

# Public Document Pack



To: Councillor Carle, Convener; and Councillors Allan, Boulton, Copland, Cormie, Councillor Barney Crockett, the Lord Provost, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor, Malik, Malone, Nathan Morrison, Nicoll, Reynolds and Townson and two SNP vacancies.

Town House,  
ABERDEEN 26 October 2015

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 3 NOVEMBER 2015 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

#### **REQUESTS FOR DEPUTATION**

- 1 None received at this stage

### **MINUTES**

- 2.1 Minute of Previous Meeting of 1 September 2015 (Pages 9 - 32)
- 2.2 Minutes of Meetings of the Licensing Urgent Business Sub Committee of 21 August and 7 September 2015 (Pages 33 - 36)

### **FILM CLASSIFICATIONS**

- 3.1 Belmont Cinema Film Classification Request (Pages 37 - 130)

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

- 4.1 Grant of a Licence for a House in Multiple Occupation - 32 Rosebery Street, Aberdeen (Pages 135 - 170)
- 4.2 Grant of a Licence for a House in Multiple Occupation - 20 Belmont Road, Aberdeen (Pages 171 - 176)
- 4.3 Renewal of a Licence for a House in Multiple Occupation - First floor flat, 35 Kings Crescent, Aberdeen (Pages 177 - 188)
- 4.4 Grant of a Licence for a House in Multiple Occupation - 34 Tailor Place, Aberdeen (Pages 189 - 192)
- 4.5 Renewal of a Licence for a House in Multiple Occupation - 31 Hilton Street, Aberdeen (Pages 193 - 200)
- 4.6 Grant of a Licence for a House in Multiple Occupation - 33 Hilton Street, Aberdeen (Pages 201 - 214)
- 4.7 Grant of a Licence for a House in Multiple Occupation - 101 Links Road, Aberdeen (Pages 215 - 218)
- 4.8 Grant of a Licence for a House in Multiple Occupation - 394 Great Western Road, Aberdeen (Pages 219 - 228)
- 4.9 Grant of a Licence for a House in Multiple Occupation - 34 Kincorth Crescent, Aberdeen (Pages 229 - 236)
- 4.10 Grant of a Licence for a House in Multiple Occupation - 35 Garthdee Farm Gardens, Aberdeen (Pages 237 - 252)
- 4.11 Renewal of a Licence for a House in Multiple Occupation - 100 Osborne Place, Aberdeen (Pages 253 - 256)
- 4.12 Grant of a Licence for a House in Multiple Occupation - 21 Rose Street, Aberdeen (Pages 257 - 260)
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- 4.14 Variation of a Public Entertainment Licence - Mastrick Community Centre (Pages 265 - 266)
- 4.15 Variation of a Market Operator Licence - Aberdeen Castlegate Market (Pages 267 - 270)

- 4.16 Grant of a Second Hand Trader's Licence - Urszula Wawrzen (Pages 271 - 272)
- 4.17 Renewal of a Street Trader's Licence - Julie MacGregor (Pages 273 - 274)
- 4.18 Renewal of a Street Trader's Licence - Alan Knowles Petrie (Pages 275 - 276)
- 4.19 Grant of a Street Trader's Licence - Rosemary Margaret Scott (Pages 277 - 278)
- 4.20 Grant of a Street Trader's Licence - Sarah Beattie (Pages 279 - 296)
- 4.21 Grant of a Window Cleaner's Licence - Donald Matheson (Pages 297 - 298)
- 4.22 Renewal of a Private Hire Car Driver's Licence - Hubert Amanowicz (Pages 299 - 300)
- 4.23 Renewal of a Private Hire Car Driver's Licence - Abdelhamid Chafi (Pages 301 - 302)
- 4.24 Grant of a Taxi Driver's Licence - Ali Hersi (Pages 303 - 304)
- 4.25 Grant of a Taxi Driver's Licence - Mahfujur Rahman (Pages 305 - 306)
- 4.26 Renewal of a Taxi Licence - Stuart Maver Youngson (Pages 307 - 308)
- 4.27 Renewal of a Taxi Licence - Harry Bannerman Mark (Pages 309 - 310)
- 4.28 Renewal of a Taxi Licence - James Gordon Henderson Cobban (Pages 311 - 312)
- 4.29 Renewal of a Taxi Licence - Philip Angus Craig (Pages 313 - 314)
- 4.30 Renewal of a Taxi Licence - Neil Alexander Cobban Morrison (Pages 315 - 316)
- 4.31 Renewal of a Taxi Licence - Michael Larkins (Pages 317 - 318)
- 4.32 Renewal of a Taxi Licence - Michael Leiper (Pages 319 - 320)

- 4.33 Renewal of a Taxi Licence - Gary Neil Fraser (Pages 321 - 322)
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### **COMMITTEE REPORTS**

- 5.1 Variation of Second Hand Dealer Licence Conditions – Outcome of Consultation (Pages 327 - 332)

### **COMMITTEE BUSINESS STATEMENT**

- 6.1 Committee Business Statement (Pages 333 - 334)

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

- 7.1 Variation of a Late Hours Catering Licence
- 7.2 Landlord Registration Application
- 7.3 Grant of a Late Hours Catering Licence
- 7.4 Grant of a Street Trader's Licence
- 7.5 Grant of a Taxi Driver's Licence
- 7.6 Renewal of a Taxi Driver's Licence
- 7.7 Renewal of a Taxi Driver's Licence
- 7.8 Renewal of a Taxi Driver's Licence

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

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.

**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.

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. 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@aberdeencity.gov.uk](mailto:fnacef@aberdeencity.gov.uk) or 01224 523183.



# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.32 Rosebery Street, Aberdeen**

**Applicant/s: Barrie M.Dear & Lesley J.Dear**

**Agent: Grant Property Solutions**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 2015 for the reason that 14 letters of objection & 2 'late' 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.32 Rosebery Street, Aberdeen, is an upper-floor maisonette flat providing accommodation of 6 letting bedrooms, one public room, one kitchen, one bathroom & one shower-room.. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 27 July 2015 and was received by the HMO Unit on 27 July 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 27 July 2015 – 17 August 2015.

**Letters of Objection:**

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

- A letter from Craig McArthur (attached as Appendix 'B')
- A letter from Jean Ward (attached as Appendix 'C')
- A letter from Ian Dean (attached as Appendix 'D')
- A letter from Stewart Kennedy (attached as Appendix 'E')
- A letter from Hazel Wightman & Willie Wightman (attached as Appendix 'F')
- A letter from Bernard & Mandy Briggs (attached as Appendix 'G')
- A letter from Dorothy Garvie (Attached as Appendix 'H')
- A letter from Douglas Broadfoot (Attached as Appendix 'I')
- A letter from Vivien Reid (Attached as Appendix 'J')
- A letter from Tracy Spalding (Attached as Appendix 'K')
- A letter from Isobel Broadfoot (Attached as Appendix 'L')
- A letter from Rosemount & Mile-End Community Council (attached as Appendix 'M')
- A letter from Dr Alastair & Mrs Janice McKinlay (Attached as Appendix 'N')
- A letter from Rebecca F.Kennedy (Attached as Appendix 'O')

**'Late' Letters of Objection:**

2 letters of objection were received by the HMO Unit outwith the statutory 21-day Notice period. 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/s, copies will be circulated to Members at the meeting. Brief details of both letters are as follows:

- A letter from Dr Derek J.King & Mrs Heather P.D.King, which was received by the HMO Unit on 18 August 2015 (one day outwith the statutory period)
- A letter from Douglas Boyd & Mrs Pat Boyd, which was received by the HMO Unit on 24 August 2015 (one week outwith the statutory period)

**Letter from Licence-Applicant**

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



### **Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.32 Rosebery Street, Aberdeen.
- The applicants, their property & their agents are registered with the Landlord Registration database.
- The applicants have requested an occupancy of 6 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- There are no HMO-licensed properties in Rosebery Street, Aberdeen.
- The applicants originally submitted an HMO licence application for 32 Rosebery Street, Aberdeen, in March 2015. The application was on the basis of the accommodation of 6 tenants, and was refused under Section 129A of the Act for the reason that Planning Permission Change of Use to an HMO was required. The applicants applied for Planning Permission Change of Use to an HMO, which was granted, subject to conditions, by the Planning Development Management Committee on 16 July 2015. The Planning conditions in question were;
  - 1) 4 bicycle spaces must be provided, and
  - 2) Storage for refuse bins & recycling must be provided.
- The applicants applied for a Building Warrant to form additional bedrooms. The Building Warrant was granted and a Certificate of Completion was issued in September 2015.
- Rosebery Street is a Controlled Parking Zone, and every household is entitled to a maximum of 2 parking permits, regardless of the size of the household. (Note: 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



Bowling Green

**A**



1:500

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B

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

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
<b>- 4 AUG 2015</b>
<b>Private Sector Housing Unit</b>

03/08/15

Dear Sir or Madam

**Re: Licence to operate a HMO at no. 32 Rosebery Street, Aberdeen, AB15 5LL**  
**Note: no. 32 & 38 Rosebery Street share the party wall due to the building layout**

With regard to the above application please see my concerns and questions below.

**1. Location of the accommodation**

I believe a HMO property in this location will endanger the lives and health of my family and the residents who adjoin. You will see my concerns below regarding number of occupants, fire spread and dealing with undue public nuisance.

**2. Type and number of persons likely to occupy the property**

I note the HMO application is for 6 persons. Taking into account the location and the type of existing residents occupying Rosebery Street i.e. families and couples, is the officer considering any restrictions on the number of occupants to given the limitations of the property discussed in items 6-9 below?

**3. Condition of the accommodation**

I believe that renovation of this particular house type to provide HMO accommodation does not meet the requirements of document 'STATUTORY GUIDANCE FOR SCOTTISH LOCAL AUTHORITIES' when compared to, say, a custom built HMO property. The property is constrained by the existing layout and construction type and I would suggest could not provide the level of accommodation to suit HMO requirements, without substantial financial commitment from the owner.

Buildings from this era:

- Do not have modern fire construction to protect adjoining properties.
- Do not have sound insulation installed between internal rooms or floors and more importantly between adjoining properties.
- Do not have thermal insulation installed in the walls or roof.

Does the officer consider this type of building to be suitable for a HMO property?

**4. Fire safety**

Installation of fire doors will go some way but the door is only a small element in a larger wall, constructed in an era where modern fire protection techniques did not exist i.e. fire walls, intumescent materials. What additional measures have been installed to mitigate the spread of fire to adjoining properties (such as my own)?



### **5. Sound insulation**

Older properties carry sound extremely well. The recent addition of fire doors has already increased the noise transference between our properties, an unnecessary renovation to the property if the HMO is declined. What additional measures have been installed to mitigate the transmission of sound to adjoining properties?

### **6. Thermal insulation & space heating**

In the winter I doubt the upper rooms will maintain a temperature of 18 degrees without the heating on 24/7. This is certainly a fact in my house. What additional measures have been installed to protect residents whom will occupy the upper rooms of the HMO?

### **7. Lighting & ventilation**

The building warrant plans indicate a new velux window to be installed in the roof of bedroom no. 4. I note from the work already completed on site that this was not provided. This will therefore not provide the required glazed and openable areas (1/15<sup>th</sup> & 1/30<sup>th</sup> respectively). Therefore, bedroom no. 4 is not suitable.

### **8. Facilities**

With regard to provision of facilities in the property please see my queries below:

- The building warrant plans indicate 1 off sink in the kitchen, this is only suitable for a maximum of 5 persons. The application is for 6 persons.
- Does the application meet the requirements of kitchen storage for 6 persons?
- Does the application provide a 3.8m length of worktop for 6 persons?
- Does the application provide an additional fridge, freezer & cooker as the application is for 6 persons?
- Does the kitchen provide the required activity space for 2 cookers?

### **9. Space & layout**

It is clear from the building warrant plans that bedrooms no. 4 to 6 cannot provide the required furniture activity spaces due to the roof lie-ins. All the furniture, except the bed, is generally located in the lie-ins, which will not provide adequate headroom.

### **10. The safety & security of my family**

Multiple unrelated persons living together will likely mean each resident's social group visiting the property. This substantially increases the number of persons passing through the property. This could lead to strangers hanging around the property and leads on to item 12 below. Does the officer consider this suitable; in an environment regarded as safe by families?

### **11. Parking & refuge**

In a street with already limited parking spaces please confirm the strategy for parking permits associated with the HMO property. Also, please confirm what provision will be made for the additional refuge likely to be generated by the HMO property.

### **12. The possibility of undue public nuisance**

There is no doubt that we will be subject to unacceptable levels of noise and disruption when multiple persons occupy the property. As mentioned previously these buildings were not designed for this type of use. All adjoining properties are family homes and I myself have a 12-month-old son, whose room along with my own is back-to-back with the said property.

I am extremely concerned about the levels of undue noise caused by the following:

- Multiple persons all with TV's.
- Multiple persons all with music systems.
- Multiple persons all with their own social groups.

Whilst the officer will probably consider this to be the least important of my issues, as it cannot be determined at this point in time, it is *actually* the most important and likely to be the source of much contention.

I would not have purchased my property if I had known that a HMO property was adjoining. Yet, if approved, my family are likely to be subjected to the issues discussed above.

The recent planning application for change of use attracted 27 objections from the residents of Rosebery Street, approximately half the street. This is a strong voice from the local community regarding this application; one that I hope the Council does not take lightly.

From a personal point of view the thought of these potential issues is causing undue stress.

In conclusion, I would urge you to refuse this application.

I look forward to your response to my concerns and questions.

Yours faithfully

Craig McArthur

Cc  
Councillor Bill Cormie,  
Councillor Jenny Laing,

1<sup>st</sup> August 2015.

Ally Thain  
Private Sector Housing Manager  
Business Hub 11  
Marischal College.

C

Dear Mr Thain,

e. 32 Rosebery St.

Aberdeen - Application for new H.M.O licence.

I write again to object to the granting of the above.

As one of the oldest residents here I find the current situation distressing for a number of reasons.

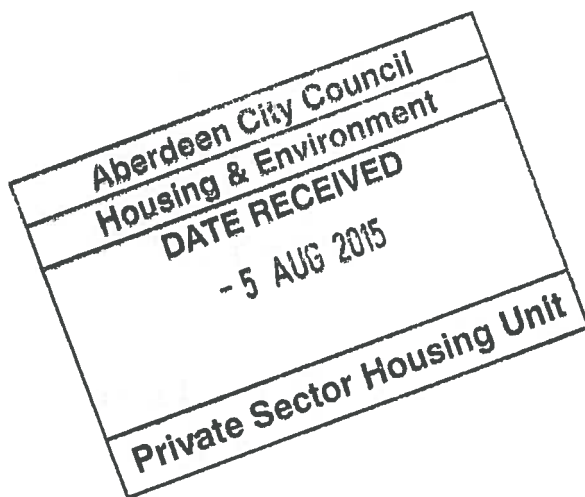
Since my husband died in 1984 and the family have 'flown the nest' I have lived here alone, and intend to remain here as long as my health and fitness permit. The following may help to explain my concerns.

- (1) I am now 81 and, over the years, have always enjoyed the warm friendship and community spirit of neighbours.
- (2) The area is well served by public transport to and from the city centre. (an important consideration when driving is no longer possible).
- (3) My property has been well maintained, and I now find myself worrying about its market value if this H.M.O. plan goes ahead (My house will be my main legacy to my family).

I can only hope the Licensing Committee will listen to views from residents with genuine concerns and not be swayed by money-making builders and/or landlords.

Yours sincerely,

JEAN WARD  
AS.





From: IAN DEAN  
Subject: Objection to Proposal to operate 32 Rosebery Street as a house of multiple occupation  
Date: 5 August 2015 14:05  
To: HMOUnit@aberdeencity.gov.uk



My name is Ian Dean and I stay at \_\_\_\_\_ I have been resident here since 1988 and brought my family up here and have always considered Rosebery Street to be a superb family street in which to raise a family. I am in the process of upgrading my house to make it an even more desirable family home by adding an additional en suite bedroom by forming a dormer extension to the non public side of the house.

I was therefore very surprised to learn of plans to turn one of the existing family homes in the street into a 6 person HMO. I objected strongly along with 26 others at the planning stage and even though this represented more than half of the street the planning committee recently decided to grant permission. I also believe that the premises have already been converted to HMO layout. This is very disturbing as it implies a confidence in the outcome of these applications. Since I moved into the street, parking has gradually become more and more difficult and sometimes frustrating. I've often had to park down at the opposite end of the street and this will only become worse if the HMO starts operating with all of vehicles of the unrelated residents along with the vehicles of their unrelated friends and relatives.

This is only one specific issue but there are all of the other well known issues related to HMOs in family streets.

As far as I can make out this is an unacceptable commercial proposal purely aimed at financial gain with no consideration for the long standing nature of the street since Victorian times as a respectable terrace for raising families.

The Council should have nipped this in the bud at the planning change of use stage.

My final comment/question would be as follows : how would you feel if your immediate neighbouring property was to be given permission to operate as a large HMO?

I shall be printing this Email, signing it and posting it to the relevant department for consideration.

Regards

Ian W. Dean

5/8/2015

Aberdeen City Council
Housing & Environment
DATE RECEIVED 07 AUG 2015
Private Sector Housing Unit

E

3rd August 2015

Dear Sirs

**Objection to HMO License for 32 Rosebery Street, Aberdeen**

Please note the under noted objections/ comments.

- a) Is this the first West End street to suffer from the infestation of multiple occupancy if granted and where will it stop. Do we go to Rubislaw Den next?
- b) Why would you wish to bring down the good name of the West End of Aberdeen. Families came here to be in a residential area but the granting of this application will destroy and devalue this area.
- c) What right has the HMO unit to subject decent families to this terrible situation where houses will devalue considerably?
- d) Will conditions be in place to weed out sex offenders, convicted criminals and addicts.
- e) Six individual tenants may give rise to 12 parking permits. Where do they all park?
- f) Multiple occupancy is well known to bring anti social behaviour
- g) Who has responsibility for maintaining garden?
- h) As Grants have already furnished 6 bedrooms have they already received the required license?
- i) There is grave concern regarding noise etc as this area houses many respectable families with young children. (will the council take responsibility for their safety).
- j) How many more licenses will be issued in this area if successful?
- k) Would the parties reviewing said application be happy with multiple occupancy in their streets.
- l) How many bins will be used to accommodate six flats?
- m) This is clearly NOT an area for multiple occupancy as basically all properties house professional people with families.
- n) Will there be major reductions in council tax after this area has been downgraded to this level?HMO
- o) Could the property be rented to Social Security cases?
- p) Do you take into account when granting such licenses how many family's life styles you will be destroying?

Yours faithfully

STEWART KENNEDY  
AS

'F'

Re application for HMO Licence  
32. Rosebery street, Aberdeen.

Aberdeen City Council
Housing & Environment
DATE RECEIVED
13 AUG 2015
Private Sector Housing Unit

Dear Mr Thain,

We are writing to strongly object to the above application. We still find it incredible that the Planning Development Committee granted application for 'Change of Use' basing this decision on the COMPLETELY UNTRUE premise that "the use of the premises as an House of Multiple Occupancy (HMO) (being quasi-residential in nature) is consistent with the residential character of the surrounding area and would not result in any undue impact on the character and amenity of the property, or those in the locality --". Please see attached letter for full quote.

We suggest that the Planning Committee look at the comments from people living in areas where HMO licences have been granted, who feel that their family life has been so adversely affected that they can see no other solution than to move away. We personally might not be affected by noise but we would certainly be affected by parking, which is already a problem in the street, especially evenings and weekends. There could be

an additional six cars, plus those of visitors, at these times.

F

Like many of our neighbours we made many sacrifices to move into the area, to be in the catchment area of Mile End Primary and Aberdeen Grammar. We have now lived here for almost 30 years and know we are very fortunate to live in a street where people really do look out for their neighbours, particularly the young and the elderly. These many friendships would never have been formed had there been a high turnover of residents, and this is what precisely will happen if the HMO licence is granted. There will always be families keen to move into properties in this street, and there are always plenty of rooms available in flat-shares in Aberdeen for single people, as can be seen on 'Rightmove', 'Gumtree' etc;

The Planning Development Committee undoubtedly made a wrong decision by granting permission for 'Change of Use'. We urge you please NOT to grant this HMO licence.

Yours Sincerely

(HAZEL WIGHTMAN)

F

Your Ref.  
Our Ref. SWO/P150742[ZIB]/50  
Contact Sally Wood  
Email pi@aberdeencity.gov.uk  
Direct Dial 01224 522197  
Direct Fax 01224 636181



29/07/2015

Hazel Wightman

Planning & Sustainable  
Development  
**Communities, Housing and  
Infrastructure**

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

Dear Sir/Madam

**The Town And Country Planning (Scotland) Act 1997**

**32 Rosebery Street, Aberdeen**

**Proposed application for the change of use of existing residential property, to  
form a House of Multiple Occupancy to accommodate 6 unrelated persons**

**Application Ref: P150742**

I refer to the above application and to your representation. The application was granted by the Planning Authority on 29 July 2015.

In reaching their decision, the Planning Authority took into account relevant Council policies, all the material considerations and the points raised by your representation.

**The reason(s) on which the Council has based this decision are as follows:-**

That the use of the premises as an House of Multiple Occupation (HMO) (being quasi-residential in nature) is consistent with the residential character of the surrounding area and would not result in any undue impact on the character and amenity of the property, or those in the locality. There would be a neutral impact on the character and appearance of the surrounding area. The proposal would have no adverse impact on pedestrian or road safety. The proposal is therefore considered to accord with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan, and the relevant content pertaining to HMOs in the Council's adopted Householder Development Guide.

PETE LEONARD  
DIRECTOR

G  
I

Ally Thain

Bernard and Mandy Briggs

Private Sector Housing Manager

Communities, Housing and Infrastructure,

Business Hub 11,

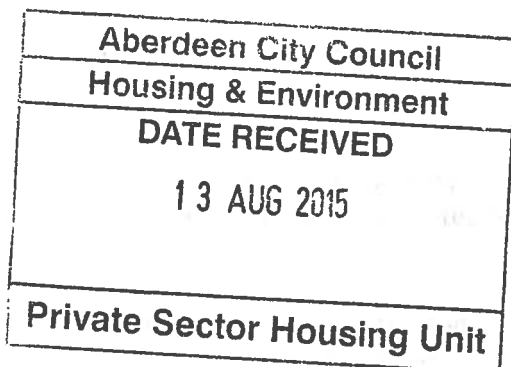
Second Floor West,

Marischal College,

Broad Street,

Aberdeen.

AB10 1AB



August 11<sup>th</sup> 2015

**Re: 32, Rosebery Street (HMO Licence Application)**

Dear Sir,

We wish to register an objection to the above licence application, for the following reasons:

- **Health and quality of life:**

As residents of No 32, we are extremely concerned about the impact that this proposed HMO will have on our health and quality of life. The prospect of six unrelated persons living above us fills us with anxiety and unacceptable levels of noise are inevitable, as the residents will each have independent lives to lead, in the form of jobs/education, social lives etc. In theory we could have six people coming and going at anytime of the day and night, to leave for and return from work/university and social activities. My wife and I have full time jobs and need a good quality night's sleep and this will be in jeopardy. We currently have a family of two adults and two children living above us and we are quite often disturbed by them, so six unrelated residents will be a nightmare. In particular the front door of No 32 is immediately adjacent to our second bedroom and anyone sleeping in that room is particularly vulnerable to disturbance from the slamming of the door and footfall on the staircase. Current levels of noise indicate that the property in general is not suitably sound-proofed for HMO occupation.

- **Head of Household?:**

Within any family unit; no matter how large, there is always a head of the household; someone that can be held accountable for the behaviour of the family members and for any issues regarding the property in general, i.e. the removal of rubbish, condition of the property etc. In the event of an HMO, there will be no such point of contact for us or our neighbours to discuss

issues with, or complain to in the event of urgent situations (anti-social behaviour). The current letting agents are in Edinburgh and the owner's whereabouts unknown (in terms of day-to-day contact). In the event of low grade anti-social behaviour, merely reporting occurrences to the agents will have little impact and be too 'after the event' to have any effect. Six independent residents means just that; no-one will exercise any control over the others; no-one will want to take responsibility, leaving us and our neighbours frustrated and vulnerable to disturbance. This basically relegates us to second class residents with no effective voice in matters of behaviour, decency, courtesy and responsibility by the HMO residents of No 32.

- **Parking:**

This is already an issue is Rosebery Street. The current parking restrictions account for approximately 21% hours in a week, as they are restricted only between the hours of 10.00am and 4.00pm, Monday - Friday. The rest of the time, when most of the residents need to park their cars, i.e. in the evenings and at weekends, there is a strong possibility of four or five additional vehicles requiring spaces, in the event the application succeeds. There is a suggestion that the close proximity of bus stops will mean that some HMO residents will use the bus; or with the installation of a cycle rack in the back garden they may cycle; that is a possibility but by no means guaranteed. Can it be a condition of lease that only two cars can be allowed between the occupants?

- **Refuse:**

The owner/letting agent clearly has not provided the current occupants with details of refuse/recycling procedures and council collection schedules as bins/boxes etc are being put out, either not at all or on the wrong days. We have already had one incident of an overflowing and smelly bin not being put out for collection. However it is not so much the normal level of refuse but the control of it that could prove to be a problem. In the event of the HMO being allowed, how can we be assured that the owner/letting agent will keep control of this and prevent a build up of refuse, not only in our shared back garden but in the street? Again, with a large family someone in the household will normally ensure refuse is controlled. In the event of six independent people generating six independent people's rubbish, who will be responsible and how will we and our neighbours be able to respond effectively to any lack of control?

- **Gardens:**

The owner/letting agent of No 32 has so far, despite complaints, been unable to secure the services of a gardener, or ensure the current occupants keep their part of the rear garden tended, leading to long unkempt grass and un-weeded borders etc. If this is allowed to continue under an HMO, where once again it will be difficult to hold any resident accountable, it will have a negative effect on our enjoyment of this important part of our tenancy.

- **Suitability of applicant:**

The absence of control of the rubbish and tending of the garden already demonstrates a lack of care and interest on the part of the owner and letting agents and must question their ability to satisfy the conditions of an HMO licence and be effective in ensuring the good conduct of six independent residents.

- **Suitability of Property:**

We are aware that an HMO of five residents or less requires no planning consent and that therefore it is suggested that an HMO of six has little impact over and above that. I would take issue with any HMO being allowed as proposed at No 32, Rosebery St, i.e. in a family dominated

street and above a two bedroom flat resided in by one married couple. Our view would be that the idea that six independent people living in a six bedroom flat, above two married people in a two bedroom flat is clearly ludicrous. The assumption that, in some way, five unrelated occupants is acceptable without consent and therefore six is allowable with, is even more so and shows a lack of clarity on the part of the council. There is a further assumption by the council that all will turn out well and if allowed, the HMO will have no negative effect on the residents of Rosebery Street. In conclusion therefore we would ask the following question: 'If it is deemed acceptable to grant a licence for an HMO in this case, would any council officer be willing to swap places with my wife and I and move into No 34 when our tenancy is up for renewal in ten months time?' I suspect we know the answer already!

We do hope that you will take the above points into consideration when deciding whether to grant the licence or not. This is of major concern to us and if allowed, this HMO will set a precedent and along with other areas within the city, where HMO's have begun to dominate, families will be driven out of Rosebery St. We will certainly have to consider whether to remain in such a situation. Please do not just consider the rules and regulations pertaining to this application, please consider the people.

Yours faithfully,

Bernard and Mandy Briggs



Ally Thain Private Sector Housing Manager  
Business Hub 11  
Marischal College  
Aberdeen AB10 1AB

10.8.2015

H

Dear Sir/Madam

Having already stated reservations re plans for occupancy of no32 Rosebery Street by 6 unrelated persons I would mention these as

Being a terraced upper flat in an old property where the deafening is minimal noise to adjoining properties can be annoying, especially fire doors banging, use of televisions and music and other issues.

Parking in the street is difficult especially after hours when parking permits are in use. Other homes are restricted to 2 permits.

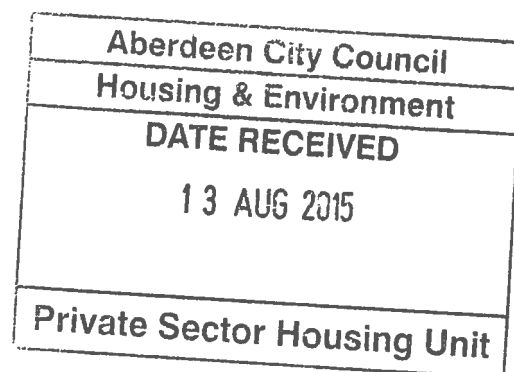
Refuse collection is already difficult as there is nowhere to keep bins at the front of the property.

There is a fair sized back garden meantime unkempt, the property having been largely unoccupied for a year.

This seems to be a purely business development undertaken and some alterations carried out before permission granted and without thought for the type of neighbourhood, mainly private occupation.  
This may affect house values of other homes.

I trust these points along with others from concerned neighbours will be noted.

Yours sincerely,  
Dorothy Garvie



I

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 Sir,

**Re: PROPOSED APPLICATION FOR CHANGE OF USE FROM  
RESIDENTIAL PROPERTY TO AN HMO LICENCE AT 32 ROSEBERY  
STREET**

I wish to lodge an objection to the change of use application at 32 Rosebery Street on the following grounds:

1. There is limited parking available in Rosebery Street at present so the proposed multiple let will only exacerbate the situation.
2. Rosebery Street is a residential area and therefore a multiple let is an unsuitable proposal for such a location. This could be the commencement of other multiple let applications which would remove the residential status of the street.
3. The property has now been modified towards the requirements of an HMO: Furnishings have been delivered to the property. The agents have taken these steps because it appears they have the belief that their proposals will be accepted.

I trust my objection will be given serious consideration.

Yours faithfully,

Douglas Broadfoot

Aberdeen City Council
Housing & Environment
DATE RECEIVED 14 AUG 2015
Private Sector Housing Unit

Housing &amp; Environment

DATE RECEIVED

14 AUG 2015

Private Sector Housing Unit

13/08/2015

Dear Sir,

I was disappointed to hear that a House of Multiple Occupancy (HMO) license had been granted to the property at 32 Rosebery Street, Abideen. This will be my third letter objecting to these plans, that I have written.

This is an attractive area situated in the West End of Abideen accommodating many families with children. There are plenty existing student and HMO studio developments without robbing a graceful street of another family home.

Parking in Rosebery Street is already extremely difficult. Restricted parking was implemented in the area a number of years ago in recognition of the volume of traffic. Granting permission to accommodate six unrelated individuals can only exacerbate this problem.

I believe that in granting this license it may set precedence for future HMO properties in the street and possible anti-social behaviour.

I would draw your attention to the fact that the necessary work and regulations, along with furnishings, had already been carried out at this property in readiness for accommodating HMO tenants. It would appear that the agents were called in expecting to be awarded planning permission, having proceeded with the work and related expense.

I hope my feelings are seriously considered in objecting to this HMO license at 32 Rosebery Street, Abideen.

I look forward to your response  
Yours Sincerely,

VIVIEN REID <sup>AS.</sup>

14.

K

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

12<sup>th</sup> August 2015

Dear Sirs,

**HMO Application for 32 Rosebery Street, Aberdeen, AB15 5LL**

I write to express my objection to the HMO application which has been made for the above referenced address to allow this to be let as a 6 bedroom property. I have concerns that approving this HMO application will have a negative impact on the current residents of the street in the following ways –

- **Noise** – This is a quiet street which is comprised mostly of families and older people. Given the number of people that will be living in the property I expect there will be a significant increase in noise levels as they come and go.
- **Car Parking** – I have serious concerns that there is insufficient parking provision for 6 tenants, as there is only on street parking which is already fully utilised. This has the potential to create a situation where current residents may not be able to park in their own street.
- **Refuse Storage** – I am concerned that 6 tenants will create more refuse than a fortnightly wheely bin collection will cater for and that bin bags may end up left on the street.

I urge you not to set a precedent in the street by granting this HMO and to consider the current residents' concerns over this application.

Yours sincerely

Tracy Spalding

Aberdeen City Council
Housing & Environment
DATE RECEIVED
14 AUG 2015
Private Sector Housing Unit

Ally Thain, Private Sector Housing Manager  
Private Sector Housing Unit  
Communities, Housing & Infrastructure  
Business Hub11  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Dear Sir,

**Re: PROPOSED APPLICATION FOR CHANGE OF USE FROM  
RESIDENTIAL PROPERTY TO AN HMO LICENCE AT 32 ROSEBERY  
STREET**

I wish to lodge an objection to the change of use application at 32 Rosebery Street on the following grounds:

1. There is limited parking available in Rosebery Street at present so the proposed multiple let will only exacerbate the situation.
2. Rosebery Street is a residential area and therefore a multiple let is an unsuitable proposal for such a location. This could be the commencement of other multiple let applications which would remove the residential status of the street.
3. The property has now been modified towards the requirements of an HMO. Furnishings have been delivered to the property. The agents have taken these steps because it appears they have the belief that their proposals will be accepted.

I trust my objection will be given serious consideration.

Yours faithfully,

Isobel Broadfoot

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
<b>17 AUG 2015</b>
<b>Private Sector Housing Unit</b>

M

ROSEMOUNT & MILE-END COMMUNITY COUNCIL

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

14 August 2015

Dear Sir/Madam,

HMO Application 32 Rosebery Street Aberdeen

The following comments are submitted on behalf of the Rosemount & Mile-End Community Council regarding the HMO application in respect of the property at 32 Rosebery Street Aberdeen.

- a) The use of this building for HMO is not considered to be in keeping with this family residential street & area.
- b) What rules will apply regarding the issue of parking permits in this street where parking for residents is already at a premium after business hours ?
- c) Noise & refuse created by six unrelated persons is an issue in this type of terraced property.
- d) It is noted that the alterations to the property took place before any planning or HMO agreement was sought or obtained. We can only hopefully assume that such actions had & will have no influence in the decision making process.
- e) Despite more than 27 responses from the immediate residents this has clearly been ignored by the Aberdeen City Council Planning Department. It appears to members of the R&MECC that such representation & comments/opinions has little effect on the final decisions made. We hope that all aspects raised will in this case be given due consideration by the HMO Unit.

Yours faithfully,

G.A. Durican ( On behalf of the Rosemount & Mile-End Community Council )

Aberdeen City Council
Housing & Environment
DATE RECEIVED
17 AUG 2015
Private Sector Housing Unit

N

Ally Thain  
Private Sector housing ManagerHMO Unit,  
Housing and Environment,  
Business Hub 11,  
2<sup>nd</sup> Floor West  
Marischal College,  
Broad Street  
Aberdeen,  
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED 17 AUG 2015
Private Sector Housing Unit

16 August 2015

Dear Sir / Madam

**Re:- Application by Barry Michael Dear, (Agent Lesley Jane Dear),  
c/o Grant Property**

**Conversion of 32, Rosebery Street to a "House of Multiple Occupancy" (HMO).**

We note that planning permission for change of use, has been given to convert 32 Rosebery Street into an HMO and we wish to restate our objections to this proposal as set out in original letter of 12 April 2015, a copy of which is enclosed.

In particular we would like assurance from the council that the tenants will be restricted to the same number of parking permits that are granted to other properties. That is two per house, not two per tenant or family, as this would make an already difficult parking situation worse.

Secondly we would like the Council to restrict the number of subsequent properties that might be considered for conversion to HMO use, as we believe that this would fundamentally alter the nature of our street. We would suggest that no more than 5% of the properties in Rosebery Street should be HMO.

Yours sincerely

Dr Alastair and Mrs Janice McKinlay

HMO Unit,  
Housing and Environment,  
Business Hub 11,  
2<sup>nd</sup> Floor West  
Marischal College,  
Broad Street  
Aberdeen,  
AB10 1AB

12 April 2015

Dear Sir / Madam

**Re:- Application by Barry Michael Dear, (Agent Lesley Jane Dear),  
c/o Grant Property**

**Conversion of 32, Rosebery Street to a “House of Multiple Occupancy” (HMO).**

We wish to register our concerns about plans to convert 32 Rosebery Street, Aberdeen into a HMO.

We are unclear about the number of people that the developer intends to house in the property. The houses in Rosebery Street are narrow and the kitchen in number 32 is very small, even after the conversion work that we know has already been carried out on the property,.

We believe that the developer may ultimately intend to house a larger number of people than is implied in the current notice and that this could lead to overcrowding, disturbance and a heightened fire risk. In particular, if families rather than single persons, are allowed to occupy each room, the total number of people in the house could be very considerable. We would, therefore, wish the council to impose a maximum number of tenants allowed to occupy the property and would suggest that this should be no more than four unrelated persons.

At present the other properties in Rosebery Street are granted parking permits for two cars only and we would want a guarantee, in the interests of fairness and to avoid unnecessary pressures on parking, that the same restrictions will apply to number 32.



Finally we are concerned that other properties will be converted as they fall vacant over time and would like the Council to agree a limit to the number of HMOs permitted in Rosebery Street on the grounds that a large number of HMOs would significantly alter the character of the Street. We would suggest that no more than 5% of the properties in Rosebery Street should be HMO.

We look forward to hearing from you in due course,

Yours sincerely

Dr Alastair and Mrs Janice McKinlay

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> <b>17 AUG 2015</b>
<b>Private Sector Housing Unit</b>

17 August 2015

Ally Thain  
 Private Sector Housing Manager  
 Private Sector Housing Unit  
 Communities, Housing & Infrastructure  
 Business Hub 11, 2<sup>nd</sup> Floor West  
 Marischal College  
 Broad Street  
 ABERDEEN AB10 1AB

Dear Sir

**PROPOSED APPLICATION FOR CHANGE OF USE FROM RESIDENTIAL PROPERTY TO AN HMO - 32 ROSEBERY STREET, ABERDEEN**

I wish to object to <sup>AN HMO LICENCE</sup> ~~planning permission~~ being granted for the above property ~~in respect of change of use from a residential property to an HMO to accommodate six unrelated persons on the undernoted grounds.~~

Firstly, I would draw your attention to the fact that the necessary work and renovations, along with furnishings, have already been carried out at this property in readiness for accommodating HMO tenants. It would appear that the agents expected at the outset to be awarded planning permission as they proceeded with the work and related expense. Notwithstanding this, I have a number of key concerns with regard to the award of an HMO Licence at this property. Although an HMO Licence is not presently available there appears to be a great number of people already residing in this property.

1. I find it totally unacceptable that the Planning Committee initially granted approval for change of use despite 27 individual objections from residents, hardly a democratic decision on the part of the Councillors. Yet again, many of the Councillors chose to ignore the wishes of the Council Tax payers of Aberdeen, however their decision is hardly surprising as they very seldom take into account the welfare of the residents of Aberdeen.
2. Parking in Rosebery Street is already extremely difficult. As you may be aware, restricted parking was implemented in the area a number of years ago in recognition of the volume of traffic. If permission is granted to accommodate six unrelated individuals it can only exacerbate this problem (potentially six additional cars plus visitors etc). Perhaps a member of the Licensing Board could inspect the street one evening to see first hand the existing problems relating to parking. Presently we have to pay an annual charge for parking permits in this street.
3. I am aware that a resident in our street applied for planning permission to alter their property and was advised that permission would only be granted if they could provide parking provision for three cars. If this resident was required to provide three parking spaces for a family home, how can the Council justify granting an HMO license to accommodate six unrelated individuals with no parking provision provided. This is a total contradiction and must surely make the granting of an HMO License untenable.

4. HMOs are out of keeping with the area and the community. This is an attractive and residential area accommodating many families with children. It is very popular because of the close proximity to good high achieving schools. The west end is a desirable place to live with high property prices, rightly or wrongly making it out of reach of many people. As you are again aware, Council Tax is accordingly higher in the area than in other parts of the city. If this sort of arrangement is permitted and is economically effective for landlords/management companies, whose only objective is to make money, the character and the surroundings of the area will likely change considerably and irretrievably. The impact on property prices may be considerable and to the detriment of the present owners.
5. We have lived here for 27 peaceful years and the granting of an HMO Licence threatens our family orientated community as HMO properties are associated with increased levels of noise and antisocial behaviour.
6. As my property is directly attached, another factor which concerns me greatly is soundproofing, or the lack of it. These old houses are not particularly soundproof and again 6 unrelated tenants may constitute a problem with increased noise. In all likelihood, each tenant will have his/her own television, play individual music etc. I know that the attic walls are particularly flimsy and poorly soundproofed to the point where music and even conversation in neighbouring properties is clearly audible. Has anything been implemented to alleviate this?
7. There is also the added problem of a potential fire hazard as we live in a terraced block. Although fire doors have been installed in the affected property, they have not, to my knowledge, been installed in any of the surrounding properties. Further, these old houses were built at a time when much more inflammable materials were used in construction. Clearly, there is also a much higher risk of fire due to the fact that 6 unrelated people will be using a very small kitchen and a greater number of electrical appliances.
8. There is a large garden to the rear of the property which has always been well maintained. HMO properties, in general, tend to have very neglected gardens, with short-term tenants, understandably, being less likely to take responsibility for maintenance and upkeep. It is also highly questionable whether the management company's duties will extend to the garden. Since Grants have taken over the property the garden has sadly deteriorated and is not in keeping with the other gardens in this area, reaffirming my concerns.
9. There will obviously be considerably more refuse generated than from a normal family home. Steps will need to be taken to ensure this will be addressed.
10. I believe that an attic room was subdivided to create an additional bedroom to obtain maximum capacity, are the windows sufficient for the area?

Finally, as a long standing resident of Aberdeen, who has a vested interest in the well being of this community, unlike agents/landlords, whose only interest is in maximising profits and do not have any interest in the community, I would request that this planning application be declined on the aforementioned grounds.

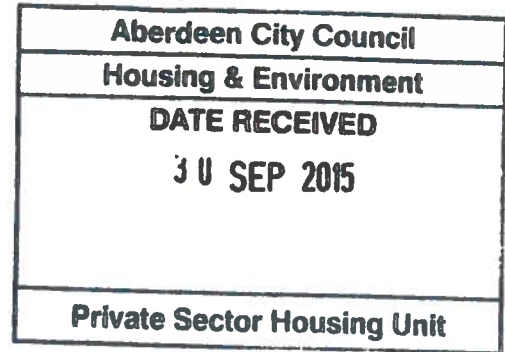
Yours faithfully

Rebecca F Kennedy (Mrs)



**GRANT PROPERTY**  
INVESTMENT + MANAGEMENT

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



Date: 25 September 2015

Dear Mr Thain

**LICENSING COMMITTEE: TUESDAY 3 NOVEMBER 2015  
APPLICATION FOR A HOUSE IN MULTIPLE OCCUPATION LICENCE  
32 ROSEBERY STREET, ABERDEEN**

We act as managing agents on behalf of our clients, Mr Barrie Dear and Leslie Dear, owners of the above premises for which an HMO Licence is being sought and I wish to acknowledge receipt of the neighbour objections you have passed to us.

Before responding to the objections to our clients' application, I would firstly like to provide some background information on our company. Grant Property Solutions Ltd have only relatively recently started investing and managing properties in Aberdeen and we have had only one previous appearance before the Committee.

Established in 1997 our Company is responsible for the management of 1100 properties including 32 in Aberdeen. We have significant experience in developing properties to HMO licensing standards in various local authority areas and in the management of such premises.

Our headquarters are in Edinburgh and we have a number of satellite Branch Offices throughout Scotland and have office accommodation in Aberdeen for use by staff whilst working in Aberdeen.

In terms of our landlords, Mr and Mrs Dear own a number of properties which are under our management. They are extremely responsible landlords and have always developed their properties at significant expense to fully meet HMO licensing requirements.

[www.grantproperty.com](http://www.grantproperty.com)

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headoffice@grantproperty.com :E

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stirling@grantproperty.com :E

**Dundee Branch**  
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01382 203838 :T  
dundee@grantproperty.com :E





# GRANT PROPERTY

INVESTMENT + MANAGEMENT

Indeed, routinely all their properties have undergone significant refurbishment usually including new kitchen, bathroom, fire warning system, central heating and boiler, new carpeting and new furnishings. In the case of Rosebery Street, our clients have spent invested in excess of £60.000 developing the property to HMO standards and will maintain the property and protect their investment, where appropriate in cooperation with other neighbouring proprietors, as required.

On behalf of our landlords, I will now seek to respond to the neighbour objections. As there are a number of common themes, my response is made under various headings.

## **Potential danger to the lives / health of neighbours and their properties**

The suggestion that the operation of this property will somehow endanger the lives of neighbours is without foundation. For our own tenants, this property probably provides the safest accommodation in Rosebery Street given that it has the following safety features –

- Interlinked fire warning system
- Hardwired emergency lighting and CO detection
- Safety certification in place covering electrical, gas and fire safety installations within the property which is renewed annually or as is otherwise required
- Firefighting equipment in the form of extinguisher(s) and fire blanket

Equally, should the fire warning system activate in the event of an emergency, this may also provide early warning to properties in the immediate vicinity of No. 32.

## **Increased risk of Antisocial Behaviour**

Antisocial behaviour is not tenure specific and is most certainly not specific to HMO residents.

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# GRANT PROPERTY

INVESTMENT + MANAGEMENT

It is always our objective to ensure that our tenants do not have any adverse impact on the amenity of neighbours residing in the areas in which our properties are located.

We have a robust tenancy agreement which clearly outlines the responsibilities for both our landlord and tenants. Special emphasis is given to antisocial behaviour by tenants or their visitors.

Our tenants are required to show due consideration to neighbours at all times and respect neighbours' absolute right to quiet enjoyment of their properties. Should the tenants fail in this regard then robust and proportionate action is taken.

Should the tenants be responsible for causing nuisance and distress to neighbours by behaving in an antisocial manner then the ultimate action we would take would be to terminate their tenancy and take legal action to obtain the Court Order necessary to evict them. Due legal process must of course be followed in such circumstances.

Taking cognisance of the concerns regarding the potential for antisocial behaviour expressed in a number of the letters of objection, we have flagged this property as a 'sensitive let'. This means that greater scrutiny will be given to potential tenants who must be more mature, have a positive reference form a previous landlord and sign an acknowledgement with us that they understand the property is a sensitive let. The intention behind this action is to further minimise the risk to neighbours of antisocial behaviour occurring in the first place.

## Parking

A number of neighbours express concern that the already difficult situation with parking will be exacerbated by the presence of an HMO and persons visiting our tenants.

We do not envisage there being any parking problems and we would take action if our tenants or their visitors were parking illegally or without consideration to neighbours.

[www.grantproperty.com](http://www.grantproperty.com)

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# GRANT PROPERTY

INVESTMENT + MANAGEMENT

Our tenants are routinely students and it is not common for there to be significant car ownership / usage among them.

Should our application for HMO Licence be granted, we would of course comply with any additional condition attached to the Licence or imposed in terms of Planning regarding parking arrangements.

### Upkeep of garden

We will always work collaboratively with neighbours in cooperating adhering to any arrangements already in place for garden maintenance. Our landlord currently employs a company to maintain the garden during the growing season.

### Property Values

I am not aware of any evidence that the existence of this property as an HMO in Rosebery Street would have any adverse impact on property values in the street. Our client has already demonstrated that he has made a significant investment at this property and he wishes property values to accrue in the same way as neighbouring proprietors.

### Planning Permission

The property benefits from having the required permission to operate as an HMO in Planning terms. At time of writing, we are consulting with Planning officials to ensure the provision of four cycle spaces within the garden area (to promote alternative modes of travel) and ensure bin storage facilities are approved and meet required standards.

### Refuse storage and refuse presentation

Full details of the Council's refuse / recycling arrangements for the property have been displayed at the premises and tenants are required to fully comply with these in terms of their tenancy agreement. As stated previously, the supply of bins will meet the standard set by the Council.

[www.grantproperty.com](http://www.grantproperty.com)

**Head Office:**  
14 Coates Crescent  
Edinburgh, EH3 7AF  
0131 220 6360 :T  
headoffice@grantproperty.com :E

**Edinburgh Branch:**  
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**Glasgow Branch:**  
685 Great Western Road  
Glasgow, G12 8RA  
0141 330 9820 :T  
glasgow@grantproperty.com :E

**Stirling Branch:**  
26 Upper Craigs  
Stirling, FK8 2DG  
01786 463646 :T  
stirling@grantproperty.com :E

**Dundee Branch:**  
20a Whitehall Crescent  
Dundee, DD1 4AU  
01382 203838 :T  
dundee@grantproperty.com :E







P

# GRANT PROPERTY

INVESTMENT + MANAGEMENT

## Tenants

The tenants that we seek for our properties are mainly students and sometimes professionals. References are always required and in appropriate cases parents or guardians will be required to act as guarantors.

## Noise Insulation

No additional noise reduction materials have been installed at the property. Equally, no existing noise suppression materials have been removed in the development of the property.

## Contact Points

Day-to-day management of the property is currently undertaken by our Dundee Branch. Their details together with emergency contact details are shown below:-

Grant Property  
Dundee Branch  
20a Whitehall Crescent  
Dundee  
DD1 4AU  
Tel: 01382 203838  
Email – [dundee@grantproperty.com](mailto:dundee@grantproperty.com)

Branch Manager:

Out-of-hours emergencies –

We also have office accommodation (for use by staff only) in Aberdeen at the following location:

SKENE Business Centre  
96 Rosemount Viaduct  
Aberdeen  
AB25 1NX

[www.grantproperty.com](http://www.grantproperty.com)

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14 Coates Crescent  
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0131 220 6360 :T  
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20a Whitehall Crescent  
Dundee, DD1 4AU  
01382 203838 :T  
[dundee@grantproperty.com](mailto:dundee@grantproperty.com) :E







# GRANT PROPERTY

INVESTMENT + MANAGEMENT

I hope that the undertakings given in this letter will go some way to reassuring Committee and neighbours that we wish to address any concerns neighbours may have both now and in the future.

I will be sending a copy of this submission to all objectors in advance of the Committee meeting and inviting them to contact me direct on any matters they consider have not been addressed.

Yours sincerely

**BRIAN GRIEVE**  
HMO Operations Manager

[www.grantproperty.com](http://www.grantproperty.com)

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dundee@grantproperty.com :E



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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.20 Belmont Road, Aberdeen**

**Applicant/s: Wilma Kincaid**

**Agent: Margaret Duffus Leasing**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 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.20 Belmont Road, Aberdeen, is a 2-storey, mid-terraced house providing accommodation of 4 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 30 July 2015 and was received by the HMO Unit on 3 August 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 5 August 2015 – 25 August 2015.

**Letter of Objection:**

One letter of objection was received by the HMO Unit on 10 August 2015, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.20 Belmont Road, Aberdeen.
- The applicant & her property are registered with the Landlord Registration database.
- The applicant has 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 'first-time' application.
- The properties at Nos.3 (3xHMO), 5 (1xHMO), 22, 24 & 28 Belmont Road, Aberdeen, are licensed HMOs.
- The letter of objection mentions "...a proliferation (of HMOs) on the street already...", and the previous bullet-point states the addresses of the currently HMO-licensed properties in Belmont Road, Aberdeen. The objector infers 'overprovision' of HMOs in the area, which is a ground of refusal available to local authorities when considering HMO licence applications.

The C, H & I Committee of this Council, at its meeting on 27 August 2015, considered a report about HMO Overprovision and resolved:

*To instruct the Director of Communities, Housing and Infrastructure to carry out a full public consultation on the proposed introduction of an HMO overprovision policy for Aberdeen, with consultation of a 15% threshold as proposed by the Head of Communities and Housing and that a further report be submitted to the January 2016 committee.*

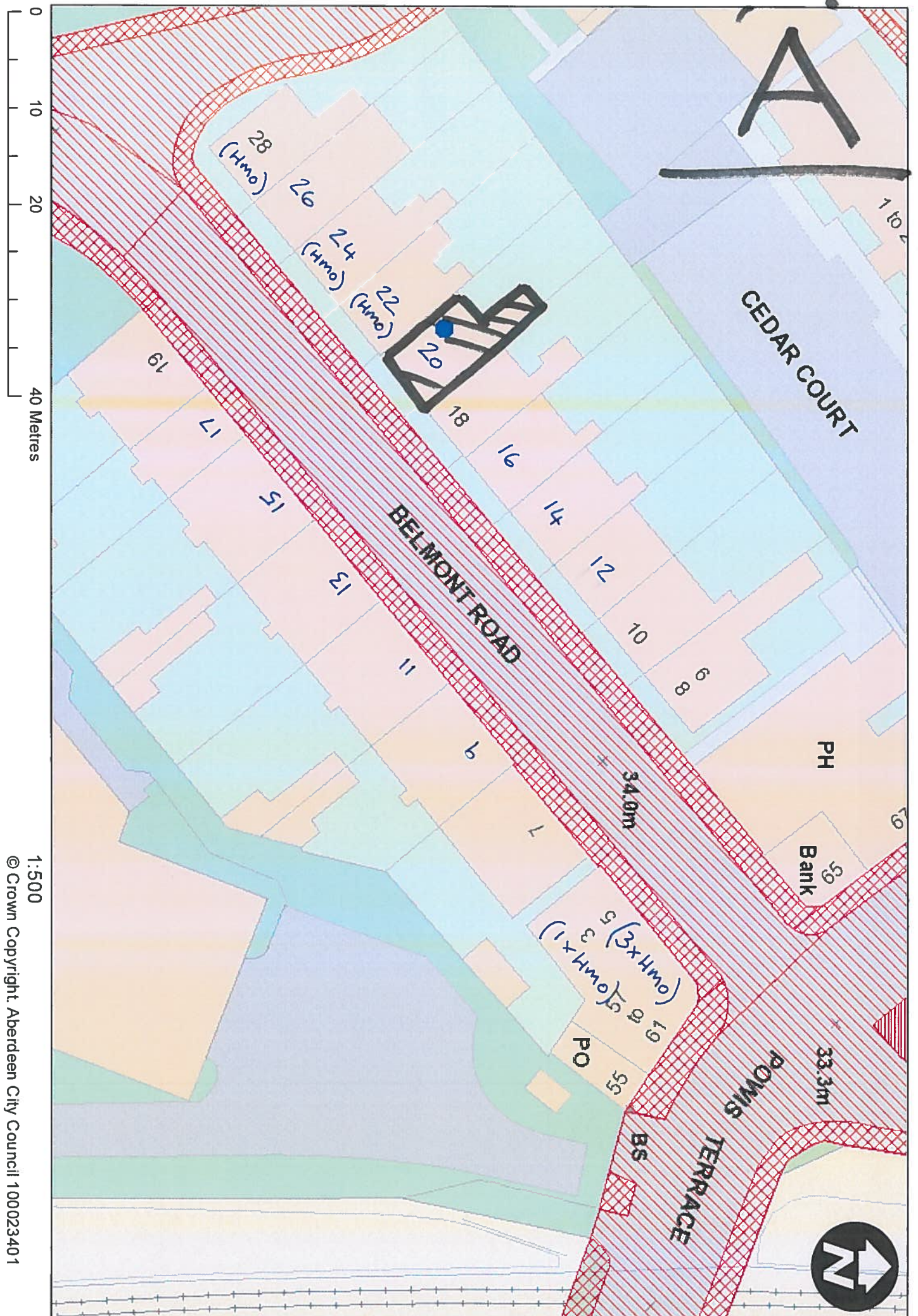
Until such time as the Council implements a policy on HMO Overprovision, that particular ground of refusal is not available to the Committee.

- The letter of objection mentions “..*horrendous parking problems* (in Belmont Road)..”. On-street car parking is available 24 hours per day on a first come, first served basis outside the even-numbered properties. On street car parking is not permitted during the day outside the odd-numbered properties, but is available on a first come, first served basis in the evenings and overnight. That said, 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





1:500  
 © Crown Copyright Aberdeen City Council 100023401

Mr D.Simpson,

B

7-8-15.

Dear Sir,

Concerning the application for number 20 becoming a house of multiple occupation, I object to this most vociferously as there is a proliferation on the street already, this can only add to the horrendous parking problems and noise pollution we already have. The dynamic of the street is rapidly changing from one of family's to one of students' transient workers & absentee landlords.

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> <b>1 0 AUG 2015</b>
<b>Private Sector Housing Unit</b>

Yours sincerely,

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.35 Kings Crescent, Aberdeen (First floor flat)**

**Applicant/s: Nicholas Mockett**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 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.35 Kings Crescent, Aberdeen, is a first-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 31 July 2015 and was received by the HMO Unit on 3 August 2015.

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

The Certificate of Compliance has not yet been submitted by the applicant, however the date (31 July 2015) on the application form is the first day of the 21-day statutory period during which time the public Notice of HMO Application must be displayed outside the property. The 21-day statutory period therefore ended on 21 August 2015.

**Letter of Objection:**

One letter of objection was received by the HMO Unit on 17 August 2015, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

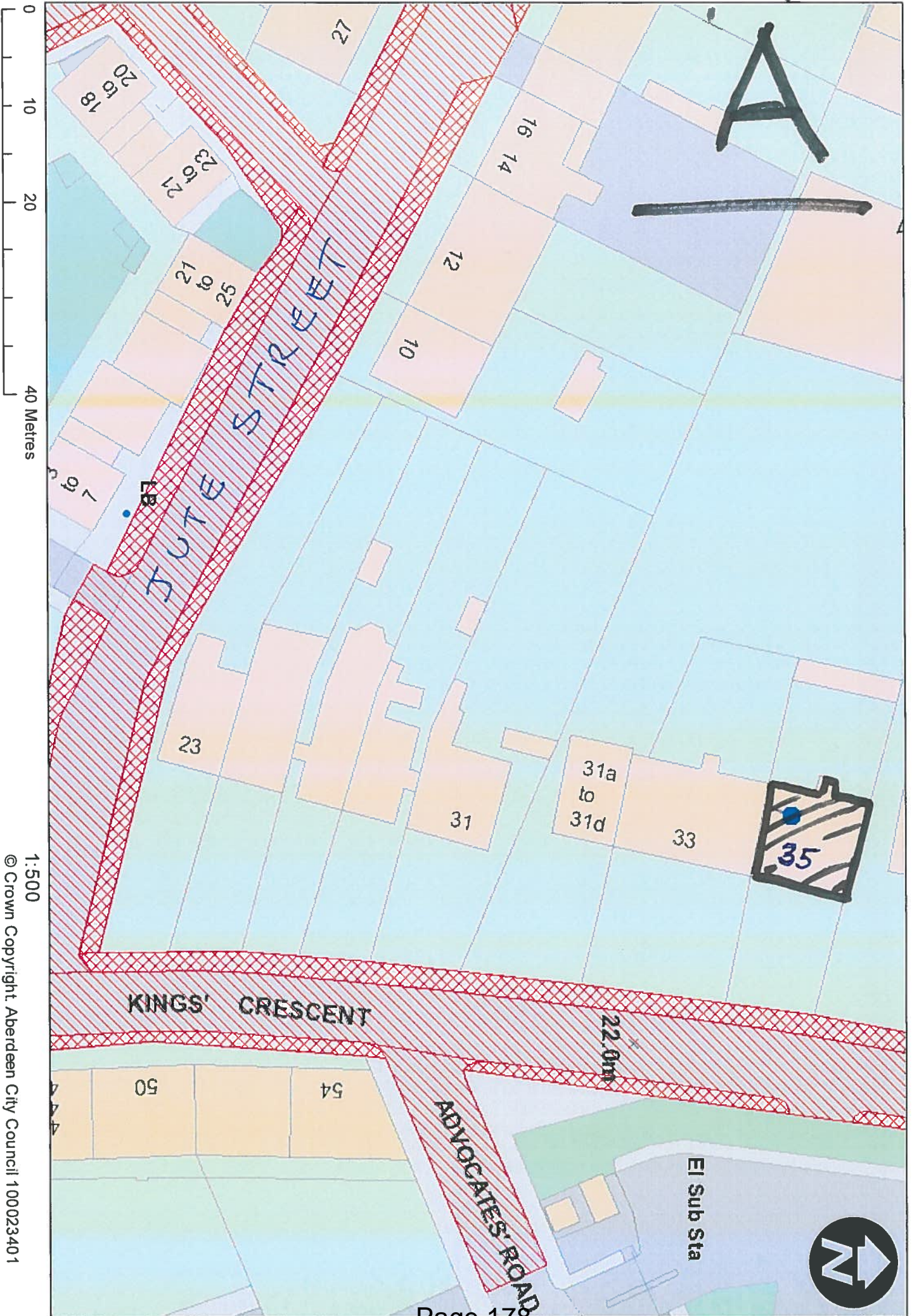
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.35 Kings Crescent, Aberdeen.
- The applicant & his property are registered with the Landlord Registration database.
- 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 an application to renew an HMO licence.
- The objector, in her letter of objection, alleges that the applicant has supplied inaccurate information relating to his home address, which is given as the HMO address at 35 Kings Crescent, Aberdeen. This address is not the applicant's home address, however legal opinion is that the Council cannot compel the applicant to provide details of his actual home address.
- The objector, in her letter of objection, mentions her difficulties when trying to contact the landlord to discuss communal repairs, etc. The same difficulties have been experienced by the staff of the HMO Unit, and whilst contact is eventually made, it is often after numerous e-mails and phone calls. Should the Committee decide to grant the HMO licence, the standard licensing condition LC10 will require the applicant to provide his adjoining neighbours with his contact details.

- The letter of objection mentions a faulty gas boiler. The objector notified the HMO Unit of her concerns about this in 2014 and the HMO Officer made contact with the landlord who eventually supplied a Gas Safe Certificate confirming that the gas boiler had been checked by a Gas Engineer and was safe.
- The objector, in her letter of objection, states her concerns about the condition of the kitchen and bathroom in the HMO property. The HMO Officer recently carried out his initial inspection of the property and advised the landlord that it would be necessary for him to treat the damp/mould growth in the bathroom, and redecorate as necessary. The landlord has also agreed to replace the kitchen units during the 'life' of the next HMO licence, assuming that a licence is granted.

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



B

14th August 2015

Aberdeen City Council
Housing & Environment
DATE RECEIVED
17 AUG 2015
Private Sector Housing Unit

Dear Committee Members

**Application for House in Multiple Occupancy Licence – 35 Kings Crescent (1<sup>st</sup> floor)**  
**Applicant – Mr Nicholas Mockett**

I am writing to you as the owner of the ground floor flat (35B Kings Crescent). I have owned the property since January 2007 and during that time it has been occupied by my son(s).

This building provides four flats: top floor, middle floor and two small (single occupancy) flats on the ground floor. Our family, who own and live in 35B, are the only owners who are not rental landlords.

This has involved us acting as unpaid factors as our presence in the building allows us to see when repairs need done, co-ordinate the communication with the other owners, arrange estimates and be available for contractors. More generally I have been a point of contact for the other rental tenants over the years.

\*\*\*\*\*

I am objecting to the application for renewal of Licence as I have a number of concerns regarding Mr Nicholas Mockett's care of and management of the property. Below I will detail the points that I wish to raise and ask that they be recorded and taken into consideration when considering Mr Nicholas Mockett's suitability to hold such a licence.

- Mr Mockett is an absentee Landlord – I am aware that he works in/from London with trips overseas. He does not and has not lived at the property, 35 Kings Crescent, for many years. This is the address that he has provided on his application to this committee, as this is not his Home Address, this information is inaccurate.



- Since January 2007 I have met him on one occasion, during the summer of 2013, this was by chance and in the hallway of the building. I am aware from the other owners that they have not met him. I have two email addresses for him and one mobile telephone number. Since 9<sup>th</sup> January 2014 – he has not responded to or acknowledged any of the communications that I have made to him via these routes. (email, telephone call or text message). I do not have a home address for him, as he has never provided this information. This inability to contact him concerns me, as there has been a long history of problems originating in his property that have directly impacted upon my family and our property below. Some have required urgent immediate action.

I believe that as a Managing Landlord (I have never been provided with any details of a management company/agent, acting on his behalf) he does not work in a cooperative manner with the other owners. His physical distance from Aberdeen and refusal to communicate with me, evidenced by his lack of response/acknowledgement of communications, makes him a very difficult man to work with. Any joint decisions, that must be made by the owners, are difficult to progress and by opting out in this way he earns an income from the property but personally does nothing to keep his flat and the property in a good state of maintenance and repair.

- I have always introduced myself to his student tenants and I am aware from my conversations with them that they have also found it very difficult to get hold of him then they have required help and assistance or require repairs within the property. The most recent example I can provide concerns the Gas Boiler/Heating /Hot Water system that services the property. This did not work for a number of weeks/months and the three young men, who occupied the flat, were at a loss regarding what they could do. It was not getting repaired and they had considered withholding their rent. I have also raised concerns about the condition of this gas boiler with Mr Ally Thain from Aberdeen City Council. It is located in a cupboard on the first floor half landing. This cupboard door sits open when the flat is occupied and the boiler's front does not click in place and sits open on top of an old washing machine – at the moment a pile of books, placed under it, stops the front panel from falling forwards and downwards exposing all the workings of the boiler. I consider this boiler/heating system to be sub standard and may be placing all other occupants of this building at risk if it is in a poor state of repair.
- As stated above I always make a point of introducing myself to his new tenants. I exchange telephone numbers, explaining that when things go wrong in a building it is essential that people can get hold of each other quickly. At this time I have had access to his property, by their invitation, and have taken the opportunity to offer them some guidance on how to be good neighbours and also pointed out things that can impact on me below. When in Mr Mockett's property I have been horrified to observe black mould in the bathroom and a fitted kitchen in a very poor state of repair. These two areas of his property have been of particular concern to me as I have had my ceiling come down when a tap was left running and overflowed, and damaged/missing sealant around the bath has caused frequent water damage to my walls/wallpaper. Pipework below the kitchen sink and ill fitting or

perished tubing connecting the washing machine has also led to water penetrating through to my property. I always seek assurance from Mr Mockett that these areas have been attended to when his property has been cleaned, prior to being re-let, as I am aware that on removing black mould the sealant has been removed in the past. ***(At this time I am unaware of the condition of the bathroom or kitchen as it has been some time since I was in the property).***

- I also wish to describe a situation, which in my opinion, clearly illustrates Mr Mockett's lack of consideration for others and unsuitability as a person who, by providing accommodation for others, has a responsibility to meet all that is required of a good Landlord. See below historical emails:

From:  
To:  
Subject: Re: Kings Crescent. Water entering front of building  
**Date: Fri, 4 Jan 2013 16:15:16 +0000**

Nicholas,

Contacting you to advise that I experienced a large volume of water entering my flat at a point below you sitting room window. This took place on 22nd December - and has been drying out since.

It coincided with the very heavy rain that we experienced over that weekend - so I therefore presumed that it was rain entering the interior of the building that led to the flood.

I wish to raise with you my concern regarding the poor state of your window frames. It is highly likely that they are not wind and watertight and have allowed water to enter the building - causing me to experience the flood below.

***You have previously indicated your intention to replace these original window frames*** - but have taken things no further?

Due to this most recent flood it is my intention to contact the City Council to ask their opinion on the condition of the windows in the property being rented in the building. As they may have some interest as it is registered with them under multiple occupancy rules.

I have only had one Christmas period (in the past 6 years) that has not been impacted upon by having to deal with water from above. Until I can eliminate an obvious potential source or water entry ( your windows) I am struggling to face the work involved in redecoration. As the blinds hit the floor my front window is covered over with Black Plastic bags - Not an ideal situation !

Alison

From:  
To:  
Subject: Kings Crescent - windows  
**Date: Wed, 17 Apr 2013 09:15:03 +0100**

Nicholas,

I spoke to one of your tenants today regarding any progress with the installation of new windows. He advised that nothing has happened since one contractor visited some months ago.

I experienced the problem of water entering into my flat on 23rd December 2012 and advised you of this early January.

I believed that I had your acknowledgement and agreement that the condition of your windows were causing me a problem with water below and that it was your intension to replace these.

( I have since heard from the Slater that he was asked to seal them - as best as possible some years ago - and also from a window fitter, who was working in the building last week, that due to the rotting condition they will not be water tight).

Initially you stated that you would aim to have this work done in the spring - I now ask if you genuinely intend to deal with this matter or have had a change of mind.

I intend, within the next four weeks, to contact Mr Joseph Lamb - Private Sector Housing Officer at Aberdeen City Council and ask him to visit the property. I will ask for any assistance he can offer in relation to working with yourself to resolve this problem.

You should also have received a copy of the quote for larger scale work to the roof etc. (sent by email last week) We are still waiting for further quotes, however can you please indicate your thoughts/views on this plan of work - as it will be necessary to have agreement from all owners regarding what work can be progressed and a timescale.

Thanks Alison

### **Email 18<sup>th</sup> Nov 2013**

**I would also like you to confirm** if you have organised for your **windows to be replaced** at the same time as the work in being done on the roof (when the scaffolding is available).

I ask this question, as I do want an answer from you- so please get back to me with answers to both of the above questions.

If you have changed your mind about getting your windows replaced I will be contacting the local council to advise them that I feel they are dangerous and do not fall in line with the standards necessary for an HMO property. ( I am taking this line because you originally told me that you would have the work done in Spring 2013 and I really don't want any more damage in my property from water leaking through non existent window frames. )

I have had notice from the council of Norma's intention to replace her windows but nothing has come to indicate that you are also going through this process with them.

I am aware that you don't always reply and acknowledge that you have received any emails sent to you - **However I do need to hear back from you**

Thanks Alison



## One Year Later

### Email from 1<sup>st</sup> January 2014

Nicholas - please telephone me immediately!!!

I have water soaking my front room ( AGAIN)!!! from your rotten window frames. I gave you months to deal with this situation and you did nothing - OK perhaps it is to happen sometime in the new year - but this really isnt good enough. You initially told me it would be last spring

After waiting months for you to sort out your windows I finally decorated the room ( September 2013) bought as new blind - paid a joiner to fix all the damaged plaster around the window.

You have made no attempt to even get a temporary repair of your windows or some kind of sealing system in place to help prevent the rain entering through the totally rotten window frames.

TELEPHONE ME IMMEDIATELY  
I AM VERY ANGRY ABOUT THIS

Alison tel: 0115 951 1111

**From:** [nicholas mockett](#)

**To:** [Alison Guyan](#)

**Sent:** Saturday, January 04, 2014 11:20 PM

**Subject:** RE: 35 Kings Cre. Money to be deposited in Bank Account By 13th Jan

Alison

apologies the e mail must have been lost in all the spam from retailers promoting sales etc.

no problem crediting the account pre 13/1. (NOTE HERE -THIS DIDN'T HAPPEN AS STATED!)

thank you for following up. I have chased the window company and they have assured that windows are being done the following week.

also, the frames are being checked for waterproofing in the interim.

thank you

**From:** [Alison Guyan](#)

**To:** [nicholas mockett](#) ; [nicholas mockett](#)

**Sent:** Thursday, January 16, 2014 10:44 AM

**Subject:** 35 KINGS CRESCENT - YOUR WINDOWS ?

Nicholas - Please see email Below.

I received this email from you on 4th January assuring me that all was in order with your replacement windows. However, today, I have heard via Norma that you did not give her window contractor the go - ahead to proceed with the job when he was also doing her flat. Hers are getting done next week.

Can you explain exactly what is happening with your windows - or is it another company who are to be fitting them sometime in the two-week period beginning - 13th Jan - while scaffolding will be up? as you assured me in email below.

I had thought you were being honest and genuine in your assurance that I would not have to suffer much longer.

Please advise me immediately as I do intend to call in officials from Aberdeen City Council, next week, to assess the condition of the windows.

Thank you

Alison Guyan

(( We later heard from the joiner that Nicholas Mockett arranged, at some point after the 16<sup>th</sup> January 2014, to order and pay for his new windows))

**From:** Alison Guyan

**To:** nicholas mockett ; nicholas mockett

**Sent:** Friday, January 17, 2014 5:51 PM

**Subject:** Fw: 35 KINGS CRESCENT - YOUR WINDOWS ?

Nicholas

Sent again as I have received no reply from you

Alison

**email 19<sup>th</sup> January 2014**

Nicholas,

As I have received no response to the question I asked you below, regarding your windows, I now intend to discuss the issue that I have with you in relation to the condition of your windows with Mr Ally Thain. Property Manager at Aberdeen City Council

Alison

**Part of an email dated 28Jan 2014**

I spoke to Nicholas' tenants today - they had thought that they were about to get their windows done - when they saw scaffolding etc. then they realised that it was the top floor. He has never kept them updated. They are very unhappy and have said that they will not keep on the lease for another year. I told them that I have discussed my issues regarding the property with ACC. Housing Dept.

Alison

During the two year period from December 2012 – February 2014 Nicholas' tenants were also living under terrible conditions with water and cold air coming through the window surrounds. They had pillows and duvet covers up against the glass to offer some resistance to the weather. This could visibly be seen from the front of the building.

You will see from the email's that passed between Nicholas Mockett and myself during that time that I fully intended officially raising this with the relevant staff at Aberdeen City Council. I cannot be certain that Mr Mockett would have replaced the windows had I not pursued this so actively.

\*\*\*\*\*

- Nicholas Mockett (or his tenants) have a responsibility for the upkeep /maintenance of common shared areas. I can state that not once, since January 2007, has anyone connected to the property swept or washed the

stair/landings to/from the flat. Periodically I have felt it necessary to do this as the thick dust makes its way to the ground floor.

- Care of the back garden and grass cutting. This has been an ongoing issue, as Mr Mockett has not initiated any action to meet his obligation in this area. Some years I have attempted to initiate a grass-cutting rota for the summer months with limited success. Other years I have maintained the garden myself, as the effort of involving other owners is harder work than the actual task. This year, I believe that Mr Mockett did arrange for a gardener to fulfil his obligation – as per rota, however I would not expect this to automatically occur next year and with no communication from Mr Mockett, the other owners did not know that he was aware of the plan to care for the garden.
- The front door of the property is fitted with an intercom system. However on many occasions the door is unlocked off the latch or not pulled closed. Since November 2013 we have had four incidents of break in or attempted break in occur in the building. I have visited all the tenants to discuss this security issue; however can state that Mr Mockett's tenants are the most careless when it comes to leaving the building vulnerable. This places all the other tenants possessions at risk from theft.
- An owners meeting to discuss re roofing the building, was planned, and took place on Tuesday 3<sup>rd</sup> September 2013, Mr Joseph Lamb, Aberdeen City Council also attended this meeting. Mr Nicholas Mockett was consulted prior to setting this date and stated that he would be able to attend – however he later advised that he could not attend and asked for an update via a telephone call. The owners of the properties at 35 Kings Crescent are in the process of setting a date for another owners meeting to be held this September 2015. Mr Nicholas Mockett has not responded to emails advising of the intention to hold this meeting.

I hope, that by providing the above information, I have evidenced the reasons why I believe that Mr Nicholas Mockett is not a suitable person to hold a licence to run a property in Multiple Occupancy.

Yours Sincerely

Mrs Alison Guyan

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# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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 Tailor Place, Aberdeen**

**Applicant/s: Kenneth Caithness**

**Agent: Aberdeen Property Leasing**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 2015 for the reason that 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.34 Tailor Place, Aberdeen, is a second-floor flat providing accommodation of 3 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 July 2015 and was received by the HMO Unit on 31 July 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 29 July 2015 – 28 August 2015. The statutory 21-day period expired at midnight on 19 August 2015.

**Letter of Objection:**

One letter of objection was received by the HMO Unit on 26 August 2015, one week outwith the statutory 21-day period. 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, copies will be circulated to Members at the meeting.

**Letter from licence-applicant:**

The applicant submitted a letter in response to the letter of objection. If the Committee decides to consider the letter of objection, copies of the applicant's letter will also be circulated to Members..

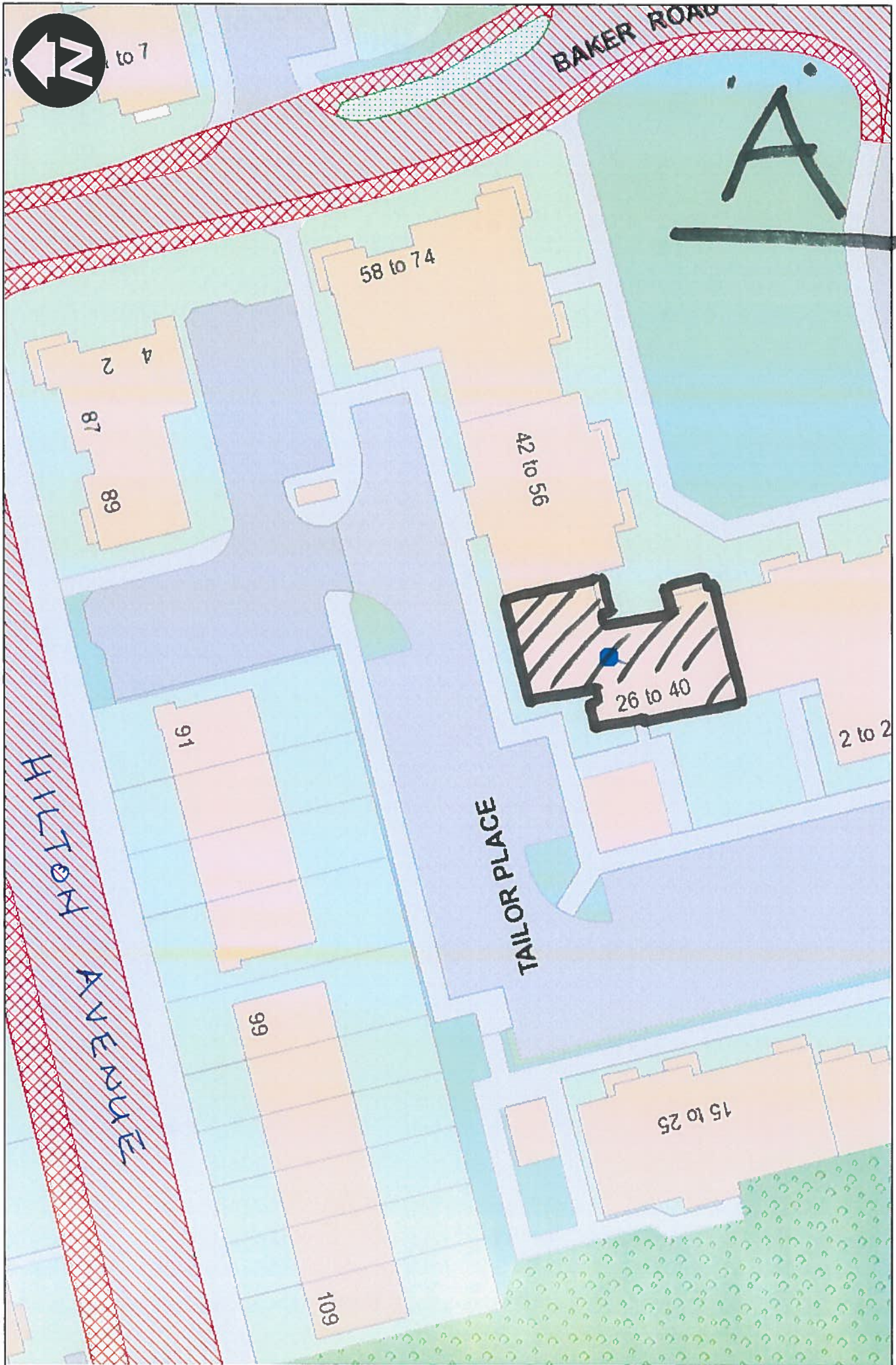
**Other Considerations:**

- 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.34 Tailor Place, Aberdeen.
- The applicant & his property are registered with the Landlord Registration database.
- The applicant has 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.
- There is only one HMO-licensed property in Tailor Place, Aberdeen, ie. No.26 Tailor Place.
- All HMO upgrading works & fire-safety works have been completed, therefore if the Committee is minded to grant the HMO licence, it may do so at the meeting on 3 November 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





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**MEMO**

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 2015
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.31 Hilton Street, Aberdeen**

**Applicant/s: Mary M.Mercer**

**Agent: Andrew Mercer**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 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.31 Hilton Street, Aberdeen, is an upper-floor maisonette flat providing accommodation of 5 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 6 August 2015 and was received by the HMO Unit on 10 August 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 6 August 2015 – 27 August 2015.

**Letter of Objection:**

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

**Letter from Licence-Applicant**

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

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- 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.31 Hilton Street, Aberdeen.
- The applicant & her property are registered with the Landlord Registration database.
- 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 an application to renew the current HMO licence.
- The properties at Nos.11 & 79 Hilton Street, Aberdeen, are licensed HMOs, and I am currently dealing with 'first-time' HMO licence applications in respect of Nos.3 & 33 Hilton Street, Aberdeen.
- The letter of objection mentions "...*the increase in the number of HMOs in this street...*". This perhaps infers 'overprovision' of HMOs in the area, which is a ground of refusal available to local authorities when considering HMO licence applications.

The C, H & I Committee of this Council, at its meeting on 27 August 2015, considered a report about HMO Overprovision and resolved:

*To instruct the Director of Communities, Housing and Infrastructure to carry out a full public consultation on the proposed introduction of an HMO overprovision policy for Aberdeen, with consultation of a 15% threshold as proposed by the Head of Communities and Housing and that a further report be submitted to the January 2016 committee.*

Until such time as the Council implements a policy on HMO Overprovision, that particular ground of refusal is not available to the Committee.

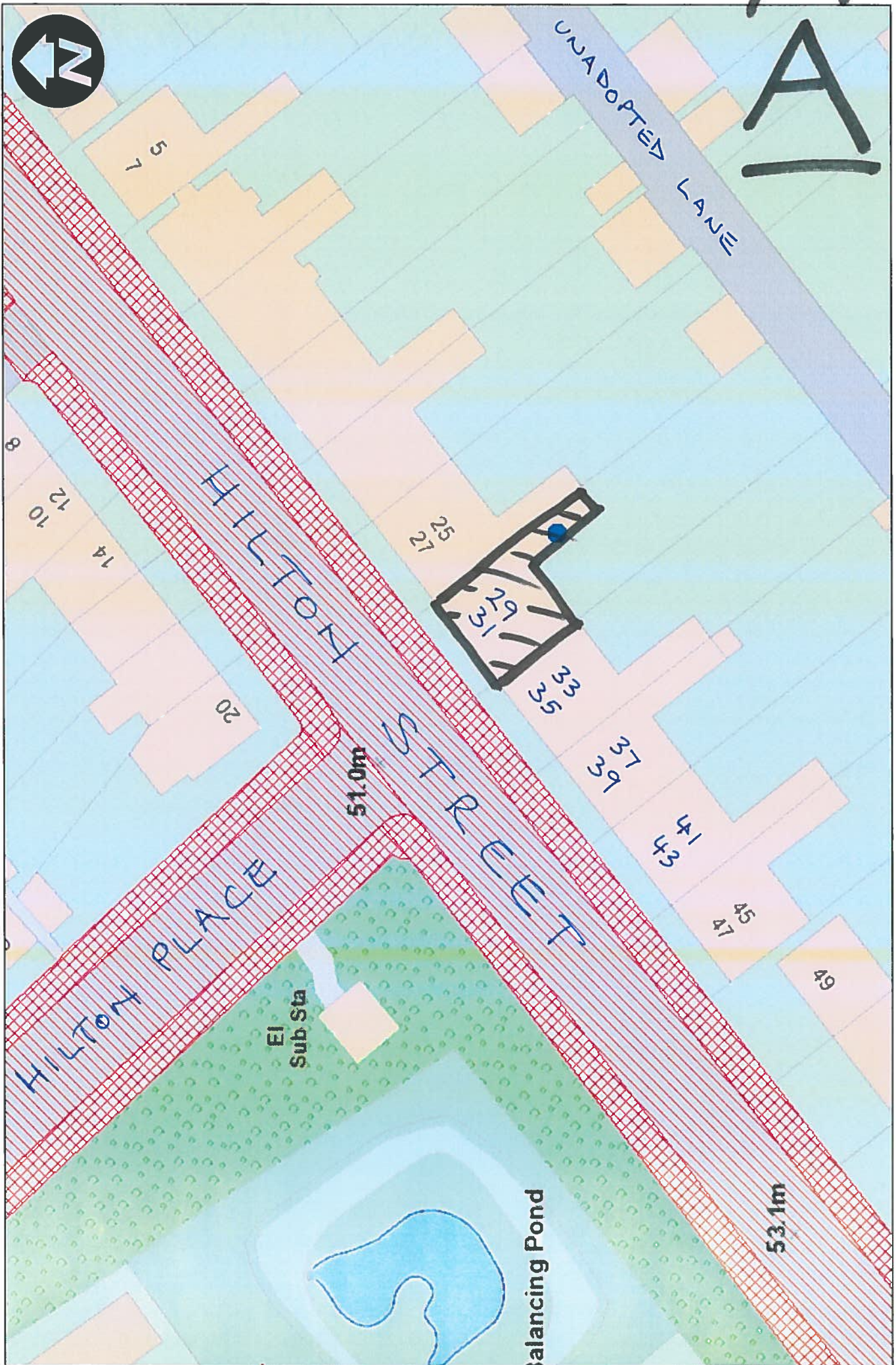
- There are no car parking restrictions at the odd-numbered side of Hilton Street, although car parking is prohibited at the opposite side of the street. Car parking is also available in the un-adopted lane at the rear of the odd-numbered properties.
- At the HMO upgrading works & fire-safety works have been satisfactorily completed, therefore if the Committee is minded to grant the HMO licence, it may do so at the meeting on 3 November 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





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B

21st August 2015

Dear Sirs,

HMO Applications for Nos 31 and 33 Hilton Street, Aberdeen.

I note that applications have been made for HMO Licences in relation to the above properties which are close to my own house.

I would like to voice my concern at the increase in the number of HMO's in this street and would express the view that it could be detrimental to the amenity of this area should further licences for HMO's be granted.

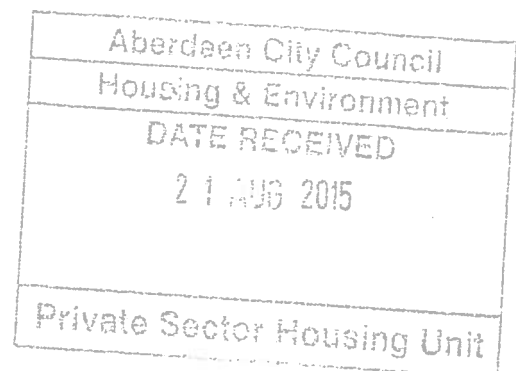
It is my experience that HMO properties create greater demands on street parking for motor vehicles and this is already an issue on this part of Hilton Street and will likely be exacerbated should further HMO's be established here.

Occupants of HMO's tend to be resident for the short term and therefore have no stake in the area. This can cause issues such as non maintenance of gardens and general untidiness around refuse and recycling containers.

I do have a concern that that many of the family houses in this part of Hilton street will be turned into HMO's and would enquire whether Aberdeen City Council have any powers or policies that come into play when considering HMO applications.

Yours sincerely,

Gilbert McCurdy



C  
I

14<sup>th</sup> September 2015

**Recorded Delivery and Email**

Mr Ally Thain  
Private Sector Housing Manager  
Aberdeen City Council  
Communities, Housing & Infrastructure  
Private Sector Housing Unit

Business Hub 11  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> <b>15 SEP 2015</b>
<b>Private Sector Housing Unit</b>

Dear Mr Thain

**Licensing Committee: Tuesday, 3 November 2015**  
**Application for Licence for a House in Multiple Occupation (HMO)**  
**31 Hilton Street, Aberdeen AB24 4QT**

I am writing in reply to your letter dated 28<sup>th</sup> August 2015 which enclosed a letter of objection dated 21<sup>st</sup> August 2015 from Mr McCurdy of : relating to my HMO Renewal Licence Application which was received by the HMO Unit on 10<sup>th</sup> August 2015.

I confirm that I will be attending the Licensing Committee Meeting on Tuesday 3<sup>rd</sup> November 2015 at 10am along with my representative Mr George Duncan who will be speaking on my behalf. I will be available to answer questions at the meeting and discuss or clarify my responses to the objection letter.

**Mr McCurdy in his letter raises concerns at the increase in the number of HMO's in Hilton Street and he expresses a view 'that it could be detrimental to the amenity of this area should further licences for HMO's be granted.'**

I would confirm that my recent HMO Application for 31 Hilton Street ('the Property') is a renewal to the previous three year Licence approved by Aberdeen City Council which commenced on 12<sup>th</sup> September 2012.

During the last three years I am not aware of any complaints to Aberdeen City Council regarding incidents at the Property that could be deemed to be detrimental to the amenity of the area. I note that Mr McCurdy has not raised a formal complaint to Aberdeen City Council about any of the issues covered in his complaint letter over the past three years covered by the previous HMO Licence on the Property.



The tenancy of the Property is covered by a Short Assured Tenancy Agreement which includes clauses requiring tenants to dispose of all rubbish in accordance with Council requirements and to respect others in the neighbourhood and not to act in an antisocial manner. The current tenants are known to me and have resided at 31 Hilton Street for more than 12 months. I do not consider that the approval of the HMO renewal application will be detrimental to the amenity of the area in the future.

**Mr McCurdy confirms that through his own experience HMO properties create greater demands on street parking for motor vehicles and considers that this is already an issue on this part of Hilton Street and would likely 'be exacerbated' with further HMO's being approved in the street.**

I do not consider that the tenants residing at 31 Hilton Street create greater demands on street parking for motor vehicles in the street than other resident groups. The HMO Licence renewal application is for 5 students and would confirm that only one student at the property has a motor vehicle which is parked near the flat. Over the last three years tenants residing at the Property are and have been students of Aberdeen University and one of the benefits of residing at the Property is its close proximity to the University which allows them to walk or take their bicycles to attend lectures, tutorials etc. This benefits the environment through reduced pollution and avoids parking congestion in the neighbourhood.

In my experience I have never had any problems parking near the flat when I have visited the Property either through the week or at week- ends. There is an abundance of parking spaces in the immediate area particularly around Hilton Place as there are no houses on the left hand side. If there are parking issues at certain times on Hilton Street as Mr McCurdy suggests it maybe caused by commuters to Aberdeen City who take advantage of the free parking on the street. I am not aware of any traffic / parking study carried out in relation to Hilton Street which supports Mr McCurdy's assertion that HMO properties create greater demands on street parking in the area. It is my understanding that the existing tenants are not proposing to increase the number of motor vehicles which are parked in Hilton Street or the surrounding area in the future.

**Mr McCurdy raises issues with non maintenance of gardens, general untidiness around refuse and recycling containers and suggests that occupants of HMO's tend to be resident in the short term and therefore have no stake in the area.**

The back garden of 31 Hilton Street is shared with 30 Hilton Street and would confirm that I have an arrangement with the owner of that property to jointly share the cost of a gardener who maintains the back garden from time to time.

I would confirm that I successfully applied to Aberdeen City Council, after a number of attempts, to secure and pay for an additional bin to ensure that there was sufficient bin capacity between uplifts of refuse and recycling waste at the Property. During the last three years of the HMO Licence I am not aware of any complaints made to Aberdeen City Council regarding issues with untidiness at the bins. As previously confirmed the Tenancy Agreement requires the tenants to dispose of the refuse in an appropriate manner and in accordance with Council requirements.

A copy of the 2015/16 refuse uplift programme for Aberdeen City Council is displayed on the notice board in the sitting room of the Property to ensure the tenants put out the correct bins for collection each week.

I do not agree with Mr McCurdy's comment that occupants of HMO's are short term residents and have no stake in the area. The students residing in HMO's contribute to the local and wider economy in Aberdeen with many having part time jobs during the academic year and some students stay on in Aberdeen during holiday periods and after completing their degree to work in local businesses and companies. Students work in Aberdeen to assist in their finances and to gain work experience to improve their chances of securing future permanent employment. Tenants of 31 Hilton Street over the last three years have taken on work in Aberdeen during term time and holiday periods. Two of the existing tenants are planning to seek permanent employment in Aberdeen after completing their degree and may continue to reside at the property.

**In conclusion Mr McCurdy raises concerns about the number of family houses in Hilton Street which will be turned into HMO's and requests whether or not Aberdeen City Council have any powers or policies in relation to HMO Applications.**

I have not been informed of Aberdeen City Council's policy relating to the approval of HMO licences in Hilton Street. In support of my HMO renewal application I would confirm that Aberdeen City Council approved my previous Licence from 12<sup>th</sup> September 2012 in view of the fact that the property met the required standards for the issue of HMO Licences laid down by the Scottish and Local Government legislation. I consider that over the last three years the previous Licence awarded by Aberdeen City Council has been operated in accordance with the rules and regulations of HMO Licences and the Short Assured Tenancy Agreement. I consider that the Property provides much needed quality student accommodation and consider that the complaints made by Mr McCurdy are unfounded.

I look forward to an opportunity to discuss and clarify my responses to Mr McCurdy's objection letter at the Licensing Committee Hearing on Tuesday 3 November 2015.

Yours sincerely

**Mary Margaret Mercer**

Cc Mr George Duncan





# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.33 Hilton Street, Aberdeen**

**Applicant/s: Jamie A.G.Grant & Sarah E.Grant**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 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.33 Hilton Street, Aberdeen, is an upper-floor maisonette flat providing accommodation of 4 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 10 August 2015 and was received by the HMO Unit on 11 August 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 10 August 2015 – 4 September 2015.

**Letter of Objection:**

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

**Letter from Licence-Applicant**

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

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.33 Hilton Street, Aberdeen.
- The applicants & their property are registered with the Landlord Registration database. In addition, the applicants currently hold HMO licences for another 5 rental properties in Aberdeen City.
- 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 'first-time' application.
- The properties at Nos.11, 33 & 79 Hilton Street, Aberdeen, are licensed HMOs, and I am currently dealing with another 'first-time' HMO licence application in respect of Nos.3 Hilton Street, Aberdeen.

- The letter of objection mentions “...*the increase in the number of HMOs in this street...*”. This perhaps infers ‘overprovision’ of HMOs in the area, which is a ground of refusal available to local authorities when considering HMO licence applications.

The C, H & I Committee of this Council, at its meeting on 27 August 2015, considered a report about HMO Overprovision and resolved:

*To instruct the Director of Communities, Housing and Infrastructure to carry out a full public consultation on the proposed introduction of an HMO overprovision policy for Aberdeen, with consultation of a 15% threshold as proposed by the Head of Communities and Housing and that a further report be submitted to the January 2016 committee.*

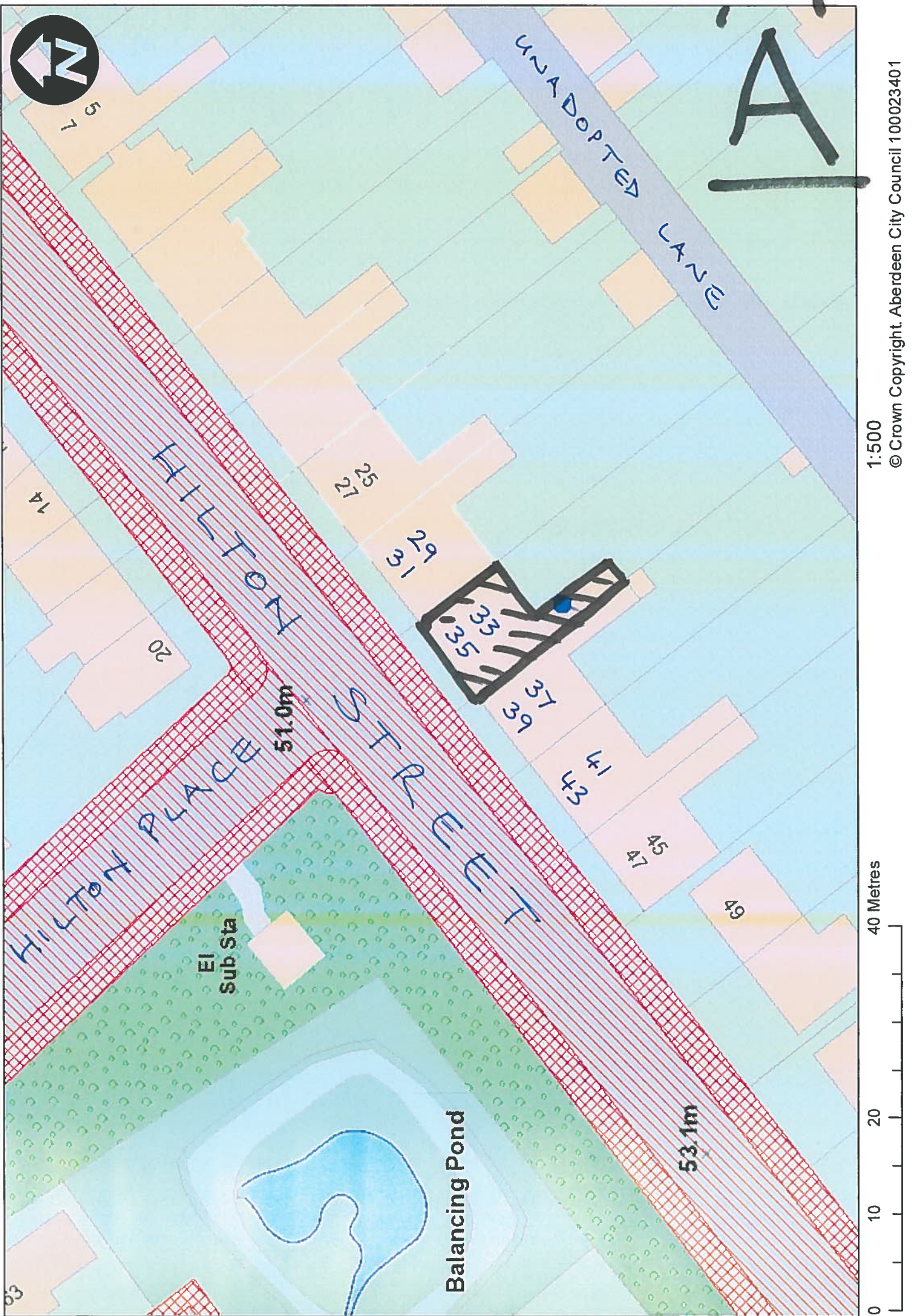
Until such time as the Council implements a policy on HMO Overprovision, that particular ground of refusal is not available to the Committee.

- There are no car parking restrictions at the odd-numbered side of Hilton Street, although car parking is prohibited at the opposite side of the street. Car parking is also available in the un-adopted lane at the rear of the odd-numbered properties.
- At the HMO upgrading works & fire-safety works have been satisfactorily completed, therefore if the Committee is minded to grant the HMO licence, it may do so at the meeting on 3 November 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





1:500  
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B

21st August 2015

Dear Sirs,

HMO Applications for Nos 31 and 33 Hilton Street, Aberdeen.

I note that applications have been made for HMO Licences in relation to the above properties which are close to my own house.

I would like to voice my concern at the increase in the number of HMO's in this street and would express the view that it could be detrimental to the amenity of this area should further licences for HMO's be granted.

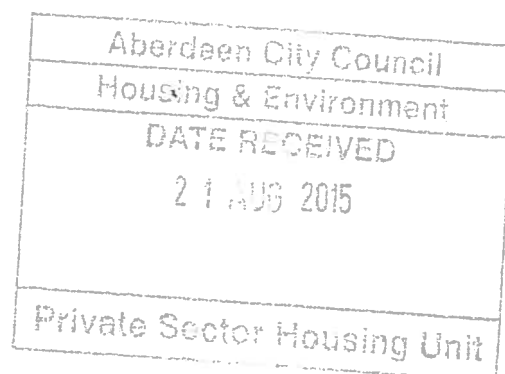
It is my experience that HMO properties create greater demands on street parking for motor vehicles and this is already an issue on this part of Hilton Street and will likely be exacerbated should further HMO's be established here.

Occupants of HMO's tend to be resident for the short term and therefore have no stake in the area. This can cause issues such as non maintenance of gardens and general untidiness around refuse and recycling containers.

I do have a concern that that many of the family houses in this part of Hilton street will be turned into HMO's and would enquire whether Aberdeen City Council have any powers or policies that come into play when considering HMO applications.

Yours sincerely,

Gilbert McCurdy



Mr Ally Thain  
Private Sector Housing Manager  
Housing & Environment, private Sector  
Housing Unit,  
Aberdeen City Council  
Business Hub 11  
2<sup>nd</sup> Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Date 15<sup>th</sup> September 2015

OUR CLIENTS: MR JAMIE & MRS SARAH GRANT

APPLICATION FOR LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION ("HMO")

PROPERTY: 33 HILTON STREET, ABERDEEN AB24 4QT  
LICENCING COMMITTEE: TUESDAY 3<sup>RD</sup> NOVEMBER 2015

We act for Mr Jamie and Mrs Sarah Grant in respect of their above application which will be considered by the Licensing Committee at their meeting on Tuesday 3<sup>rd</sup> of November 2015.

Our Clients have been provided with copies of the letter of objection from Mr McCurdy dated 21<sup>st</sup> August 2015.

Mr & Mrs Grant will appear or be represented at the meeting on the 3<sup>rd</sup> of November. In the meantime, they would respectfully ask the Committee to take into account the following points:

1. Mr & Mrs Grant are experienced Landlords with a proven track record in the management of houses in multiple occupation. They are members of the Scottish Association of Landlords and are accredited landlords in the terms of the National Landlord Accreditation Scheme. We attach a certificate confirming their accreditation.
2. Our clients are currently the Landlords of Properties at Canal Street, Lilybank Place, Clifton Road, Ashgrove Road and Leslie Road, Aberdeen all of which are subject to HMO licenses. These properties are rented accommodating 4,5,4,4, and 5 tenants respectively. Our clients have been continuous HMO license holders for 11 years the first being granted in October 2004. There are no records of any complaints or difficulties at these properties.

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> <b>21 SEP 2015</b>
<b>Private Sector Housing Unit</b>



3. The HMO officer and Scottish Fire & Rescue Service visited the property on the 4<sup>th</sup> of September 2015 and it is our understanding that they were satisfied that it met the required current HMO standards.
4. The property can be considered to be both fire safe and suitable for occupancy of 4 persons in terms of space and layout. It is therefore our understanding that the property does indeed comply with Part 5 of the Housing (Scotland) Act 2006 as amended
5. To the best of their knowledge, Mr & Mrs Grant have good relationships with their tenants, the owners of neighbouring properties and the council HMO Officers. They have not been the subject of complaint or adverse comment. We attach a reference from a neighbour to one of Mr & Mrs Grant other properties. This highlights further that our clients can be deemed as a "fit and proper" persons to be holding an HMO license.
6. Our clients shall sign a lease with tenants (copy attached), which lays down obligations regarding Parking (Clause 39), Storage and Collection of Rubbish (Clause 18) and Anti-Social Behaviour (Clause 21). All tenants are vetted in advance. Any report that the tenants are failing to meet their obligations will be promptly acted upon, including the instigation of court recovery of possession if need be. Our clients interest lies in ensuring that the amenity of the area is preserved for them and their prospective tenants.
7. Our clients also employ a gardener who visits all properties regularly to ensure the maintenance of the gardens is kept to a high standard and that the property and its surrounds are tidy. Clause 37 of the lease requires also requires that the tenants ensure the upkeep of the garden and external access areas at all times.
8. Mr & Mrs Grant are willing to provide their neighbours at 33 Hilton Street with contact details. Their home and telephone numbers are  
Their postal address  
can be found on the website [www.landregistrarationscotland.gov.uk](http://www.landregistrarationscotland.gov.uk)

Our clients would be happy to answer any further queries that you or the Committee may have about the application.

We would be grateful if you could ensure that this letter is before the Committee at the meeting on the 3<sup>rd</sup> November 2015.

Yours faithfully

For and on behalf of  Cameron McKenna LLP

4th September 2015

To whom it may concern

Jamie and Sarah Grant - HMO License Application 33 Hilton Street, Aberdeen AB24 4QT

We are owners of [redacted] and are neighbours to 57 Leslie Road, a house in multiple occupation (five tenants) owned by Mr. & Mrs. Grant. It has been let to tenants, whom we believe to be students, for the last 6 years.

In our opinion, Mr & Mrs Grant are responsible landlords both in terms of their choice of tenants and their management of their property.

There have been no incidence of anti social behaviour, nor general untidiness caused by the tenants in all the time Mr & Mrs Grant have owned the property.

In 2010 there was an incidence of flooding while the tenants were away on holiday due to a cold period of weather here in Aberdeen, Mr. & Mrs Grant responded quickly to this incident and kept us updated of progress while renovations needed to take place

We were provided with full contact details for Mr & Mrs Grant from the outset. In our experience, they are approachable people with a strong track record of looking after their properties, while also being considerate to those around them in neighbouring properties.

We are very confident that they will respond quickly to any issues that might arise concerning the management of 57 Leslie Road.

Yours faithfully

Peter Sturrock





**Landlord Accreditation**  
Scotland

Certify that

JAMIE & SARAH GRANT

has agreed to abide by the Scottish Core Standards for Accredited Landlords

Accreditation Number \_\_\_\_\_

\_\_\_\_\_

July 2013

Signature  
Project Manager, LAS

Date



Tenant fails to carry out any of the above, the Landlord or his agent is entitled to deduct these costs from the Tenant's deposit.

Where the Tenant fails in this responsibility, the Landlord may carry out these responsibilities and recover the costs from the Tenant.

#### 17. ROOF

The Tenant is not permitted to access the roof.



#### 18. REFUSE

The Tenant agrees to dispose of all rubbish in an appropriate manner and at the appropriate time. It is a Tenant responsibility to find out the days of collection by contacting the local authority. Rubbish must not be placed anywhere in the common stair at any time. The Tenant must take reasonable care to ensure that the rubbish is deposited in the correct bin and no rubbish overflows and that the lid of the bin is firmly closed. If rubbish is normally collected from the street it should not be put out earlier than 7am on the day of collection.

Rubbish containers should be returned to their normal storage places as soon as possible after the rubbish has been collected. The Tenant must comply with any local arrangements for the disposal of large items (such as large electrical items).

#### 19. STORAGE

Nothing belonging to the Tenant or anyone living with the Tenant or the visitors may be left or stored in the common stair if it causes nuisance or annoyance to neighbours.

The Tenant must remove all personal belongings at the end of the tenancy failing which the Landlord if sees fit will, at the Tenant's expense, remove, store, sell or otherwise deal with such personal belongings

The Landlords' only obligation being to account for the proceeds of any sale after deducting all expenses incurred by her in relation to such personal belongings.

#### 20. DANGEROUS SUBSTANCES

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



#### 21. RESPECT FOR OTHERS

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

“Antisocial” means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Antisocial conduct includes speech.

A course of conduct means antisocial behaviour on at least two occasions.

In particular, the Tenant, those living with him/her, and his/her visitors must not:

- i. Make excessive noise. This includes, but is not limited to, the use of televisions, hi-fis, radios and musical instruments and DIY tools;
- ii. Allow visitors to the Tenant's house to be noisy or disruptive;
- iii. Use the Tenant's house or allow it to be used, for illegal or immoral purposes;
- iv. Vandalise or damage the Landlord's property or any part of the common parts or neighbourhood;
- v. Leave rubbish either in unauthorised places or at inappropriate times;
- vi. Harass, threaten or assault any other Tenant, member of his/her household, visitors, neighbours, members or employees of the Landlord or any other person or persons in the house, or neighbourhood, for whatever reason. This includes behaviour due to that person's race colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status;
- vii. Use or carry offensive weapons;
- viii. Use or sell unlawful drugs or sell alcohol;
- ix. Store or bring onto the premises any type of firearm or firearm ammunition including any replica or decommissioned firearms.
- x. Undertake to host parties in the Property, which may result in creation of noise, which could cause disturbance to the occupants of adjoining houses, or neighbouring Properties.

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

## 22. BIKES

No bikes are to be parked in the common close or on the landing or at the entrance to the property or in the garden or inside the Property at any time.

## 23. ELECTRICAL APPLIANCES

### 33. REPAIR TIMETABLE

The Tenant undertakes to immediately notify the Landlord (or any officer, agent or employee specified by the Landlord for that purpose) of the need for any repair or emergency. The Landlord undertakes to carry out necessary repairs within a reasonable period of time after having been notified of the need to do so.

### 34. PAYMENT FOR REPAIRS

The Tenant will be liable for the cost of repairs where the need for them is attributable to his fault or negligence, that of any person residing with him, or any guest of his. The Landlord may deduct such costs at the termination of the tenancy from the deposit under Clause 6.

### 35. LEGISLATION

The Landlord undertakes to secure repossession only by lawful means and to comply with all relevant legislation affecting private sector residential tenancies, and, where applicable, all legislation relating to other activities carried on in the premises, such as the provision of care or support, or food preparation.

### 36. DATA PROTECTION

Landlords and letting agents may share details about the performance of obligations under this agreement by the Landlord and Tenant; past, present and future known addresses of the parties, with each other, with credit and reference providers for referencing purposes and rental decisions; with Utility and Water Companies, local authority Council Tax and Housing Benefit departments, Mortgage lenders, to help prevent dishonesty, for administrative and accounting purposes, or for occasional debt tracing and fraud prevention. Under the Data Protection Act 1988 you are entitled, on payment of a fee which will be no greater than that set by statute, to see a copy of personal information held about you and to have it amended if it is shown to be incorrect.



### 37 GARDEN

The Tenant is responsible for the upkeep of the garden and any external access areas at all times and the same should be maintained at all times in an order that is in similar condition at the end of the tenancy as it is on the date of entry.

### 38. SMOKING

The Tenant agrees not to smoke within the property or stairwell or front of the building/garden. The Tenant will be liable for any professional cleaning, redecoration

or replacement items required if damage has been caused to the decoration, fixtures, fittings or soft furnishings caused as a result of smoking in the property. The costs will be taken from the deposit.

### 39. INDEMNITIES

The Tenant will pay to the Landlord, on an indemnity basis, all costs, fees and expenses (including VAT) incurred by the Landlord (including but not limited to) Solicitor and other professional advisors in respect of:

- a. The recovery from the Tenant of any rent or other monies payable by the tenant to the Landlord
- b. The enforcement of any provisions of this agreement
- c. The service of any notice



### 39. PARKING

The Tenant agrees to park only in designated parking areas within the property boundaries or usual on street public parking.

The Tenant agrees not to park where he will obstruct neighbours or where it is forbidden (i.e. surrounding areas designated for other Properties / Residents parking)

### 40. ENDING THE TENANCY

This is a Short Assured Tenancy and the Landlord can recover possession in terms of the Housing (Scotland) Act 1988.

The tenancy is a Short Assured Tenancy which may be terminated at any time on any of the following grounds as provided in section 19 and listed in Schedule 5 of the Housing (Scotland) Act 1988.

Ground	(2)	Mortgage Default
Ground	(8)	Three months rent arrears
Ground	(11)	Persistent Delay in rent payment
Ground	(12)	Rent due
Ground	(13)	Breach of obligations of tenancy
Ground	(14)	Deterioration of house/flat
Ground	(15)	Nuisance, annoyance and illegal/immoral use of house/flat
Ground	(16)	Deterioration of furniture

And that without prejudice to the Landlords right in the appropriate circumstances to terminate this tenancy on any grounds listed in Schedule 5 or otherwise.

This Short Assured Tenancy may be ended by:-

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.101 Links Road, Aberdeen**

**Applicant/s: Aidan McLernan & Sheila McLernan**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 2015 for the reason that 2 'late' 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.101 Links Road, Aberdeen, is a ground-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 28 July 2015 and was received by the HMO Unit on 29 July 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 28 July 2015 –18 August 2015.

**Letters of Objection:**

Two letters of objection were received by the HMO Unit on 19 August 2015, one day outwith the statutory 21-day period. 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 letters, copies will be circulated to Members at the meeting.

**Other Considerations:**

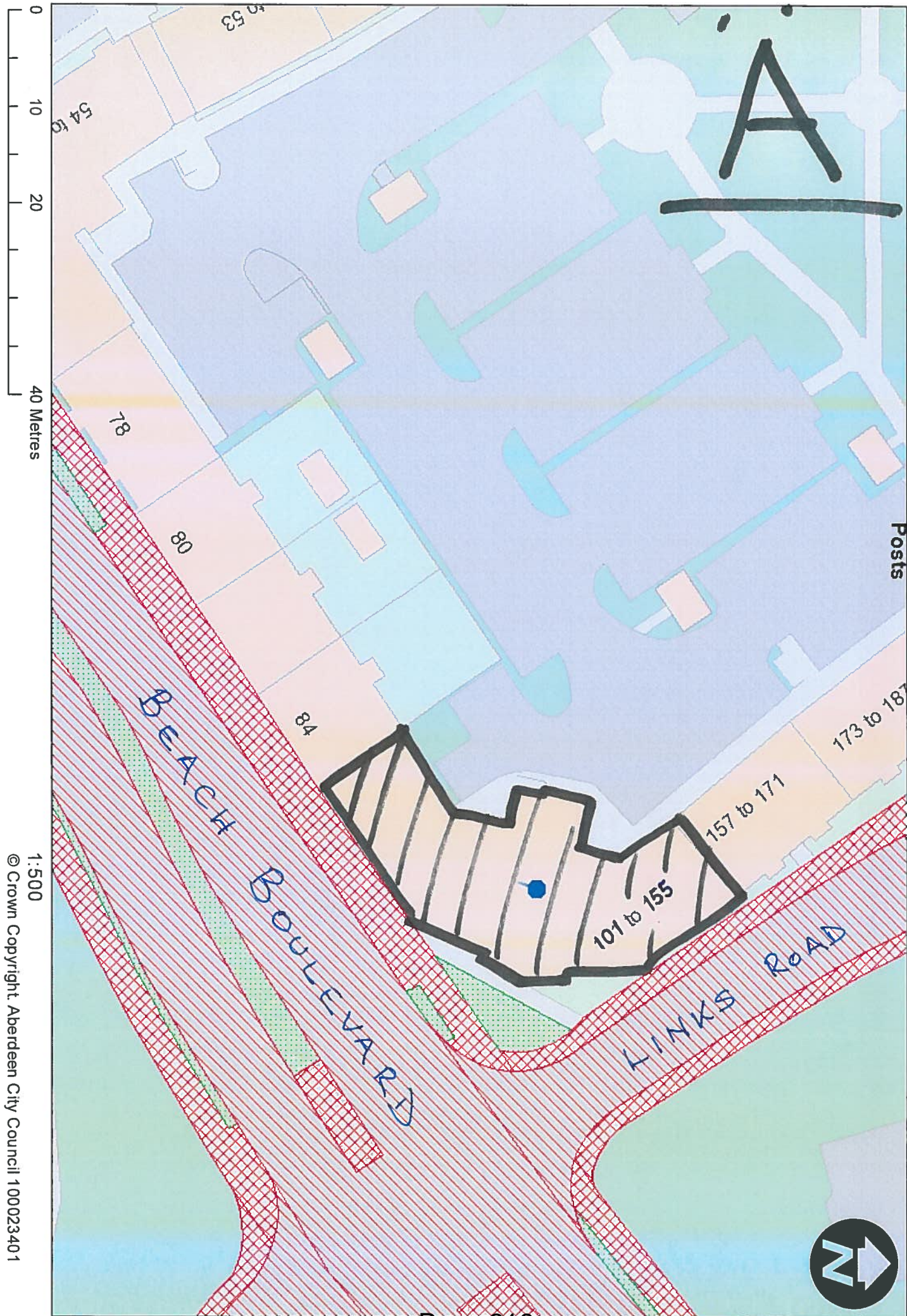
- Police Scotland has been consulted in respect of the applicants' suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At 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.101 Links Road, Aberdeen.
- The applicants & their property are registered with the Landlord Registration database.
- 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 property at 101 Links Road, Aberdeen, forms part of the 'Bannermill' development within which there are numerous licensed HMOs. Within the block at 101 – 155 Links Road, Nos.139 & 149 Links Road are licensed HMOs.
- Car parking within the Bannermill development is private and access to the car park is controlled by a barrier.



- 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





# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.394 Great Western Road, Aberdeen**

**Applicant/s: Daryl J.Ngu**

**Agent: Easthaven Property Management**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 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.394 Great Western Road, Aberdeen, is a 3-storey, mid-terraced house providing accommodation of 5 letting bedrooms, 2 public rooms, 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 28 July 2015 and was received by the HMO Unit on 11 August 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 28 July 2015 – 17 August 2015. The 21-day statutory period for displaying the Notice did not actually end until midnight on 18 August 2015.

**Letters 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 14 August 2015 from Jillian Sandison (attached as Appendix 'B').
- A letter dated 17 August 2015 from Chris & Elizabeth Gallon (attached as Appendix 'C').

**Other Considerations:**

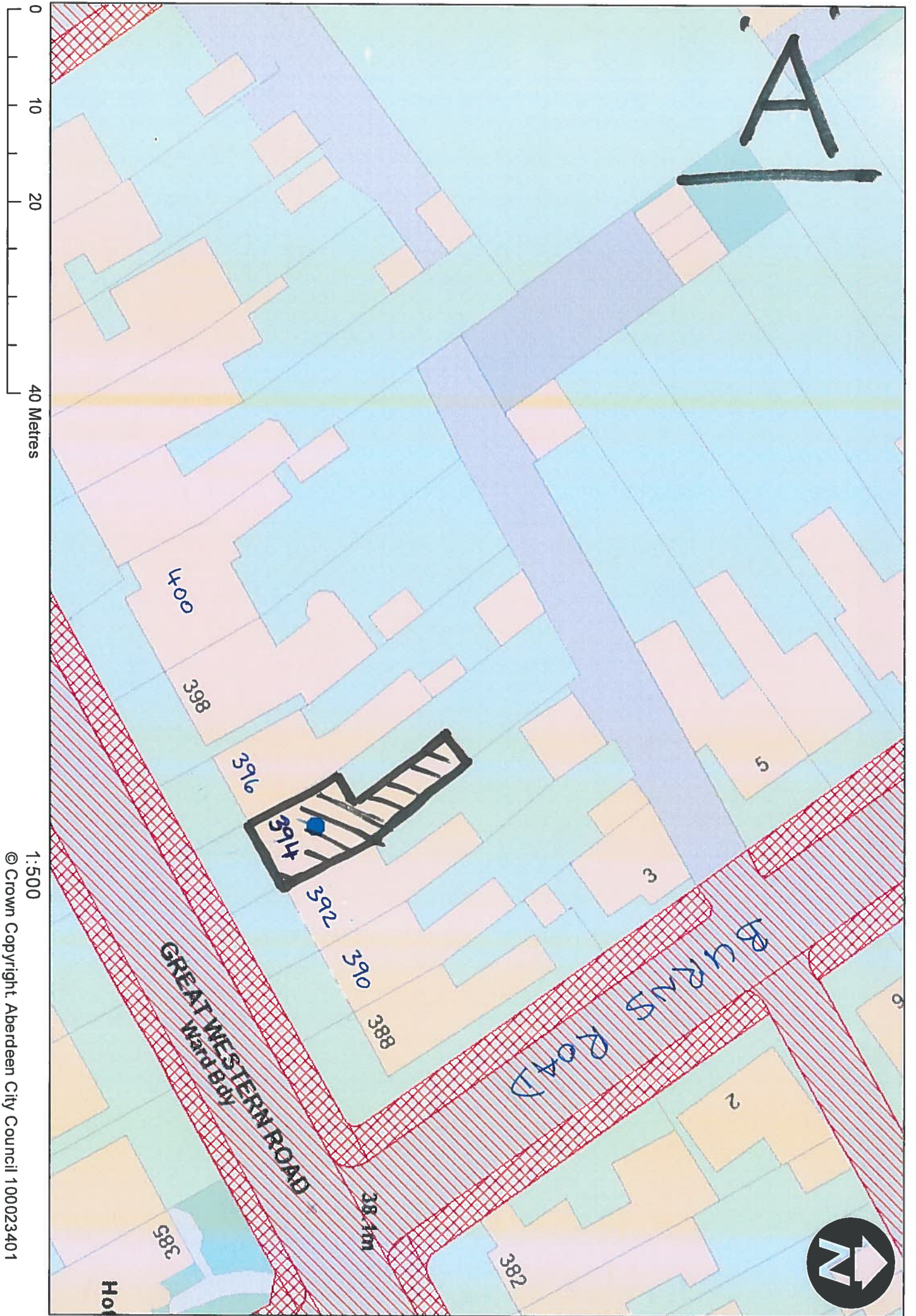
- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At 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.394 Great Western Road, Aberdeen.
- The applicant & his property are registered with the Landlord Registration database.
- 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 properties at Nos.64 (Flats 1 & 2), 188, 235, 296 (Seashells Guesthouse) & 302 (Montana Guesthouse) Great Western Road, Aberdeen, are licensed HMOs.
- Car parking is prohibited at the even-numbered side of Great Western Road, and only permitted at the odd-numbered side during evenings & weekends. Car parking is unrestricted on Burns Road, and on the private lane at the rear of No.394. The same private lane allows vehicular access to a car parking area within the rear garden of No.394.

- 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





1:500  
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B

14th August 2015

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

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
<b>14 AUG 2015</b>
<b>Private Sector Housing Unit</b>

Dear Sir / Madam,

**Reference: 394 Great Western Road HMO Application**

I am writing to object regarding the HMO application that was recently submitted for 394 Great Western Road, Aberdeen. The reason for objection is as follows -

- Parking is already a premium during the evening within the area. As detailed within the online rental advertisement for the property [\[link\]](#) the property has parking for 2 cars. Creating a property which can hold 5 independent individuals would only exacerbate the limited parking conditions further for local residents. The rear lane which provides access to the parking is additionally in a terrible condition due to work that was carried out at 394 Great Western Road approximately 4 years ago. Heavy traffic would likely negatively impact this problem further for local residents;
- With 5 adult occupants within the property the risk of fire occurring is naturally going to increase. Considering that this property is fully terraced would mean that a fire would have a devastating impact on the surrounding properties. It should also be taken into account that these properties were built around 1890 and demolition by fire would result in a loss of the historic details within these buildings. In addition, the excessively large tree that is currently within the front garden of 394 Great Western Road (please see photographs below) may impede the exit of trapped persons within this property;
- Due to the current condition of the property it is unlikely that the owner will be able to target the 'top-end' of any rental market. This is obviously a concern for neighbours who have put a lot of money and love into their family homes. The owner of this property has additionally had very little interest in the wellbeing of the property in recent years. He has tried to sell the property for some time whilst also trying to lease the property on various occasions. The main problem with both of these avenues is that the property is in relatively poor condition compared to the value that is trying to be sought. There is concern that due to the owner's lack of interest in the property he may consider renting to personnel on a lower budget scale which may attract individuals with ongoing social problems. It is only natural that local neighbours with young family are going to find this of concern. This could impact on both the health and wellbeing of the neighbours as well as the character of the area;
- There are already a lot of guesthouses nearby. Therefore it would be suggested that there is already adequate accommodation in the area and there is no further requirement for

multiple occupancy properties. Allowing further HMOs within the area could change the residential character of the area;

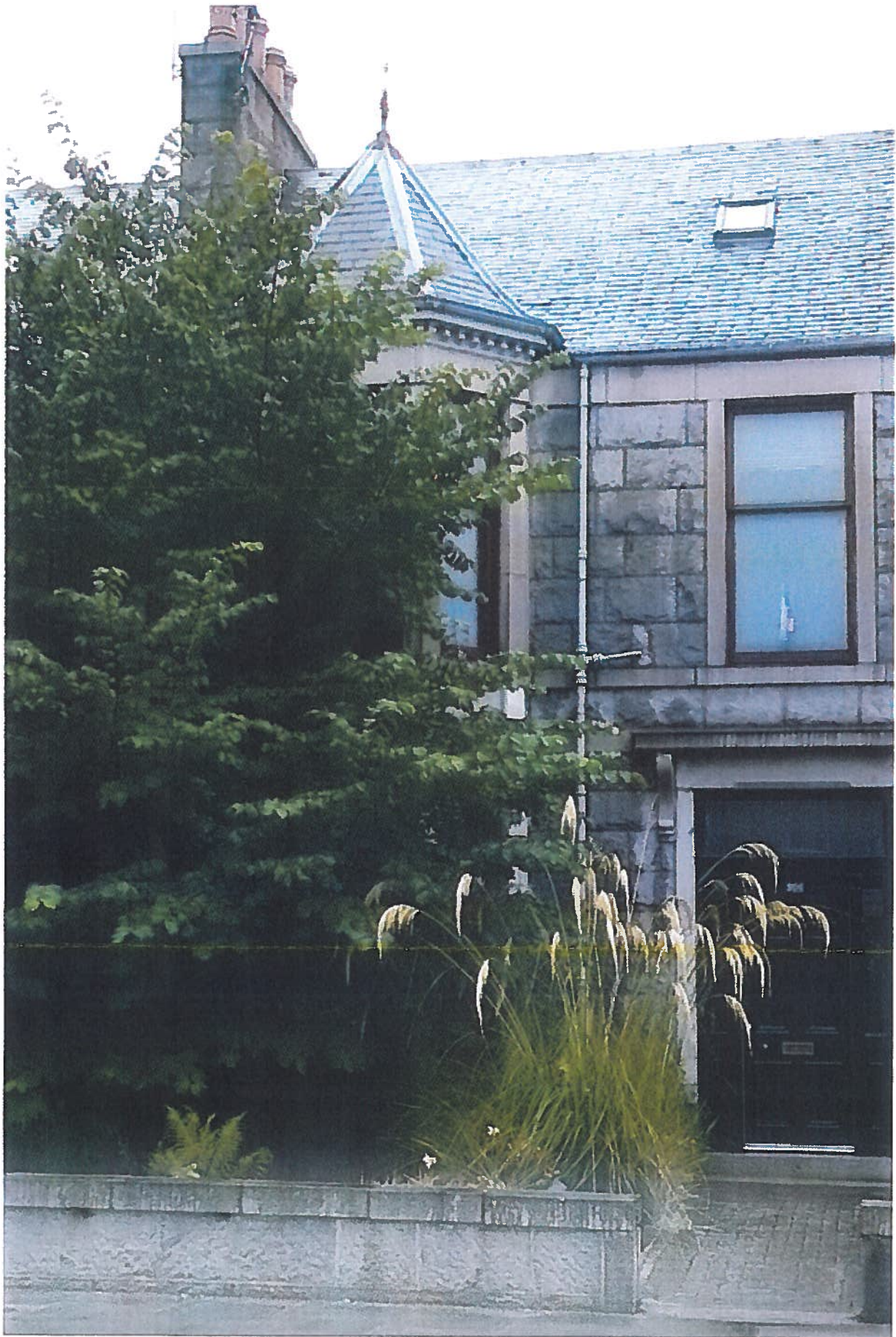
- The noise generated by 5 adult individuals is likely to be considerable within a terraced development. Both from inside the property and by the constant footfall with this number of independent rentals. Additionally, further work will be required to be completed in order to ensure that the property meets all necessary standards and compliances. This will again generate further noise for the local area. Work was only completed on this property approximately 4 years ago when significant noise was generated by the building company. In addition, significant damage was done to the back lane that was never rectified;
- A concentration of houses with multiple occupancy licenses granted within the neighbourhood has the potential to change the dynamics of the community and undermine its stability in regard to schools and shops. High turnover of residents and under-occupied buildings, along with the potential for lack of routine maintenance of properties in these areas, can discourage owner occupation and detract from residential amenity;
- In light of the parking bay to the rear of the property being able to accommodate only two vehicles and the lane to the rear being unsuitable for parking due to the potential for preventing access to the garages of other neighbouring properties, if the licence is granted, a specific condition should be imposed requiring the landlord to (a) notify tenants that no parking on the rear lane is to be permitted at any time; (b) introduce and effectively manage a system of permits for tenants enabling only two vehicles to utilise the parking bay to the rear of the property;
- My home is my place of comfort and safety after difficult days at work. I don't understand why this should be jeopardised by both the stress of this process and the subsequent stress that could be caused by a halfway house next door.

Yours faithfully,

Jillian Sandison











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

394 Great Western Road  
HMO Application

Aberdeen City Council
Housing & Environment
DATE RECEIVED
1 8 AUG 2015
Private Sector Housing Unit

17 August 2015



We wish to object to the application that has been made for an HMO licence for the above property. Our objections are as follows:-

1. Insufficient parking provision.

Our area already has problems caused an insufficiency of on street parking. This problem is exacerbated by the existing established guesthouses. There is very limited car parking possible on Great Western Road. The guesthouses all have larger car parks at the rear of their properties than No 394 but they are still insufficient for demand and there are often commercial vehicles parked overnight in the private lane at the back of this property. Some offshore workers will stay in a guesthouse the night before an early morning offshore trip, take a taxi to the airport and leave their car in the street, Burns Road, for two to three weeks which makes life very difficult for residents. We, in common with other residents are often faced with the problem of garages being blocked due to the overspill. We appreciate that there is not a great deal that we can do as the guesthouses are established but we object to any development which could further exacerbate the problem.

This property has a small car parking area at the rear. It has been used in the past by occupants of the property and whilst, on paper it could appear big enough for three cars, in practice, after space was allocated for storage bins, there was only ever enough space for two vehicles to park safely. We do not know how large this house is, but it is a large building and we assume that it would have at least four bedrooms and so may be able to accommodate up to 8 people using it for permanent accommodation. If every occupant had a car, this would create huge parking problems locally. This is a family home, normally we would expect no more than two cars to be associated with it. If an HMO licence is granted, where will the cars park?

2. Public nuisance.

We have no knowledge of the owner of this property. We have never met him but we do not believe that he has ever lived there. At first there was a proposal to convert the property for use as a dental surgery. We did not object to that proposal as it would not have affected parking in the evenings and there would be limited noise in the evenings resulting. The dental surgery plan seems to have been shelved and this alternative plan just seems like an opportunist move to add value to the property without any consideration to the effect that the development will have on the neighbouring properties.

There is no restriction to the type of resident once an HMO is granted. Students may cause less of a problem with parking but far greater problems with noise and loss of amenity. If the property gets an HMO licence then, unlike the guesthouses which have an owner or owners representative on site, there is less control and therefore a higher risk of disturbance or public nuisance. The property backs onto our house. It is a quiet residential area and this is simply not the right location for a large HMO licensed property.

Yours faithfully

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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 Kincorth Crescent, Aberdeen**

**Applicant/s: William J.C.Leiper & Marion H.Leiper**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 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.34 Kincorth Crescent, Aberdeen, is a ground-floor flat providing accommodation of 4 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 20 August 2015 and was received by the HMO Unit on 24 August 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 20 August 2015 – 18 September 2015, although the 21-day statutory period ended at midnight on 10 September 2015.

**Letter of Objection:**

One letter of objection was received by the HMO Unit on 7 September 2015, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The objector has been invited to attend the Committee meeting, and the letter of objection is attached as Appendix 'B'.

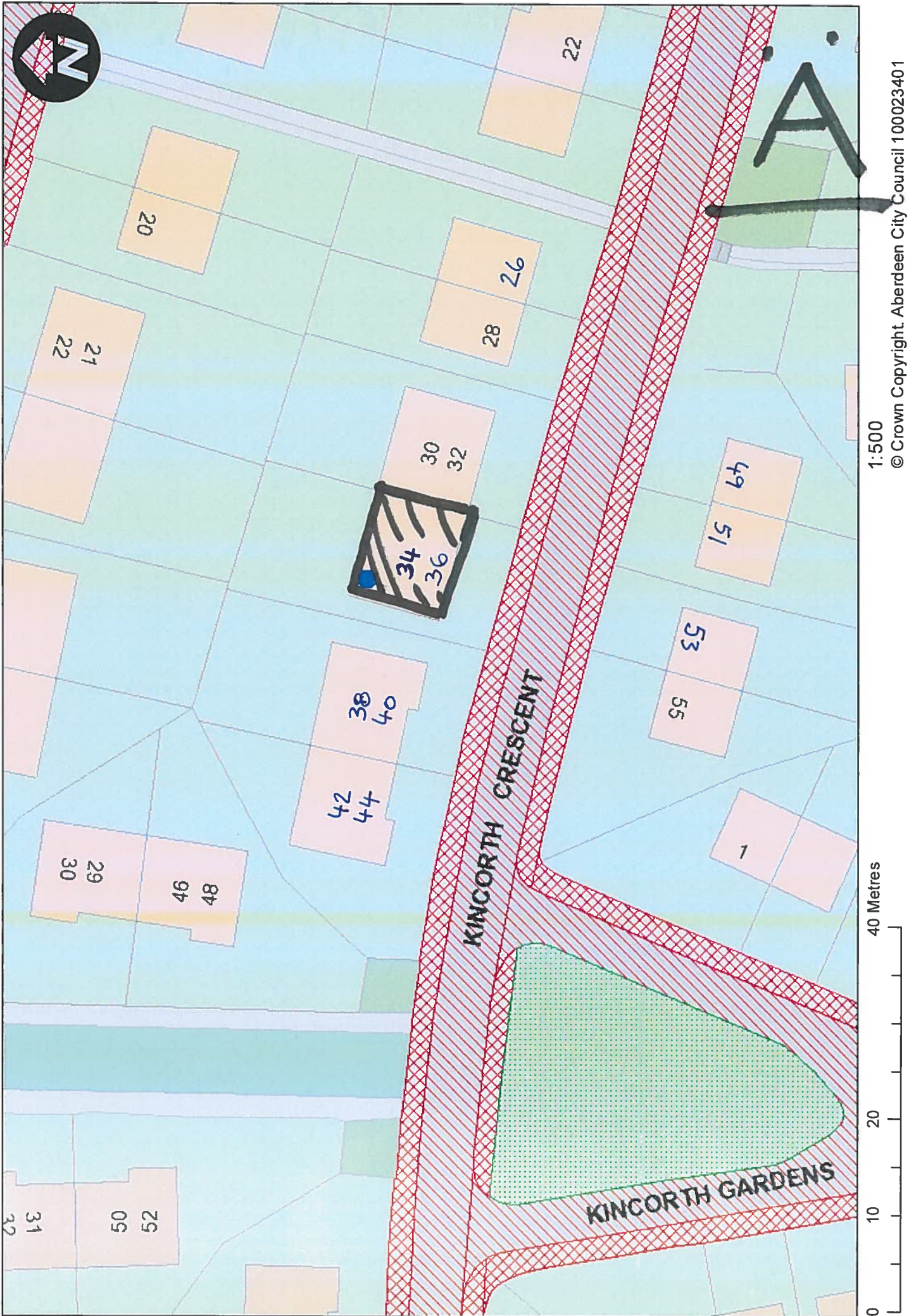
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.34 Kincorth Crescent, Aberdeen.
- Both applicants are registered as landlords with the Landlord Registration database, although only one of them has registered the property. It will therefore be necessary for the second applicant to register the property prior to letting it.
- The applicants have requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- There is one HMO-licensed property in Kincorth Crescent, ie. No.19 Kincorth Crescent.
- There are no car-parking restrictions in Kincorth Crescent, Aberdeen.
- 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





B

Friday 4<sup>th</sup> September 2015

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

Aberdeen City Council
Housing & Environment
DATE RECEIVED 07 SEP 2015
Private Sector Housing Unit

To Whom It May Concern,

Re: - HMO application for 34 Kincorth Crescent, Aberdeen Submitted 20<sup>th</sup> August 2015

My understanding of tenants of multiple occupancy houses is that these are normally students. I feel that both RGU and Aberdeen University are located too far away to warrant an application on the basis of letting to students.

In addition, the surrounding properties are not home to similar occupiers. The other three flats in that block being inhabited by a family and a mature couple whilst I think the third one is currently unoccupied. Those properties on the opposite side of the street are home to two couples, a mature couple and a family. Those in the block next door are home to a family, a mature lady and two older couples.

If, however, Mr Leiper is not intending to lease the property to students but other adults I am concerned about the level of parking available on the street. I have attached a picture of the street taken last Saturday morning (29<sup>th</sup> August) to illustrate how busy the street is at a time when most occupiers would be at home. It is clearly visible that most spaces are taken at this time and there is also a car parked on the opposite pavement. Whilst the property has off street parking for one car I think that this would likely be insufficient for a property housing more than three adults.

If tenants took to parking on the pavement then I am anxious about the accessibility of the street in case of emergency. I am sure that both ambulances and fire trucks would struggle to drive along Kincorth Crescent with cars parked on both sides.

Another worry that I have is in relation to the increased level of noise in the street. Another three or more adults coming and going at all times of the day and night would certainly generate more noise than a couple or a family would, in my opinion.

I would hope that prior to the award of any letting permission being granted by the council the flat would be brought up to an acceptable level of repair. I am aware of works being carried out inside the property but have yet to see any works being carried out to the

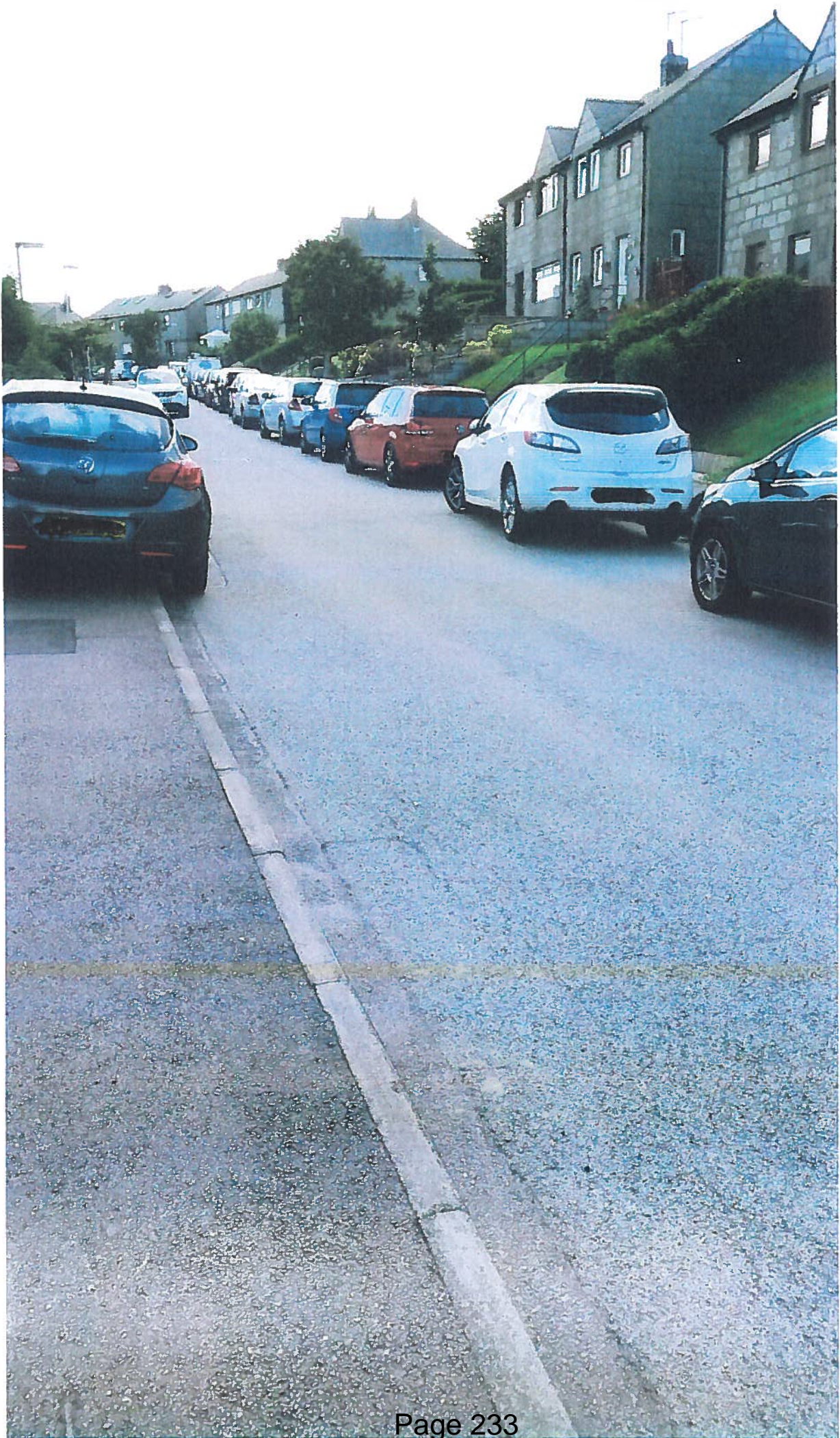
exterior and garden areas. For example, the hedge at the front requires attention as it is spilling onto the pavement and will soon be causing an obstruction to pedestrians.

I look forward to Mr Leiper's response in due course.

Yours faithfully,

Hannah Ward





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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.35 Garthdee Farm Gardens, Aberdeen**

**Applicant/s: Karen Shirreffs**

**Agent: Geraghty Gibb Property Management Ltd.**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 3 November 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.35 Garthdee Farm Gardens, Aberdeen, is a 3-storey, terraced townhouse providing accommodation of 3 letting bedrooms, one public room, one kitchen & 2 bathrooms. The plan attached as Appendix 'A' shows the position of Garthdee Farm Gardens, however as the development is still relatively new, the position of No.35 has not yet been plotted onto the plan.

**The HMO licence application:**

The HMO licence application is dated 3 September 2015 and was received by the HMO Unit on 3 September 2015.

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

The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 2 September 2015 – 23 September 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 20 September 2015 from Matthew Quinn (attached as Appendix 'B').
- A letter dated 21 September 2015 from Calum Lawrie (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 her application. Her 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 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.35 Garthdee Farm Gardens, Aberdeen.
- The applicant & her property are registered with the Landlord Registration database.
- The applicant has 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.

- There are no HMO-licensed properties in Garthdee Farm Gardens, Aberdeen.
- Car parking in Garthdee Farm Gardens is unrestricted.
- 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





1:1,250  
 © Crown Copyright. Aberdeen City Council 100023401

MATTHEW J QUINN

B

20/9/15

SUBJECT - APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPANCY IN 35 GARTHDEE FARM GARDENS .

Please respect my wishes that the above application is rejected now & forever.

I paid a fortune to live in this area using everything I had to get here.

Our peace and quiet is already disrupted by now living next to multiple occupants who work 7 days per week & wake everyone up between 6 to 6.30 am every Saturday & Sunday.

Im not here during the week which disturbs me even more.

The house exterior and back are already showing signs of no maintenance which will very quickly de value the sarrounding properties. Why should passers through give a damn about weeding or cutting grass etc.?

I spoke to the HMO unit who said I should be expecting students to occupy this property when I bought here as its close to the RGU.

This suggestion is complete rubbish. How could I envisage anyone buying such an expensive new property & filing it with students or workers. There is obviously no respect for the wishes of neighbours in this area whatsoever now that this is happening.

I cant be at a hearing on 3rd November so please offer me another date so I can fight my corner.

~~I was so happy getting here & loked forward to living next doir to another nice bunch of people but t~~

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



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

21<sup>st</sup> September 2015

Dear Sir/Madam

**Objection to Application for a Licence for a House of Multiple Occupation  
 35 Garthdee Farm Gardens, Aberdeen, AB10 7GF**

I write with regard to the above and wish to lodge an objection to the licence application on behalf of myself and my fiancée. The main reason for the objection is, given the close proximity of our properties to Robert Gordon University, it is highly likely and foreseen that 35 Garthdee Farm Gardens will be occupied by students. It is highly likely and foreseen that this will result in anti-social behaviour and noise disturbance.

A major factor for our purchase of \_\_\_\_\_ was the quiet enjoyment of the property and family orientated surroundings as we are getting married in March 2016 and hope to start a family soon after. As I am sure you can appreciate, had we known there was a chance that our neighbouring property was to be occupied by students (or other persons under an HMO licence) we would not have moved to the Den of Pitfodels development. There is also a potential parking issue. Each occupant could have a vehicle and there is limited on street parking and not enough space in the garage/driveway to house three or more vehicles.

We appreciate that it is not a forgone conclusion that the property will be occupied by students but we would also object to the licence due to existing noise disturbance by the current occupiers. Noise disturbance from the property starts at around 5am most mornings and takes the form of loud banging doors (which could easily be mitigated against) and smoking outside the front of the property with full conversations had. We have not brought the matter to the attention of the current occupants as we were informed they are vacating the property in December but if this were not the case, we would have contacted the re-location company they work for.

We hope you will take the above concerns into consideration when making a decision to grant the licence. If any further information is required please contact us at the above address.

Yours faithfully,

Calum Lawrie

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
<b>22 SEP 2015</b>
<b>Private Sector Housing Unit</b>

## Karen Shirreffs

---

**From:** Karen Shirreffs  
**Sent:** 30 September 2015 15:11  
**To:**  
**Cc:**  
**Subject:** FW: 35 Garthdee Farm Gardens.

D

I refer to your letter dated 22<sup>nd</sup> September 2015 and write to advise that I shall be attending the Licensing Committee meeting on 3<sup>rd</sup> November 2015 at 10am.

In order to aid the Committee in its consideration of my application, I would like to submit the following information.

I refer to Matthew Quinn's letter of objection and have noted that he has some concerns with regard to who is going to be responsible for the maintenance of the property and garden. I would say that as a registered landlord I ensure the upkeep of the property and garden by employing a managing agent who carries out regular inspections on the property and has a 24 hour emergency contact number. The property meets all the safety and statutory requirements and the lease contains an anti-social behaviour clause.

There are no maintenance issues with regard to the exterior of the house and the back garden grass has been cut and shall be maintained on a regular basis. The tenants are not "passers by" but have a 6 month tenancy and look after the property very well. The current occupants are temporary workers who occupy the premises as their temporary home and have a permanent residence elsewhere in Scotland. They go back to their permanent residence on a regular basis and live with their family and have a doctor and dentist there and therefore as we understand it are not classed under the HMO regulations as permanent residents.

I also refer to Mr Calum Lawrie's letter of objection and note that his main reason for the objection is that given the close proximity to the Robert Gordon University that is highly likely that the property will be occupied by students. This is not necessarily the case given that the current occupants are company employees and not students. The occupancy of the house could be families, students or workers as the market dictates. We may also live in the property in the future and this was also a main factor when we decided to purchase a property within this development.

With regard to parking, it is highly unlikely that there will be three vehicles required to park at the property but in such a case the property can accommodate at least two cars. There are additional spaces across from the house.

With regard to the noise disturbance, our agent has contacted the tenants to investigate the complaint and reiterated the fact that there is an anti-social clause contained in the lease and asked them to be mindful of neighbours when entering, occupying and leaving the property. They do have an early start to the day and have assured our agent that whatever time they leave the house they do not have lengthy conversations and are usually anxious to get to work on time.

We did actually contact Mr Lawrie when we bought the property and left our details but have not heard anything from him prior to receiving the letter of objection. We would have

thought that in the first instance he would contacted us as the landlord to voice his concerns. I have also contacted Mr Quinn and Mr Lawrie today in order to address their concerns. I attach a copy of the letters sent to them for your information.

We would like to assure the committee that we are very responsible landlords and have never received any complaints regarding any of our other properties. I would like the committee to consider my application based on the facts and not on what may happen in the future if the licence were granted.

Best Regards

Karen Shirreffs

Contact Karen Shirreffs

Email

30 September 2015

Matthew Quinn

Dear Mr Quinn

**Application for an HMO Licence – 35 Garthdee Farm Gardens, Aberdeen**

I refer to our application for the above.

I have been advised by Private Sector Leasing Aberdeen City Council that you have made an objection to our application for an HMO licence.

I note that you have raised concerns that the granting of a licence may result in anti-social behaviour from tenants. It is our intention that along with our leasing agents Geraghty Gibb any prospective tenants are properly vetted and that any lease will include a clause which states that any behaviour considered anti-social may result in the termination of the lease.

I can advise that we have made an application for a licence as this is a requirement by law if it becomes the permanent home of three or more unrelated persons. This does not mean that it is our intention to lease in this manner, we hope that the property will be continually leased by tenants who are respectful of the neighbours and surroundings.

In your letter you raised concerns that you are awakened by the present tenants starting work early. The other point you raise regarding the grass cutting I have addressed with my leasing agents who have contacted the Company who are the present tenants in order to rectify the situation. I am aware that a gardener has been employed.

I am in agreement with yourself that I wish the area to remain quiet and I would like to address any further concerns you have regarding my application for an HMO licence. Therefore, please feel free to contact me at the above address or via my email.



My leasing agents Geraghty Gibb, Union Terrace, Aberdeen  
are also available if you would like to contact them.

Yours sincerely

Karen Shirreffs

Contact Karen Shirreffs

Email

9 October 2015

Matthew Quinn

Dear Mr Quinn

**Application for an HMO Licence – 35 Garthdee Farm Gardens, Aberdeen**

I refer to our application for the above and my letter of 30 September 2015 in which I stated the following:

I have been advised by Private Sector Leasing Aberdeen City Council that you have made an objection to our application for an HMO licence.

I note that you have raised concerns that the granting of a licence may result in anti-social behaviour from tenants. It is our intention that along with our leasing agents Geraghty Gibb any prospective tenants are properly vetted and that any lease will include a clause which states that any behaviour considered anti-social may result in the termination of the lease.

I can advise that we have made an application for a licence as this is a requirement by law if it becomes the permanent home of three or more unrelated persons. This does not mean that it is our intention to lease in this manner, we hope that the property will be continually leased by tenants who are respectful of the neighbours and surroundings.

In your letter you raised concerns that you are awakened by the present tenants starting work early. The other point you raise regarding the grass cutting I have addressed with my leasing agents who have contacted the Company who are the present tenants in order to rectify the situation. I am aware that a gardener has been employed.

I am in agreement with yourself that I wish the area to remain quiet and I would like to address any further concerns you have regarding my application for an HMO licence. Therefore, please feel free to contact me at the above address or via my email.

I just wanted to advise you that due to work commitments we will be out of the country from [redacted] therefore during this period my leasing agents Geraghty Gibb, union Terrace, Aberdeen [redacted] are available if you need to contact them with any concerns.

Yours sincerely

Karen Shirreffs

Contact Karen Shirreffs

Email

30 September 2015

Calum Lawrie

Dear Mr Lawrie,

**Application for an HMO Licence – 35 Garthdee Farm Gardens, Aberdeen**

I refer to our application for the above.

I have been advised by Private Sector Leasing Aberdeen City Council that you have made an objection to our application for an HMO licence.

I note that you have raised concerns that the granting of a licence may result in anti-social behaviour from tenants. It is our intention that along with our leasing agents Geraghty Gibb any prospective tenants are properly vetted and that any lease will include a clause which states that any behaviour considered anti-social may result in the termination of the lease.

I can advise that we have made an application for a licence as this is a requirement by law if it becomes the permanent home of three or more unrelated persons. This does not mean that it is our intention to lease in this manner, we hope that the property will be continually leased by tenants who are respectful of the neighbours and surroundings.

In your letter you raised concerns that you are awakened by the present tenants starting work early, the noise of banging doors and tenants smoking outside. I can advise that we are looking at a solution of the doors banging, this we obviously must do in accordance with Fire Regulations. The other points you raise I have addressed with my leasing agents who have contacted the Company who are the present tenants in order to rectify the situation.

I am in agreement with yourself that I wish the area to remain quiet and I would like to address any further concerns you have regarding my application for an HMO licence. Therefore, please feel free to contact me at the above address or via email or via the contact details my husband provided you with at the time of our purchase.

My leasing agents Geraghty Gibb, Union Terrace, Aberdeen  
are also available if you would like to contact them.

Yours sincerely

Karen Shirreffs

Contact Karen Shirreffs

Email

9 October 2015

Calum Lawrie

Dear Mr Lawrie,

**Application for an HMO Licence – 35 Garthdee Farm Gardens, Aberdeen**

I refer to our application for the above and my letter of 30 September in which I stated the following:

I have been advised by Private Sector Leasing Aberdeen City Council that you have made an objection to our application for an HMO licence.

I note that you have raised concerns that the granting of a licence may result in anti-social behaviour from tenants. It is our intention that along with our leasing agents Geraghty Gibb any prospective tenants are properly vetted and that any lease will include a clause which states that any behaviour considered anti-social may result in the termination of the lease.

I can advise that we have made an application for a licence as this is a requirement by law if it becomes the permanent home of three or more unrelated persons. This does not mean that it is our intention to lease in this manner, we hope that the property will be continually leased by tenants who are respectful of the neighbours and surroundings.

In your letter you raised concerns that you are awakened by the present tenants starting work early, the noise of banging doors and tenants smoking outside. I can advise that we are looking at a solution of the doors banging, this we obviously must do in accordance with Fire Regulations. The other points you raise I have addressed with my leasing agents who have contacted the Company who are the present tenants in order to rectify the situation.

I am in agreement with yourself that I wish the area to remain quiet and I would like to address any further concerns you have regarding my application for an HMO licence. Therefore, please feel free to contact me at the above address or via email or via the contact details my husband provided you with at the time of our purchase.



I just wanted to advise you that during period due to work commitments myself and my husband are out of the country during this period my leasing agents Geraghty Gibb, Union Terrace, Aberdeen are also available if you have any concerns regarding the property next door.

Yours sincerely

Karen Shirreffs



**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.100 Osborne Place, Aberdeen**

**Applicant/s: James R.Thorn**

**Agent: Stonehouse Lettings**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 3 November 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, 2 public rooms, one kitchen & 2 bathrooms. 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 20 November 2014.

**HMO upgrading works and certification:**

The HMO Officer carried out a joint inspection of the property, then he wrote to the agent on 1 December 2014, listing the following requirements to bring the property 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. The rear flat entrance door to be adjusted for easy opening/closing.
4. The bath sealant to be replaced.
5. The kitchen unit doors & drawers to be adjusted for correct operation.
6. All windows to be adjusted as necessary for easy opening to provide ventilation.
7. The ceiling decoration in bedroom 1 to be completed.
8. The open fireplaces in bedrooms 2 & 3 must not be used. Prohibition Notices to be fixed adjacent to the fireplaces.
9. The option to either use the open fireplace in the livingroom, in which case the flue must be swept annually, or to prohibit the use of it.
10. The Certificate of Compliance & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

In addition to the above, we are currently awaiting the submission of a satisfactory Gas Safe Certificate.

**Other considerations:**

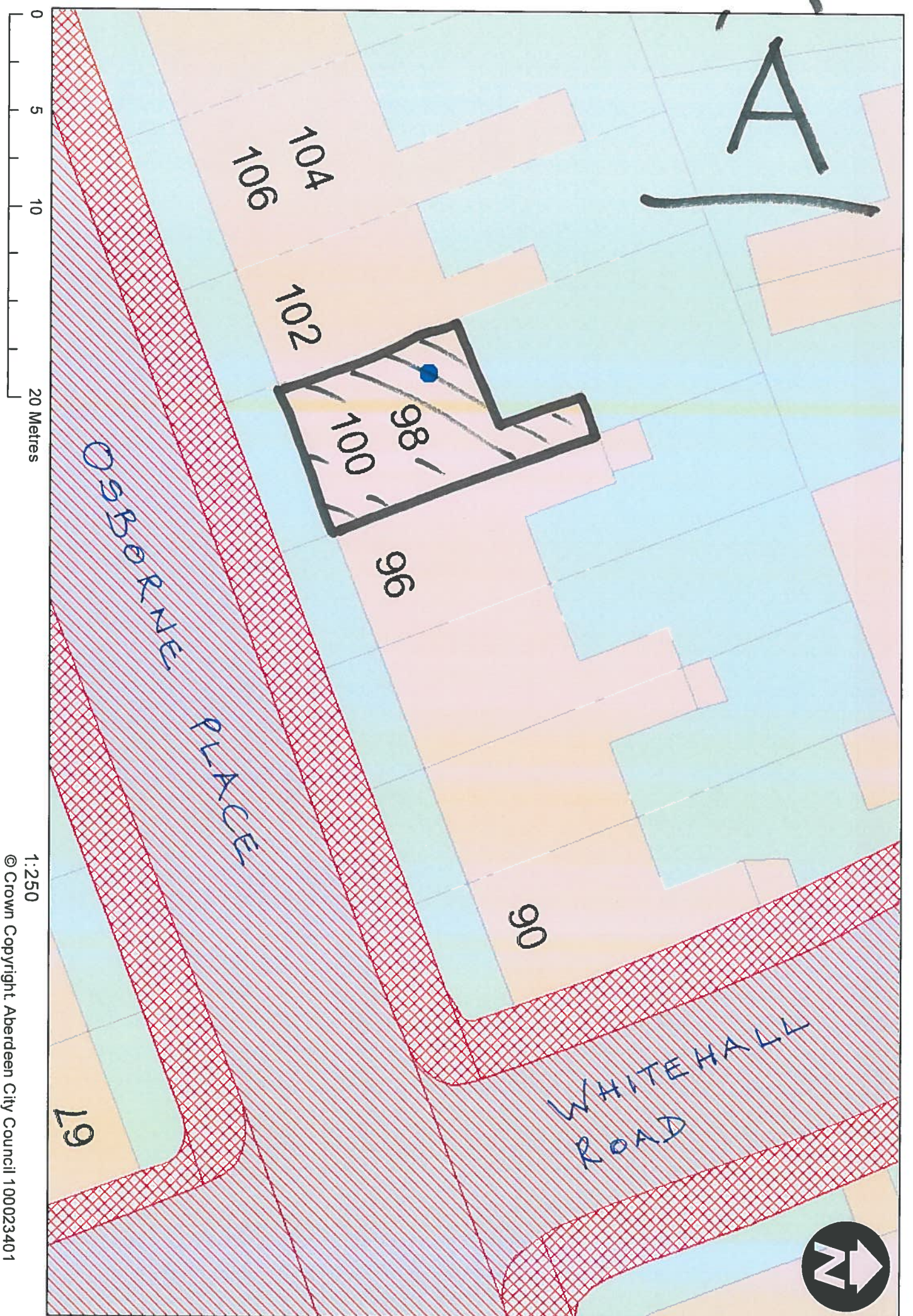
- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the 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.100 Osborne Place, Aberdeen.
- The applicant, his property & his letting agent are registered with the Landlord Registration database.
- The applicant originally requested an occupancy of 5 persons, however a reduced occupancy of 3 persons is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is an application to renew an existing HMO licence.

- The meeting of the Licensing Committee on 3 November 2015, is the last meeting before the statutory one-year deadline for determining HMO licence applications, 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 3 November 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

OSBORNE PLACE

WHITEHALL ROAD

104  
106

102

98  
100

96

90

19

0  
5  
10  
20 Metres





**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.21 Rose Street, Aberdeen (top floor flat)**

**Applicant/s: Mohammed Rafique**

**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 3 November 2015 for the reason that the upgrading work instructed by the HMO Unit, and the Scottish Fire & Rescue Service has not been completed.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

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



**The HMO application:-**

The HMO licence application was received by the HMO Unit on 3 December 2014.

**HMO upgrading works and certification:**

The HMO Officer and an Officer from the Scottish Fire & Rescue Service carried out a joint inspection of the property on 6 January 2015, then the HMO Officer wrote to the applicant listing the following requirements to bring the premises up to the current HMO standard:-

1. IP44 rated lights to be fitted in the bathroom.
2. Faulty or missing lightbulbs to be replaced.
3. Additional electrical sockets to be installed throughout the property.
4. Permanent removal of all portable heaters.
5. All self-closing doors to be examined and adjusted where necessary.
6. All windows to be repaired so that they can be opened to provide ventilation.
7. All areas of damp/mould in one of the bedrooms and the bathroom to be treated.
8. The holes, and other damage to the internal partitions to be made good.
9. The doorway in the hallway, which gives access to the neighbouring property, must be permanently blocked up.
10. Fixed heating appliances to be installed throughout the property.
11. The Certificate of Compliance, PAT certificate, Electrical Condition Installation Report and a copy of the 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):**

The SFRS have not yet confirmed that they are satisfied with the fire-safety provision within the property.

**Proposed Additional Licensing Condition:**

The applicant has advised that the top-floor flat will be used as accommodation for members of staff of the restaurant on the ground floor. The top-floor flat does not include a kitchen for the reason that the occupants will take their meals in the restaurant. In the event that all upgrading works have been completed to the satisfaction of the HMO Unit and the SFRS by the day of the Committee meeting, the Committee is requested to agree to an additional licensing condition linking the occupancy of the top-floor flat to the restaurant. This is to prevent the landlord from letting the top-floor flat to 'mainstream' tenants who would normally expect a kitchen within the flat.

**Other considerations:**

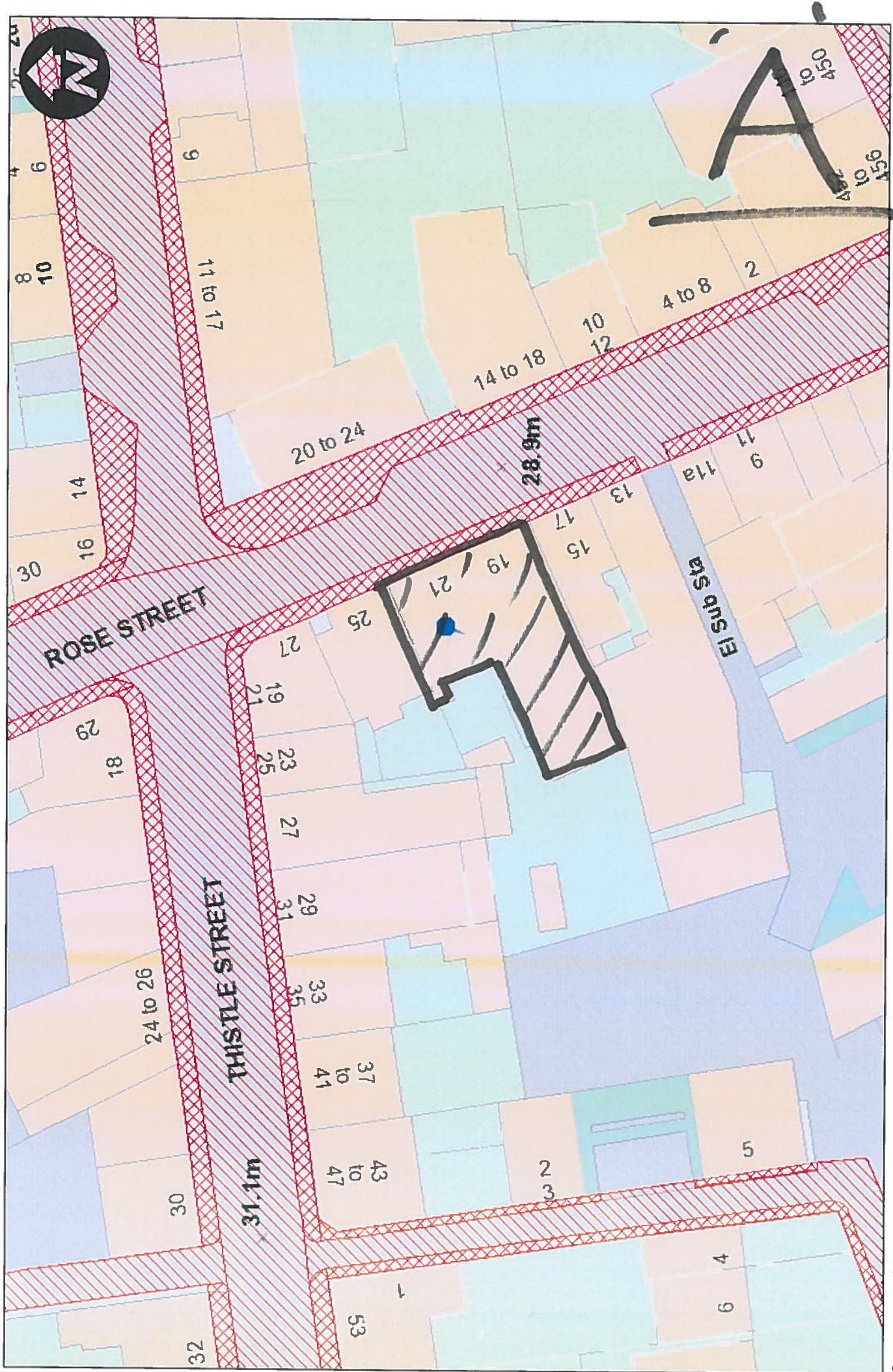
- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.



- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.21 Rose Street, Aberdeen.
- The applicant and his property is not currently registered with the Landlord Registration database. It will be necessary for the landlord to register prior to allowing occupation of the flat.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The meeting of the Licensing Committee on 3 November 2015, is the last meeting before the one-year statutory deadline for determining HMO licence applications, therefore if the 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 3 December 2015. I will advise the Committee of the position at the meeting.

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

**Ally Thain**  
Private Sector Housing Manager





**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground 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	22 October 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.1 Gaitside Place, Aberdeen**

**Applicant/s: Tenants First Housing Co-operative**

**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 3 November 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 2-storey, semi-detached house providing accommodation comprising 3 letting bedrooms, one public room, one kitchen & 2 bathrooms. 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 23 December 2014.

**HMO upgrading works and certification:**

The HMO Officer carried out an initial inspection of the property, then he wrote to the applicant on 6 February 2015 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. The house entrance doors to be fitted with locks that can be opened from the inside of the house without the use of a key.
5. Any letting bedroom doors that are fitted with locks must be able to be opened from the inside of the bedrooms without the use of keys.
6. All windows to be adjusted as necessary for easy opening to provide ventilation.
7. Permanent removal of portable heaters.
8. The Certificate of Compliance, Gas Safe Certificate, Electrical Installation Condition Report, PAT certificate, and a copy of the Tenancy Agreement to be submitted to the HMO Unit.
9. Evidence of severe water damage throughout the house, requiring complete refurbishment of the house.

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

**Other considerations:**

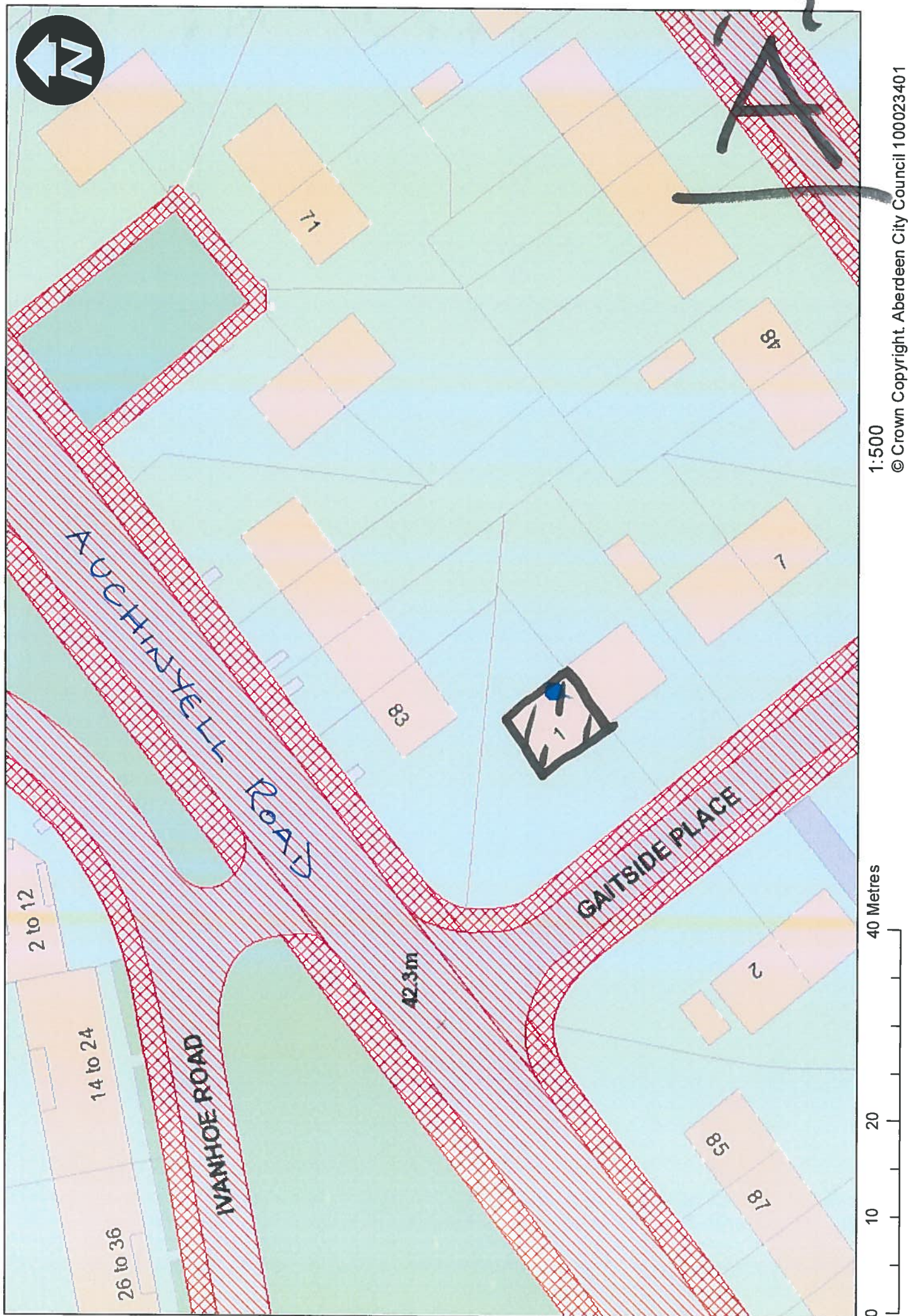
- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.1 Gaitside Place, Aberdeen.
- The applicant is a Registered Social Landlord, and as such is exempt from Landlord Registration regime.
- 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 an application to renew an existing HMO licence.

- The meeting of the Licensing Committee on 3 November 2015, is the last meeting before the statutory one-year deadline for determining HMO licence applications, 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 3 November 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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**Moss Road**

Total Entry & Exits Not In Place When Sites 1 & 2 Granted

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**TOTAL E&P UK**

Total E&P UK Limited  
Unit A, Moss Road  
Gateway Business Park  
Nigg, Aberdeen  
AB12 3GW

Fraser Bell, Head of Legal  
Litigation and Licensing, Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Marischal College  
Business Hub 6 L1S  
Broad Street  
Aberdeen  
AB10 1AB



5 October 2015

Dear Fraser

**Street Trader Licence Application submitted by Sarah Beattie (the "Application") in relation to (i) Moss Road, west side, 160m south of Gateway; and (ii) Gateway Drive, northern spur, west side, 50m north of roundabout.**

We, Total E&P UK Limited, hereby **OBJECT** to the Application in so far as it relates to Moss Road, west side, 160m south of Gateway (the "**Proposed Site**").

For ease of reference and by way of illustration in support of the various concerns which we expand upon below, we have appended a map of the Gateway Business Park (attached hereto as "**Appendix 1**") and 7 photographs to this objection letter (each being subsequently labelled as "**Appendix 2**", "**Appendix 3**", "**Appendix 4**", "**Appendix 5**", "**Appendix 6**", "**Appendix 7**" and "**Appendix 8**").

#### **Background and interest to object**

Total E&P UK Limited, a company registered in England and Wales (company number: 00811900) having a principal place of business at Crawpeel Road, Altens Industrial Estate, Aberdeen, AB12 3FG ("**TEPUK**"), occupies a property which is located at Unit A, Moss Road, Gateway Business Park, Nigg, Aberdeen, AB12 3GW (the "**Affected Property**"). The main entrance and exit to the Affected Property are situated in close proximity to the Proposed Site (please refer to Appendix 1).

As a general comment, it is unclear to us whether the Application relates to the applicant's intention to station a catering vehicle at either (i) Moss Road, west side, 160m south of Gateway; or (ii) Gateway Drive, northern spur, west side, 50m north of roundabout, or whether the Application relates to the proposed introduction of two hot catering vehicles, one at each of the aforementioned locations.

For the purposes of this objection letter, we will proceed on the basis that the Application is intended to give the applicant the flexibility to station one catering vehicle at either location. As noted above, our objection relates to the Application in so far as it relates to the placement of a catering vehicle at the

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Tel: +44 (0)1224 297000 Fax: +44 (0)1224 298999 - Registered in England and Wales No: 811900

Proposed Site. However, in the event that the Application relates to the introduction of two catering vehicles, the various grounds for our objection will apply equally thereto.

### **Objection to the Application**

Our objection is based on a concern that the granting of the Application would be contrary to the securing of public safety and to the prevention of public nuisance. In this regard, we cite the following points:

- (i) creation of hazardous driving conditions,
- (ii) increase in traffic congestion, and
- (iii) unjustified introduction of another catering vehicle,

and develop them further below.

(i) Creation of hazardous driving conditions

The rationale behind our concern that the granting of this Application will create hazardous driving conditions is two-fold: (1) the parked catering vehicle will create a visual obstruction to road users; and (2) the parked catering vehicle will reduce the capacity of Moss Road to single-lane traffic only. We will now deal with each element in turn:

1. Visual obstruction

There are currently two hot food service vehicles positioned within the vicinity of the Affected Property and the Proposed Site (please refer to Appendix 1). The positioning of these catering vehicles is obstructive and significantly reduces visibility conditions for the various road users within this area (please refer to Appendix 2 and Appendix 3). In this regard, we fail to see how the requirements of clause 8 of the conditions applicable to a street trader's licence are being met by the two current street traders or how the applicant could satisfy the requirements of this clause in the event that the Application is granted.

As noted above, access and egress to the Affected Property can only be achieved via Moss Road. The positioning of the two current hot food service vehicles has meant that the line of sight of our personnel and visitors upon exiting the Affected Property is significantly reduced such that drivers are often required to 'edge' their way out to the opposite side of Moss Road in order to establish whether there is any oncoming traffic (please refer to Appendix 4). This safety issue is further amplified by the fact that there are no parking restrictions in force within the Gateway Business Park which means that customers of the catering vehicles are at liberty to park anywhere along Moss Road. On a number of occasions, this has led to the complete obstruction of the exit route from the Affected Property (reference should be made to Appendix 5). The introduction of another catering vehicle on this road will only exacerbate this safety issue, an issue which is already of great concern to us.

2. Single-lane traffic

Moss Road is a relatively short stretch of road which is serviced by two roundabouts, one at either end of the road. Throughout the applicant's proposed hours of operation, this road is heavily used by a variety of different road users, including but not limited to: (i) learner drivers; (ii) learner motorcyclists; (iii) office workers; (iv) articulated lorry drivers; (v) van drivers; (v) fork-lift drivers; and (vi) drivers of various lifting vehicles such as cherry-pickers (please refer to Appendix 6 and Appendix 7). The placement of the two current hot food service vehicles, coupled with a row of parked cars, has reduced the capacity of part of Moss Road to single-lane traffic only (please refer to appendix 8). In order to pass the catering vehicles

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and any parked cars, vehicles travelling North-bound on Moss Road must drive on the right-hand side of the road in order to reach the roundabout. In the event that a third hot food service vehicle is stationed at the Proposed Site, it is likely that the entirety of Moss Road will be reduced to single-lane traffic only. This creates a hazardous environment in which vehicles travelling in opposite directions must pass each other. Of particular significance is the fact that this road is often used by inexperienced learner drivers and learner motorcyclists (please refer to Appendix 2 and Appendix 6).

(ii) Traffic congestion

As noted above, the introduction of another hot food service vehicle at the Proposed Site is likely to further reduce the available capacity of Moss Road. As more companies move their businesses into the Gateway Business Park, a relatively new development, the level of traffic is destined to increase. An increase in the number of users of a road which is only capable of single-file traffic will inevitably lead to traffic congestion.

(iii) Unjustified introduction of another hot food service vehicle

In addition to the two hot food service vehicles which are located on Moss Road, there is already a third catering vehicle which is located on Gateway Drive, South-East of the roundabout (reference should be Appendix 1). On balance with the current safety and traffic congestion issues, we are of the view that the introduction of a fourth caterer within the Gateway Business Park is not justified in the circumstances.

**Conclusion**

Safety is of paramount importance to us and the current placement of two catering vehicles on Moss Road is already of great concern to us. The introduction of a third hot food service vehicle on Moss Road, in the event that the Application is granted, will further jeopardize the safety of our personnel, visitors and the other road users for the reasons noted above.

In order to fully appreciate the lack of space and the impact which the granting of the Application will have on road safety within this area, we suggest that a representative of Aberdeen City Council visits the Business Park to conduct a site visit. Carrying out a site visit may also provide your representative with an opportunity to identify a more suitable alternative location for the applicant's catering service.

In the circumstances, the Application should be refused.

Yours sincerely



Rd  
Road Safety Co-ordinator  
For and on behalf of Total E&P UK Limited

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Enclosed: Appendix 1

Appendix 2

Appendix 3

Appendix 4

Appendix 5

Appendix 6

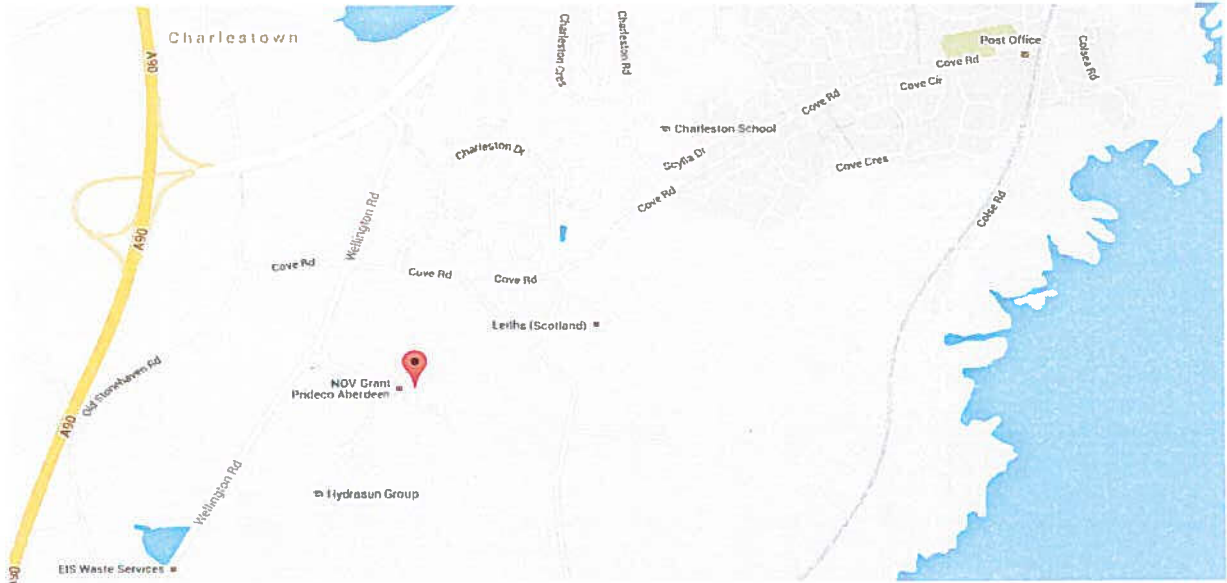
Appendix 7

Appendix 8

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Appendix 1



Note: The red pin indicates where the Gateway Business Park is located. The below map is a close-up of this location.



Appendix 2



Note: This photograph has been taken from one of the offices of the Affected Property.

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Appendix 3



Note: This photograph has been taken from one of the offices of the Affected Property.

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Appendix 4



Note: This photograph has been taken from one of the offices of the Affected Property.

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Appendix 5



Note: This photograph has been taken from one of the offices of the Affected Property. As you can see, the exit to the Affected Property has been completely blocked off.

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Appendix 6



Note: This photograph has been taken from one of the offices of the Affected Property. It is our understanding that the Proposed Site is in the same position as the learner driver shown in this photograph.

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Appendix 7



Note: This photograph has been taken from one of the offices of the Affected Property.

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Appendix 8



Note: This photograph has been taken from one of the offices of the Affected Property.

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