

# Public Document Pack



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

Town House,  
ABERDEEN 24 August 2015

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 1 SEPTEMBER 2015 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

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Website: [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)

## Briefing for Elected Members on the Importance of EHRIAs

As an elected member, you will know you have an important role to play in championing equality within and outside Aberdeen City Council. There is also a scrutiny role for you to ensure that equality considerations are included in the decision making and governance of the council.

In exercising your duties as an elected member, you will make decisions which shape the council budget as well as the practice, strategies, plans and policies of the council. You have to make sure that the relevant equality implications are considered and so need to have sufficient information to satisfy our legal requirement to pay 'due regard' to equality. Since public authorities subject to the equality duties are also likely to be subject to the obligations under the Human Rights Act, our impact assessment tool also considers the potential impact our decisions could have on human rights – Equality and Human Rights Impact Assessment (EHRIA).

EHRIA forms are included in the agenda pack, and this is important as it ensures that the impact of any proposals being considered by the Committee is clear at the point of decision making. These are included at the back of the report, as an appendix. Committee members should feel able to ask questions of report authors in relation to EHRIA forms, including questions about why an impact assessment has not been carried out / is not included.

There is an onus on elected members to make sure that EHRIAs are robust and give appropriate weighting in decision-making processes. In recent guidance from the Equality and Human Rights Commission, relevant case law examples show the Courts stating that, the public authority had to demonstrate that it had paid 'due regard' to its equality obligations.

Policies and practices should be assessed for impact across the three parts of the public sector duty (eliminate unlawful treatment, advance equality of opportunity and foster good relationships).

These duties do not prevent us from taking many difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor do they stop us from making decisions, that may affect one group more than others. Whilst we have a duty to involve groups of people who have protected characteristics, this does not give them the right of veto regarding any of our budget proposals or other council decisions.

What the equality duties do is enable us to demonstrate that we are making decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of our communities.

The EHRIA will allow you to see that people with protected characteristics are enjoying equal access to our services, and where they are not, or are over/under-represented, or are not getting as good a service, the EHRIA gives the opportunity to do something to resolve the situation.

The equality target groups, or people with protected characteristics, include age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

The sort of questions to ask yourself as you read an EHRIA might include:

- How might the proposal impact on ethnic minority communities, including Gypsy / Travellers?
- How might the proposal impact on people with a disability?
- Would the impacts on women and men or the Transgender community differ?
- Would the proposal affect ethnic minority women and men in the same ways?
- Would the proposal affect women and men with disabilities in the same ways?
- What about age considerations when thinking about impacts?

It is important to remember that the potential impact is not just about numbers. Evidence of a serious impact on a small number of individuals is just as important as something that will impact on many people. You should also think about how individual proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular protected groups.

The EHRIA is therefore an invaluable tool to assist you in ensuring that the interests of all groups are properly taken into account when difficult choices about resources are required.

**A case study on 'Southall Black Sisters – the need to impact assess decisions' is set out below.**

Southall Black Sisters (SBS) provides specialist services to Asian and Black Caribbean women, particularly in relation to domestic violence issues.

In June 2007, Ealing council announced proposals to move away from funding particular organisations (such as SBS), towards commissioning services (including domestic violence services) following a competitive bidding exercise.

During discussions about criteria for commissioning domestic violence services SBS had highlighted the adverse impact the criteria could have on pre-existing domestic violence services provided to women from ethnic minority communities, and so an equality impact assessment should be carried out.

Ealing carried out belated impact assessments on proposals before deciding to proceed with the existing domestic violence services commissioning criteria, resulting in two SBS service users launching a judicial review of the decision.

Ultimately, Ealing conceded these submissions and withdrew from the case. However, in an oral judgement, Lord Justice Moses reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before policy formulation.

Should you require any help with EHRIAs please contact me at [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk) or 01224 523039 or Faiza at [fnacef@aberrdeencity.gov.uk](mailto:fnacef@aberrdeencity.gov.uk) or 01224 523183.



**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit  
**Communities, Housing & Infrastructure**  
Second Floor West, Marischal College

<b>To</b>	Eric Anderson, Team Leader, Corporate Governance		
<b>From</b>	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
<b>Email</b>	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	<b>Date</b>	20 August 2015
<b>Tel.</b>	522870	<b>Our Ref.</b>	
<b>Fax.</b>		<b>Your Ref.</b>	

**Part 5 of Housing (Scotland) Act 2006**  
**Application for a Licence to operate a House in Multiple Occupation (HMO) at**  
**No.7 Roslin Terrace, Aberdeen**  
**Applicant/s: David R.H.Anderson & Jill D.Anderson**  
**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 1 September 2015 for the reason that 2 letters of objection & one 'late' letter of 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 (see Other Considerations below)

**The premises:**

The property at No.7 Roslin Terrace, Aberdeen, is a 2-storey, semi-detached house providing accommodation of 5 letting bedrooms, one public room, one kitchen & 2 bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 29 May 2015 and was received by the HMO Unit on 1 June 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 29 May 2015 – 19 June 2015.

**Letter of Objection:**

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

- A letter dated 31 May 2015 from David J.Green (attached as Appendix 'B').
- An undated letter from Andrew Jones, which was received by the HMO Unit on 10 June 2015 (attached as Appendix 'C').

**'Late' Letter of Objection:**

One letter of objection, from Susan & Stephen Donaldson, was received by the HMO Unit on 29 June 2015, some 10 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-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 'D'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' 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 Roslin Terrace, Aberdeen.
- The applicants & their property are not registered with the Council therefore it will be necessary for them to do so before letting their property.
- The applicants have requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.



- The application under consideration is a 'first-time' application.
- There is no record of any previous HMO licence application in respect of No.7 Roslin Terrace, Aberdeen.
- The properties at Nos.1, 2, 3, 11, 12, 13, 16A & 19 Roslin Terrace, Aberdeen, are licensed HMOs.
- All 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,*

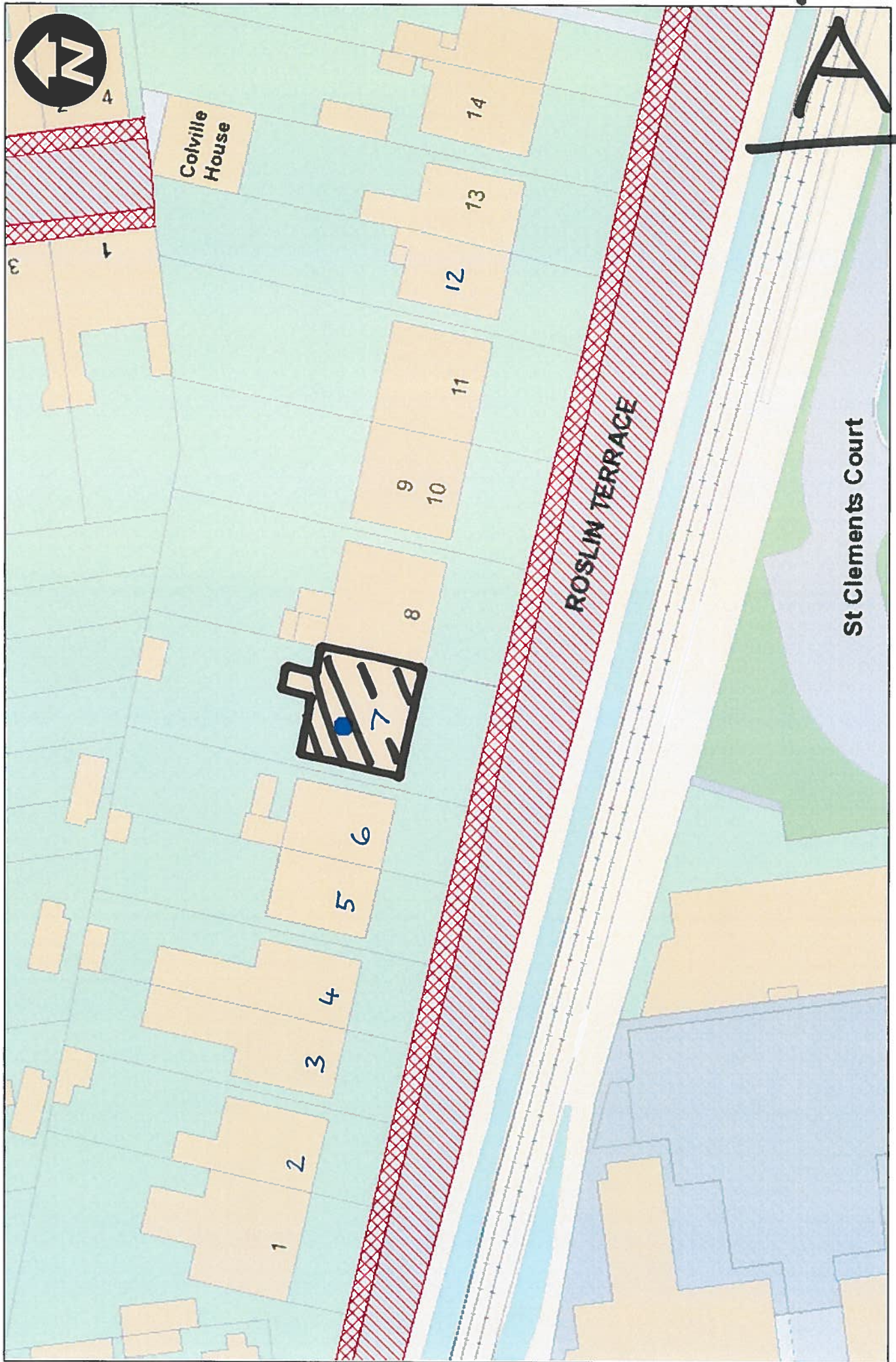
*to instruct officers to report back to the August Committee on the feasibility of such a scheme and on the process of consultation required to enable such a scheme to be operational as quickly as possible.*

The instructed report is on the agenda of the C, H & I Committee on 27 August 2015, and I can advise the Licensing Committee of the outcome if necessary. However, at this time, this Council has no policy on HMO Overprovision.

- Roslin Terrace is a Controlled Parking Zone, and every household in Roslin Terrace 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. In any case, car parking is not a consideration of HMO licensing.
- At the date of this report, the HMO upgrading works & fire-safety works have not been completed, however 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



Colville House

ROSLIN TERRACE

St Clements Court



1:500

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B

David J Green

31 May 2015

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

Aberdeen City Council
Housing & Environment
DATE RECEIVED
02 JUN 2015
Private Sector Housing Unit

Dear Sir or Madam,

I am writing to object to the proposal for multi-occupancy of the property at number 7 Roslin Terrace, Aberdeen AB24 5LJ.

My objections relate to the fact there are already several properties in the street with multi-occupancy.

- Loud noise
- Increased parking in the street, my driveway has been blocked by people parking over it.
- Rubbish being put out on the wrong day or too late for collection. Which results in rubbish being scattered all over the street and causing an increase in vermin.
- Recycle bins left out overnight and causing a safety hazard.

If you require more information from me please don't hesitate to contact me.

I look forward to hearing from you.

Yours faithfully,

David Green

**HMO Unit, Private Sector Housing Unit**

Housing & Environment  
Business Hub 11, Second Floor West  
Marischal College  
Broad Street  
Aberdeen, AB10 1AB

HMOUnit@aberdeencity.gov.uk

01224 522299.

Aberdeen City Council
Housing & Environment
DATE RECEIVED
10 JUN 2015
Private Sector Housing Unit

Dear HMO Unit

**Regards application at No 7 Roslin Terrace, Aberdeen, AB24, close date 29<sup>th</sup> June 2015**

From Andy Jones,

**Background to Roslin Terrace**

As a resident of this street, for 15 years, I would like to bring a few observations to the HMO Unit before any decision is made on this application

I probably have to say that I object to this application, as I feel it is yet another thin-edge of the wedge, that could affect other Roslin Terrace properties, over time

Roslin Terrace has approximately 42 residential properties, that access the Terrace itself, throughout its 26 addresses

Quite a few properties are still complete family homes and many others with long time residents, there by helping to create a small neighbourhood. It would be a shame if this and more HMO's within the Terrace, help to break up the community ?

Has the HMO Unit personally visited the Terrace recently, to see the unique nature of this street ?

**Current HMO situation in Roslin Terrace**

Currently 8 are under HMO licence – that's 19% and if No 7 approved that's 21.5% - this seems enough to myself. Does the HMO Unit have a ruling on what percentage is permissible let alone acceptable in the Terrace ?

The 8 current HMO properties in the Terrace, fall in to, two approximate groupings, with in the first 125m of the Terrace buildings – No's 1,2,3, then 11,12,13 (with No 7 potentially in between)

The remaining two are 16A and 19, that appear, to myself, relatively discreet within the Terrace

Residences No 1 to No 13 occupy the first 125m of the Terrace buildings – so currently 6 HMO properties, potentially 7 (at No 7) – **that's HALF (50%) of all properties, within a 125m section of buildings – STOP this today**

In my 15 years in the Terrace, I think I have seen HMO increase from about 3 units to 8 – that's 1 every 3 years on average, so I fear for the erosion of established residences within a unique looking neighbourly street of Aberdeen. What rulings does the HMO Unit have on acceptable growth ?

**Factual HMO observations within the Terrace**

I live above a HMO and by good (lucky) relations with the tenants, the current owner and my own social care responsibility, can enjoy it. Other properties in the Terrace cause me greater concern and I hear negative comments from those closer to these other HMOs

HMO's currently in the Terrace are predominantly young Students. Nice as most are, this along with absent landlords (or absent letting agents) means that the following issues DO exist already

Gardens, front and back, are largely let go – and neighbours, including myself have periodically or routinely tidied up gardens of our own accord – tenants don't do this on a routine basis = unsightly or messy neighbourhood

Wheelie bins are 98% of the time overflowing before the fortnightly collection with herring gulls adding to the mess in the Terrace. Wheelie bins are often not placed out in time for collection and frequently not removed from the pavement by the HMO tenants for several days – more often moved by non HMO residents of the Terrace. Anti-social

Recycling – with one exception, all HMO in this Terrace do not recycle anything – compared to residents – yet the wheelie bins are often over flowing

Anti-social behaviour is occasional, maybe inevitable in society but more HMO communities in the Terrace, will encourage increasing HMO type behaviour and attitudes, that will upset the current Terrace community and Aberdeen for that matter

Council Tax is not gained from HMO properties, in the way that Terrace residential properties do, such that the transient tenants do not appreciate what they have and where they live. The landlords/agents don't have to concern themselves either with Council Tax. This is detrimental to the full fee paying council tax, year long residents of the Terrace

Absence time Most HMOs in the Terrace, are only occupied for approximately academic terms, thereby many buildings are left fully or partially empty over summer and festive season. This creates potential for a greater opportunity for criminal activities, around them and neighbouring properties. To date this has probably been kept low due to vigilant behaviour of permanent residents, observing and maintaining the Terrace.

### **Application No 7 Roslin Terrace**

This is one of the most magnificent complete buildings in the Terrace. Both inside and out. With lovely gardens front and back. To convert to HMO could easily ruin its look and that of the Terrace neighbourhood – has the HMO Unit physically viewed it?

I have no information as to the Tenants that the application is likely to try and house – can you advise me ?

I hope that no application has or will be made to convert the front garden into a driveway, as this would alter the look of this Terrace. Should driveway be allowed it would reduce street parking spaces opposite and parking revenue. Does HMO Unit know this ?

### **Recommendation**

If you don't reject this application, PLEASE review all HMO applications in the Terrace and ensure that Landlords and their Agents, uphold decent "regular" standards on their properties and in turn, that the Tenants within, observe decent "regular" standards. These standards must not just be legal ones, such as gas, fire and electrical safety (as under HMO Licence already) but should include gardens, wheelie bins and general sociable behaviour etc. I have indicated some real observations above, within the Terrace.

HMOs must co-exist with full residential properties in Roslin Terrace and not be treated on a stand alone basis. The City Council and HMO Unit must remember this

Yours faithfully

Andy Jones

D

Mr Ally Thain  
Private Sector Housing Manager  
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Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
30 JUN 2015
Private Sector Housing Unit

25<sup>th</sup> June 2015

Dear Mr Thain

**APPLICATION FOR A HOUSE IN MUTIPLE OCCUPATION – 7 ROSLIN TERRACE, ABERDEEN**

We refer to your letters date 2 June 2015 and 10 June 2015 and the respective letters of objection to our HMO licence application contained therein.

I wish this letter to be submitted in support of my wife and my application.

We have purchased this house first and foremost to provide our son, , with somewhere to live while he is studying at the University of Aberdeen. This has been as a result of him and his friends struggling to find suitable other rental accommodation. could not find suitable accommodation at the start of the previous academic year and ending up spending some weeks in a hotel which was quite distressing. He has recently completed his first year of studies and this house will therefore be occupied by him for the next three years as he continues his course.

Being Scottish myself and with most of my family still living there I was extremely excited to be able to buy this property and re-establish roots for myself and my children.

We are clearly disappointed that two letters of objection have been received by your office but sincerely hope we can address all the concerns that have been raised.

We would note that the majority of the objections raised are based on assumptions and as such cannot be considered as specific to our property or to ourselves as landlords or to my son or to our potential tenants. It is also worth noting that given that our house has not (to our knowledge) been licensed as an HMO previously nor have my wife nor I been registered as HMO landlords the issues raised can only be presumptions by the objectors.

However, in respect of the specific objections raised we would ask you to consider the following:

Loud noise/ anti-social behaviour – clearly our lease will include all required clauses dealing with appropriate behaviour, consideration for neighbours as required. Further we believe that we will have a far closer relationship with any tenants than many landlords due to the fact that our own son will be living in the house.

Increased parking in the street – we note that while parking in the street is subject to residents' parking permits there are also "Pay & Display" machines which allow the general public to park in the street as well. Past problems relating to blocked driveways could well have occurred as a result of inconsiderate and inappropriate public parking rather than being attributable to any HMO and certainly not to our proposed HMO. We further comment that one of the attractions of the location is that it is within easy walking distance of both the University of Aberdeen and the amenities of Union Street.

Rubbish/ recycling bins being put out incorrectly – we will ensure that there are internal bins provided to separate general waste and recycling as it is created and provide full guidance to our tenants of the correct procedures.

Gardens being poorly maintained – we have already appointed a gardener to ensure regular upkeep and maintenance of the front and rear gardens at our property. This will be continued for the duration that we own the property. We have also asked the gardener to undertake a "major tidy up" to bring it up to a workable standard that will allow for maintaining a high standard.

Absence time – whilst it is true that we hope to have other students staying in our property with our son we also view this as a foothold back in Scotland for my family. We have had a long association with Aberdeen and still have friends living around the city. We intend to use this regularly ourselves and have other family who will also be wanting to stay. Further our appointment of a gardener as previously highlighted will, we believe, negate some of the more general concerns in this regard.

Council Tax – whilst students do have an exemption for Council Tax we are willing and able to pay whatever local taxes we are legally obliged to do. Clearly the HMO licence itself is not without cost and we are contributing to the wider economy.

We are pleased to note that our property is considered a magnificent building. That is certainly part of the reason that we fell in love with it and felt it was the right place for us. We are equally concerned with maintaining it well, as it is as much in our interests to do so as it is for the neighbourhood. We can confirm that we have absolutely no plans to convert the front garden to a driveway and assume that any such plans would be subject to separate planning permission.

We are also pleased to note that one of the objectors has "good" relations with tenants he lives above and their landlord. It is our fervent desire that we replicate this state at our property and with all the neighbourhood.

I can confirm that I will be attending the licensing committee meeting on 1 September 2015.

Yours sincerely



David Anderson (on behalf of David & Jill Anderson)

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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	20 August 2015
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Applications for Licences to operate a House in Multiple Occupation (HMO) at:**

**No.8 Crown Street, Aberdeen (First floor flat left)**

**No.8 Crown Street, Aberdeen (First floor flat right)**

**Applicant/s: Christine I.Douglas**

**Agent: None stated**

I refer to the above HMO licence applications, which are on the agenda of the Licensing Committee at its meeting on 1 September 2015 for the reason that 5 letters of 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.8 Crown Street, Aberdeen (First floor flat right), provides accommodation of 3 letting bedrooms, one kitchen & one bathroom.

The property at No.8 Crown Street, Aberdeen (First floor flat left), provides accommodation of 3 letting bedrooms, one kitchen & one bathroom.

The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence applications:**

Both HMO licence applications are dated 8 May 2015 and both were received by the HMO Unit on 13 May 2015.

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

Incomplete Certificates of Compliance were submitted by the applicant, and I am awaiting revised Certificates. However both licence applications are dated 8 May 2015 and the applicant has declared that this is the start-date of the 21-day statutory Notice period.

**Letters of Objection:**

All letters of objection were received by the HMO Unit 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 of objection are as follows:

- Letter from Camilla Ferris (attached as Appendix 'B')
- Letter from Andrew Hughes (attached as Appendix 'C')
- Letter from John Morrison (attached as Appendix 'D')
- Letter from Kenneth Taylor (attached as Appendix 'E')
- Letter & photographs from Philip Bennett (attached as Appendix 'F')

**Note**

Mr Bennett originally submitted in excess of 40 photographs, although many were similar. I have attached 12 photographs to this report, which should illustrate Mr Bennett's concerns, and the remaining photographs will be available for circulation to the Committee if necessary.

**E-mail response from Licence-applicant;**

The applicant submitted an e-mail responding to the letters of objection. The e-mail is attached as Appendix 'G'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no adverse comments or objections.
- 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 2 separate complaints of anti-social behaviour within the first floor flat (right) during the evening of 15 February 2013. Both complaints alleged loud music, and the second complaint was witnessed by the ASBIT team who served a Warning Notice on one of the occupants. No further complaints have been received by the ASBIT team.

- The applicant and both properties are currently registered with the Council.
- The applicant has requested an occupancy of 3 tenants in the first floor flat right, and 4 tenants in the first floor flat left. Both occupancies are acceptable to the HMO Unit in terms of space and layout.
- Both applications under consideration are renewal applications.
- All HMO upgrading works within both flats have been satisfactorily completed, therefore if the Committee is minded to grant both applications, it can do so at the meeting on 1 September 2015.

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

17<sup>th</sup> May 2015

Dear Sir / Madam

HMOC APPLICATIONS x 2 – 8 CROWN STREET ABERDEEN

B

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

We write to object to the above application, on the grounds that the building is not a suitable environment & that historically the landlord has not managed the tenancies of these properties in a fit and responsible manner.

We live in the heart of the city, sandwiched between a busy licensed premises and a 24 hour convenience store. Therefore building security & tenant accountability is critical. Furthermore, it should be pointed out that of the two flats on each floor within the listed building, one of each of these has a predominantly single glazed glass frontage and as such presents an easy opportunity to force entry.

Excluding the behaviour of the historic occupants of these two flats, all other tenants that reside in the building, pursue a responsible life, mindful of the fact that they live in a shared environment.

All historic problems with tenants in this building have come consistently & exclusively from the two flats that the applications are being made for. Examples of previous issues are as follows –

The main security door being constantly left off the latch, theft of mail, use of the hallway as a toilet, use of the hallway to deal & consume drugs, vandalism, use of the hallway as a rubbish area.

In addition to these problems, the previous tenants of these two properties regularly held all night parties, played loud music & often had people congregating in the common hallway at all times of day and night.

Time & time again, it has been clearly demonstrated by the landlord/owner of these properties that they have no interest in managing their responsibilities in a fit & honourable manner.

Therefore, we object to this application in the strongest possible terms & remind both Aberdeen city council & the landlords of our right to live in safe, hygienic & peaceful surroundings.

We look forward to hearing from you.

Yours faithfully

CAMILLA FERRIS CF.

17<sup>th</sup> May 2015

C

Dear Sir / Madam

HMOC APPLICATIONS x 2 – 8 CROWN STREET ABERDEEN

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

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We look forward to hearing from you.

Yours faithfully

ANDREW HUGHES  
A.S.

17<sup>th</sup> May 2015

Dear Sir / Madam

HMOC APPLICATIONS x 2 – 8 CROWN STREET ABERDEEN

D

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We look forward to hearing from you.

Yours faithfully

JOHN MORRISON AS

Aberdeen City Council Housing & Environment
DATE RECEIVED 27 MAY 2015
Private Sector Housing Unit

E

Kenneth Taylor

21 May, 2015

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

Dear Ally,

I would like to register my objection to both HMO application's for 8 Crown Street submitted by Christine Douglas. I currently own the flat . In the past we have had numerous problems with increased noise/activity and clutter/mess with Tenants living in the flats belonging to George and Christina Douglas especially from the current HMO flat. I objected previously when they first applied as I had reservations about whether this would work, however it was granted none of the less.

8 Crown Street is a B listed building with one exit/entrance. Each flat has one exit/entrance. However my main concern would be if another HMO license is granted for the smaller flat, the greater amount of people living and visiting that area the higher the risk of getting everyone evacuated in a timely manner in case of fire.

Regards

Kenneth Taylor

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

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

F

Philip Bennett

Date: May 19<sup>th</sup> 2015

Reference: HMO application at 8 Crown street.  
Aberdeen, AB116HB.

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

Dear Ally:

as discussed,

Please find below my response to the proposal for a second HMO at 8 Crown street for first floor apartments. The building is a B listed building requiring some integrity to be maintained and kept to a decent standard. Since apartments have been rented out as multiple occupancy housing in this building it has been a complete nightmare for the other residents.

I have sent letters to the council, complained to the council and called the police in several instances of total disregard and anti-social behaviour from these two dwellings.

People are not expected to live like monks, but some general respect is expected to be able to live in a reasonable and safe environment and the people who live in the HMO are destroying the physicality's of the building and the environment.

**Anti-social behaviour and bad environment:**

The parties that are held in these apartments include, general affray, beer bottles, cans, vomit, fast food all left in the stairwell.

Mr [redacted] who is in his mid 70's and lives [redacted] is always troubled by these 2 apartments, he has lived in the building since 1955, is a widower and he deserves better.

Every time someone moves out from those apartments they leave a host of unwanted broken furniture in the main hallway and it has to be disposed of by the remaining tenants.

I emailed the council and complained about this subject in 2008 and 2012 and attach pictures of only some of the items and conditions found.

**Security:**

The main front door latch is regularly left open by the occupants to accommodate the additional people who stay over and do not have keys.

Due to late night clubs and a 24 hour newsagent in close proximity when the main door security is compromised all types of people doing all sorts of things end up happening in the stairwell.

Condoms, needles, cigarette butts, vomit and excrement are all cleaned up regularly due to the door being left open by the apartments in HMO.

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



F

**Environment and communal damage:**

The damage caused by people continually moving in and out is never catered for by the owners. Stairwells get marked and scored, rubbish and old furniture is dumped in the common stairwell and has to be removed and disposed of by other residents / owners.

Bicycles are left in the stairway, blocking the access to the cellar and when they lost the keys to the security chain for 1 bicycle they just ripped out 1x bannister spoke, which is still missing, it's a beautifully crafted building with workmanship over 100 years old being gradually destroyed by people with no respect. Windows in the doors are broken and which I have paid for to be repaired.

I attach pictures of some of the rubbish left for the other people to deal with after occupants of the these 2 apartments move out.

See attached letter to Brian McEwen dated November 12th 2012. The message from then is unchanged today, nothing has improved.

The costs of maintaining damage and cleaning communal areas mess that is caused by these 2 apartments is being bourn by me and it's unfair to continue to use these apartments as HMO.

I cannot accept another HMO the owners of the two apartments I know they would not accept this type of behavior in their close proximity and it should not be forced on us.

I ask that the council not only refuse this HMO but remove any existing one.

With best regards,

Sincerely,

Philip Bennett]

[ ]

19<sup>th</sup> May 2015

F



**From:** Brian McEwan  
**Date:** Monday, 26 November 2012 11:01  
**To:** Philip Bennett  
**Subject:** Re: HMO's at 1st floor, no.8 Crown street, Aberdeen.

Hello Phil,

Your complaint has been passed to me to investigate. Please provide me with your telephone number or call me.

Regards

**Brian Mc Ewan**  
**Private Sector Housing Officer**  
**HMO Unit**  
**Housing & Environment**  
**Aberdeen City Council**  
[bmcewan@aberdeencity.gov.uk](mailto:bmcewan@aberdeencity.gov.uk)  
**Tel: 01224 314218**

>>> Philip Bennett < > 11/26/2012 8:42 am >>>

Please find the following email in respect to lodge an complaint to the 2x HMO's at 8 Crown street Aberdeen (1st floor).

These 2 residences cause continual issues and problems for all the other neighbours at this address and has been the source of many complaints to the owners and Grampian Police since as far back as 2009. We find that they deposit furniture in the common spaces blocking exits and doorways, this furniture lays uncollected and the other neighbours have to arrange disposal. They do not clean their common spaces and landings, so it becomes filthy and poses fire hazard with trash laying in the landings and stairwells. They leave discarded fast food containers and discarded drink containers in the stairwells and common spaces, again they do not clean up after themselves.

The other neighbours have organised a company to clean the stairs, the occupants of the 2x HMO units refuse to contribute towards the cost of this even though the cleaner is in response mainly to the mess created by them.

For the other owners and occupants of number 8 Crown street (a B listed Building) they are a menace and bring the place down. The owners of these two apartments do nothing to keep this in check, it's a disgrace.

The oldest occupant in no.8 Crown street is widower of some 72 years of age, he has lived here since 1955, he does not want to live here due to the mess and problems caused by these people, it's nothing short of a travesty to see an old man pushed out of his own home in such a manner.

8 Crown Street is a beautiful historic B listed building in Aberdeen, the design of the building was by an Architect who designed several of the major buildings in this end of Crown street, (the Post office and the

F  
—

Prudential building), it deserves to be treated as such, all the other owners and occupants are responsible human beings.

All of us who live here and are owners want to maintain the building in keeping to responsible private ownership in keeping with a building such as it is. We also want to live in a clean, tidy and harmonious environment, we cannot do that with the style of management of the two HMO's, the HMO licenses should be removed or revoked so that we all can go about our lives without the worry of constantly having to tidy up the behind the wreckage of ne'er do wells and poor souls who cannot live with others or respect human decency.

This situation has been long standing and I attach copies of an email to register a complaint to Grampian Police in February 2010 with the note that was passed to all apartments.

The owners of these apartment are well aware of the issues here, I have discussed it with them via mobile phone several times in the past and yet they do nothing.

I also attach several photo's of the entrance to no.8 Crown Street as it stands currently, you will see broken doorways, drink bottles discarded, several pieces of furniture laying in the main entrance and blocking peoples access to their basement storage.

Please take action to remove the HMO licences and give us back some normality as it's unfair on us who own private property and live here to continually have to deal with this.

Sincerely,

Phil Bennett

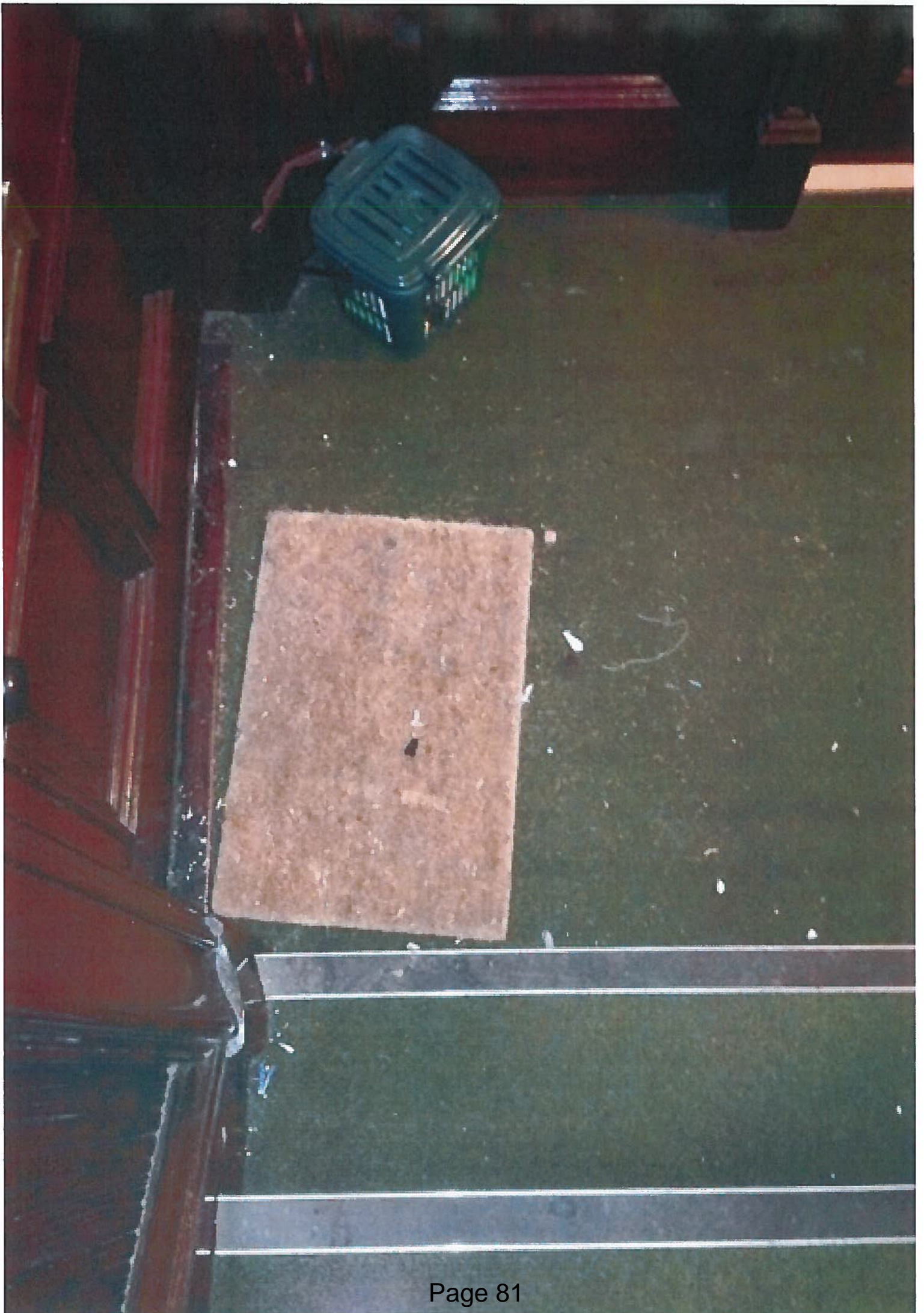
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"IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this e-mail in error, notify the sender by reply e-mail, delete the received e-mail and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this e-mail and recommend that you subject any incoming e-mail to your own virus checking procedures. Unless related to Council business, the opinions expressed in this e-mail are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this e-mail or its attachments, neither this e-mail nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing e-mail is subject to regular monitoring.













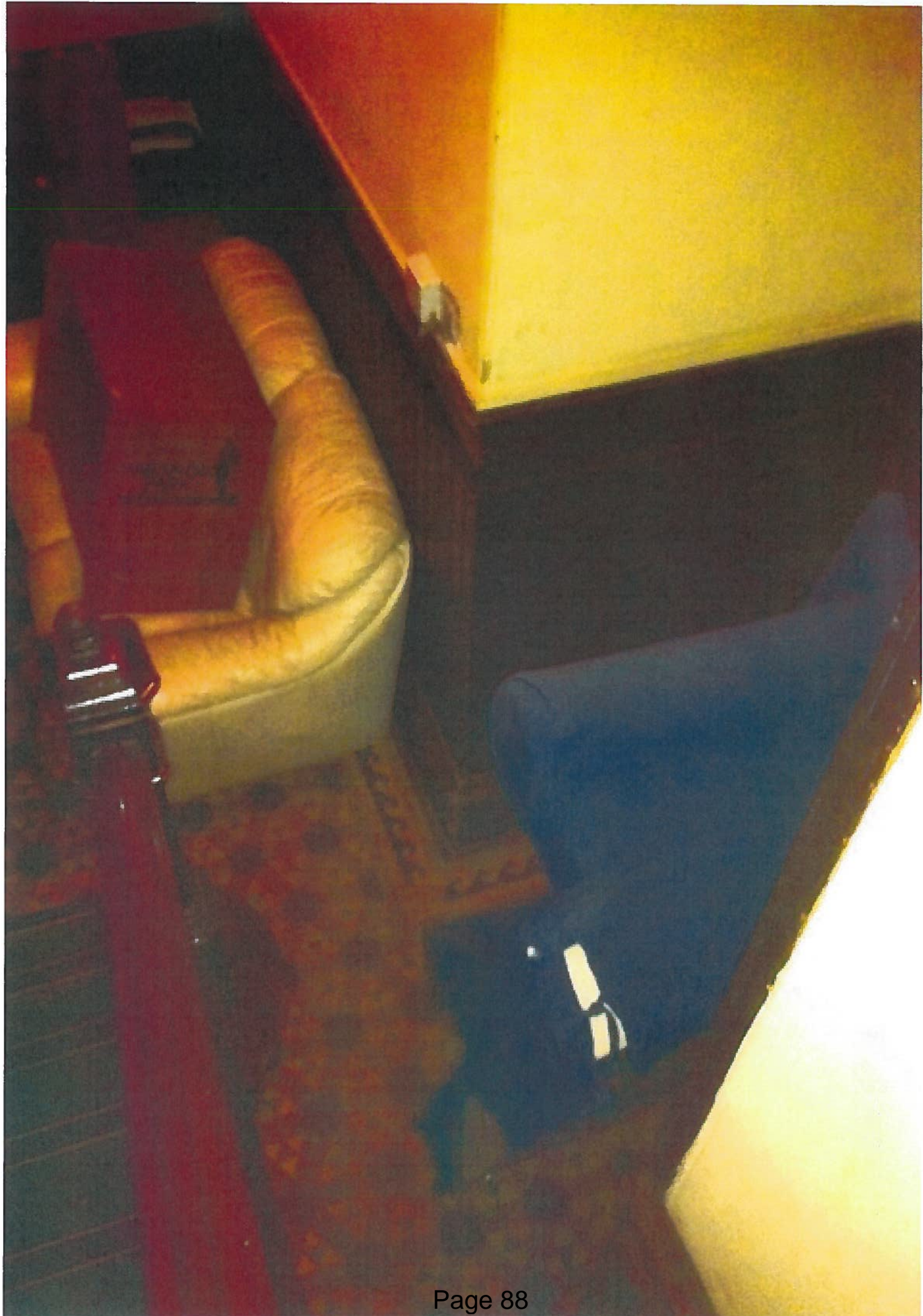














## Ally Thain

---

**From:** George Douglas  
**Sent:** 13 July 2015 21:05  
**To:** Ally Thain  
**Subject:** 8 CROWN ST. HMO



Aberdeen City Council  
HMO Department.

I am a Registered Landlady.

I own a few flats in Aberdeen which solely provide me with my income. I am not employed.  
If the HMO licenses are not granted it is likely that I will not be able to generate the same income from these 2 flats.

Regarding the 3 objectors who have sent a signed copy of the same letter, they refer to " previous tenants " of my flats. I point out that my current tenants , 3 girls in each flat, I feel are responsible people. They have all been there for one year and wish to stay at least another year. They have all been instructed by me to Not have late night parties and play music loud. I have had no complaints about them to date from other owners/ tenants or The HMO Department.

I have owned the 2 flats on the first floor of 8 Crown Street for many years.  
I lived in the front flat in 2003 - 2005. I became very aware that because of the area, the corner of the street, the frontage of the shop next door and our front doorstep was somewhat like a place to hang around. I saw all kinds of people there , smoking ,eating, drinking, littering and urinating. I saw this before renting our flats. The door to the building is original and very tall and and I witnessed it not closed properly, when I lived there.

I have spent thousands of pounds over the years complying with the requirements for the HMO licences.  
For this years application I have upgraded consumer units etc. and am now in receipt of the new Electrical Certificates required . A few weeks ago I also renewed 3 light fixtures in the stairwell at my own cost, to the benefit of all the other owners. I am committed the property and to operating the flats under the HMO scheme.

I have been called by Mr. Morrison and Mr Bennett in the past and did receive a letter from him back in 2010 , about some ex tenants, but other than that I have had no formal complaints from other owners/tenants. I did not receive communication from Aberdeen City Council HMO Dept. about Mr. Bennett's letter of complaint in 2012.  
Jack Morrison , whom I am friendly with, has complained to me in the past. He has phoned me about loud music and late at night I have gone to the flat within 10 mins, found the music not very loud, but spoken to my tenants and warned them to not play music so loud and it did stop and behave better. After these complaints, at times when I have met Jack within the building he has commented that, young people do these things and that the lads were quite likeable and polite to him. I did not agree to renew their leases after a time, as I did not feel they were right and I did not want them staying and causing disruption. Tenants have certain rights too during a lease period, but it all went amicably.

There are 8 flats in the building and over the years, some others have been tenanted by students and young people. There have been lots of people, friends ,visitors ,coming and going. I have witnessed parties, loud music, litter up to and above my flats. I have seen the front door off the latch, even when my tenants were not at home. Some previous girl tenants of mine I remember complained to me of the safety issue, that the door was often unlocked.  
We all know that the building is in one of the busiest Club and Pub areas of town and if the front door was left unlocked by whomever, any passerby could enter and use the large hallway to do whatever business. I do not feel solely responsible for any of the suggested dubious behavior that has been described in the letters of complaint. I have always asked all my tenants to keep the front door locked.

As for the furniture /carpeting/items, when tenants move in or out, items get shifted and/ or get removed. I do this to hopefully keep to a standard. Sometimes I have had to wait for help and a suitable vehicle to remove them and so they have have lain in the downstairs very large hallway, but not blocking the entrance. I have told Jack on occasions of my belongings and that I would be removing them .Once an owner above me removed a unit from my landing without my permission. I am not the only owner who has left items in the hallway .Others flats have been refurbished over the years , new kitchens etc and units/ mattresses etc have been seen there and I have not complained or removed other people's items.



Dear Sir/Madam,

We are the previous residents of First floor right, 8 Crown St and had lived there for over two years previously. There are a number of objections that have been brought to our attention for the renewal of the HMO license for this property and we would like our chance to have our input on some of them. We noticed that one of the objections was a bike being chained and left in the hallway. This is completely false, as none of the residents of this flat owned a bike. The bike actually belongs to someone on the third floor. We would have never left a bike chained to the bannister as our landlady Christine made it very clear when we moved in that we were not able to put anything in the hallway due to it being a fire escape. There were also objections to this HMO license on the grounds that it was very noisy, however due to this being a flat in the City Centre we had a lot of noise from the street and pub below the flat but I can assure you that this flat was not solely to blame for the noise as there were many other students that live on various floors in this block. Only one of our neighbours Jack Morrison complained on one occasion to our landlady Christine. As a result of this complaint Christine visited the flat approximately 20 minutes later to warn us to keep the music down. After this occasion we gave Jack a phone number to contact us if there were any other noise issues and we were always very quick to rectify the problem as with being a very old building noise travels far and we were never sure how much noise he could hear. Not one other neighbour complained on any occasion. Another reason for the objection to this was that we never looked after or maintained the stairways, which is absolutely false. The neighbor on the third floor paid a cleaner to come once a month and we paid £5 to this every time. She moved away after this, so the cleaner did not continue but we looked after and vacuumed the hallway more than any other resident in the block. Our landlady Christine also came along on a few occasions to clean the stairs of which she did not have to do. We only maintained the area up to our flat which included all the stairs leading from the ground floor landing to the first floor, cleaning any of the other stairs was



not our responsibility. I never saw any other resident of the block making any attempt to clean the stairs.

Another issue was that the door to the block kept being left open however we always made sure we shut the door properly when entering and leaving. As there are many others who live in this block of flats it was not solely our responsibility for keeping this closed however it was always in our best interest as the door to our flat sometimes wont close properly. As the outside door was failing to lock for some time this is why we had a large number of people urinating at the outside door, given its close proximity to three clubs and numerous pubs this is something that happens and will continue to happen today. To blame us solely for this is absolutely ridiculous given that there are 9 other flats in this block.

I feel that these objections have painted us in a bad light given that the majority of the issues were not caused by us but by others in the block. I do have to admit however that we were not the best of neighbours but I do not feel that Mr and Mrs Douglas and also the current residents of this accommodation should be punished for our irresponsibility.

Yours sincerely

Andrew Black and Darryl Smith



**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	20 August 2015
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Applications for Licences to operate a House in Multiple Occupation (HMO) at:**

**No.8 Crown Street, Aberdeen (First floor flat left)**

**No.8 Crown Street, Aberdeen (First floor flat right)**

**Applicant/s: Christine I.Douglas**

**Agent: None stated**

I refer to the above HMO licence applications, which are on the agenda of the Licensing Committee at its meeting on 1 September 2015 for the reason that 5 letters of 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
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  - 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.8 Crown Street, Aberdeen (First floor flat right), provides accommodation of 3 letting bedrooms, one kitchen & one bathroom.

The property at No.8 Crown Street, Aberdeen (First floor flat left), provides accommodation of 3 letting bedrooms, one kitchen & one bathroom.

The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence applications:**

Both HMO licence applications are dated 8 May 2015 and both were received by the HMO Unit on 13 May 2015.

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

Incomplete Certificates of Compliance were submitted by the applicant, and I am awaiting revised Certificates. However both licence applications are dated 8 May 2015 and the applicant has declared that this is the start-date of the 21-day statutory Notice period.

**Letters of Objection:**

All letters of objection were received by the HMO Unit 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 of objection are as follows:

- Letter from Camilla Ferris (attached as Appendix 'B')
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- Letter & photographs from Philip Bennett (attached as Appendix 'F')

**Note**

Mr Bennett originally submitted in excess of 40 photographs, although many were similar. I have attached 12 photographs to this report, which should illustrate Mr Bennett's concerns, and the remaining photographs will be available for circulation to the Committee if necessary.

**E-mail response from Licence-applicant:**

The applicant submitted an e-mail responding to the letters of objection. The e-mail is attached as Appendix 'G'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no adverse comments or objections.
- 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.
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- The applicant and both properties are currently registered with the Council.
- The applicant has requested an occupancy of 3 tenants in the first floor flat right, and 4 tenants in the first floor flat left. Both occupancies are acceptable to the HMO Unit in terms of space and layout.
- Both applications under consideration are renewal applications.
- All HMO upgrading works within both flats have been satisfactorily completed, therefore if the Committee is minded to grant both applications, it can do so at the meeting on 1 September 2015.

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

17<sup>th</sup> May 2015

Dear Sir / Madam

HMOC APPLICATIONS x 2 – 8 CROWN STREET ABERDEEN

B

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

We write to object to the above application, on the grounds that the building is not a suitable environment & that historically the landlord has not managed the tenancies of these properties in a fit and responsible manner.

We live in the heart of the city, sandwiched between a busy licensed premises and a 24 hour convenience store. Therefore building security & tenant accountability is critical. Furthermore, it should be pointed out that of the two flats on each floor within the listed building, one of each of these has a predominantly single glazed glass frontage and as such presents an easy opportunity to force entry.

Excluding the behaviour of the historic occupants of these two flats, all other tenants that reside in the building, pursue a responsible life, mindful of the fact that they live in a shared environment.

All historic problems with tenants in this building have come consistently & exclusively from the two flats that the applications are being made for. Examples of previous issues are as follows –

The main security door being constantly left off the latch, theft of mail, use of the hallway as a toilet, use of the hallway to deal & consume drugs, vandalism, use of the hallway as a rubbish area.

In addition to these problems, the previous tenants of these two properties regularly held all night parties, played loud music & often had people congregating in the common hallway at all times of day and night.

Time & time again, it has been clearly demonstrated by the landlord/owner of these properties that they have no interest in managing their responsibilities in a fit & honourable manner.

Therefore, we object to this application in the strongest possible terms & remind both Aberdeen city council & the landlords of our right to live in safe, hygienic & peaceful surroundings.

We look forward to hearing from you.

Yours faithfully

CAMILLA FERRIS CF.

17<sup>th</sup> May 2015

C

Dear Sir / Madam

HMOC APPLICATIONS x 2 – 8 CROWN STREET ABERDEEN

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

We write to object to the above application, on the grounds that the building is not a suitable environment & that historically the landlord has not managed the tenancies of these properties in a fit and responsible manner.

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We look forward to hearing from you.

Yours faithfully

ANDREW HUGHES  
A.S.

17<sup>th</sup> May 2015

Dear Sir / Madam

HMOC APPLICATIONS x 2 – 8 CROWN STREET ABERDEEN

D

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We look forward to hearing from you.

Yours faithfully

JOHN MORRISON AS

Aberdeen City Council Housing & Environment
DATE RECEIVED 27 MAY 2015
Private Sector Housing Unit



E

Kenneth Taylor

21 May, 2015

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

Dear Ally,

I would like to register my objection to both HMO application's for 8 Crown Street submitted by Christine Douglas. I currently own the flat . In the past we have had numerous problems with increased noise/activity and clutter/mess with Tenants living in the flats belonging to George and Christina Douglas especially from the current HMO flat. I objected previously when they first applied as I had reservations about whether this would work, however it was granted none of the less.

8 Crown Street is a B listed building with one exit/entrance. Each flat has one exit/entrance. However my main concern would be if another HMO license is granted for the smaller flat, the greater amount of people living and visiting that area the higher the risk of getting everyone evacuated in a timely manner in case of fire.

Regards

Kenneth Taylor

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

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

F

Philip Bennett

Date: May 19<sup>th</sup> 2015

Reference: HMO application at 8 Crown street.  
Aberdeen, AB116HB.

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

Dear Ally:

as discussed,

Please find below my response to the proposal for a second HMO at 8 Crown street for first floor apartments. The building is a B listed building requiring some integrity to be maintained and kept to a decent standard. Since apartments have been rented out as multiple occupancy housing in this building it has been a complete nightmare for the other residents.

I have sent letters to the council, complained to the council and called the police in several instances of total disregard and anti-social behaviour from these two dwellings.

People are not expected to live like monks, but some general respect is expected to be able to live in a reasonable and safe environment and the people who live in the HMO are destroying the physicality's of the building and the environment.

**Anti-social behaviour and bad environment:**

The parties that are held in these apartments include, general affray, beer bottles, cans, vomit, fast food all left in the stairwell.

Mr [redacted] who is in his mid 70's and lives [redacted] is always troubled by these 2 apartments, he has lived in the building since 1955, is a widower and he deserves better.

Every time someone moves out from those apartments they leave a host of unwanted broken furniture in the main hallway and it has to be disposed of by the remaining tenants.

I emailed the council and complained about this subject in 2008 and 2012 and attach pictures of only some of the items and conditions found.

**Security:**

The main front door latch is regularly left open by the occupants to accommodate the additional people who stay over and do not have keys.

Due to late night clubs and a 24 hour newsagent in close proximity when the main door security is compromised all types of people doing all sorts of things end up happening in the stairwell.

Condoms, needles, cigarette butts, vomit and excrement are all cleaned up regularly due to the door being left open by the apartments in HMO.

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

F

**Environment and communal damage:**

The damage caused by people continually moving in and out is never catered for by the owners. Stairwells get marked and scored, rubbish and old furniture is dumped in the common stairwell and has to be removed and disposed of by other residents / owners.

Bicycles are left in the stairway, blocking the access to the cellar and when they lost the keys to the security chain for 1 bicycle they just ripped out 1x bannister spoke, which is still missing, it's a beautifully crafted building with workmanship over 100 years old being gradually destroyed by people with no respect. Windows in the doors are broken and which I have paid for to be repaired.

I attach pictures of some of the rubbish left for the other people to deal with after occupants of the these 2 apartments move out.

See attached letter to Brian McEwen dated November 12th 2012. The message from then is unchanged today, nothing has improved.

The costs of maintaining damage and cleaning communal areas mess that is caused by these 2 apartments is being bourn by me and it's unfair to continue to use these apartments as HMO.

I cannot accept another HMO the owners of the two apartments I know they would not accept this type of behavior in their close proximity and it should not be forced on us.

I ask that the council not only refuse this HMO but remove any existing one.

With best regards,

Sincerely,

Philip Bennett]

[ ]

19<sup>th</sup> May 2015

F



**From:** Brian McEwan  
**Date:** Monday, 26 November 2012 11:01  
**To:** Philip Bennett  
**Subject:** Re: HMO's at 1st floor, no.8 Crown street, Aberdeen.

Hello Phil,

Your complaint has been passed to me to investigate. Please provide me with your telephone number or call me.

Regards

**Brian Mc Ewan**  
**Private Sector Housing Officer**  
**HMO Unit**  
**Housing & Environment**  
**Aberdeen City Council**  
[bmcewan@aberdeencity.gov.uk](mailto:bmcewan@aberdeencity.gov.uk)  
**Tel: 01224 314218**

>>> Philip Bennett < > 11/26/2012 8:42 am >>>

Please find the following email in respect to lodge an complaint to the 2x HMO's at 8 Crown street Aberdeen (1st floor).

These 2 residences cause continual issues and problems for all the other neighbours at this address and has been the source of many complaints to the owners and Grampian Police since as far back as 2009. We find that they deposit furniture in the common spaces blocking exits and doorways, this furniture lays uncollected and the other neighbours have to arrange disposal. They do not clean their common spaces and landings, so it becomes filthy and poses fire hazard with trash laying in the landings and stairwells. They leave discarded fast food containers and discarded drink containers in the stairwells and common spaces, again they do not clean up after themselves.

The other neighbours have organised a company to clean the stairs, the occupants of the 2x HMO units refuse to contribute towards the cost of this even though the cleaner is in response mainly to the mess created by them.

For the other owners and occupants of number 8 Crown street (a B listed Building) they are a menace and bring the place down. The owners of these two apartments do nothing to keep this in check, it's a disgrace.

The oldest occupant in no.8 Crown street is widower of some 72 years of age, he has lived here since 1955, he does not want to live here due to the mess and problems caused by these people, it's nothing short of a travesty to see an old man pushed out of his own home in such a manner.

8 Crown Street is a beautiful historic B listed building in Aberdeen, the design of the building was by an Architect who designed several of the major buildings in this end of Crown street, (the Post office and the

F  
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Prudential building), it deserves to be treated as such, all the other owners and occupants are responsible human beings.

All of us who live here and are owners want to maintain the building in keeping to responsible private ownership in keeping with a building such as it is. We also want to live in a clean, tidy and harmonious environment, we cannot do that with the style of management of the two HMO's, the HMO licenses should be removed or revoked so that we all can go about our lives without the worry of constantly having to tidy up the behind the wreckage of ne'er do wells and poor souls who cannot live with others or respect human decency.

This situation has been long standing and I attach copies of an email to register a complaint to Grampian Police in February 2010 with the note that was passed to all apartments.

The owners of these apartment are well aware of the issues here, I have discussed it with them via mobile phone several times in the past and yet they do nothing.

I also attach several photo's of the entrance to no.8 Crown Street as it stands currently, you will see broken doorways, drink bottles discarded, several pieces of furniture laying in the main entrance and blocking peoples access to their basement storage.

Please take action to remove the HMO licences and give us back some normality as it's unfair on us who own private property and live here to continually have to deal with this.

Sincerely,

Phil Bennett

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"IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this e-mail in error, notify the sender by reply e-mail, delete the received e-mail and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this e-mail and recommend that you subject any incoming e-mail to your own virus checking procedures. Unless related to Council business, the opinions expressed in this e-mail are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this e-mail or its attachments, neither this e-mail nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing e-mail is subject to regular monitoring.

















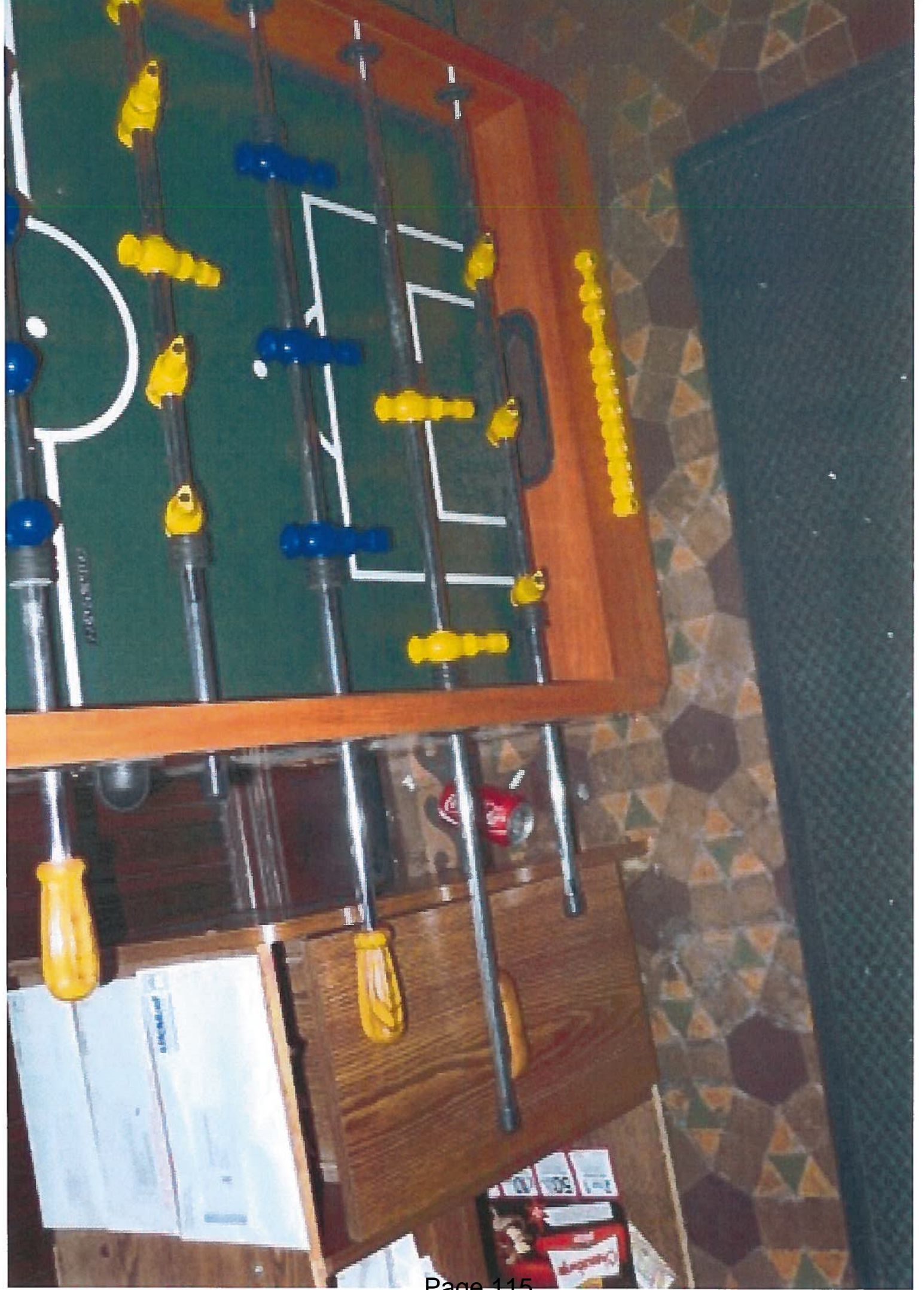












## Ally Thain

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**From:** George Douglas  
**Sent:** 13 July 2015 21:05  
**To:** Ally Thain  
**Subject:** 8 CROWN ST. HMO



Aberdeen City Council  
HMO Department.

I am a Registered Landlady.

I own a few flats in Aberdeen which solely provide me with my income. I am not employed. If the HMO licenses are not granted it is likely that I will not be able to generate the same income from these 2 flats.

Regarding the 3 objectors who have sent a signed copy of the same letter, they refer to " previous tenants " of my flats. I point out that my current tenants , 3 girls in each flat, I feel are responsible people. They have all been there for one year and wish to stay at least another year. They have all been instructed by me to Not have late night parties and play music loud. I have had no complaints about them to date from other owners/ tenants or The HMO Department.

I have owned the 2 flats on the first floor of 8 Crown Street for many years. I lived in the front flat in 2003 - 2005. I became very aware that because of the area, the corner of the street, the frontage of the shop next door and our front doorstep was somewhat like a place to hang around. I saw all kinds of people there , smoking ,eating, drinking, littering and urinating. I saw this before renting our flats. The door to the building is original and very tall and and I witnessed it not closed properly, when I lived there.

I have spent thousands of pounds over the years complying with the requirements for the HMO licences. For this years application I have upgraded consumer units etc. and am now in receipt of the new Electrical Certificates required . A few weeks ago I also renewed 3 light fixtures in the stairwell at my own cost, to the benefit of all the other owners. I am committed the property and to operating the flats under the HMO scheme.

I have been called by Mr. Morrison and Mr Bennett in the past and did receive a letter from him back in 2010 , about some ex tenants, but other than that I have had no formal complaints from other owners/tenants. I did not receive communication from Aberdeen City Council HMO Dept. about Mr. Bennett's letter of complaint in 2012. Jack Morrison , whom I am friendly with, has complained to me in the past. He has phoned me about loud music and late at night I have gone to the flat within 10 mins, found the music not very loud, but spoken to my tenants and warned them to not play music so loud and it did stop and behave better. After these complaints, at times when I have met Jack within the building he has commented that, young people do these things and that the lads were quite likeable and polite to him. I did not agree to renew their leases after a time, as I did not feel they were right and I did not want them staying and causing disruption. Tenants have certain rights too during a lease period, but it all went amicably.

There are 8 flats in the building and over the years, some others have been tenanted by students and young people. There have been lots of people, friends ,visitors ,coming and going. I have witnessed parties, loud music, litter up to and above my flats. I have seen the front door off the latch, even when my tenants were not at home. Some previous girl tenants of mine I remember complained to me of the safety issue, that the door was often unlocked. We all know that the building is in one of the busiest Club and Pub areas of town and if the front door was left unlocked by whomever, any passerby could enter and use the large hallway to do whatever business. I do not feel solely responsible for any of the suggested dubious behavior that has been described in the letters of complaint. I have always asked all my tenants to keep the front door locked.

As for the furniture /carpeting/items, when tenants move in or out, items get shifted and/ or get removed. I do this to hopefully keep to a standard. Sometimes I have had to wait for help and a suitable vehicle to remove them and so they have have lain in the downstairs very large hallway, but not blocking the entrance. I have told Jack on occasions of my belongings and that I would be removing them .Once an owner above me removed a unit from my landing without my permission. I am not the only owner who has left items in the hallway .Others flats have been refurbished over the years , new kitchens etc and units/ mattresses etc have been seen there and I have not complained or removed other people's items.

Dear Sir/Madam,

We are the previous residents of First floor right, 8 Crown St and had lived there for over two years previously. There are a number of objections that have been brought to our attention for the renewal of the HMO license for this property and we would like our chance to have our input on some of them. We noticed that one of the objections was a bike being chained and left in the hallway. This is completely false, as none of the residents of this flat owned a bike. The bike actually belongs to someone on the third floor. We would have never left a bike chained to the bannister as our landlady Christine made it very clear when we moved in that we were not able to put anything in the hallway due to it being a fire escape. There were also objections to this HMO license on the grounds that it was very noisy, however due to this being a flat in the City Centre we had a lot of noise from the street and pub below the flat but I can assure you that this flat was not solely to blame for the noise as there were many other students that live on various floors in this block. Only one of our neighbours Jack Morrison complained on one occasion to our landlady Christine. As a result of this complaint Christine visited the flat approximately 20 minutes later to warn us to keep the music down. After this occasion we gave Jack a phone number to contact us if there were any other noise issues and we were always very quick to rectify the problem as with being a very old building noise travels far and we were never sure how much noise he could hear. Not one other neighbour complained on any occasion. Another reason for the objection to this was that we never looked after or maintained the stairways, which is absolutely false. The neighbor on the third floor paid a cleaner to come once a month and we paid £5 to this every time. She moved away after this, so the cleaner did not continue but we looked after and vacuumed the hallway more than any other resident in the block. Our landlady Christine also came along on a few occasions to clean the stairs of which she did not have to do. We only maintained the area up to our flat which included all the stairs leading from the ground floor landing to the first floor, cleaning any of the other stairs was



not our responsibility. I never saw any other resident of the block making any attempt to clean the stairs.

Another issue was that the door to the block kept being left open however we always made sure we shut the door properly when entering and leaving. As there are many others who live in this block of flats it was not solely our responsibility for keeping this closed however it was always in our best interest as the door to our flat sometimes wont close properly. As the outside door was failing to lock for some time this is why we had a large number of people urinating at the outside door, given its close proximity to three clubs and numerous pubs this is something that happens and will continue to happen today. To blame us solely for this is absolutely ridiculous given that there are 9 other flats in this block.

I feel that these objections have painted us in a bad light given that the majority of the issues were not caused by us but by others in the block. I do have to admit however that we were not the best of neighbours but I do not feel that Mr and Mrs Douglas and also the current residents of this accommodation should be punished for our irresponsibility.

Yours sincerely

Andrew Black and Darryl Smith



**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	20 August 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.124 Don Street, Tillydrone, Aberdeen**

**Applicant/s: Saidunnabi Piyal & Ishrat Jahan**

**Agent: Mohammed Hossan**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 1 September 2015 for the reason that 13 letters of 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.124 Don Street, Tillydrone, Aberdeen, is a 2-storey, mid-terraced house providing accommodation of 3 letting bedrooms, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 9 June 2015 and was received by the HMO Unit on 11 June 2015.

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

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 9 June 2015 – 29 June 2015.

**Letter of Objection:**

13 identical letters of objection were received by the HMO Unit, 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 from A.Hay (attached as Appendix 'B')
- A letter from Lynn Ross & David Ross (Attached as Appendix 'C')
- A letter from Sandra Cheyne & Hamish Cheyne (Attached as Appendix 'D')
- A letter from Sandra Davie (Attached as Appendix 'E')
- A letter from Barbara Stewart (Attached as Appendix 'F')
- A letter from John Gray & Gladys Gray (Attached as Appendix 'G')
- A letter from David Walker & Noreen Walker (Attached as Appendix 'H')
- A letter from Lynette Robertson & Leslie Robertson (Attached as Appendix 'I')
- A letter from K.Smith (Attached as Appendix 'J')
- A letter from M.Hardie (Attached as Appendix 'K')
- A letter from John W.Napier (Attached as Appendix 'L')
- A letter from Aileen Cooney (Attached as Appendix 'M')
- A letter from Glen Grassick & Eileen Grassick (Attached as Appendix 'N')

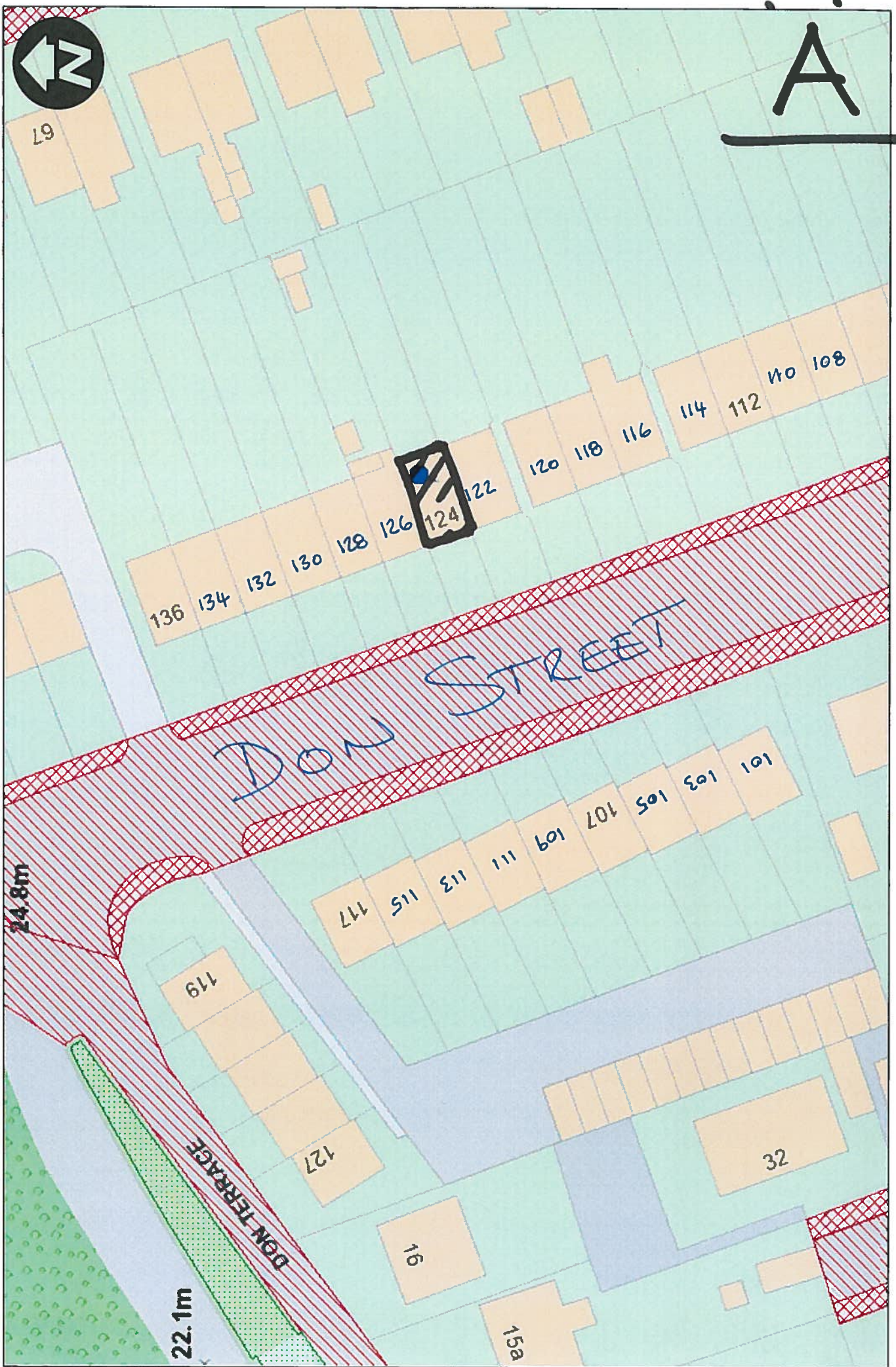
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as a 'fit & proper' person, and has made no adverse 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.124 Don Street, Tillydrone, Aberdeen.
- The applicants, agent & rental property are currently registered with the Council.
- The applicants have requested an occupancy of 3 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- The only other houses in Don Street, Tillydrone, Aberdeen, which are licensed HMOs are Nos.2 & 4A.

- The letters of objection refer to "*the granting of an HMO licence to Mohammed Hossan*". For clarification, the licence-applicants are Saidunnabi Piyal & Ishrat Jahan, who are the legal owners of No.124 Don Street, Aberdeen. They have nominated Mohammed Hossan as their day-to-day manager of the property, should an HMO licence be granted.
- Mohammed Hossan is the registered landlord of 2 rental properties in Aberdeen city, and is also the registered agent of 5 letting properties (including 124 Don Street). There are no complaints on record about Mr Hossan's other properties, either in his capacity as landlord or agent.
- The letters of objection refer to various complaints about the condition of the garden areas. The most recent complaint on record was received by the Environmental Health Service in June 2015, and concerned a mattress which had been dumped in the garden. The complaint was investigated and no public health nuisance was identified.
- The letters of objection refer to the use of the property for years as an unlicensed HMO. The HMO Unit has investigated several such complaints over the years and on each occasion could not confirm that the property was being operated as an unlicensed HMO.
- At the date of this report, the HMO upgrading works have not been completed, however I will update the Committee on progress of the works at the meeting.

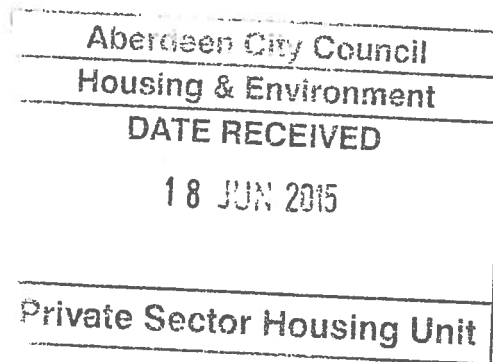
I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



1:500  
© Crown Copyright Aberdeen City Council 100023401





B

HMO Unit  
Housing and Environment Business Hub II  
2<sup>ND</sup> Floor West  
Marischal College  
Broad Street

**Objection to the granting of an HMO licence to Mohammed Hossan** **for the**  
**dwelling at 124 Don Street, Woodside.**

**We object on the following grounds:**

- Mr Hossan is not a fit and proper person to hold such a licence in that his conduct as <sup>LETTING</sup> ~~letting~~ agent over the years has been well short of the standard expected of a landlord. He has consistently failed to carry out essential repairs on behalf of his tenants.
- He has treated neighbour complaints with contemptuous disregard and at times with hostility.
- He has allowed both back and front gardens to be used as dumps for discarded household materials
- Only recently has he cleared sodden mattresses from the rear of the premises after persistent neighbour complaints and referrals to Environmental health
- As a landlord he has allowed the premises to be over-crowded on several occasions: he has worked without an HMO illegally for years. He is not ignorant of the law, he runs around 20 different premises.
- There was an occasion when illegal immigrants were removed from the premises.
- Both front and back gardens are neglected. The back garden remains a wilderness with weeds encroaching on to neighbouring properties. The front garden has recently been

strimmed following several complaints. The back garden is a veritable jungle. There are now field mice in the area.

- We have no complaints regarding the tenants: most have been decent clean-living citizens, there have been no parties and no late night music: as neighbours we felt sorry for the neglected tenants and we have supplied them with gardening tools, clothes pegs, etc. over the years.
- We have no objections to HMOs in the area, there are several such premises in close proximity that are well run by responsible landlords and cause no hassle. Our objection to Mr Hossan is that he has been consistently irresponsible and disrespectful of the genuine complains of the near neighbours. We have no reason to believe that granting him a licence will lead to him changing his habits. Granting him a licence would serve only as an encouragement to irresponsible landlordism.

Yours sincerely

Name

Address

Signature

A Hossan

Aberdeen City Council
Housing & Environment
DATE RECEIVED
18 JUN 2015
Private Sector Housing Unit

HMO Unit  
Housing and Environment Business Hub II  
2<sup>Nd</sup> Floor West  
Marischal College  
Broad Street

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12

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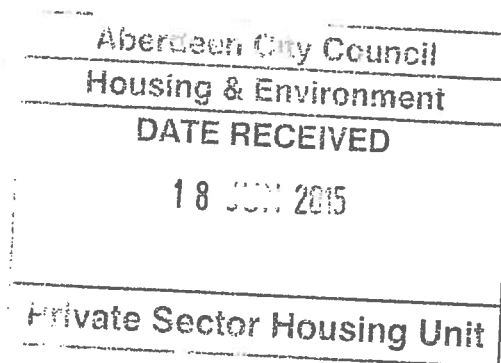
Yours sincerely

Name

Address

Signature

LYNN ROSS  
DAVID ROSS



A large, handwritten letter 'D' with a horizontal line underneath it, likely a signature or initials.

HMO Unit  
Housing and Environment Business Hub II  
2<sup>nd</sup> Floor West  
Marischal College  
Broad Street

**Objection to the granting of an HMO licence to Mohammed Hossan  
dwelling at 124 Don Street, Woodside.**

**for the**

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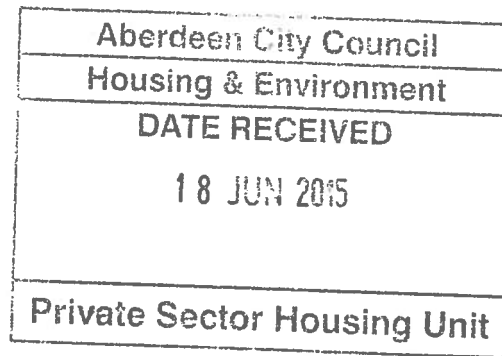
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Name

Address

Signature

Sandra Cheape  
Hamish Cheape



HMO Unit  
Housing and Environment Business Hub II  
2<sup>nd</sup> Floor West  
Marischal College  
Broad Street

E

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Yours sincerely

Name

Address

Signature

SANDRA DAUIE



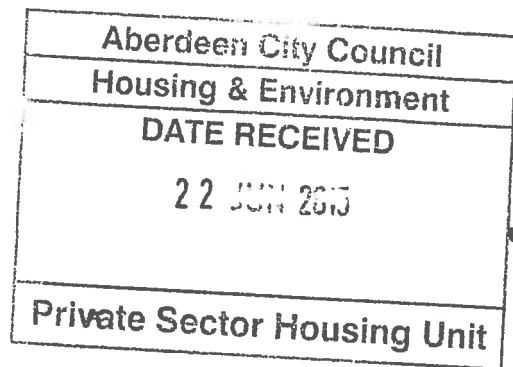
HMO Unit

Housing and Environment Business Hub II

2<sup>Nd</sup> Floor West

Marischal College

Broad Street



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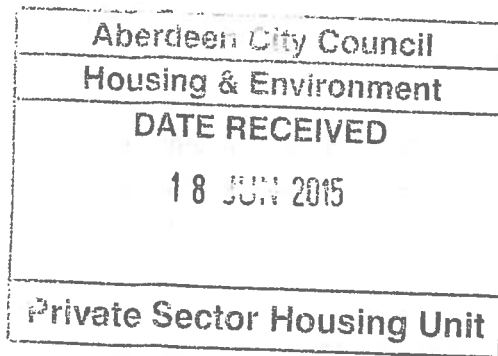
Yours sincerely

Name

Address

Signature

BARBARA STEWART



G

HMO Unit  
Housing and Environment Business Hub II  
2<sup>nd</sup> Floor West  
Marischal College  
Broad Street

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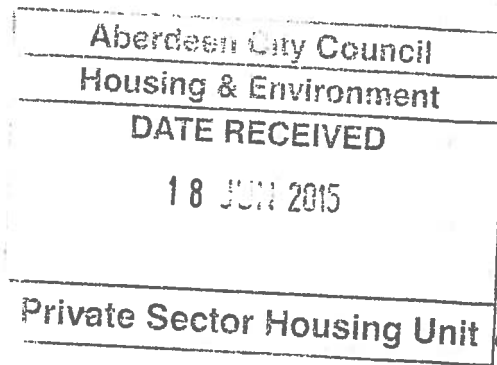
Name

Address

Signature

JOHN GRAY

GLADYS GRAY



HMO Unit  
Housing and Environment Business Hub II  
2<sup>nd</sup> Floor West  
Marischal College  
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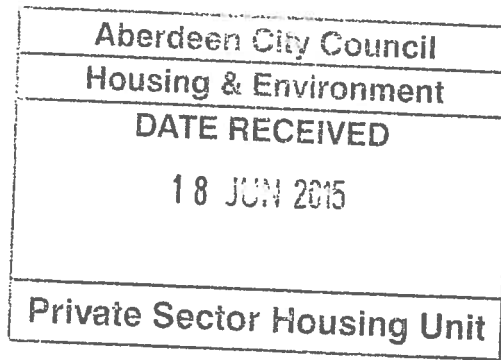
Name

Address

Signature

DAVID WALKER

NOREEN E WALKER



HMO Unit  
Housing and Environment Business Hub II  
2<sup>nd</sup> Floor West  
Marischal College  
Broad Street

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Yours sincerely

Name

Address

Signature

LYNETTE ROBERTSON  
Lynette Robertson



Aberdeen City Council
Housing & Environment
DATE RECEIVED
18 JUN 2015
Private Sector Housing Unit

J

HMO Unit  
Housing and Environment Business Hub II  
2<sup>nd</sup> Floor West  
Marischal College  
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14 

Aberdeen City Council
Housing & Environment
DATE RECEIVED
18 JUN 2015
Private Sector Housing Unit

HMO Unit  
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2<sup>nd</sup> Floor West  
Marischal College  
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K

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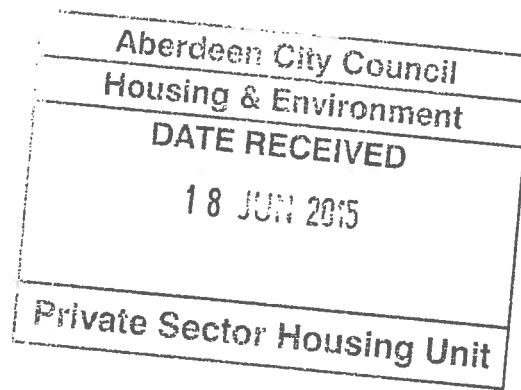
Yours sincerely

Name

Address

Signature

MRS M7 HARDIE



HMO Unit  
Housing and Environment Business Hub II  
2<sup>nd</sup> Floor West  
Marischal College  
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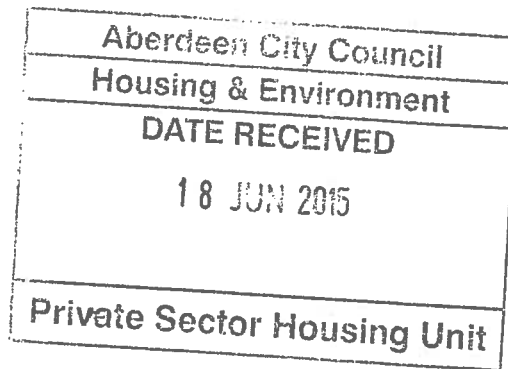
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Name

Address

Signature

JOHN W. NAPIER



M

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Name

Ailsa Cousin

Address

Signature



HMO Unit  
Housing and Environment Business Hub II  
2<sup>Nd</sup> Floor West  
Marischal College  
Broad Street

Aberdeen City Council
Housing & Environment
DATE RECEIVED
22 JUN 2015
Private Sector Housing Unit

Ni

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Name

Address

Signature

(ALEX GRASSICK)  
EILEEN GRASSICK



**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Second Floor West, Marischal College

<b>To</b>	Eric Anderson, Team Leader, Corporate Governance		
<b>From</b>	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
<b>Email</b>	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	<b>Date</b>	20 August 2015
<b>Tel.</b>	522870	<b>Our Ref.</b>	
<b>Fax.</b>		<b>Your Ref.</b>	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.92 Abbotswell Crescent, Aberdeen**

**Applicant/s: Ravindranath Sivarajan**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 1 September 2015 for the reason that 2 letters of 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.92 Abbotswell Crescent, Aberdeen, is an upper-floor maisonette flat providing accommodation of 4 letting bedrooms, one public room, one kitchen & 2 bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 9 June 2015 and was received by the HMO Unit on 18 June 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 12 June 2015 – 3 July 2015.

**Letter of Objection:**

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

- A letter from Mary Whibley (attached as Appendix 'B').
- A letter from Terry Cook & Jennifer Cook (attached as Appendix 'C').

**Letter from Licence-Applicant**

The 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 'D'.

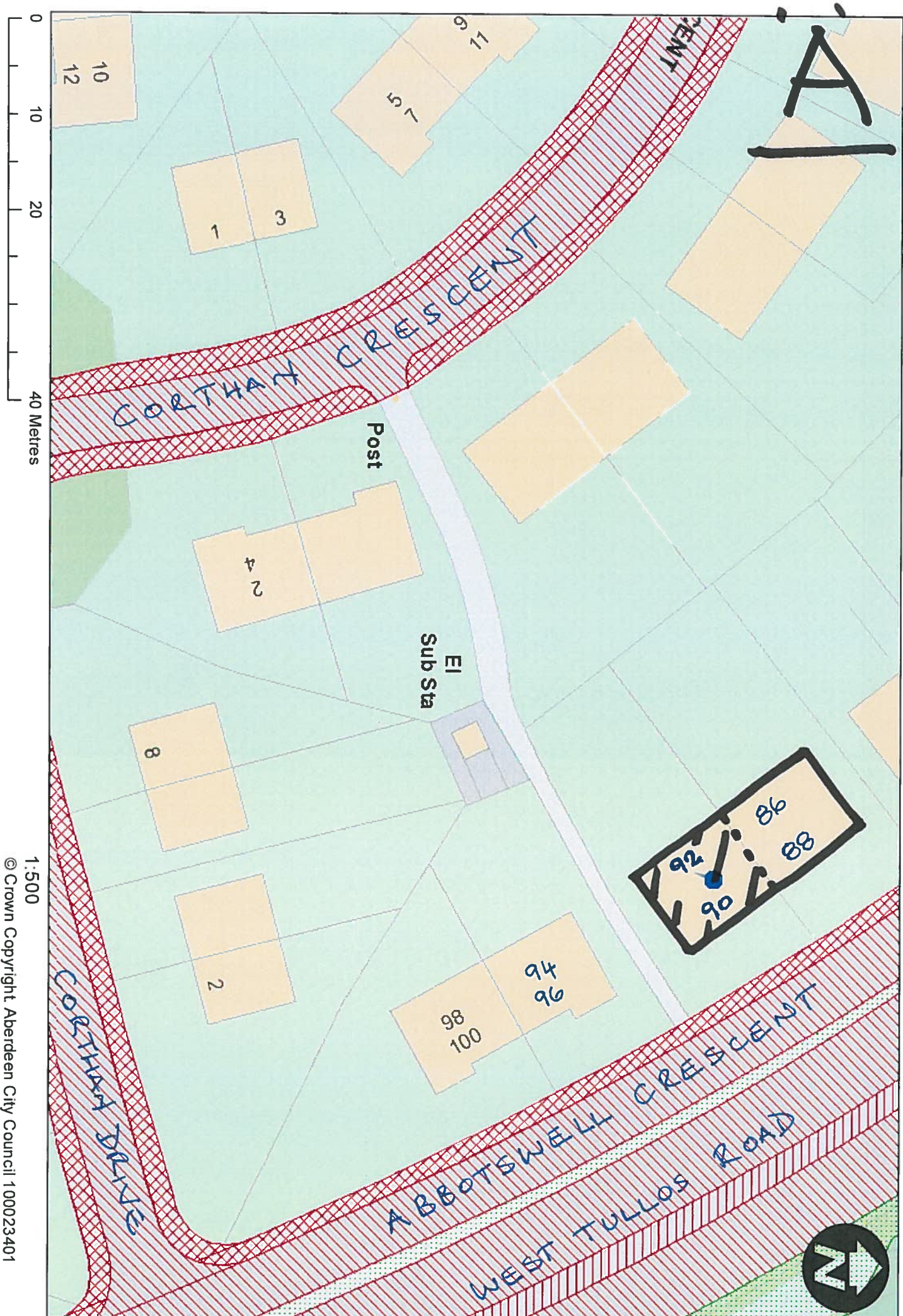
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no adverse 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.92 Abbotswell Crescent, Aberdeen.
- The applicant and his property are currently registered with the Council.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- The only HMO-licensed property in Abbotswell Crescent, Aberdeen, is No.11.
- The letters of objection mention difficulties with car parking. Abotswell Crescent is not a Controlled Parking Zone, therefore roadside car parking is on a first-come, first served basis.

- The letters of objection mention the communal drying green. No.92 Abbotswell Crescent, is a former Council house and its Title Deeds include a rear drying green which is common to all 4 flats in the block, ie. Nos.86, 88, 90 & 92. The properties at Nos.86 & 88 are also former Council houses, whilst the property at No.90 remains in the Council's ownership. The Title Deeds do not restrict the use of the communal drying green, ie. There is no 'rota' or 'allocated drying green days'.
- The letters of objection mention the amount of likely noise during the HMO upgrading works. All HMO upgrading works & the fire-safety works have been satisfactorily completed, therefore if the Committee is so minded, it can grant the HMO licence.

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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'B'

Dear Sir/Madam,

I am writing to object against the application for the multiple occupancy conversion at number 92 Abbotswell Crescent, Kincorth Aberdeen AB12 5AT.

My reasons for objecting are as follows:

The communal drying green is over crowded as it is. An extra occupant being squeezed into the loft of the adjacent flat will make this even harder.

Parking outside the flat is an issue also. I am struggling to get parked as it is and parking away any further will make carrying shopping from my car to my house very difficult.

I am assuming there would be a lot of noise during the construction of the conversion, which again, living next to a dual carriage way, we could do without.

We feel that this would overcrowd our living space and would like to object against it.

Kind regards

Mary Whibley



Aberdeen City Council
Housing & Environment
DATE RECEIVED
08 JUL 2015
Private Sector Housing Unit

C

Dear Sir/Madam,

I am writing to object against the application for the multiple occupancy conversion at number 92 Abbotswell Crescent, Kincorth Aberdeen AB12 5AT.

The reasons for us objecting are as follows:

The communal drying green is over crowded as it is. An extra occupant being squeezed into the loft of the adjacent flat will make this even harder. My wife and I are currently unable to use the drying green because it is constantly occupied.

Parking outside the flat is an issue also. My neighbour is constantly struggling to get parked outside her own house, as are we. I myself have just applied for a disabled parking permit with yourselves because I suffer from rheumatoid arthritis. So I would rather not have to walk any further than I already have to.

I am assuming there would be a lot of noise during the construction of the conversion, which again, living next to a dual carriage way, we could do without.

We feel that this would overcrowd our living space and would like to object against it.

Kind regards

Terry and Jennifer Cook



Aberdeen City Council
Housing & Environment
DATE RECEIVED
08 JUL 2015
Private Sector Housing Unit



D  
—

22nd July 2015

To  
Ally Thain,  
Private sector Housing Manager,  
Aberdeen City Council,  
Business Hub 11,  
Aberdeen  
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED 24 JUL 2015
Private Sector Housing Unit

**Subject: Letter of Objection for HMO Application**

**Premises: 92, Abbotswell crescent, Aberdeen**

Dear Ally,

Thanks for forwarding the two letter of objection received for my HMO application.

Please see below my response and enclosures in support of my application. I wish to address both the complaints received from Ms. Mary Whibley and Cook's family in this letter as all the three objections raised are mutual and collective.

1. Communal garden is overcrowded; an extra occupant being squeezed into the loft of the adjacent flat will make this even harder. My wife and I are currently unable to use the drying green because it is constantly occupied.

Please find attached a marked up picture showing the garden belonging to 92, Abbotswell crescent (premises) with its own drying area. The communal garden has never been used by the previous owner (myself) nor by the past tenants who rented the property between Dec'14 - June'15. The property already has its own garden with drying area (as shown in the picture) and in addition it also has its own drying machine within the property. Therefore, the communal garden will never be used by tenants occupying the property. I have no control over who uses the communal garden from the neighbourhood and I strongly disagree to the objections raised on this basis.

2. Parking outside the flat is an issue. I am struggling to get parked as it is and carrying shopping from my car to my house very difficult (Mary Whibley)

Parking outside the flat is an issue also. Application for a disabled parking permit with council due to rheumatoid arthritis. (Terry and Jennifer Cook)

I do sympathise with the Cook family for suffering from rheumatoid arthritis and Ms. Mary finding it difficult to carry shopping from the car. However I do not have any control over who parks in the street between 86 - 92 Abbotswell Crescent as it is open for off street parking for residents and

10

other road users. Therefore, I find the objection raised by Ms. Mary & Cook's family on this issue to be baseless and beyond my area of control.

3. Lot of noise during construction of the conversion.

The premise was inspected by Marc Steele (Council housing officer) along with the Fire Officer on 29th June'15. They also suggested requirements to meet the HMO standard prior to another re-inspection. Further to their recommendation, I have completed entire upgrades as stated by the council officer at a considerable sum to meet the HMO requirement. As you can see from the attached requirement sent by Council officer, all work suggested/completed were internal joinery work and electrical work and NO construction work was involved that could create noise to complaining parties who are not immediately adjacent to the premises. Therefore, I strongly disagree to the complaint raised.

I will be attending the License committee meeting on 1st September 2015 to further elaborate my case. Meanwhile I would really appreciate if you could circulate my letter and attachments to the committee members for their consideration.

Please feel free to contact me if you require any certification or to arrange an inspection and I will look forward for your report prior to the committee meeting.

Thanks and Regards

Ray Sivarajan

Mobile:

Email:

**Enclosures:**

- Marked up picture showing premises own drying area and communal garden.
- HMO Housing requirements received from Marc Steele (Council housing officer) which involves interior work only which are already completed.



Back garden belonging to  
92, Abbotswell crescen  
with its own drying area

Communal Garden

1

## Requirements Detailed

You cannot operate fully as a HMO until your licence has been granted. However you can accommodate two (2) tenants or a family meantime if you and your property are Landlord Registered.

An IP44 Rated light fitting must be installed to the bathroom/shower rooms if deemed by the current IEE Regulations BS 7671.

All faulty/missing light bulbs must be immediately replaced.

A battery operated Carbon Monoxide Detector must be installed within any room where a gas appliance is located and must be installed in accordance with the manufactures instructions.

All portable heaters must be permanently removed from the premises.

All room and final exit door locks must be capable of being opened from the inside, without the use of a key. Any door lock not normally in use must be permanently disabled. In this regard a lock with a turn button would be suitable on the final exit door and also bedroom doors if they are to be fitted with locks.

All self-closing doors must be capable of closing fully against their stops from all angles of swing.

A window in each room must be capable of being easily opened for ventilation. In regards to the kitchen and bathroom areas they must have adequate ventilation, natural or mechanical.

A handrail is to be formed at the bottom of the stairs which leads from the ground floor to the 1<sup>st</sup> floor landing.

There requires to be a minimum of 300mm of worktop space either side of the cooker, please ensure this requirement is met.

There is evidence of Damp/Mould growth below bedroom 1 window and the 1<sup>st</sup> floor shower room ceiling; this should be eradicated with an anti-fungicidal wash as per manufactures instructions. The affected areas should then be coated with an anti-fungicidal paint and then decorated accordingly.

Remove existing sealant around the kitchen sink, top of the bath and 1<sup>st</sup> floor shower tray and apply new sealant.

There are various holes in the walls and ceilings throughout the property, make good holes and decorate accordingly. Make good flaking paint to the ceiling in bedroom 1 and decorate ceiling.

Handles are required to be fitted to the cupboard doors in bedroom 2, 3 & 4.

**D**

The following certificates must be submitted:

- 1, Notice of HMO Application - Certificate of Compliance
- 2, Gas Safety Certificate, detailing all gas appliances (annually)
- 3, Electrical Installation Condition Report, which meets the requirements of BS 7671
- 4, Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually)
- 5, Tenancy Agreement, an anti- social behaviour clause must be detailed.

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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	20 August 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.99 Garthdee Drive, Aberdeen**

**Applicant/s: Eva M.Humber & Christopher J.R.Tornn**

**Agent: Northwood (Aberdeen) Limited**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 1 September 2015 for the reason that one letter of 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 (see Other Considerations below)

**The premises:**

The property at No.99 Garthdee Drive, Aberdeen, is an upper-floor maisonette flat providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 24 June 2015 and was received by the HMO Unit on 30 June 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 between 23 June 2015 – 29 July 2015.

**Letter of Objection:**

One letter of objection was received by the HMO Unit 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. The letter of objection is attached as Appendix 'B'.

**Other Considerations:**

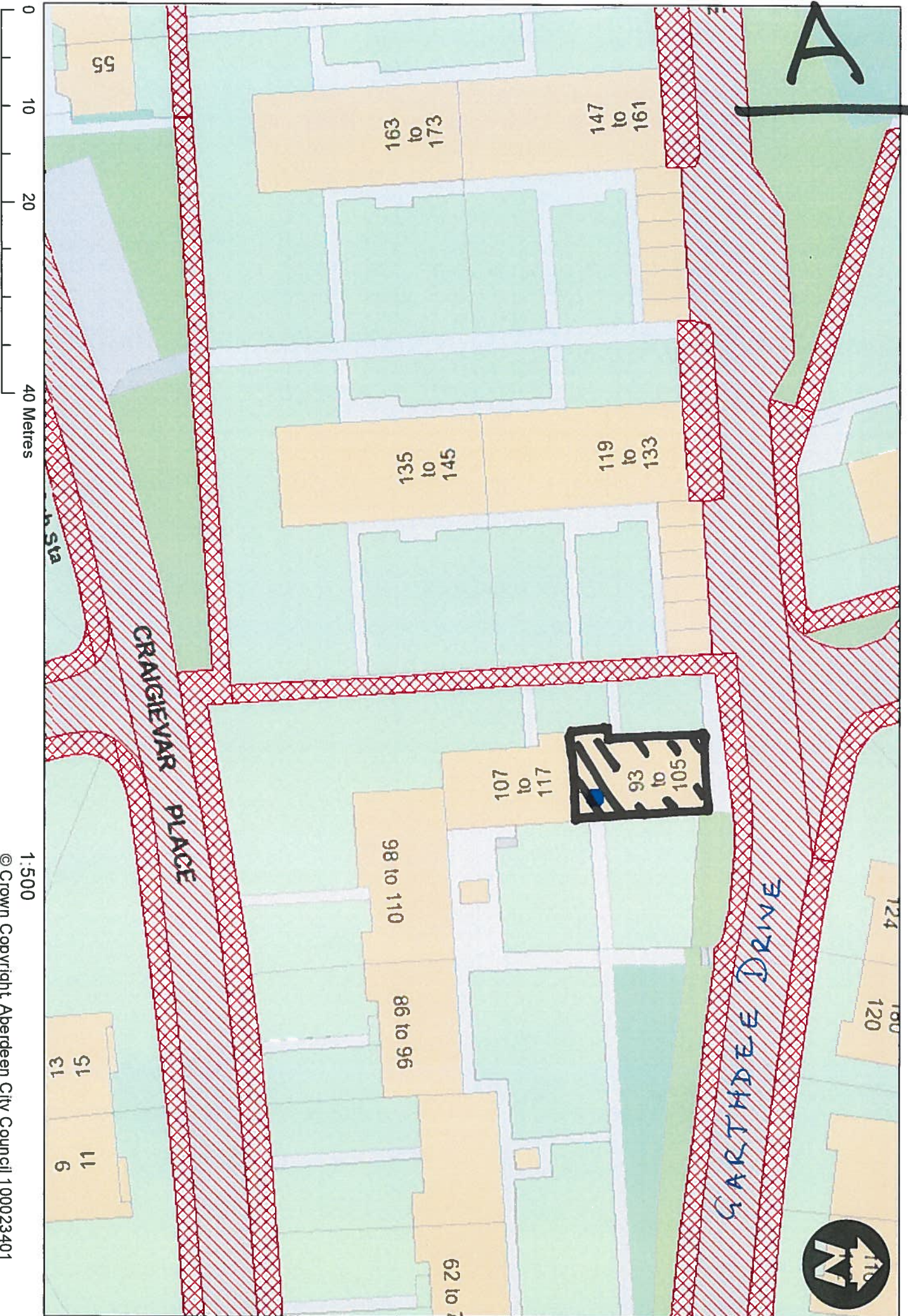
- Police Scotland has been consulted in respect of the applicants' suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At 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.99 Garthdee Drive, Aberdeen.
- The applicants and their property are currently registered with the Council.
- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a renewal application. The applicants have held a continuous HMO licence for the property since November 2005.
- The properties at Nos.34, 39, 45, 47, 53, 74, 104, 207 & 217 Garthdee Drive, Aberdeen, are all licensed HMOs. 2 applications are currently pending.
- At the date of this report, the HMO upgrading works have not been completed, however 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





DATE RECEIVED

14 JUL 2015

GRAHAM MCLEAN

Private Sector Housing Unit

13 | 7 | 15

Dear Sir,  
I am writing to formally object to the proposed change at 99 GARTHDEE DRIVE into a House of Multiple Occupancy. I live in a council flat directly adjacent to the address.

OBJECTION 1. Planning, the Planning at 99 GARTHDEE DRIVE has resulted in flooding my premises on 3 or 4 occasions. If permission is granted the planning will need to be of the highest standard. Perhaps the council itself taking responsibility for the planning or inspecting it rigorously. There are 3 council properties directly underneath the 99 and the council should

take a keen interest in the safety and security of these flats.

OBJECTION 2. NOISE. The sound insulation between adjacent levels in this block of flats is very poor. Changing no. 99 into a H.M.O. will inevitably lead to an increase in noise. Should permission be granted for this change there should be effective improvement to the sound insulation between no. 99's floor and 97's ceiling.

OBJECTION 3. Effectively turning no. 99 into local sites gives me reservations about the level of maturity and responsibility of future tenants.

GRAHAM A MCLEAN



**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	20 August 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.8E Printfield Walk, Aberdeen**

**Applicant/s: Steven D.McCarron & Lorraine F.McCarron**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 1 September 2015 for the reason that one letter of 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 (see Other Considerations below)

**The premises:**

The property at No.8E Printfield Walk, Aberdeen, is a top-floor flat providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

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

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

At the date of this report, the Certificate of Compliance has not yet been submitted by the applicants, however the licence application is dated 9 July 2015 and the applicants have declared that this is the start-date of the 21-day statutory Notice period.

**Letter of Objection:**

One letter of objection was received by the HMO Unit on 28 July 2015, which is 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. The letter of objection is attached as Appendix 'B'.

**E-mail response from Licence-applicants;**

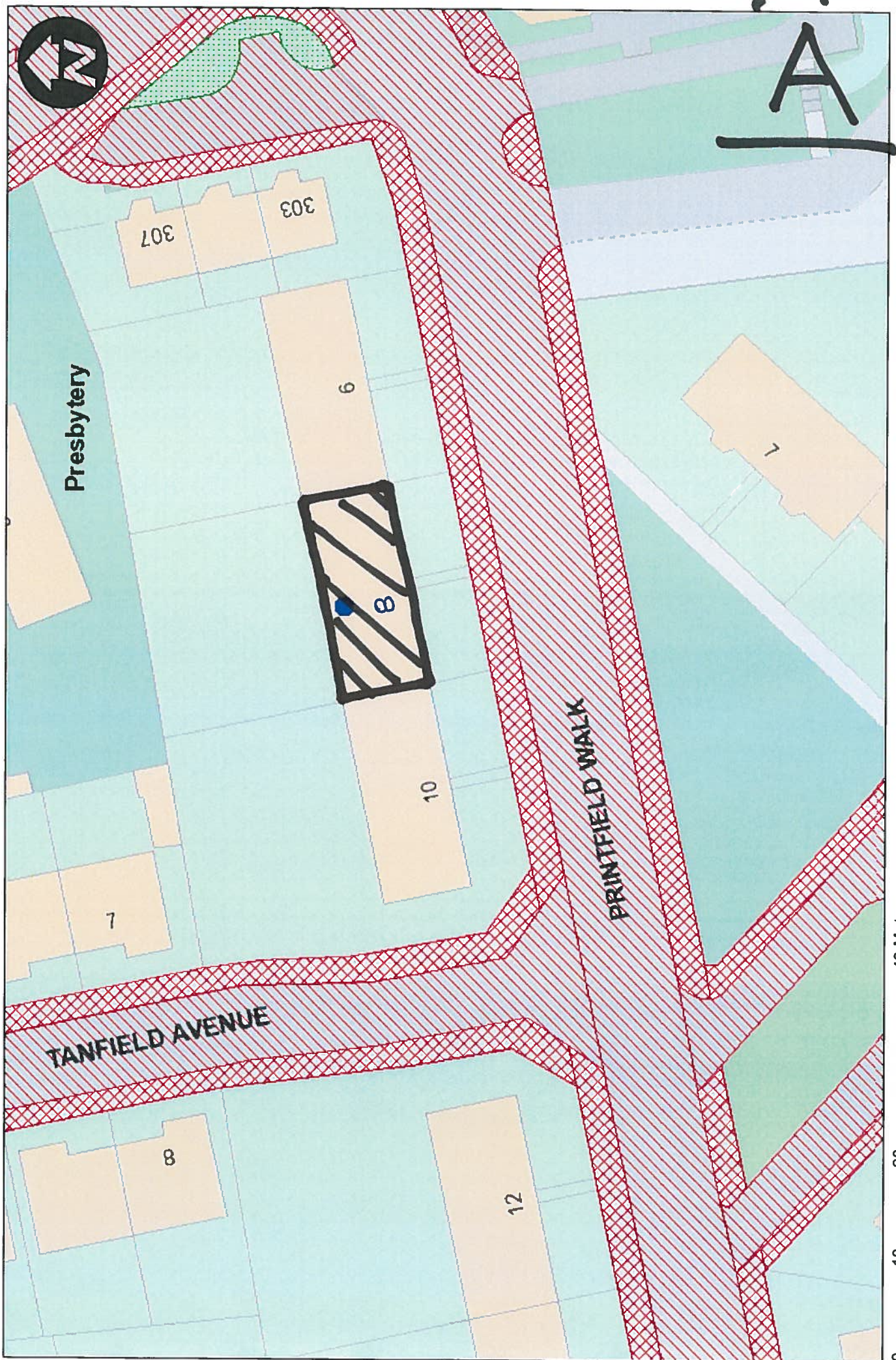
The applicants submitted an e-mail responding to the letter of objection. The e-mail is attached as Appendix 'C'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as a 'fit & proper' person, and has made no adverse comments or objections.
- 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.8E Printfield Walk, Aberdeen.
- The applicants are currently registered with the Council.
- The applicants have requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a first-time application.
- In addition to the pending licence application under consideration, there is only one HMO-licensed property in Printfield Walk, Aberdeen, that being No.10D.
- At the date of this report, the HMO upgrading works have not been completed, however 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



1:500

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HMO Unit, Private Sector Housing Unit  
Housing & Environment  
APPEAL AGAINST GRANT OF HMO ENCLOSED  
Business Hub 11 - Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

B

26/07/2015

Dear Sir/Madam

I have noticed the note advising that my next door wall neighbour have applied to be granted an HMO licence for property at 8E Printfield Walk, Aberdeen, AB24 4Aw.

I would like to appeal against the decision that Aberdeen City Council should grant such type of licence for that property.

As a direct neighbour I had to call the police due the late night noise at least 3 times over the past year ( as they were noisy, signing, shouting, playing loud music, partying after midnight, and I could not sleep).

The police should have a note of these calls as they did come out all the time.

Therefore, I would appreciate if you could NOT grant a HMO licence for them

as this might increase the number of occupant in the flat and might increase this type of occurrence.

I would appreciate your consideration and reply.

Many thanks in advance.

Best regards

Ferenc Attila Grosz

Aberdeen City Council
Housing & Environment
DATE RECEIVED
28 JUL 2015
Private Sector Housing Unit

(Please note I emailed the same on 26/07/2015 at 10:39 to [HMOUnit@aberdeencity.gov.uk](mailto:HMOUnit@aberdeencity.gov.uk), But I decided to post a written appeal as well just to make sure that you got it)

## Ally Thain

---

**From:** Steven McCarron  
**Sent:** 03 August 2015 13:16  
**To:** Ally Thain  
**Subject:** Re: 8E Printfield Walk



Good Afternoon Ally,

Further to our phone conversation the other day I would like to reply to the letter sent to you by Mr. Grosz on 26/07/15.

Firstly with regards the content of the letter, Mr. Grosz states that he, "had to call the police due to late night noise at least 3 times over the past year (as they were noisy, signing, shouting, playing loud music, partying after midnight, and I could not sleep)".

Firstly, our tenants have been residing in the property for the last three years and have only recently moved on to other accommodation. In the time that our former tenants have stayed in the flat we have received no complaints from either our neighbours within the building in which they resided or from the leasing agent through which we rented out our property.

We have also had no contact from the police regarding any incidences of noise and possible Anti-social behaviour of any type.

I have subsequently contacted Police Scotland today to ask if they have any record of complaint concerning our property in the last year and I have also contacted the local housing office and the local housing co-ordinator to ask if there have been any incidences concerning our property. I will await the outcome of these emails and be in touch in due course.

In going back to Mr. Grosz letter I would also like to respond when he states, "I would appreciate if you could NOT grant an HMO licence for them as this might increase the number of occupant in the flat and might increase this type of occurrence".

With all due respect to Mr. Grosz he does not know our intention for our flat in the future and seems to be pre-empting something that has not happened yet which I take offence to.

Lastly, I have done everything in my power at the moment to try and ascertain what has or has not been happening in our flat for the past year but as yet I have no clear evidence on any wrongdoing from our former tenants but would seek to look at some resolution to Mr. Grosz fears for the future of our property,

Kind regards,

Stevie.





**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	20 August 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.58 Great Northern Road, Aberdeen**  
**Applicant/s: Jill Stander**  
**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 1 September 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 top-floor flat providing 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 3 September 2014.

**HMO upgrading works and certification:**

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 6 October 2014, then he wrote to the applicant listing the following requirements to bring the property 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. All windows to be adjusted as necessary for easy opening to provide ventilation.
8. The Certificate of Compliance, Gas Safe Certificate, Electrical Installation Condition Report, PAT certificate 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):**

At the date of this report, SFRS has not yet 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 adverse 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.58 Great Northern Road, Aberdeen.
- The applicant and her property are not registered with the Landlord Registration database, therefore it will be necessary for the landlord to register prior to letting the property.
- 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 meeting of the Licensing Committee on 1 September 2015, is the last meeting before the one-year deadline therefore if the above-mentioned HMO & fire-safety 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 1 September 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



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40 Metres

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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	20 August 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.34 Erskine Street, Aberdeen (First floor flat)**

**Applicant/s: Niall M.Reid**

**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 1 September 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 flat providing 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 10 October 2014.

**HMO upgrading works and certification:**

The HMO Officer visited the premises on 20 February 2015, then he wrote to the applicant on 23 February 2015 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 portable heaters to be permanently removed from the property.
5. All self-closing doors to be examined and adjusted where necessary.
6. The damp/mould growth on the bathroom ceiling to be treated, and the ceiling redecorated.
7. The Gas Safe Certificate & PAT certificate to be submitted to the HMO Unit.

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

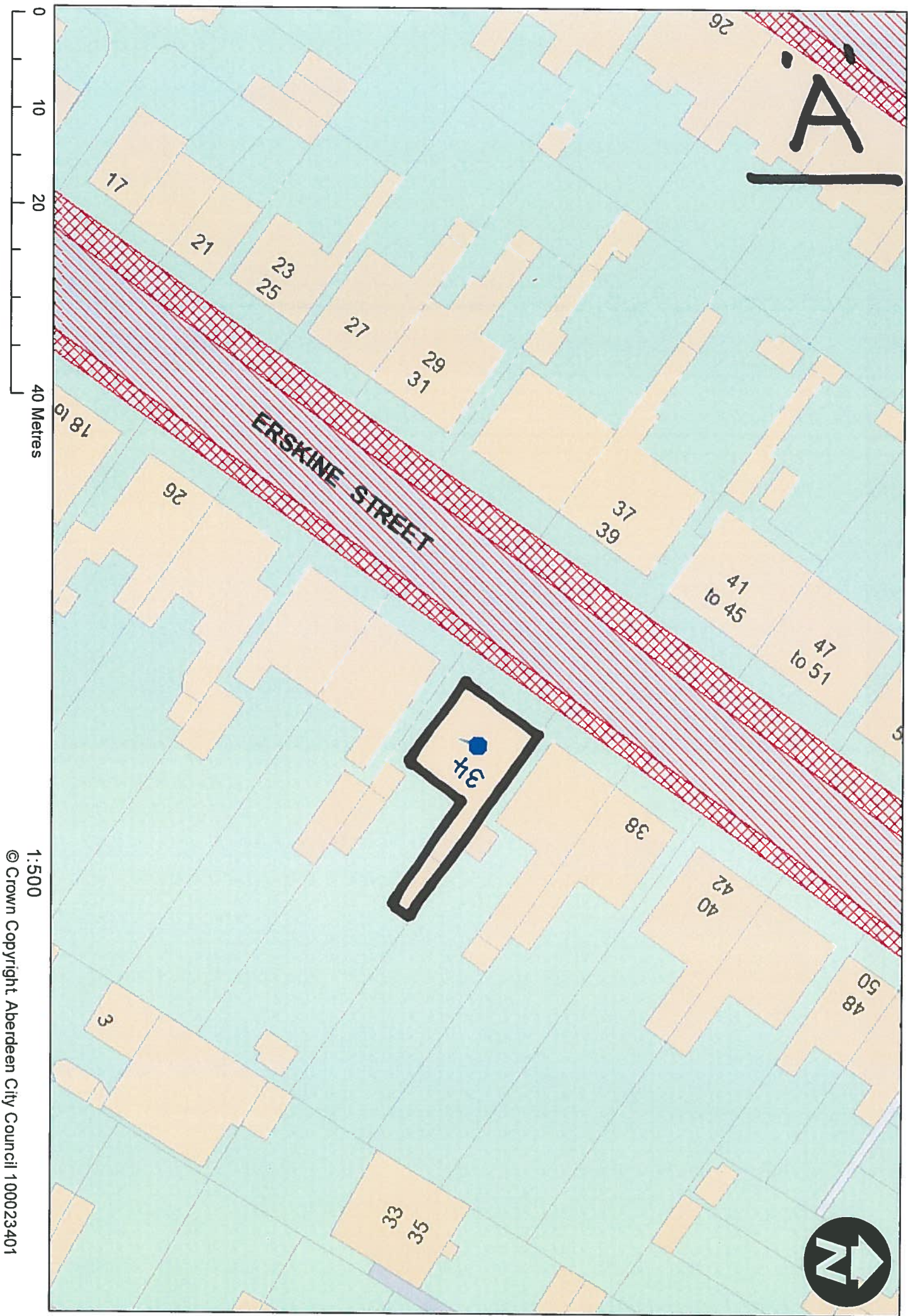
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse 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.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) served a Warning Notice on a male occupant of the flat in February 2015, in respect of loud music. This is the only complaints of anti-social behaviour at No.34 Erskine Street, Aberdeen, on record.
- 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 licence renewal application.

- The meeting of the Licensing Committee on 1 September 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 1 September 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	20 August 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.130 Hamilton Place, Aberdeen**

**Applicant/s: Peter Mearns**

**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 1 September 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 3-storey & basement semi-detached house providing accommodation over the ground floor, first floor & top floor comprising 9 letting bedrooms, 2 shower-rooms & one kitchen/dining room. A 10th letting bedroom has been created in the basement, and the annexe at the rear of the house (but not accessed through the house) contains an 11th letting bedroom, one shower-room & one utility-room. 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 17 October 2014.

**HMO upgrading works and certification:**

The HMO Officer visited the premises on 6 November 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. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
3. All portable heaters to be permanently removed from the property.
4. All self-closing doors to be examined and adjusted where necessary.
5. All windows to be capable of easy-opening, for ventilation.
6. The damp/mould growth on the ceiling of bedroom 6 to be treated, then redecorated.
7. The poor housekeeping apparent in bedrooms 5 & 9 to be addressed by the landlord.
8. The shower-room on the first floor to be refurbished, including an urgent repair to the ceiling and the adjustment of the shower cubicle door.
9. 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.

**Previous Referral to Licensing Committee**

I submitted a report to the meeting of the Licensing Committee on 12 May 2015, in relation to the applicant's conduct during the HMO licence process. My report advised the Committee of unauthorised alterations to the basement of the house to form an en-suite letting-bedroom, and alterations to the rear annexe to form a letting-bedroom. All works should have been the subject of a Building Warrant, however no such Building Warrant had been applied for. In addition, the Scottish Fire & Rescue Service had served a Prohibition Notice on the applicant, prohibiting the use of the basement bedroom. The Licensing Committee resolved to defer consideration of the licence application until such time as all works were completed, following which Officers could grant the application under delegated powers if appropriate.

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

In addition to the Prohibition Notice served by SFRS in respect of the basement bedroom (referred to in the previous paragraph), SFRS carried out a Fire-Safety Audit of the whole property and identified areas of fire-safety deficiency. This required the applicant to prepare and lodge an Action Plan with SFRS detailing how he intended to remedy each deficiency and the timescale for doing so. At the date of this report, SFRS have not 'lifted' the Prohibition Notice, nor have they confirmed that they are satisfied with overall fire-safety provision throughout the house.

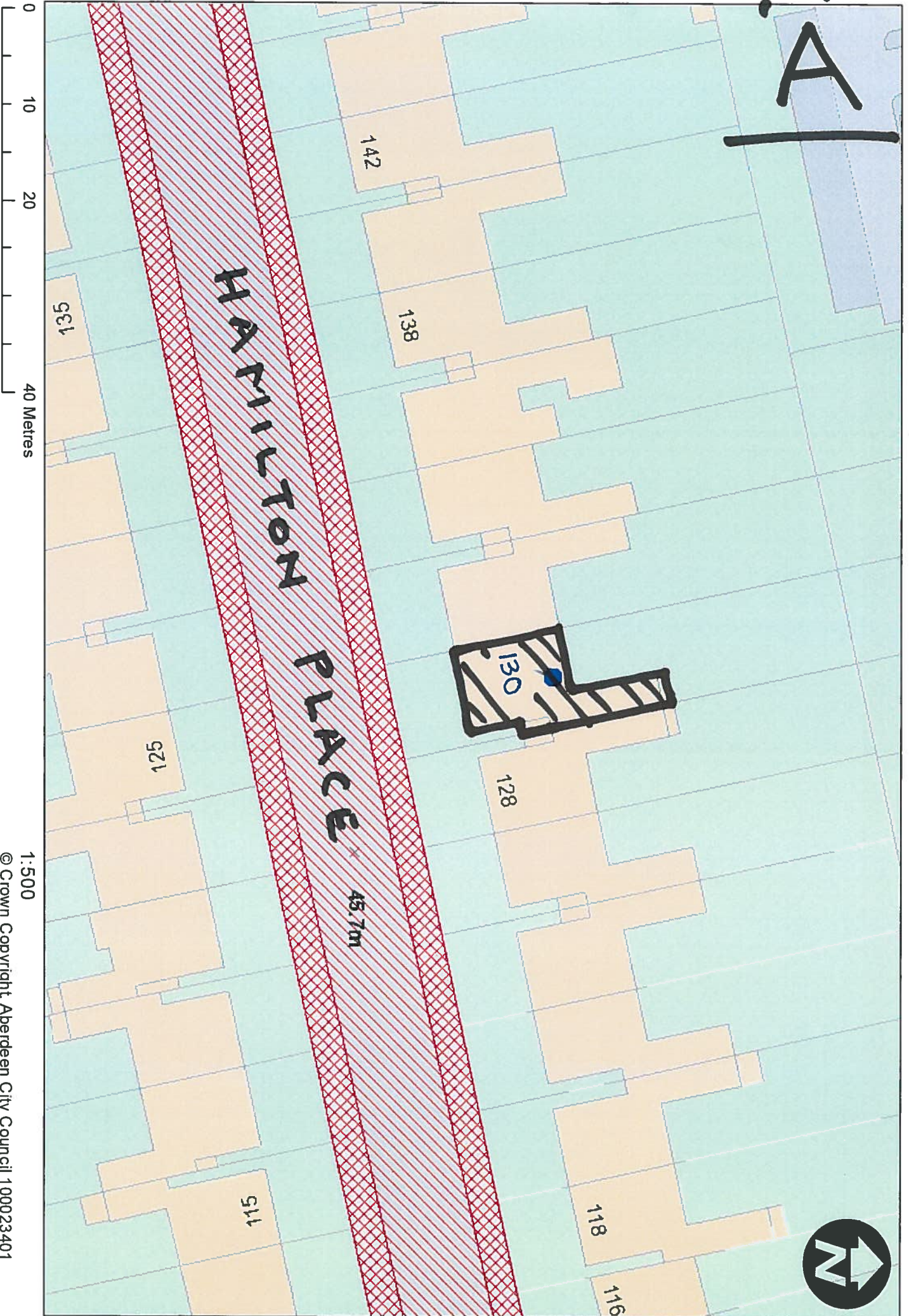
**Other considerations:**

- 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.
- 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.130 Hamilton Place, Aberdeen.
- The applicant and his property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 10 tenants which is acceptable to the HMO Unit in terms of space and layout, but subject to at least one of the unauthorised bedrooms being made habitable with all necessary permissions obtained. Currently, the 2 unauthorised bedrooms remain uninhabitable, therefore the maximum occupancy can only be 9 tenants.
- At the date of this report, the applicant has not applied for a Building Warrant in respect of the basement alterations and the rear annexe alterations, therefore these 2 areas remain uninhabitable. Should the applicant continue to refuse to apply for a Building Warrant, it is likely that some form of enforcement will follow.
- The HMO licence application under consideration is a licence-renewal application.
- The meeting of the Licensing Committee on 1 September 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 1 September 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

A



HAMILTON PLACE

45.7m

130

142

138

931

521

128

511

118

116

40 Metres

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	20 August 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.16 Huntly Street, Aberdeen**

**Applicant/s: Rev. K.Herrera, on behalf of the Trustees of the R.C.Diocese of Aberdeen**

**Agent: Irvine Long**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 1 September 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 which, when refurbished, will provide accommodation comprising 6 letting bedrooms, one public room, one kitchen, one cloakroom & 2 shower-rooms. 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 31 October 2014.

**HMO upgrading works and certification:**

The HMO Officer visited the premises on 13 November 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 entrance doors to be fitted with locks that can be opened from the inside without the use of a key.
6. An IP44-rated lights to be fitted in each shower-room.
7. All windows to be capable of easy-opening for ventilation.
8. The staircase balustrade to be repaired.
9. A safety guard to be fitted in front of the upper-floor hall window.
10. 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 report, the above works & certification requirements have not been completed.

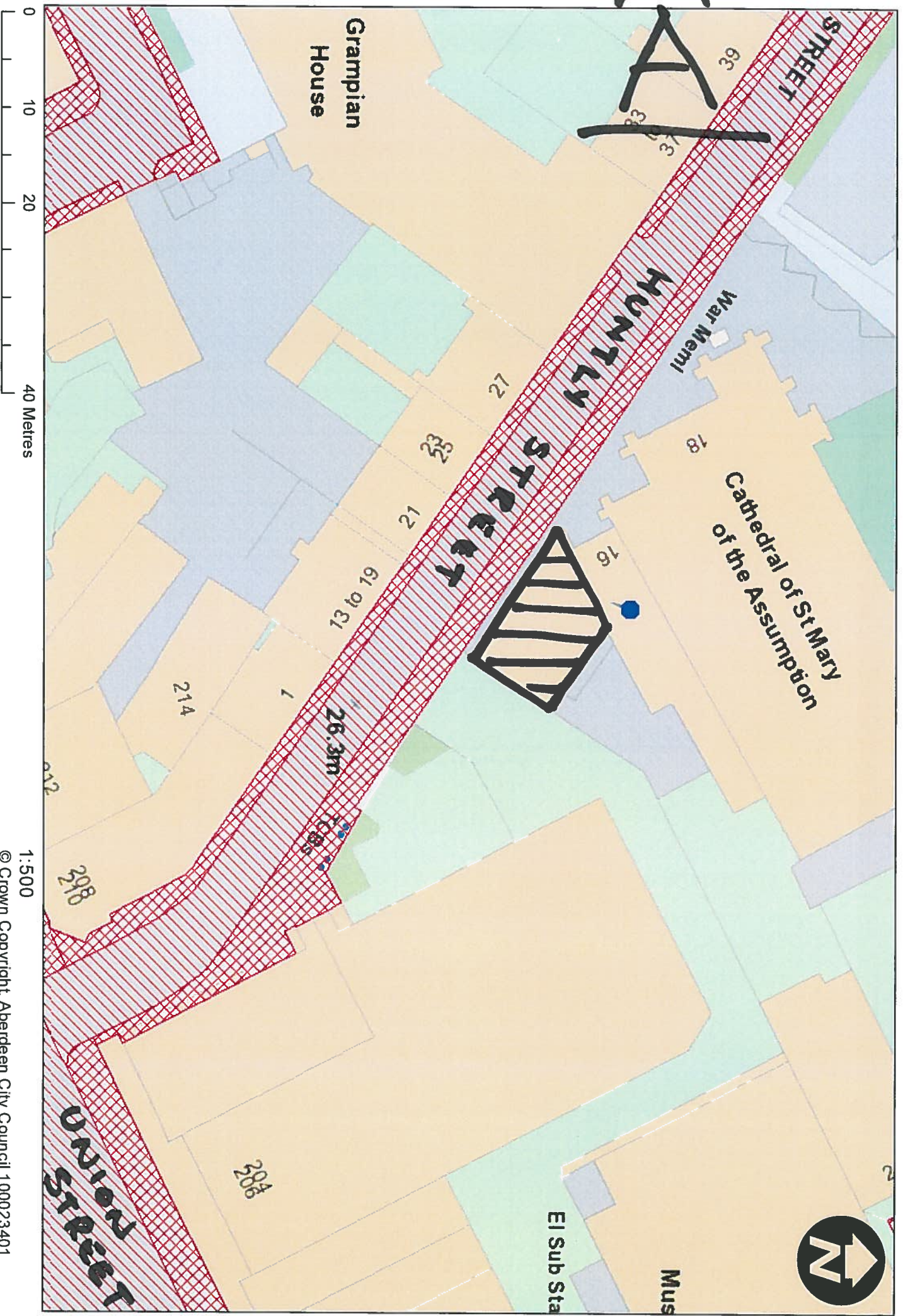
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse 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.16 Huntly Street, Aberdeen.
- The applicant and the property are not currently registered with the Landlord Registration database, therefore it will be necessary to do so before the property is let.
- The applicant has requested an occupancy of 6 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.

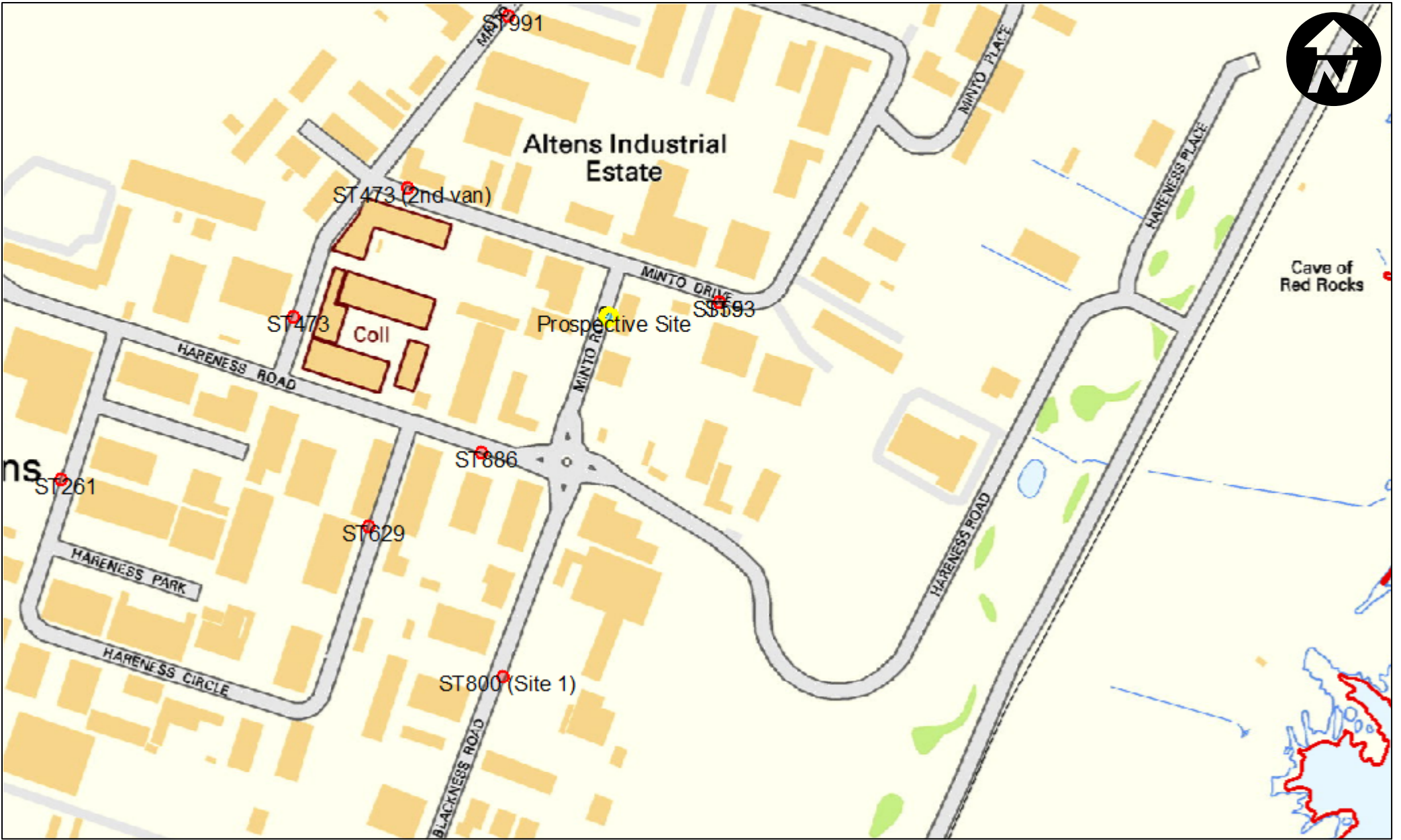
- The meeting of the Licensing Committee on 1 September 2015, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 1 September 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







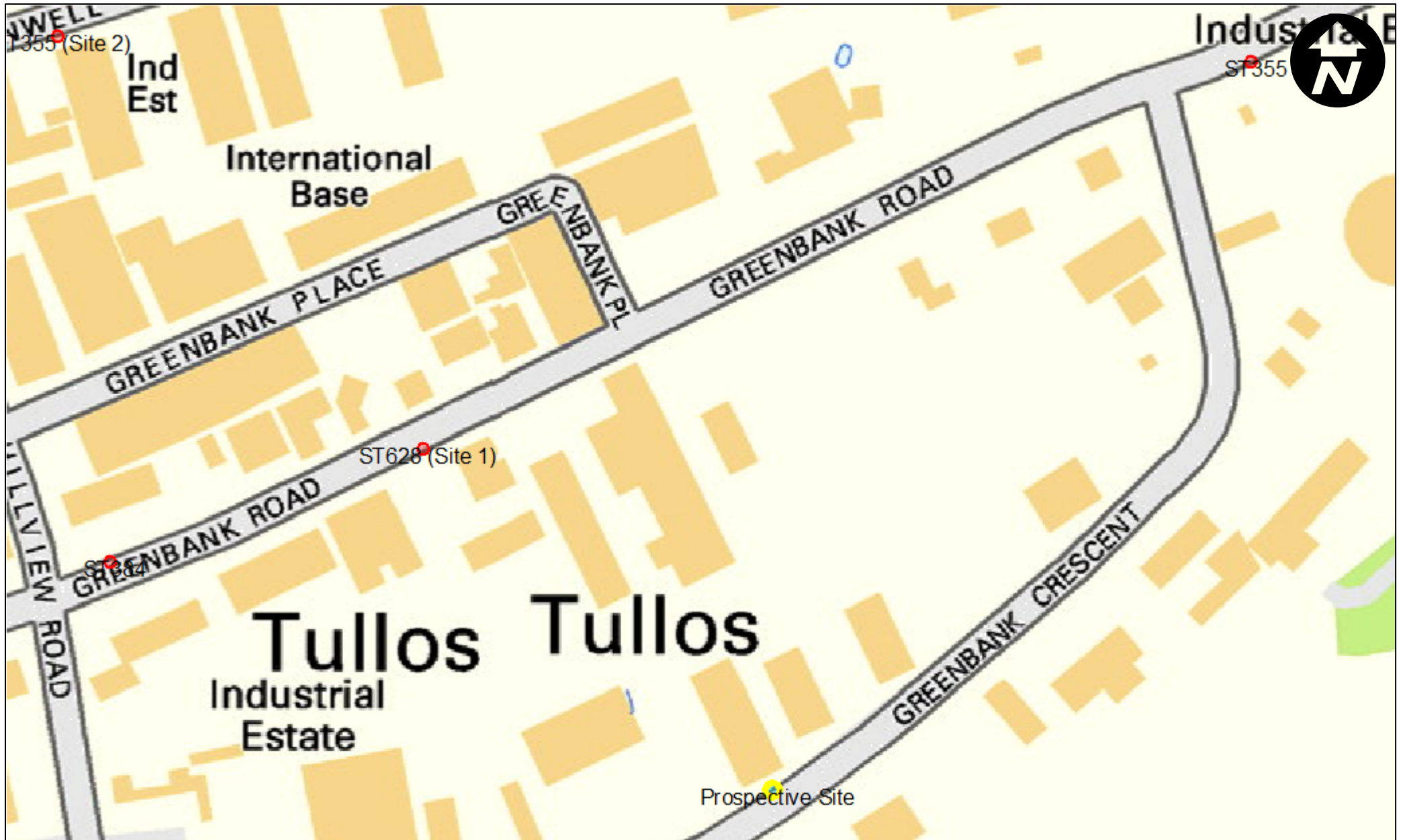
La Petite  
Minto Road



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ST-PM  
Greenbank Crescent



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# Agenda Item 4.41

Tommy George



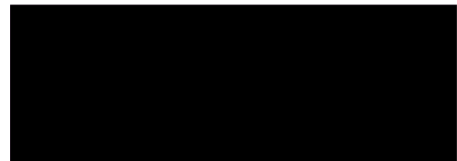
To the Licensing Committee.

I would be grateful if you would consider allowing me to put a car on that was registered September 09. The car is 9 Months over the 5 year council policy, the car is a Volvo S80 SE Lux manual diesel. The car has only covered 50,000 miles and is in excellent condition it is on 59 plate but would be putting on a private plate.

I would hope that the committee would give this some consideration as I have been a plate holder since 1989.

I have enclosed some photos of the car for your consideration and look forward to your reply.

Thank you.

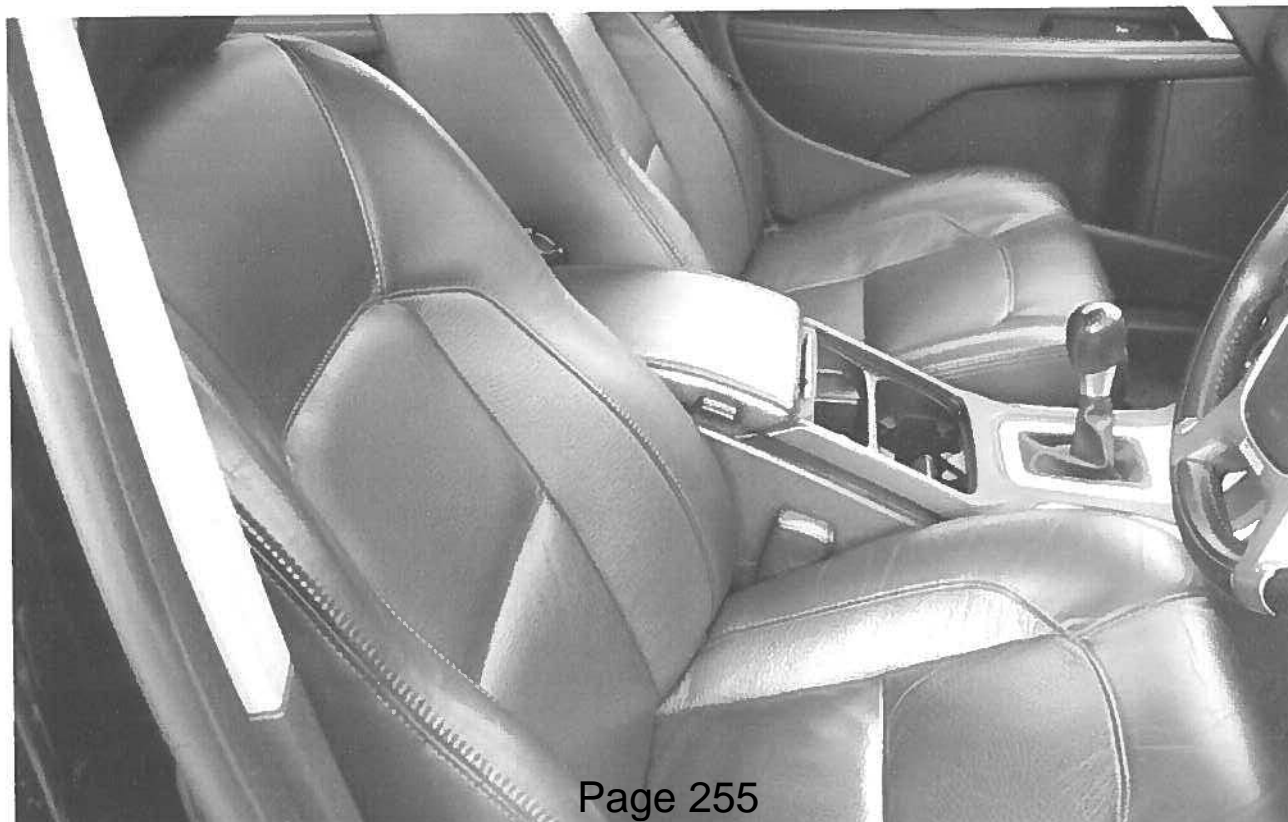


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