If the HMO licence for no 7 St Machar Place were to be granted, this would mean 3 out of 6 good quality family houses will be HMO licensed, which must surely constitute overprovision on an unacceptable scale.

Therefore to back up our contention of over-provision, we have looked carefully at the different possibilities of assessing overprovision by locality in terms of postcode, radius and census output area, which we detail overleaf, but may be summarised as:

- By post code: currently 17%, but 50% if No.8 and No.7 approved.
- By local area (100m radius): currently 20%, but 30% if No.8 and No.7 approved.
- By census output area: currently 20% but 23% if No.8 and No.7 approved.

To put this in context, Dundee consider 12.5% to be over provision of HMOs and that would allow barely one licensed HMO property in St Machar Place.

Aberdeen City Council has been remarkably reluctant to pursue the establishing of an Overprovision Policy for which they have the power from the Scottish Government. However, the insertion of Section 131 A - "Overprovision" in the 2011 Housing (Scotland) Act, reiterated in the Scottish Government's Guidance Section 2.2.7.A (January 2012) means they Aberdeen City Council can still refuse to grant an HMO licence if they consider that the granting of this licence would result in an overprovision of HMOs in the locality in which the living accommodation concerned is situated.

We also consider it material to point out that the Scottish Government's Reporter, in dismissing the applicants appeal regarding 39 King's Crescent, identified that the creation of that HMO would; "... conflict with the enjoyment of existing residential amenity for neighbours, contrary to the objectives of local development plan policy H1".

|                                    |
|------------------------------------|
| <b>Aberdeen City Council</b>       |
| <b>Housing &amp; Environment</b>   |
| <b>DATE RECEIVED</b>               |
| 30 APR 2015                        |
| <b>Private Sector Housing Unit</b> |

Appended to this letter, please find included:

- Further detail to back up the percentage figures given above plus further review of Census data illustrating the over provision over the adjacent area.
- A map showing the location of all known HMO properties in the immediate vicinity of 7 St Machar Place

We believe this illustrates overwhelming justification to back up our claim of overprovision.

Yours sincerely

Dewi Morgan

On behalf of Old Aberdeen Community Council

## Overprovision in terms of post code

The property is within post code AB24 3SF.

This post code covers 6 properties, all within the cul-de-sac that forms St Machar Place. In this location there is one confirmed HMO at no.3 and an application in process for a new HMO at No.8, currently awaiting Committee decision.

1 out of 6 HMOs might be considered acceptable – 17% of the property within this post code.

If the application for No. 8 is awarded there will already be 33% HMOs within this post code; a clearly excessive concentration.

If the application for No. 7 is awarded in addition to No. 8 there will then be 50% HMOs within this post code and the area will de facto have been ruined for any future families.

## Over provision in terms of local area

With reference to the attached map; it can be seen that within a 100m radius of this property there are already 7 HMO properties (not including no.8) out of a total of 30 properties; a percentage take-up of 23%. This is already excessive. With No.8 and no.7 added this would rise to 30%

In the larger area of the map, it can be seen that there is a very high level of both HMOs and of property that is let with a lesser number of tenants.

Clearly, not all let property is let to students, but we are confident that that they form a large majority of the rental market in this area. We are also aware that not all landlords have registered their property.

## Over provision in terms of census output area

Taking data from Scotland's Census 2011:

- St Machar Place lies centrally within Output Area S00089497
- A broader area around St Machar Place could be described by the following Census Output Areas: S00089497, S00089500, S00089515, S00089516, S00089517, S00090444, S00090695

We have compared the data for these areas with the 'Aberdeen Central' constituency to represent the majority of Aberdeen City. We have used Census Table 'QS403SC – Tenure – People – All People in Households' and 'QS405SC – Tenure – Households'

### Immediate vicinity of St Machar Place – by people

| Census table<br>QS403SC | All people in<br>households | Owned | Social rented | Private rented | Living rent free |
|-------------------------|-----------------------------|-------|---------------|----------------|------------------|
| S00089497               | 155                         | 64    | 3             | 85             | 3                |

**Percentage population in private rented accommodation:  $85/155 = 54.8\%$**

### Immediate vicinity of St Machar Place – by Household

| Census table<br>QS405SC | All households | Owned | Social rented | Private rented | Living rent free | Rented property<br>which are HMOs<br><i>See note</i> |
|-------------------------|----------------|-------|---------------|----------------|------------------|--|
| S00089497               | 70             | 35    | 2             | 31             | 2                | 14   |

*Note: HMO data was taken from ACC report H&E/14/055*

**Percentage of households which are HMO:  $14/70 = 20\%$**

**Percentage households in private rented accommodation:  $31/70 = 44.3\%$**



### General vicinity of St Machar Place - by people

| Census table<br>QS403SC | All people in<br>households | Owned | Social rented | Private rented | Living rent free |
|-------------------------|-----------------------------|-------|---------------|----------------|------------------|
| S00089497               | 155                         | 64    | 3             | 85             | 3                |
| S00089500               | 91                          | 32    | 35            | 24             | 0                |
| S00089515               | 125                         | 47    | 32            | 37             | 9                |
| S00089516               | 107                         | 34    | 45            | 21             | 7                |
| S00089517               | 73                          | 11    | 31            | 31             | 0                |
| S00090444               | 73                          | 24    | 30            | 19             | 0                |
| S00090695               | 107                         | 8     | 20            | 79             | 0                |
| <b>TOTAL</b>            | <b>731</b>                  |       |               | <b>296</b>     |                  |

Percentage population in private rented accommodation:  $296/731 = 40.5\%$

### General vicinity of St Machar Place - by household

| Census table<br>QS405SC | All households | Owned | Social rented | Private rented | Living rent free | Rented property<br>which are HMOs<br><i>See note1</i> |
|-------------------------|----------------|-------|---------------|----------------|------------------|---|
| S00089497               | 70             | 35    | 2             | 31             | 2                | 14  |
| S00089500               | 46             | 14    | 21            | 11             | 0                | 0   |
| S00089515               | 62             | 23    | 19            | 18             | 2                | 5   |
| S00089516               | 64             | 17    | 35            | 9              | 3                | 1   |
| S00089517               | 52             | 8     | 28            | 16             | 0                | 1   |
| S00089651               | 64             | 18    | 2             | 43             | 1                | 4   |
| S00090444               | 38             | 12    | 20            | 6              | 0                | 5   |
| S00090695               | 65             | 5     | 19            | 41             | 0                | 7   |
| <b>TOTAL</b>            | <b>461</b>     |       |               | <b>175</b>     |                  | <b>37</b>   |

Note1: HMO data was taken from ACC report H&E/14/055

Note 2: HMO data for S00090444 not available from above report but estimated from available data.

Percentage households which are HMO:  $37/461 = 9\%$

Percentage households in private rented accommodation:  $175/461 = 38.0\%$

### Aberdeen Central constituency - by people

| Census table<br>QS403SC | All people in<br>households | Owned  | Social rented | Private rented | Living rent free |
|-------------------------|-----------------------------|--------|---------------|----------------|------------------|
| Aberdeen Central        | 77,212                      | 35,329 | 16,703        | 24,086         | 1,094            |

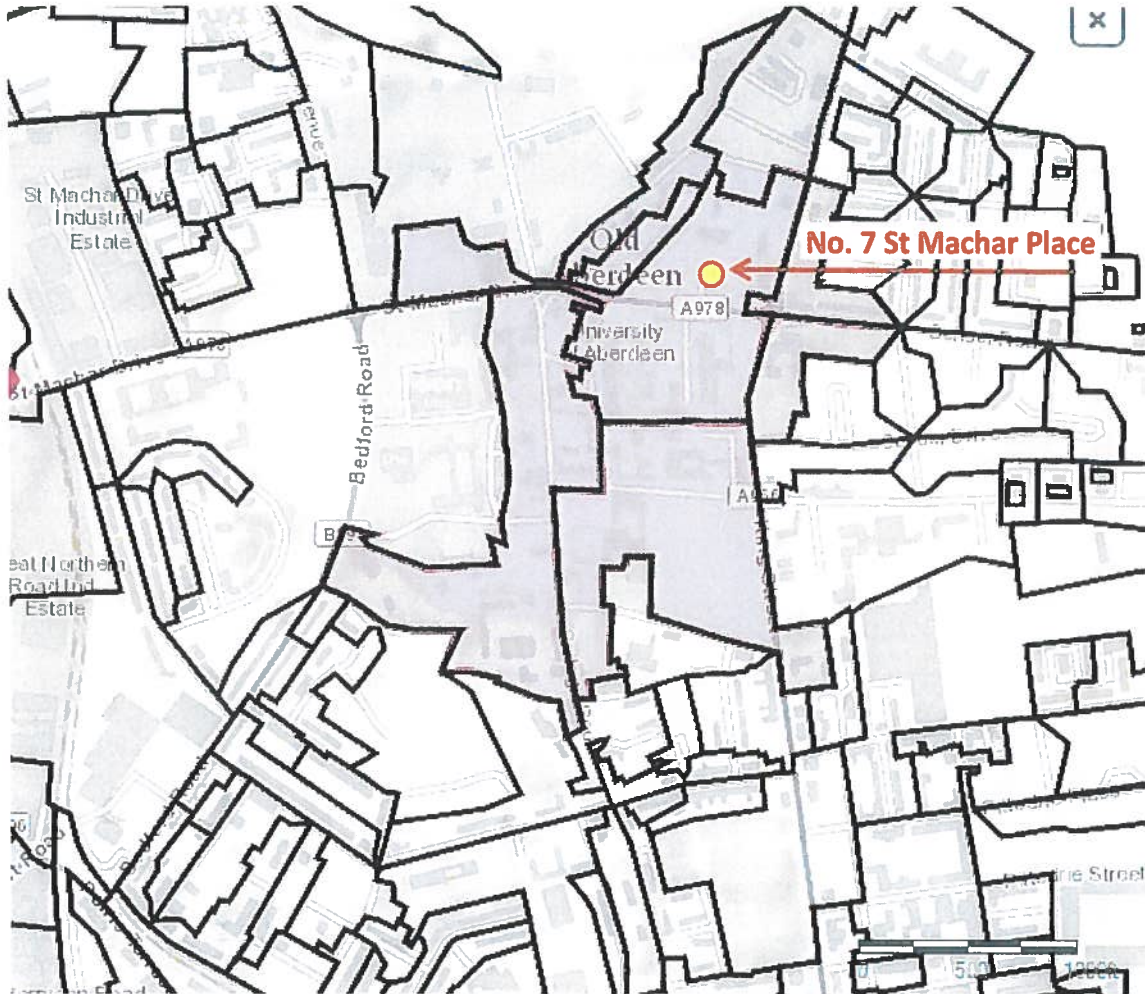
Percentage population in private rented accommodation:  $24,086/77,212 = 31.2\%$

### Aberdeen Central constituency - by household

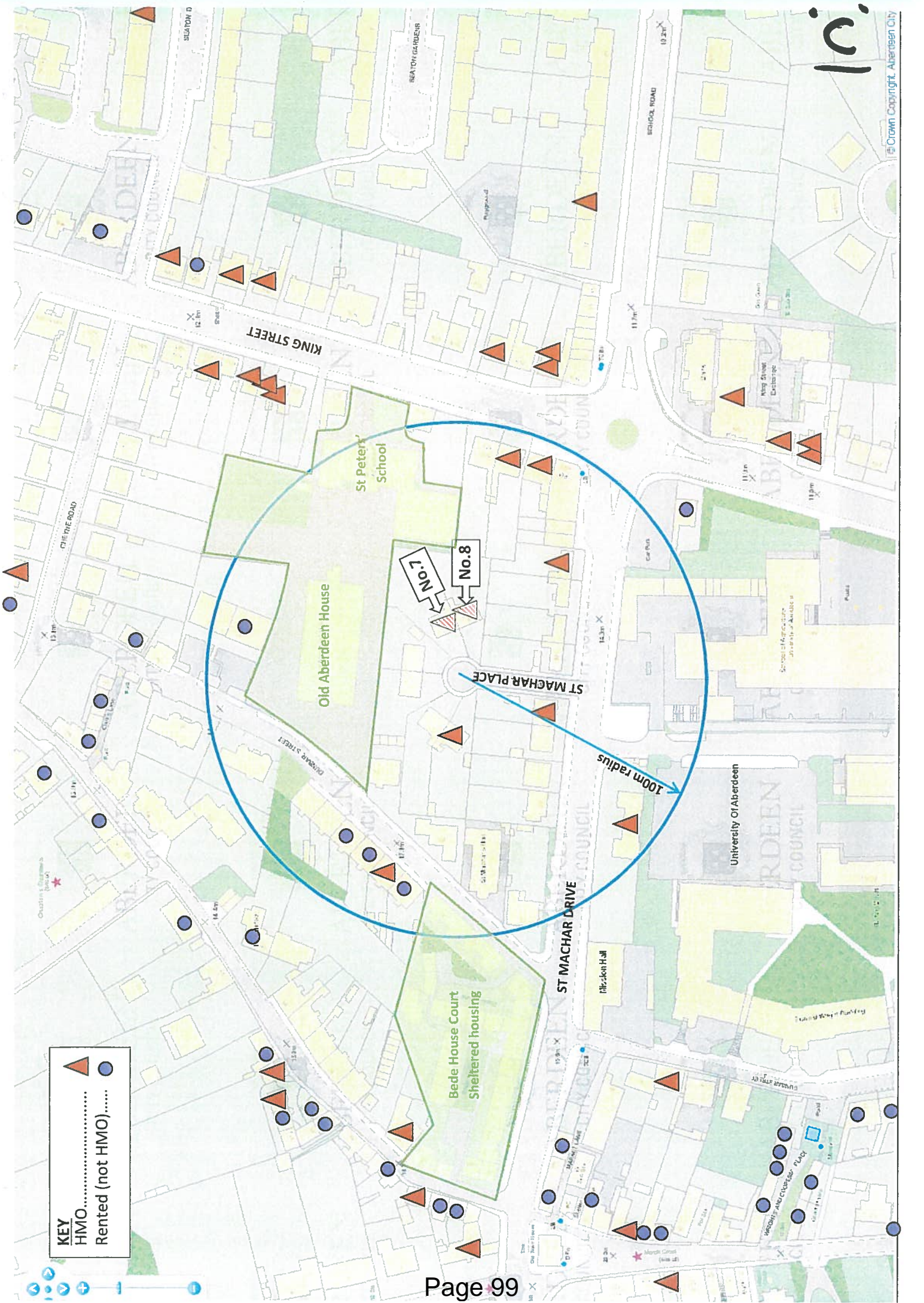
| Census table<br>QS405SC | All households | Owned  | Social rented | Private rented | Living rent free |
|-------------------------|----------------|--------|---------------|----------------|------------------|
| Aberdeen Central        | 41,715         | 18,798 | 9985          | 12239          | 693              |

Percentage households in private rented accommodation:  $693/41715 = 16.6\%$

Map showing distribution of the selected Census Output Areas:-



Following page:- Map of St Machar Place showing approximate number of HMO and other let property in the surrounding area:-



**KEY**  
 HMO.....▲  
 Rented (not HMO).....●

10.

28 April 2015.

**D**

HMO Unit,  
Housing and Environment,  
Business Hub 11, 2nd floor West,  
Marischal College,  
Aberdeen.

Dear Sirs,

### **Application for an HMO Licence at no 7 St Machar Place**

I wish to **object** to the application for an HMO licence at no 7 St Machar Place on the grounds of parking and overprovision.

Parking is a critical issue in the cul-de-sac with there being insufficient parking space for residents as it is. When the Controlled Parking Zone was established in Old Aberdeen, the entrance to St Machar Place was deemed not wide enough to accommodate parking on both sides of the road and access also had to be retained for emergency vehicles. The east side of the entrance therefore acquired double yellow lines to enable emergency access, and four parking bays and one disabled parking space for the residents of St Machar Place without driveways, namely nos 4, 7 and 8 as well as all the residents at 29 and 31 and 39 to 43 on St Machar Drive, were all that could be fitted in on the other side.

It is likely that the new owners of no 7 have students in mind for this HMO application and it is often argued that, with being so close to the University, the students would neither have nor need cars.

However, this can be firmly refuted by the photograph which shows no 3 St Machar Place, also an HMO let out to students, that regularly has three cars in the driveway, all belonging to the students, and often spilling out on to the pavement.



I understand that there are HMO parking guidelines in the pipeline in the proposed Supplementary Guidance Topic Area 7 - Transport and Infrastructure to the Local Development Plan, which would, if agreed, require 0.5 parking space per bedroom in an HMO property in the Outer City where St Machar Place is located. No 7 St Machar Place has, I believe, four or five bedrooms and this would therefore require 2 or 2.5 parking spaces.

From discussions with the new owners of no 7, I gather they were planning to fell one of the trees in the front garden and convert one side of the garden into a new driveway for the property. However, **St Machar Place is now in the Old Aberdeen Conservation Area** and therefore the following will have to be taken into consideration:

*"... Parking in all but the largest front gardens, which already have been designed with driveway access in mind, will have a detrimental effect on the setting of buildings in the conservation area, potentially obscuring important features."*

Aberdeen City Conservation Area Character Appraisal / Strategic Overview and Management Plan / July 2013

D

Furthermore, also from the Supplementary Guidance Topic Area 7 - Transport and Infrastructure

7.1.9 *Parking in Front Gardens*

*The following is the planning criteria considered when assessing whether consent may be granted for parking in front gardens of listed buildings or buildings in conservation areas.*

*1. No more than 35% of the front garden area may be given over for the combined parking area, driveway and any turning area ... At least 50% of the garden area should be left in topsoil to permit soft landscaping.*

I therefore contend **there is neither sufficient on-street parking nor sufficient garden space to comply with existing and proposed parking regulations** that pertain to this property.

Overprovision

St Machar Place is a quiet cul-de-sac with six late 1920s bungalows which were quite clearly intended to be good quality family housing.

No 3 St Machar Place is now an HMO, the property at 35 St Machar Drive is also an HMO and with an application by the new landlord at no 8 St Machar Place in the pipeline, to which I have also objected, this would raise the percentage of HMOs to 33% within the cul-de-sac alone.

However, with **this latest licence application for no 7 St Machar Place, that could mean that three out of six houses, a total of 50%, were HMOs**,. And that is far too high a concentration for this small circle and would completely destroy its character - recognised by its recent inclusion in the Old Aberdeen Conservation Area - and its attractiveness for any future family accommodation.

And so, by any locality criteria, whether it is by postcode, or by radius, or by census output area, this is **overprovision on an unacceptable scale**. I would therefore ask the Licensing Committee to please urgently consider St Machar Place as an 'overprovision hotspot' and on the grounds initially stated of overprovision and inadequate parking, **to refuse this licence application**.

Yours faithfully

Christine Burgess

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|-----------------------------|
| Aberdeen City Council       |
| Housing & Environment       |
| DATE RECEIVED               |
| 29 APR 2015                 |
| Private Sector Housing Unit |

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HMO Unit  
Housing, Environment, Business Hub  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

24.4.15  
Aberdeen City Council  
Housing & Environment  
DATE RECEIVED  
28 APR 2015  
Private Sector Housing U

Dear Sir or Madam,

HMO Licence Application for 7 St Machar Place AB24 3SF

I wish to make representation regarding the above application and would respectfully request that very careful consideration be given to all the relevant factors relating to this property and its location and that this application should be refused for the following reasons.

This property forms part of a unique and attractive development of six semi detached 1920's bungalows built around a central circle with a road leading out to St Machar Drive. The houses have attractive front gardens and large back gardens. The houses have very recently been included in the Old Aberdeen conservation area.

The present situation is that two of these houses have already been granted HMO licences (No 3 and No 8) to accommodate up to 5 people in each, which is the same as the application for No 7.

The granting of another HMO would create a severe imbalance in this location with half of this unique development in the conservation area being subject to the vagaries of a transient student population and the attendant problems which have been experienced by the permanent residents in the other houses such as excessive noise, litter blowing about and glass bottles broken on street and pavement or thrown into neighbouring gardens.

It is vital that a third HMO licence in this unique area should not be granted. These are houses that are suitable for families. If this application is not refused the logical conclusion is that all these houses could become HMOs and the consequence would be this unique development would effectively become a student residence. It would be disproportionate to grant another HMO licence in this small unique area, Two HMO houses in this area are more than enough. I trust that the views and rights of permanent residents are taken into account in your consideration of this matter.

Yours sincerely

28<sup>th</sup> May 2015

Communities, Housing & Infrastructure,  
Private Sector Housing Unit,  
Aberdeen City Council,  
Business Hub 11,  
Second Floor West,  
Marischal College,  
Broad Street,  
Aberdeen  
AB10 1AB

Warren and Susan Burgess

Dear Sirs,

**Application for Licence for House in Multiple Occupation  
at 7 St Machar Place, Aberdeen  
by Warren and Susan Burgess**

### **Landlord background**

We have been registered as Landlords in Aberdeen for two years and we own and manage 3 other properties in Old Aberdeen, two of which are HMO licensed. We are active members of the Scottish Association of Landlords. We are 'hands-on' landlords and our aims are to provide high quality accommodation for tenants, whilst ensuring good co-operation with neighbours. We take our responsibilities seriously and we have had very positive feedback from tenants on our role as Landlords. We can provide references if required. We live close to Aberdeen and visit our properties regularly – at least once per month - for both formal and informal inspections. We have had no complaints about our tenants with regard to litter, parking or anti-social behaviour.

### **Why we purchased this property**

7 St Machar Place is a house whose condition had deteriorated significantly and was clearly in need of attention inside and out, for example - the windows are rotting, very old kitchen and bathroom, areas of damp, most of the garden fencing broken down. There had been difficulties in selling the property, and our purchase was on the third sale attempt by the previous owner.

However, we saw the potential for this large property, whilst recognizing the need for a very significant refurbishment programme. We purchased the property for £250,000 and the refurbishment will cost in the region of £90,000. This will result in a property upgraded to current building standards (kitchen, bathrooms, electrics, heating, fire safety and energy performance) that will be far more attractive and suitable for a wide range of occupants.

### **Impact on the Locality/Addressing Concerns**

- We recognize and really appreciate the character of St Machar Place and we fully intend to keep No. 7 in character with 'the Circle'. We welcomed the recent extension of the Old Aberdeen Conservation Area to include St Machar Place, and are following the guidance of the Planning Dept. Conservation Officer with

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our refurbishment plans for the front of the house, the front garden and fence. While this has had a cost impact for us, we recognize the value of sensible conservation measures.

- The large garden is a special feature of the property and as keen gardeners, we intend to maintain it to a high standard, retaining most of its current features.
- Litter – we have already done our own litter collections around St Machar Place. Our observation is that there is more wind-blown litter collecting in the cul-de-sac than litter dropped by residents. We will make tenants aware of the need for regular litter picks in their welcome meeting.
- We recognise the limited parking on St Machar Place and have:
  - requested the City Council Roads Dept. to de-categorise the Disabled Parking space that had been provided for the previous occupant of 7 St Machar Place. This was completed within one month of our purchase date, thus adding one extra parking permit place.
  - Applied for one parking space in the front garden of 7 St Machar Place, in consultation with the Conservation Planning Officer, and not requiring the removal of any trees.
  - Planned to highlight parking limitations to prospective tenants and to discourage keeping of cars at St Machar Place.

## Tenancy Selection

We vet, interview and carefully select all our tenants. We will only select applicants who are responsible and commit to respect the quiet, residential nature of the neighbourhood. Our tenancy agreement includes clear expectations about acceptable behaviour.

Also, our tenants are groups of friends already known to each other and as such, they behave much more like families than sets of individuals. We also find that 40% of our tenants live in their rented accommodation throughout the full year.

## Communication with Neighbours

We have met our neighbours and prior to any future tenancy, we will ensure that they all have our contact details, and we aim to build a good relationship between all parties.

We have also met the other landlords in the cul de sac. We agreed to watch over each other's properties and are committed to working together to share best practice and contribute to community wellbeing.

Our other properties have been successful, with good relationships between our tenants, our neighbours and us.

## Advantages of Licensing for HMO / Overprovision

We don't believe that licensing a house for multiple occupation will detract from the 'sense of community' any more than properties that are rented out as 1 or 2 bedroom flats or larger houses with small occupancy. Indeed, HMO properties make fuller use of existing houses, and with the licensing requirements that are in place, they can do so in a manner that is much more controllable and accountable.

We believe that a good community feel comes through communication, care, respect and interaction. This is achievable if everyone makes an effort. We are prepared to make the effort and will encourage our tenants to do the same.



**F**

Prior to purchase, we checked with the City Council, and were told there was no policy on overprovision. Therefore we concluded that we could proceed with our plans to renovate this run-down house and rent it to multiple occupants because there is a desperate need for this type of accommodation in the area.

### **Summary**

We are responsible, hands-on landlords, committed to providing high quality accommodation and a responsive lettings management service. We have an excellent reputation for our caring and friendly manner, caring for our Tenants, Neighbours and the Environment.

We are clearly committed to raising standards as Landlords, as well as in our properties. We want to reach out positively to the Community to build helpful, constructive relationships and will look for opportunities to do so.

We hope that you will appreciate the merits of our application and grant a licence for 7 St Machar Place, on the basis that it will be managed by responsive and responsible Landlords.

Yours faithfully

Warren H Burgess

Susan K Burgess

|                             |
|-----------------------------|
| Aberdeen City Council       |
| Housing & Environment       |
| DATE RECEIVED               |
| 29 MAY 2015                 |
| Private Sector Housing Unit |

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Second Floor West, Marischal College

|       |   |           |              |
|-------|---|-----------|--------------|
| To    | Eric Anderson, Team Leader, Corporate Governance                                  |           |              |
| From  | Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure |           |              |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>          | Date      | 18 June 2015 |
| Tel.  | 522870  | Our Ref.  |              |
| Fax.  |   | Your Ref. |              |

## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.237 Clifton Road, Aberdeen**

**Applicant/s: Terrence W.Allan & Garry R.Allan**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 30 June 2015 for the reason that 3 letters of representation/objection, and one 'late' letter of support were received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### **The premises:**

The property at No.237 Clifton Road, Aberdeen, is a 2-storey, mid-terraced house with accommodation comprising of 5 letting bedrooms, one public room, 2 bathrooms & one kitchen. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 25 April 2015 and was received by the HMO Unit on 28 April 2015.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 25 April 2015 – 16 May 2015.

**Letters of Objection:**

3 letters of objection were received by the HMO Unit, all within the statutory 21-day Notice period, and must therefore be considered by the Committee. All objectors have been invited to attend the Committee meeting. Details of the letters are as follows;

- A letter dated 30 April 2015 from Fiona Eite (attached as Appendix 'B').
- A letter dated 1 May 2015 from Mrs M.Tindall (Attached as Appendix 'C').
- A letter dated 5 May 2015 from A.G.Hepburn (attached as Appendix 'D').

**'Late' Letter of Support:**

One letter dated 19 May 2015, from Naomi Moran, supporting the application was received by the HMO Unit on 19 May 2015, some 3 days after the statutory 21-day Notice period ended. The legislation, however, allows the local authority to consider a late letter if it considers that it was reasonable for the respondent to submit the letter after the deadline for doing so. Accordingly, if the Committee decides to consider the letter, it will be circulated to Members at the meeting.

**Letter from Licence-Applicants**

The licence-applicants submitted a letter in support of their application (attached as Appendix 'E'). The licence-applicants have been invited to attend the Committee meeting.

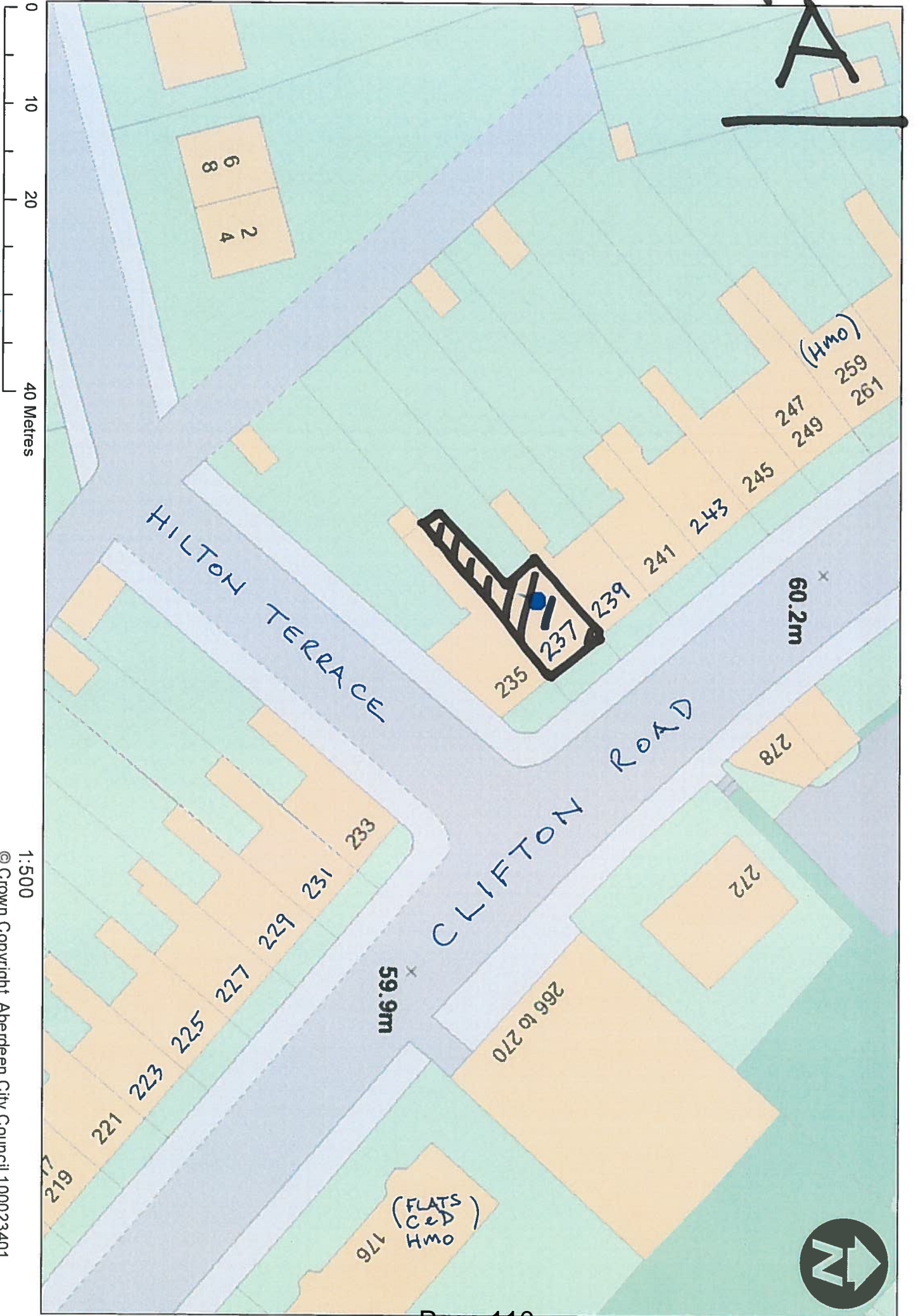
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.237 Clifton Road, Aberdeen.
- The applicants are currently registered with the Council and have registered one rental property, however the property which is the subject of this report has not been registered therefore it will be necessary for the applicants to do so before letting it.
- The applicants have requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout

- The applicants purchased No.237 Clifton Road in March 2015, therefore their licence application under consideration is a 'first-time' application.
- No.237 Clifton Road is jointly owned by Terrence Allan, Garry Allan, Linda Allan & Jacqueline Allan, although the HMO licence application declares that only Terrence Allan & Garry Allan are the licence-applicants. Linda Allan & Jacqueline Allan are declared to be joint-owners but not licence-applicants, although they are both current HMO licence-holders for another 2 HMOs in Aberdeen. All 4 joint-owners are actively involved in the management of all their rental properties.
- There is no record of any previous HMO licence application in respect of No.237 Clifton Road.
- At the date of this report, there are 28 HMO licences in force in respect of houses and flats in Clifton Road. There are also 4 pending HMO licence applications. The positions of the nearest licensed HMOs (Nos.176C, 176D & 261 Clifton Road) are shown on Appendix 'A'.
- All 3 letters of objection mention car parking. On-street car parking on Clifton Road is unrestricted on a 'first-come, first-served' basis.
- At the date of this report, all HMO upgrading work & fire safety work has not been completed. I will update Committee on the progress of the works at the meeting.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



1:500  
 © Crown Copyright Aberdeen City Council 100023401

Fiona Eite

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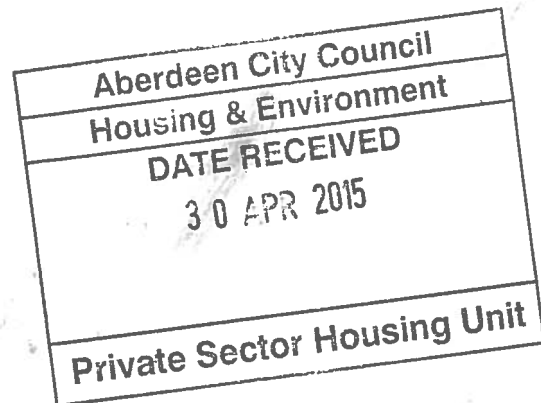
30/04/15

I am writing to object to the HMO application for 237 Clifton Road, Aberdeen.

Reasons for objections are-

1. Concern about the number of people that may be staying in this house.
2. Due to location house may be leased to students which may mean high and increased noise levels. I have young children and high and late noise levels are a real concern.
3. Lack of parking in the area will be an issue if there are 4-5 more cars parked near the house.
4. Rubbish that may be accumulated by high number of residents, the 2 weeks system would struggle with this, therefore concern about rubbish bags being left outside the property.
5. I have young children staying next door; I would be concerned with the house being rented out to unemployed/ DSS/ social housing. I would be concerned about the types of people housed and increased fire risks/ noise/ rubbish/ upkeep of the property. I would be extremely worried about the safety of my children with constantly changing tenants.

Fiona Eite



11/5/15

Alicy Thoun  
Private Sector Housing Manager  
Broad Street  
Aberdeen

Dear Sir,  
I am writing to object to the  
HMO Application for 237 Colinton Road,  
Aberdeen.

I have been told this is more  
than likely to be for student accommodation.

I am 76 years old & in the past, I  
was traumatised with students living  
in the upstairs flat. The thought of  
five students living next door really  
scares me, especially in this drug-related  
area. I would be greatly concerned at  
the risk of fire, also, with all the  
extra rubbish, the risk of vermin.

Another grave concern for me  
would be the issue of parking. At  
the moment, it is sometimes difficult  
to get parked at night, near my door, &  
that is very important for me. With the  
possibility of 4 or 5 extra cars, it would  
probably be impossible.

I hope you will consider these  
objections before granting a licence.  
Yours faithfully



FAO Ally Thain.

5 May 2015

Application for HMO Licence for  
237 Blifton Road.

I refer to the above application and I object  
on the following grounds.

Since most of the occupants are likely  
to be students, DHSS or similar the result  
of this will be:-

1. Increase in noise.
2. Increase in anti-social behavior.
3. Increase of untidiness of the street.
4. Possible drugs abuse.
5. If cars are involved this will  
increase parking problems.
6. This is a quiet part of Blifton Road  
and residents should not be subjected  
to bad behavior on their doorstep.

A. G. HEPBURN.

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|-----------------------------|
| Aberdeen City Council       |
| Housing & Environment       |
| DATE RECEIVED               |
| 06 MAY 2015                 |
| Private Sector Housing Unit |



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27/05/2015

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| Aberdeen City Council       |
| Housing & Environment       |
| DATE RECEIVED               |
| 29 MAY 2015                 |
| Private Sector Housing Unit |

Chair Person  
Licensing Committee  
Aberdeen City Council  
Aberdeen

Dear Sir/Madam

**Application for HMO Licence**

**Licensing Committee, Tuesday 30<sup>th</sup> June 2015, 10am, Town House, Broad Street, Aberdeen**

Thank you for providing me with an opportunity to submit documentation to the Committee in support of my application and for inviting me to attend this meeting of the Licensing Committee.

1. As an introduction I wish to provide the Committee with the following information:
  1. The property is owned jointly by four experienced and registered landlords who also own and manage two other properties with HMO licences in the same general area of Aberdeen plus a semi detached bungalow elsewhere in the city which is let out to families. These four landlords are all members of the same family.
  2. From a professional perspective two of the landlords are active chartered accountants, one is a retired secondary school teacher and one is a retired university lecturer.
  3. One HMO property is let to postgraduate and/or mature undergraduates. That property is always advertised as a place where studious individuals can be warm, secure and where study will be possible at all times. A rigorous vetting process of prospective tenants is undertaken so that that ethos is maintained and respected by the tenants. Tenants tend to stay for the duration of their study once they find our property.
  4. One HMO property is let to professionals. Again there is a rigorous vetting process. Historically most of the tenants have been professionally employed in the oil industry (eg engineers) or related services (eg computing support). We have, however, also had tenants representing other professions (teacher, doctor, accountant, software engineer, and so on).
  5. Our other property has had tenants including local policemen, a policewomen and a teacher.
  6. Our tenancy document, which tenants are all required to sign, rigorously points out the need for social responsibility inside and outside the property with respect to other tenants and to neighbours, to the surrounding environment, and with respect to management of waste.
  7. The landlords are very 'hands-on' and they like to get to know the tenants. Any issues are dealt with promptly and communication from tenants to landlords is encouraged wherever necessary using telephone, text or email.
  8. It is a high priority of the landlords that the provision made for the tenants is appropriate and sufficient and it provides a warm, comfortable, secure and safe home. Management of the provision and the facilities and services is thus subject to regular review to match requirements of the tenants.

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9. The landlords are aware that they have a substantial investment in these properties and they make sure that their investment is supported and protected through proper maintenance of their properties and through proper management of the properties and the letting processes.
2. With respect to the property which is the subject of this application I now wish to provide the Committee with the following information.
  1. The property in question has been purchased as an investment by the above mentioned four family members and it will be let out as is possible or as is most appropriate depending on the requirements of the market at any time. This could mean that the property will be let as a single entity to a family, a group of friends or to a number of individuals each with their own bedroom but all making use of the same kitchen, living room and the two bathrooms. Some of these options are however only possible if the property has been granted an HMO Licence.
  2. The property was extended around 1994 and so it has two public rooms, 5 bedrooms, a large kitchen, a utility room, a bathroom and a shower room. The property is attractive and spacious and it should provide an excellent environment for up to five individual tenants each with their own bedroom or alternatively a large family or family grouping.
  3. For reasons of tenant safety the landlords have already ensured that the property has been checked for electrical and gas safety, has had a wired smoke and fire alarm system installed, has had the requisite carbon monoxide sensor installed, and has had other fire safety facilities fitted including automatic door closers.
  4. Work is already complete, is in process, or is planned, to carry out repairs and/or safety and cosmetic improvements to the interior, to alleviate damp, to re-point the outside walls, and repair and re-point areas of the roof.
  5. In addition to cleaning undertaken by tenants it is our intention to have a professional cleaner attend to the common areas of the property once per fortnight, and a gardener to keep the garden, paths and other outside areas tidy as required.
  6. Our usual rigorous vetting process will be deployed to all prospective tenants.
  7. This property is a significant investment for us and so we will do our best to protect our investment by maintaining the property to a high standard, by keeping it dry, heated and ventilated properly, and by keeping it clean and tidy, and by ensuring that we have respectful tenants who will look after the property and who will not cause any concern to other tenants or to neighbours.
  8. We always provide our contact details to our neighbours so that they can contact us immediately if they wish to discuss any matter. This has already been done with respect to our immediately adjacent neighbours in this property.
  9. As 'hands-on' and fully registered and experienced landlords we take our responsibilities very seriously and we would be most unhappy if any of our tenants ever did anything which caused a neighbour any inconvenience or concern. We are regularly around and about all our properties and we enjoy making contact with and getting to know our tenants. This will certainly be our modus operandi at this property.
  10. As landlords, we have always encouraged and maintained a very friendly, cordial and supportive relationship with neighbours at all our properties and we feel it is important to do so for the benefit of all. We will, thus, do all that we can to ensure that we have a friendly and cooperative relationship with all neighbours in the vicinity of this property in order to be sociable and to be fully aware of how we can facilitate improvements, to make the property and its tenants work well within the area.

11. Since purchasing the property, visits to the property have been made on a daily basis, sometimes several times a day, morning, afternoon or evening, often with 2 or 3 landlord vehicles in order to work there or to consult with workmen and on no occasion has there been any problem with parking or any issues relating to parking.
  12. All immediately adjacent neighbours have been approached to make introductions and to explain what is planned for the property. In addition a document containing the contact details of all four landlords was provided to all these neighbours. The document also outlines what is proposed with respect to leasing the property along with assurances that the management style will attempt to ensure that tenants will not have any negative impact on the lives of neighbours or their properties.
  13. On receipt of copies of letters of objection from three neighbours a further letter was written to each to try to alleviate concerns and to try to respond to each point made in the letters of objection.
3. With respect to the individual concerns outlined in the letters of objection, an attempt was made to alleviate the concerns neighbours expressed, with written comments to them like the following:
1. **To whom we let:** we will not be renting our property to young undergraduate students or to people who are in receipt of DSS benefits. This is a policy decision rather than some general statement about young students or DSS clients. We also consider that we have a very rigorous vetting process, which, so far, has ensured, that all our tenants have been socially responsible and mature.
  2. **Number of Tenants:** If the property is granted an HMO Licence and it is let to individuals there will be a maximum of five tenants. Five people is no more than a fairly common family size and is certainly not an unusual number of people to live in a property with five bedrooms and two public rooms over two floors. If the property is let to a family it would be quite possible to find a family of more than five people in residence.
  3. **Drugs:** we will not tolerate anyone in any of our properties who engages in any way with drugs. We have run several rental properties for several years and we have never encountered any tenant who to our knowledge uses drugs at any time.
  4. **Fire safety:** the property is now fitted out with a smoke and fire detection system which meets standards set for properties with an HMO licence. Further all gas and portable electrical appliances are rigorously tested as required by law as are the electrical circuits in the house. Tenants will also be prohibited from deep frying, from using candles and from using portable heaters. The property will thus be as fire safe as any other with an HMO licence and this far exceeds what is required in normal domestic environment
  5. **Antisocial behaviour:** In the unlikely event that any of our tenants behaves inappropriately inside or within the vicinity of our property and if we are informed of that act we will react immediately to investigate the issue. Anti-social behaviour is unacceptable and could include lack of care and attention to waste disposal, excessive noise, rudeness, irresponsible parking and so on.
  6. **Waste disposal:** waste disposal will be closely monitored by the landlords until a system is in place. Bins will be kept at the back of the property, inside the garden area, at the garden gate beside the shed. They will not be kept at the front of the house. Also if required we will make use of systems which makes provision for houses where there may be a greater requirement for waste disposal.
  7. **Maintenance of the property:** the property is an investment by the landlords and we will look after our investment by ensuring suitable and timeous maintenance. We

intend also to employ a cleaner on a fortnightly basis and someone will be employed to maintain the garden in a tidy manner.

8. **Parking:** There seems to be little problem in finding a parking space close to the property at any time of day. We have another property on the same road in which we accommodate five postgraduate and/or mature undergraduate students and I cannot remember a period of time when more than one student out of the five had a car. These postgraduate students try to find accommodation near to King's College so that they don't require a car. Even with professionals as tenants all do not normally have cars. They are interested in finding accommodation on particular bus routes or close to their work (eg Foresterhill). I would not, thus, expect any increase in parking issues over what would normally be expected from any family occupying the property.
9. **Students:** All our postgraduate and mature undergraduate students have been completely trouble free to us and to our neighbours. We choose tenants who want peace and quiet to study and it seems that that is what they do. Neighbours see them come and go but that is all. They have all been lovely, friendly, and very quiet people who aspire to the highest academic standards and in that regard they require to study in quiet, warm, comfortable surroundings which we hopefully provide for them.
10. **Turnover of Tenants:** The minimum contractual duration of a tenancy is 6 months but only in usual circumstances is a tenancy shorter than a year. Currently in one of our HMO properties we have one tenant who has been there for more than four years, one tenant who has been there for three and a half years, one for very nearly three years, and two for one and a half years. In the other HMO property one person has been there for more than three years, and two for two years. The recent downturn in oil prices meant we lost one tenant recently after nearly two and a half years (because he lost his job). Changes have not occurred frequently. We don't have constantly changing tenants. All these tenants are extremely pleasant and respectful. They are just ordinary people seeking a stable home in a property which is properly managed.
11. **Conditions of Lease:** Extracts from our Tenancy Agreement (which will be issued to and signed by tenants) were provided to all adjacent neighbours. These are supplied as an endnote<sup>1</sup> to this document.
12. **General Comments offered** – all quotes extracted from letters sent to the objectors:
  - "Please be assured that we are responsible landlords. We are very disappointed that our latest project seems to have caused you some concern. I am not sure what I can do to reassure you further but we will be extremely disappointed if our high standards do not provide you with other than good neighbours when we let our property, whether it be to professionals, students or a family. It is our duty to do that."
  - "I have already provided you with the telephone numbers of all the owners of the property. Please see it as a service to us if you contact us as soon as possible with information about any concern you have. Please do not see it as a complaint. "
  - "It is our greatest hope that we can have a friendly, cooperative and successful relationship with all our neighbours."
  - "If you would like to talk to me further about this matter or any concerns you have at any time please do let me know. My telephone number is xxxxxx (home) or xxxxxx (mobile). My email address is xxxxxx. I will usually be able to come to see you at very short notice if required.

- "We will be delighted to discuss any matter of concern you may have now or in the future related to the property at xxxxxx or related to our intentions as stated above. We would also be delighted to meet with you and show you the property, as it is now whilst some minor works are in progress. We are not making any major changes to the house – just damp eradication, essential maintenance to walls, guttering, and roof, redecoration and a few health and safety changes. You are also very welcome to come to our home and discuss any matter. I would be delighted also to let you see another of our properties. This might reflect better, in a finished state, what we try to achieve when preparing for tenants."

Yours faithfully

Terrence W. Allan

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<sup>i</sup> **Extracts from the Tenancy Agreement**

**11 OCCUPATION AND USE OF THE ACCOMMODATION**

**11.1 ONLY OR PRINCIPAL HOME**

The Tenant agrees to occupy the accommodation as his only or principal home and not to carry on any formal or registered trade business or profession there.

**11.2 ABSENCES**

The Tenant agrees to tell the Landlord if he is to be absent from the accommodation for any reason for a period of more than fourteen days. The Tenant agrees to take such measures to secure the accommodation prior to such absence as the Landlord may reasonably require and take appropriate measures to prevent frost or flood damage.

**11.3 SUBLETTING & LODGERS**

The Tenant agrees not to:

- (i) assign this tenancy to any other person; or
- (ii) sublet the accommodation in whole or in part; or
- (iii) take in lodgers or paying guests; or
- (iv) allow other persons to share the occupation of the premises, whether or not for payment, without the prior written consent of the Landlord.

**11.4 REASONABLE CARE**

The Tenant agrees to take reasonable care of the accommodation and any common parts, and in particular agrees to take all reasonable steps to:

- (i) keep the accommodation adequately ventilated and heated, paying particular attention to humidity control and condensation issues;
- (ii) ensure that no hazardous or combustible goods or materials are brought into the accommodation;
- (iii) ensure not to use any of the domestically plumbed waste systems to dispose of any item which potentially could damage the system or cause a blockage....
- (iv) ensure that oil, grease, or other damaging materials are not poured down drains or waste pipes;

- (v) prevent water pipes freezing in cold weather;
- (vi) avoid danger to the accommodation or neighbouring properties by way of fire or flooding;
- (vii) ensure the property and its fixtures and fittings are kept clean throughout the tenancy.
- (viii) maintain the security and integrity of the building and its surrounding out-houses by closing windows and locking doors and gates appropriately and by ensuring all supplied internal and external door and gate keys are kept safe and secure at all times.
- (ix) inform the landlord of any maintenance requirements including water ingress, and worn or malfunctioning equipment, hardware, components and equipment

**11.5 ALTERATIONS**

The Tenant agrees not to make any alteration to the accommodation, its fixtures or fittings, nor to carry out any internal or external decoration without the prior written consent of the Landlord.

Wall hangings, pictures or posters are permitted on walls within bedrooms or in common areas as long as professionally appropriate picture hooks or fittings are used. Where the fitting is likely to require a screw, permission is required from the Lead Landlord prior to fitting.

Drawing pins, tacks, nails, screws, sellotape, masking tape, Blu-Tak or similar products are not permitted on any wall, door or other surface.

Any tenant who would find a pin-board useful to overcome limitations imposed by the conditions otherwise set into this Clause should contact the Lead Landlord.

**11.6 COMMON PARTS**

The Tenant undertakes, in conjunction with the other tenants, as appropriate, to sweep and clean the common stairways, bathroom(s), kitchen(s), sitting room, landings, vestibule and outside paths and to co-operate with other tenants and the owners of or adjacent properties in keeping the garden, back green or other communal areas well maintained, clean and tidy. To facilitate this process, a fair, suitable and appropriate cleaning and garden maintenance schedule should be produced by the tenants, for the tenants.

For health and safety reasons the Tenant is not permitted to access the roof nor the loft space. If the Tenant wishes to use the loft space for storage purposes a Landlord or an Agent will manage and organise the storage and subsequent access to the stored items.

**11.7 REFUSE**

The Tenant agrees to dispose of all waste in an appropriate manner and at the appropriate time. Waste must not be placed anywhere in the common stairs or in the entrance areas at any time. Waste containers should be returned to their normal storage places as soon as possible after the waste has been collected. The Tenant must comply with any local arrangements for the disposal of refuse and other items and is encouraged to adopt current local council recycling practices. It is particularly important that waste paper or other combustible materials are not left at entrances/exits or staircases leading to these entrances/exits whether or not they are to be recycled.

**11.8 STORAGE**

Nothing belonging to the Tenant or visitors may be left or stored in the common stairs, vestibule, landings or exterior pathways.

**11.9 DANGEROUS SUBSTANCES**

The Tenant must not store, keep on or bring into the premises, or any outbuilding, inflammable liquids or explosive gases which might reasonably be considered to be a fire hazard, or otherwise dangerous to the premises or its occupants or the neighbours or the neighbour's property.

**11.10 INTERNET ACCESS**

Broadband is provided for the Tenant as a convenience and on the understanding of its value to individuals in the twenty-first century. The facility within the Property must be used, appropriately, responsibly, with respect for all other users of the Internet, and their privacy, and within the Law. A copy of the Telephone and Broadband service contract for the Property is available for the Tenant to review. It is the responsibility of the Tenant to remain within the conditions of use detailed within the contract...

**11.11 SAFETY**

Further to safety requirements listed elsewhere in this document tenants are required to engage in a process of facilitation of their safety by:

- 
- (i) Ensuring that they have read, understand, and agree to implement the content of: the Fire Safety Notices as posted in each bedroom and in common areas. The policy stresses person safety over property safety in the event of a fire. These notices also record on what action to take in the event of a fire.
  - (ii) Ensuring that they have read, understand, and agree to implement the content of the removable 'Emergency Procedures in the Event of a Fire' as posted on the wall at each entrance/exit door. This pack provides advice on suitable actions tenants should take in the event of a fire.
  - (iii) Checking and documenting, at regular scheduled times, the function of the smoke alarm system. This process is detailed in the tenant induction pack and in the 'Fire Alarm Testing and Incident Log' and the associated 'Fire Alarm Schedule' documentation as posted in an identified common area of the property.
  - (iv) Agreeing not to use mains adaptors, not to 'daisy chain' extension cables, and to be safety conscious in the use of extension cables with regard to their electrical and general physical condition and they should be run in such a way that they do not become a potential electrical or physical hazard.
  - (v) Checking and documenting, at regular scheduled times, the function of the auto close mechanisms on doors. This process is detailed in the tenant induction pack.
  - (vi) Engaging with other tenants in the property, as a group, to discuss a suitable exit strategy in the event of a fire and to review that strategy from time to time. Fire Notices currently advise tenants to "Make an Escape Plan: Plan an escape route for yourself and one for others in consultation with other members of the household".
  - (vii) Implementing an incident management procedure which involves emailing the landlord in the event of any fire incident. The landlords will investigate and formally record any incidents.

## **12 RESPECT FOR OTHERS**

12.1 The Tenant, and his/her visitors must not harass or act in an antisocial manner to, or pursue a course of antisocial conduct against any person in the neighbourhood. Such people include residents, visitors, agents and contractors and those in the Property.

12.2 "Antisocial" means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech and inappropriate Internet use. A course of conduct means antisocial behaviour on at least two occasions.

12.3 In particular, the Tenant, and his/her visitors must not:

- (i) make excessive noise. This includes, but is not limited to, the use of televisions, hi-fis, radios and musical instruments and DIY tools;
- (ii) allow visitors to the Property to be noisy or disruptive;
- (iii) use the Property or allow it to be used, for illegal or immoral purposes;
- (iv) vandalise or damage the Landlord's property or any part of the common parts or neighbourhood;
- (v) leave rubbish or waste in unauthorised places;
- (vi) harass, threaten or assault any other Tenant, member of his/her household, visitors, neighbours, members or employees of the Landlord or any other person or persons in the house, or neighbourhood, for whatever reason. This includes behaviour due to that person's race colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status;
- (vii) use or carry offensive weapons;
- (viii) use or sell unlawful drugs or sell alcohol;
- (ix) store or bring onto the premises any type of firearm or firearm ammunition including any replica or decommissioned firearms.

The particular prohibitions on behaviour listed above do not in any way restrict the general responsibilities of the Tenant.

12.4 The Tenant, and his/her visitors must when using the broadband facility supplied adopt Internet standards of use which are honest, legal, courteous, thoughtful, ethical, and are of a moral standing which will cause no loss, offence or embarrassment to others.

12.5 If the Tenant or any person or persons for whom they may be responsible conducts himself or themselves in relation to the Property (including broadband use as described in Clause 12.4) in such a manner as is objectionable to the neighbours or as may be detrimental



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to the amenity of the Property or of the neighbouring properties (as to which a Landlord or an Agent's decision shall be final) then such conduct will be held to be a material breach of the Agreement and the Tenant shall forfeit all rights hereunder and a Landlord or an Agent will be entitled immediately to require the Tenant to vacate the Property and terminate this agreement. Any such termination of this agreement shall be without prejudice to the right of the action of a Landlord or an Agent in respect of (a) any antecedent breach of the obligations by the Tenant and (b) any loss or expense a Landlord or Agent may incur as a consequence of such termination following on any such breach.

**13 RESTRICTIONS**

- 13.1 Animals, birds, reptiles, and fish are not permitted inside the Property. This excludes Guide, Hearing or Assistance Dogs when accompanied by their owner.
- 13.2 The Property is designated as a No Smoking area.
- 13.3 It is not permitted to light candles within the property except at times when there is an electricity supply failure.
- 13.4 Fireplaces are for ornamental purposes only and under no circumstances are fires permitted in the property.
- 13.5 All cooking must be carried out in the designated kitchen areas.
- 13.6 For reasons of safety deep frying is not permitted within the property. This includes deep frying within dedicated thermostatically controlled deep frying equipment.
- 13.7 Portable heaters are not permitted within the property.
- 13.8 It is not permitted to wedge doors open.
- 13.9 Bicycles are not permitted inside the property.
- 13.10 Large items of outdoor sports equipment are not permitted in the property without prior agreement and appropriate storage covers or containers.
- 13.11 It is not permitted to take any inventoried room items outside, including furniture, soft furnishings, bedding, bed linen, cushions and throws.

**14 ACCESS**

....

**14.4 MONTHLY MEETINGS**

To facilitate engagement with tenants, to provide tenants with an opportunity of provide feedback and other information to the Landlords and to facilitate the planning for a preventative maintenance and development schedule to the benefit of tenants and the Property, the Tenant agrees that a short meeting in the Property may be scheduled for the last Sunday in every month at 5pm or exceptionally at other times in the common lounge area of the Property, to which any or all tenants are invited. There will be no pre-determined agenda. A Landlord or an Agent will be present. As appropriate the Landlord or Agent present may take minutes of the meeting and thereafter they will be circulated to all tenants within 7 days. Tenants will be notified of any such meetings.

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Second Floor West, Marischal College

|       |   |           |              |
|-------|---|-----------|--------------|
| To    | Eric Anderson, Team Leader, Corporate Governance                                  |           |              |
| From  | Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure |           |              |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>          | Date      | 18 June 2015 |
| Tel.  | 522870  | Our Ref.  |              |
| Fax.  |   | Your Ref. |              |

## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at**

**No.45 Newburgh Drive, Bridge of Don, Aberdeen**

**Applicant/s: Stuart G.Cowen & Christine M.Cowen**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 30 June 2015 for the reason that one letter of representation/objection was received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### **The premises:**

The property at No.45 Newburgh Drive, Bridge of Don, Aberdeen, is a 2-storey, semi-detached house. The applicant is proposing to alter the layout of the house to provide accommodation comprising of 5 letting bedrooms (2 en-suite), one public room, one kitchen, one bathroom & one cloakroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 7 May 2015 and was received by the HMO Unit on 8 May 2015.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicants declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 7 May 2015 – 28 May 2015.

**Letter of Representation/Objection:**

One letter of objection from Tom Broomfield was received by the HMO Unit on 27 May 2015, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The objector has been invited to attend the Committee meeting and his letter of objection is attached as Appendix 'B'.

**Letter from Licence-Applicant**

The applicants, who have also been invited to attend the Committee meeting, submitted a letter in support of their application. Their letter is attached as Appendix 'C'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.45 Newburgh Drive, Bridge of Don, Aberdeen.
- The applicants are currently registered with the Council, but have not registered any rental properties. It will therefore be necessary for the applicants to register No.45 Newburgh Drive, before letting it.
- The applicants have requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- At the date of this report, all necessary HMO upgrading works & fire-safety works have not been completed. I will update the Committee at the meeting.
- The applicants purchased No.45 Newburgh Drive, in March 2015, therefore their application under consideration is a 'first-time' application.
- The HMO licence under consideration is the first HMO application on record in respect of any property in Newburgh Drive.

- The letter of objection mentions off-street parking. Whilst parking is not a consideration of HMO licensing, there is provision for one vehicle on the car-runway at the front of No.45 Newburgh Drive. Any other vehicle belonging to the residents of No.45 must therefore be parked on the street. Enforcement of on-street car parking is now the responsibility of the City Wardens, whilst enforcement of traffic offences remains with Police Scotland. There are no parking restrictions on Newburgh Drive.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



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40 Metres

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'B'

Private Sector Housing Unit  
Communities, Housing & Infrastructure  
Business Hub 11  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

27<sup>th</sup> May 2015

Dear Sir or Madam,

I am writing in response to the application for an HMO licence to change 45 Newburgh Drive to a multiple occupancy.

Our main concern with a change to multiple occupancy would be the provision of enough off street parking. The section of Newburgh Drive where the property is located is already very overcrowded with vehicles from several properties being parked on the street. This situation already poses safety concerns from lack of space for cars moving through, sudden changes in speed and reduced view of pedestrians crossing the road between parked cars. We feel that this situation will be exacerbated if adequate off-street parking is not provided for the occupants of the property. Additionally, a lack of off-street parking will encourage the occupants to park their vehicles opposite a junction (with Newburgh Road), adding to our safety concerns (as well as being illegal).

Our secondary concerns with this planning application are those of precedent and compatibility with other uses in the area. The surrounding properties are those of mid to large family sized homes and this would be the first property in the area (to our knowledge) to be changed to one of multiple occupancy. Though we acknowledge that multiple occupancy properties play their part in supplying Aberdeen with enough homes, surely purpose-built properties that suit a range of household sizes and make ups would serve potential occupants much more effectively than retrofitted existing homes that also play their part in providing adequate housing. Having lived in multiple occupancy houses, purpose-built flats and a family home ourselves we speak from personal experience on this matter.

We thank you very much for considering our views,

Best regards,

Mr T Broomfield

|                              |
|------------------------------|
| Aberdeen City Council        |
| Housing & Environment        |
| DATE RECEIVED<br>27 MAY 2015 |
| Private Sector Housing Unit  |

C

Ally Thain  
Private Sector Housing Unit  
Aberdeen City Council  
Business Hub 11  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

|                              |
|------------------------------|
| Aberdeen City Council        |
| Housing & Environment        |
| DATE RECEIVED<br>12 JUN 2015 |
| Private Sector Housing Unit  |

11<sup>th</sup> June 2015

**Ref: HMO Licence Application for 45 Newburgh Drive, Bridge of Don, Aberdeen**

Dear Mr. Thain,

Thanks for your letter of 27<sup>th</sup> May advising us that there had been one objection to our licence application and for enclosing the letter so we can see the reasons why the objector has written to you.

In support of our application and hopefully to reassure the objector we would like to point out that as we are resident in Aberdeen ourselves. We have already been speaking to our immediate neighbours regarding any complaints they might have in the future and have left our address and phone numbers with them. In the event of any complaint regarding parking or any other issue, we have requested \_\_\_\_\_, to contact us immediately. We can then contact either all tenants or an individual tenant where appropriate about the issue. As members of the Scottish Association of landlords (SAL) we will be maintaining the highest standards of that organisation as well as achieving or exceeding the standards of the franchise we are members of, Platinum Property Partners (PPP).

As PPP accommodation is always refurbished to a very high standard we expect to invest in the region of £40,000 in improving and furnishing the property to meet PPP standards and Licensing requirements. A group of local tradesmen have agreed terms with us to undertake the work required should the licence be approved by the Committee.

Stuart met the objector, Mr Tom Broomfield on 10<sup>th</sup> June to let him know that some preliminary building work is being undertaken which is required whether the house is let as a family residence or an HMO. He was also able to have a good discussion with him regarding the type of tenants we are hoping to attract to the property, which are explained in more detail below.

In response to the 2 concerns of the objector we would like to respond to those individually with supporting information for our application:

Parking in Newburgh Drive

We chose Newburgh drive as a location for an HMO after lengthy research and mentoring support from PPP because it is an ideal place to live for key workers. At this location we can provide accommodation for single workers who work nearby in the 3 schools, NHS centre, shops or industrial estates. The close proximity of many places of work would allow for a short walk, cycle or use of the Number 2 or 4 bus routes as realistic daily commuting options.





As there is also a supermarket within walking distance, the day to day living requirements can also easily be met at this location without the use of a car.

In 2011 a PPP survey found that 53.12% of tenants owned a car although 100% were employed. This survey covered all 102 Franchise partners at the time who owned 206 HMO properties with between 5 and 8 bedrooms per property.

As we understand it there are no parking restrictions in Newburgh Drive so if our tenants did own a car they could park anywhere in the surrounding area, should the space off road in front of the property be used. The existing space off road is suitable for one large car or 2 small cars.

We did have discussion with the roads department about adding off street parking for 3 cars in front of the house but unfortunately there is a council restriction of 5 metres regarding the maximum length of dropped kerb and this is already used up as we share with Number 43 Newburgh Drive.

### Housing Compatibility

As we do not intend to enlarge the existing house externally and are only adding one bedroom internally to the existing 4 bedrooms, we will not impact the type of housing on display in Bridge of Don. Our intent is to offer something different to local workers in the 20 to 40 age group, without families, or who want to be independent from their parents.

As the objector acknowledges, different types of housing all have a part to play in Aberdeen's community and at the moment key workers without families are not really catered for in Bridge of Don if they cannot afford the deposit on a house or do not want to rent a house larger than they need. The objector has pointed out that purpose built properties might be more suitable but until they exist there is demand for single occupancy premises.

We look forward to clarifying any additional matters the Licensing committee may raise on the 30<sup>th</sup> June when we attend the meeting.

Yours sincerely,

Stuart & Christine Cowen

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# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Second Floor West, Marischal College

|       |  |           |              |
|-------|--|-----------|--------------|
| To    | Eric Anderson, Team Leader, Corporate Governance                         |           |              |
| From  | Ally Thain, Private Sector Housing Manager                               |           |              |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 18 June 2015 |
| Tel.  | 522870   | Our Ref.  |              |
| Fax.  |  | Your Ref. |              |

**Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.15 Rose Street, Aberdeen**

**Applicant/s: Yeargraph Limited**

**Agent: Noor Ahmed**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 30 June 2015 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

**The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

**The premises:**

The property to which this HMO licence application relates is an upper-floor maisonette flat with accommodation comprising 6 letting bedrooms, 2 public rooms, one bathroom & one shower-room. The location of the property is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 24 July 2014.

**HMO upgrading works and certification:**

The HMO Officer visited the property on 6 August 2014, then he wrote to the applicant listing the following requirements to bring the premises up to the current HMO standard:-

1. IP44 rated lights to be fitted in both bathrooms.
2. Faulty or missing lightbulbs to be replaced.
3. Additional electrical sockets to be installed throughout the property.
4. All portable heaters to be removed.
5. All self-closing doors to be examined and adjusted where necessary.
6. All windows to be repaired so that they can be opened to provide ventilation.
7. All areas of damp/mould in the first floor hallway & first floor bedroom to be treated.
8. The extractor fan in the shower-room to be repaired or replaced.
9. The broken window in the second floor bedroom to be repaired.
10. The lighting in the second floor bedroom to be repaired.
11. The holes in the partitions of the second floor bedroom to be made good.
12. The standard of decoration within the whole property to be upgraded.
13. The rear exit door to be adjusted.
14. A fixed space heater to be installed within each bedroom and the public room.
15. An additional bath or shower, and wash-hand basin to be installed.
16. Every bedroom to be equipped with a bed, a wardrobe and a chest of drawers.
17. The Certificate of Compliance, PAT certificate, Electrical Condition Installation Report and a copy of the Tenancy Agreement to be submitted to the HMO Unit.

At the date of this report, the above works & certification requirements have not been completed.

**Scottish Fire & Rescue Service (SFRS):**

The SFRS Officer confirmed to the HMO Officer in an e-mail dated 31 July 2014, that fire safety deficiencies identified in a fire-safety audit in January 2014 had been addressed, and no further action was required.

**Other considerations:**

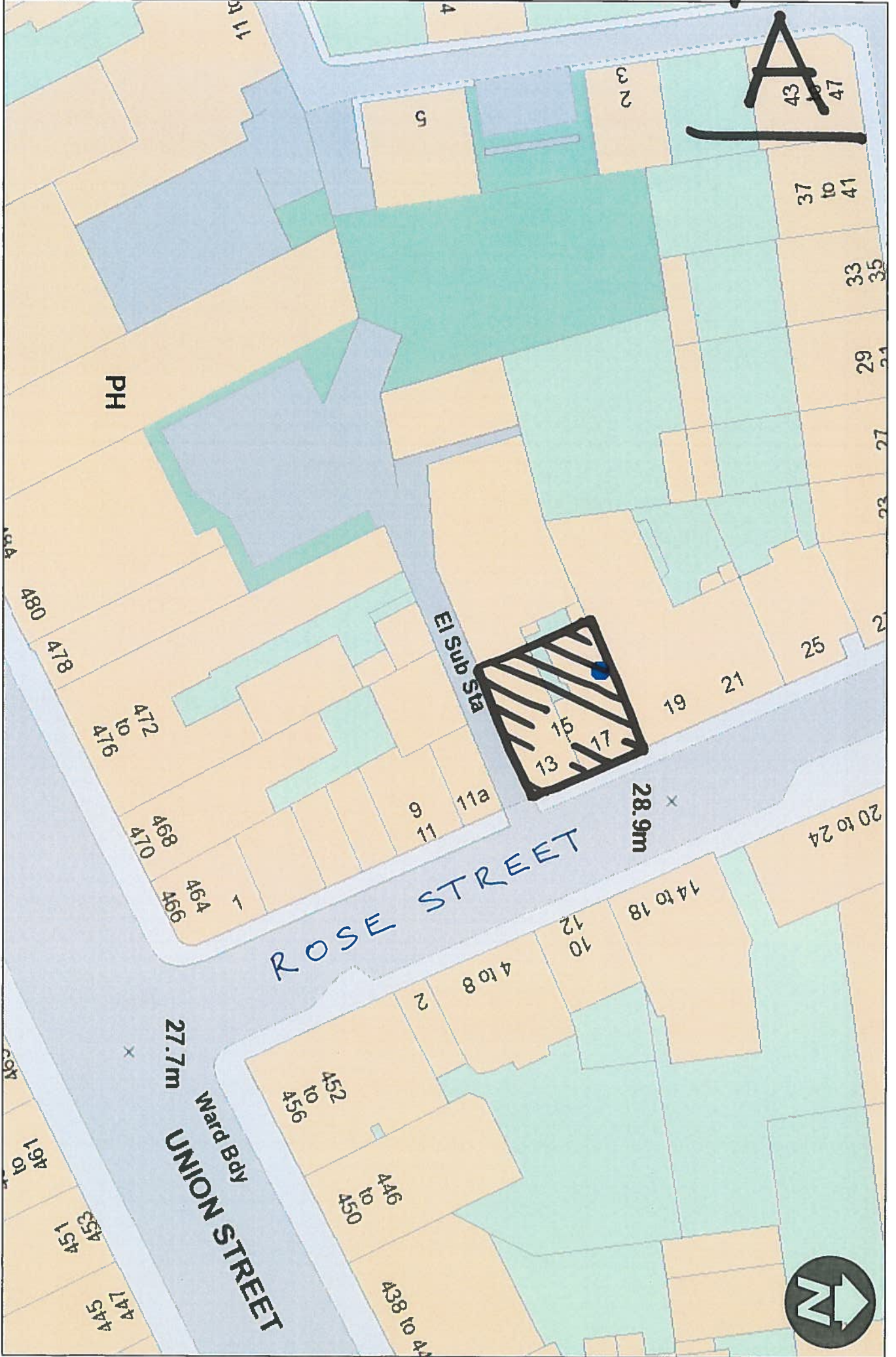
- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicants' suitability as a 'fit & proper' person, and made no comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.15 Rose Street, Aberdeen.

- The applicants and their property are currently registered with the Landlord Registration database.
- The applicants have requested an occupancy of 8 tenants, which will be acceptable to the HMO Unit in terms of space and layout, following completion of the works.
- The property will be used as accommodation for members of staff of the restaurant on the ground floor. The accommodation does not include a kitchen for the reason that the occupants take their meals in the restaurant.
- The applicants applied for and were granted a Certificate of Lawfulness of Existing Use or Development in June 2014, having successfully proved to the Council's Planning Officers that the property had been used as a House in Multiple Occupation for at least the previous 10 years, despite no HMO licence having been applied for or granted. It is believed that the property was used as accommodation for members of staff of the restaurant on the ground floor.
- The meeting of the Licensing Committee on 30 June 2015, is the last meeting before the one-year statutory deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 30 June 2015. The applicants also have the option of withdrawing their licence application before 30 June 2015. I will advise the Committee of the position at the meeting.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Second Floor West, Marischal College

|       |  |           |              |
|-------|--|-----------|--------------|
| To    | Eric Anderson, Team Leader, Corporate Governance                         |           |              |
| From  | Ally Thain, Private Sector Housing Manager                               |           |              |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 18 June 2015 |
| Tel.  | 522870   | Our Ref.  |              |
| Fax.  |  | Your Ref. |              |

**Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.118 Hilton Heights, Aberdeen**

**Applicant/s: Bay Drilling Company Limited**

**Agent: None stated**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 30 June 2015 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

**The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

**The premises:**

The premises to which this HMO licence application relates is an upper-floor maisonette flat with accommodation comprising 3 letting bedrooms (one en-suite), one public room, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 19 August 2014.

**HMO upgrading works and certification:**

The HMO Officer visited the premises on 2 September 2014, then he wrote to the applicant listing the following requirements to bring the premises up to the current HMO standard:-

1. Faulty or missing lightbulbs to be replaced.
2. Additional electrical sockets to be installed throughout the premises.
3. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
4. All self-closing doors to be examined and adjusted where necessary.
5. The flat entrance door to be fitted with a lock that can be opened from the inside of the flat without the use of a key.
6. An IP44-rated light to be fitted in each bathroom.
7. The Certificate of Compliance, Gas Safe Certificate, Electrical Installation Condition Report, PAT certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

At the date of this memo, the above works & certification requirements have not been completed.

**Scottish Fire & Rescue Service (SFRS):**

SFRS has advised that they are satisfied with the level of fire-safety provision within the property.

**Other considerations:**

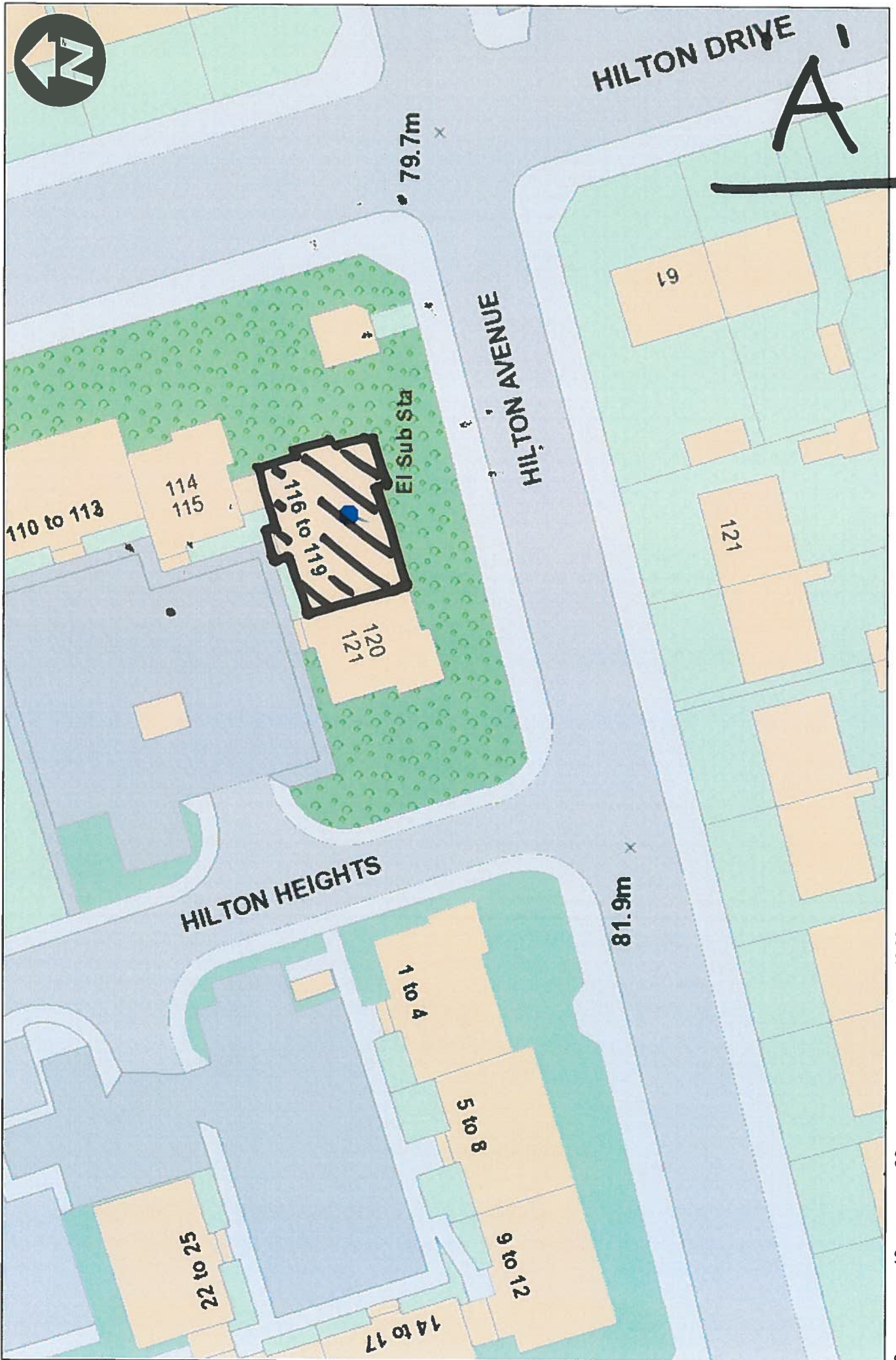
- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.118 Hilton Heights, Aberdeen.
- The applicant and his property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 3 persons which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'first-time' application.



- The Licensing Committee, at its meeting on 25 November 2014, considered my report on the HMO licence application in light of one letter of objection having been submitted to the Council. The Committee resolved to grant the application under delegated powers as soon as all upgrading requirements had been completed.
- The meeting of the Licensing Committee on 30 June 2015, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 30 June 2015. I will advise the Committee of progress at the meeting.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



1:500

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Second Floor West, Marischal College

|       |  |           |              |
|-------|--|-----------|--------------|
| To    | Eric Anderson, Team Leader, Corporate Governance                         |           |              |
| From  | Ally Thain, Private Sector Housing Manager                               |           |              |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 18 June 2015 |
| Tel.  | 522870   | Our Ref.  |              |
| Fax.  |  | Your Ref. |              |

## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.31 Elmfield Avenue, Aberdeen (First floor flat)**

**Applicant/s: Jennifer A.Kearney**

**Agent: Ledingham Chalmers LLP**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 30 June 2015 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### **The premises:**

The premises to which this HMO licence application relates is a first-floor flat with accommodation comprising 3 letting bedrooms, one public room, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 21 August 2014.

**HMO upgrading works and certification:**

The HMO Officer visited the premises on 3 October 2014, then he wrote to the applicant on 6 October 2014 listing the following requirements to bring the premises up to the current HMO standard:-

1. All portable heaters to be permanently removed from the property.
2. The damp/mould affecting the kitchen walls to be treated, then the walls redecorated.
3. The open fireplace in one of the bedrooms to be blocked up and ventilated.
4. The Certificate of Compliance and a satisfactory Electrical Condition Installation Report to be submitted to the HMO Unit.

At the date of this report, the above works & certification requirements have not been completed.

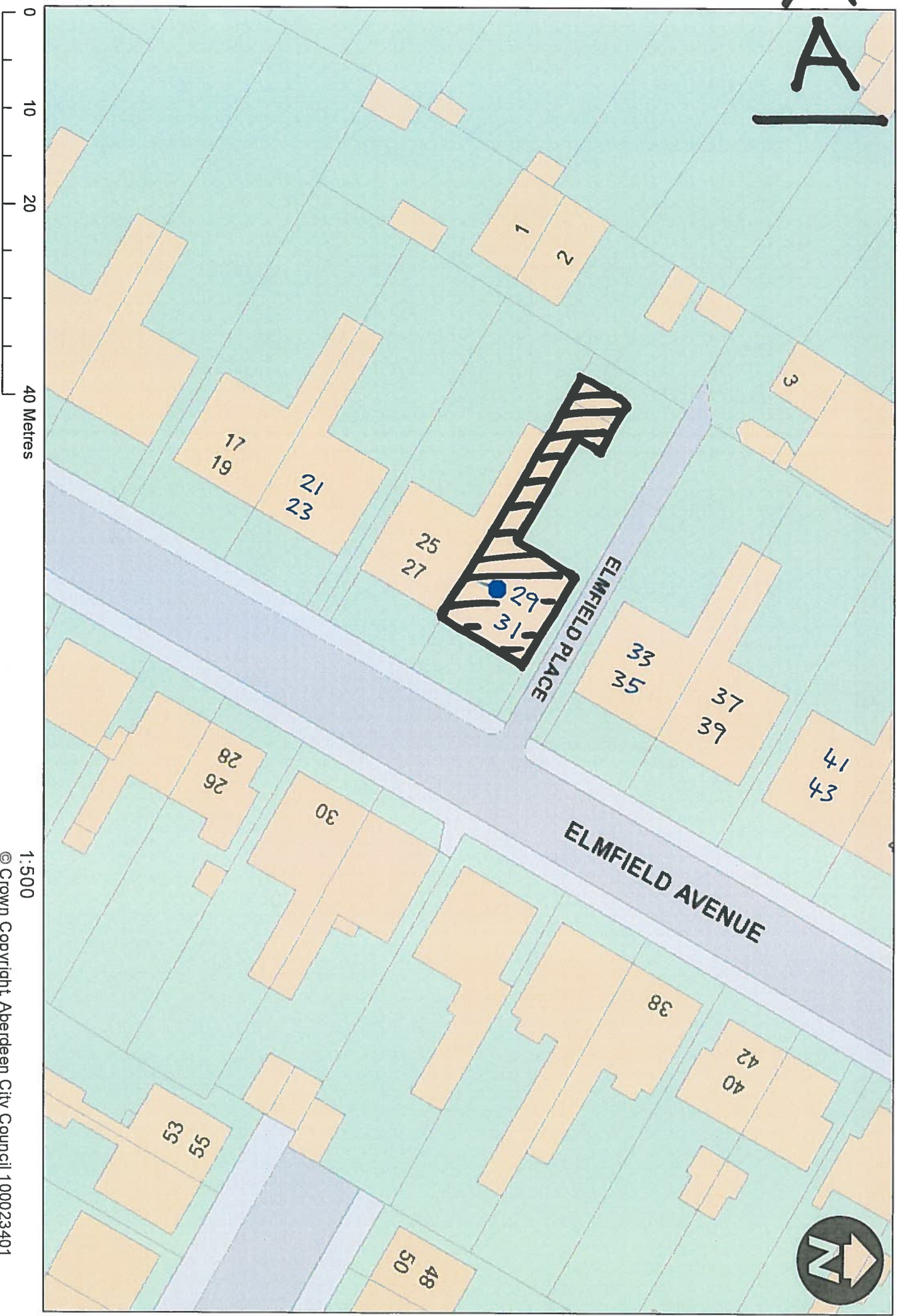
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.31 Elmfield Avenue, Aberdeen.
- The applicant and her property are not registered with the Landlord Registration database, therefore it will be necessary for the landlord to register without further delay.
- The applicant has requested an occupancy of 3 persons which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration was submitted prior to the expiry of the previous licence therefore the applicant is entitled to operate the property as an HMO until her application has been determined.
- The meeting of the Licensing Committee on 30 June 2015, is the last meeting before the one-year statutory deadline, therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 30 June 2015. I will advise the Committee of the position at the meeting.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager

A



40 Metres

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## Arlene Dunbar

---

**From:** Raymond Morrison  
**Sent:** 01 April 2015 17:27  
**To:** LicensingCommittee  
**Cc:** Bill Gordon  
**Subject:** Shedocksley Community Centre Public Entertainment Licence

I refer to the above and comment as follows

At the time of the visit there was several items that required to be attended to which I list below.

Whilst Not objecting to the Grant of the Licence I would ask that the items are attended to.

General purpose room 1

- 1) Flaking paint above the fire exit door required to be removed and the area repainted.
- 2) The sockets within this room do not appear to be protected by a Residual Current Device (RCD) circuit protection or individual sockets. As electronic musical / portable electrical equipment is used by the children / members of the public I would ask that at least two sockets are protected and that these are used for this type of equipment.

Gym Hall

- 3) A hole in the wall above an electrical socket and two low level holes in the wall require to be filled.
- 4) Ensure that Fire exits are kept clear at all times ie the deflated bouncy castle was in front of the exit

Nursery area

- 5) Ensure that Fire exits are kept clear at all times. At the time of the visit extraneous materials were restricting the passage.
- 6) The door post at the bottom of the fire door was rotten ad requires to be suitably repaired
- 7) Damp areas around the door way to be investigated and remedial work to be done and the damaged areas re-painted.

Disabled Toilet

- 8) Missing wall tiles adjacent to wc to be replaces and sealed to ensure hygienic cleaning can be carried out.

Kitchen

- 9) The kitchen has been revamped / updated however the wash hand basin has been removed. A wash hand basin should be fitted to allow adequate hand washing to be carried out.

Regards

Raymond

Raymond Morrison  
Senior Authorised Officer

Environmental Health and Trading Standards  
Communities, Housing and Infrastructure

Aberdeen City Council  
Business Hub 15  
Third Floor South  
Marischal College  
Broad Street  
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Visit Aberdeen City Council's Web Site <http://www.aberdeencity.gov.uk>

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## Arlene Dunbar

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**Subject:** FW: Second Hand Dealer's Licence - Mccalls  
**Attachments:** Second\_Hand\_Dealer\_App.pdf

**From:** Joanna Hamilton  
**Sent:** 01 May 2015 16:02  
**To:** [redacted]  
**Subject:** RE: Second Hand Dealer's Licence - Mccalls

Dear Mr Hawthorne

Thank you for your response of the 29 April.

I have attached the application form for a material change to put yourself as the person responsible for the day to day management. I am glad that you have elected this option as it will hopefully prevent this situation arising again. As discussed, the fee for the application is £50; which can be paid by cheque along with the application form, or in our customer service centre in Marischal College. I appreciate what you say in your e-mail about the fact that you are now the person nominated to be in charge on a day today basis but as this has resulted in a material change which requires to be processed and the application fee for this is £50.

I should be obliged if you could provide these items to us, with the certificate of compliance which is due (stating the 21 day period of display of the notice on the premises). If you wish to discuss the certificate of compliance further, please get in touch. I have also attached the forms for this; for ease of reference, or should you require replacements.

If we receive these items soon, and the reports are clear I will be able to use my delegated powers to renew your licence. However, if not, the application will have to go to the committee for consideration by the Members.

Kind regards,

Jo

### Joanna Hamilton

Paralegal | Team 1 | Litigation and Licensing | Legal and Democratic Services | **Corporate Governance** | Aberdeen City Council | Business Hub 6 | Level 1 South | Marischal College | Broad Street | Aberdeen | AB10 1AB | Tel 01224 522979 | Fax 01224 522937 | [JoHamilton@aberdeencity.gov.uk](mailto:JoHamilton@aberdeencity.gov.uk)

Tel 01224 522000 | Minicom 01224 522381 | DX 529450, Aberdeen 9 | [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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**From:** Iain C C Hawthorne [[mailto:\[redacted\]](mailto:[redacted])]  
**Sent:** 29 April 2015 16:43  
**To:** Eric Anderson  
**Subject:** RE: Second Hand Dealer's Licence - Mccalls

Dear Mr Anderson,

Thank you for your prompt and measured response.

My comments are below in capitals. Hopefully they will allow the matter to be brought to conclusion

Kind Regards

**Iain C C Hawthorne**  
Managing Director

McCalls Ltd  
15-17 Bridge Street  
Aberdeen, AB11 6JL



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---

**From:** Eric Anderson [<mailto:EAnderson@aberdeencity.gov.uk>]  
**Sent:** 28 April 2015 18:50  
**To:** Iain C C Hawthorne  
**Subject:** Second Hand Dealer's Licence - Mccalls

Dear Mr Hawthorne,

**Civic Government (Scotland) Act 1982**

**Application for Renewal of Second Hand Dealers Licence**

**McCalls Ltd, 15/17 Bridge Street, Aberdeen**

I refer to our telephone conversation of yesterday's date regarding the above application.

I have now had the opportunity of reading the previous correspondence.

I note that you have some concerns about certain information that you have received and perhaps this letter will clarify the position.

- 1) Where it is intended for a licence to be held in the name of a company or partnership it is necessary also to include in the application the name of the employee or agent who is to carry on the day to day management of the licensed activity (in this case second hand dealing). **THE PART CARRYING OUT THE MNGEMENT OF THE LICENSED ACTIVITY IS MYSELF**
- 2) You have submitted the renewal of your company's current licence. However the application is not a like for like renewal as you wish to change the details of the employee or agent who is responsible

for the day to day management of the second hand dealing. **I AM THAT PERSON AND HAVE BEEN OVER SUCCESSIVE APPLICATIONS.** As Jo Hamilton mentioned in her letter of 13 March you therefore have two options (a) you can apply to renew your current licence in the same terms but at the same time submit an application for consent of a material change of circumstance. **THERE IS NO CHANGE IN MATERIAL CIRCUMSTANCES AND I WOULD THEREFORE ARGUE THAT THERE IS NO NEED FOR McCalls Limited TO SUBMIT ANYTHING OTHER THAN AN APPLICATION TO RENEW THE CURRENT LICENCE.** This means that, because you applied to renew during the period of your current licence, you can continue to trade on that licence until the new licence is granted. **PURELY FROM AN ACADEMIC STANDPOINT , AND NOT RELEVANT TO McCalls CIRCUMSTANCES, IF A LICENCE IS GRANTED FOR A PERIOD OF 3 YEARS IS IT POSSIBLE FOR A NON – VETTED PARTY TO MANAGE A LICENSED ACTIVITY** (b) Alternatively, you can apply for a new licence. However in order to do that you would have to surrender your current licence and be unable to trade until the new licence is granted.

- 3) You wished to clarify the terms of the fee. You were particularly concerned about the different costs of the procedure. An application for the grant of a new licence costs £210. A renewal application costs £184. For the change of consent application the cost is £50. Therefore there is a difference between the grant fee (£210) and the renewal fee + the fee for material consent (£184 + £50 = £234). The second procedure involves the processing of two applications hence there is a greater overall cost. As Paul Connolly advised in his e-mail of 2 April the licence fees are fixed annually based on a resources and financial report.

If I understood you correctly you mentioned that you had initially been told by Bill Gordon of this office that there was no additional fee to pay. You also mentioned that you had then subsequently told that the difference in cost would be £30 and then again later told that it would be £50. Mr Gordon does not recall informing you that there would be no further fee to pay. **MR GORDON IS QUITE CORRECT. HE DID NOT INDICATE THAT THERE WOULD BE NO FURTHER FEE CHARGEABLE. HE DID HOWEVER STATE THAT HE WOULD ONLY CHARGE THE DIFFERENCE BETWEEN THE COST OF RENEWING THE APPLICATION AND THE COST OF THE GRANTING OF A NEW LICENCE. THE DIFFERENCE BETWEEN £184 AND £210.00** He also does not recall quoting the fee for consent to the material change as £30. However there is a difference of £26 between the grant and renewal fees and might this have been what had already been the original reference? **EXACTLY SO.**

I appreciate that you are somewhat frustrated by the application process in what at first sight should be a straightforward procedure. However, if you wish to continue with second hand dealing you will require to be licensed and these are the options that are available to you.

If you do wish to proceed to renew your licence but with the agent/employee responsible for the day to day management being your good-self can you please complete and submit the application as soon as possible. **COULD I ASK YOU TO BE KIND ENOUGH TO PROVIDE ME WITH A COPY OF THE APPROPRIATE FORM AND WE CAN BRING MATTERS TO AN AMICABLE CONCLUSION.** If the renewal is then granted in the name of McCalls with you as the person responsible for the day to day management then this question need not arise again, unless you yourself were to cease holding that position. **UNDERSTOOD**

I note that you will be unable to attend the Licensing Committee meeting of 12 May. The meeting after that is on 30 June but hopefully the matter can be resolved before then. If the procedures are followed and clear reports are received the application can be granted by officers using delegated powers. I can confirm that each of the applications is vetted by the police. As Paul Connolly explained in his e-mail of 2 April the Chief Constable carries out the statutory checks of any persons mentioned in the application as they must be what the Act calls "fit and proper persons". **I LOOK FORWARD TO HEARING FROM THE CHIEF CONSTABLE IN EARLY COURSE**

Finally, you will appreciate that I cannot provide legal advice to you but you can always seek independent legal advice if you wish. However, I trust that the above information in supplement to the information contained in the previous correspondence has been helpful and will allow you now to make your decision regarding the licence.

THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.

KIND REGARDS

Iain Hawthorne

Managing Director

McCalls Limited

Kind regards,

Yours sincerely,

Eric Anderson

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**Bill Gordon**

---

**From:** Doug Ritchie  
**Sent:** 14 May 2015 12:45  
**To:** Bill Gordon  
**Subject:** RE: 2 street traders

Hi Bill,

Thanks for the clarification.

Roads currently would not have any objections to this location, however the applicant should be warned that this whole area is under development and a Controlled Parking Zone is currently under consideration. As such many of these areas will have formal parking bays formed, buildouts etc. and the van may have to be removed.

Unfortunately I don't have a time scale for this work.

Regards

Doug Ritchie

Traffic Engineering Manager  
Communities, Housing & Infrastructure,  
Business Hub 10,  
Second Floor South,  
Marischal College,  
Broad Street,  
Aberdeen.  
AB10 1AB

Tel No. 01224 522325

E-Mail - [dritchier@aberdeencity.gov.uk](mailto:dritchier@aberdeencity.gov.uk)

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

**From:** Bill Gordon  
**Sent:** 14 May 2015 09:36  
**To:** Doug Ritchie  
**Subject:** FW: 2 street traders

Morning Doug

Please see attached

Bill

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

**From:** David McKane

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## **Arlene Dunbar**

---

**Subject:** FW: C&L Catering Statement

As Colin will be unable to attend the committee on the 30th I will attend on behalf of our business.

We have agreed on the following statement regarding the controlled parking zone which we wish to be put Forward to the committee.

I was unsure or you would require this prior to the meeting so I have sent you it anyway.

STATEMENT-

I can confirm that C&L Catering would accept a licence with the additional condition that should the City Council agree to this site becoming a controlled parking zone C&L Catering will remove said unit in a timely manner to allow the City Council to carry out the Controlled parking works.

C&L catering requests this notice to be given in writing.

C&L catering kindly request the committee to consider a notice period in ample time prior to a committee date to allow us to find a new site prior to us being asked to leave.

C&L Catering would invite any question from the committee?

Liam Davidson  
Managing Partner  
C&L Catering

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