

MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House



ABERDEEN
CITY COUNCIL

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	1 November 2010
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982
(Licensing of Houses in Multiple Occupation) Order 2000
Application for the Grant of a Licence to Operate a House in Multiple
Occupation (HMO) at No.130 Hamilton Place, Aberdeen
Applicant/s: Peter Mearns
Agent: None stated**

I refer to the above HMO Licence application, which was considered by the Licensing Committee at its meeting on 15 September 2010, for the reason that works & certification requirements had not been completed (my Committee report is attached as appendix A). The Committee resolved to *"to defer consideration of the application to its next meeting to be held on 17 November, 2010."*

Following the meeting on 15 September 2010, I wrote to the applicant advising him of the Committee's decision. In my letter, I also stated that failure to complete all requirements by close of business on Tuesday, 16 November 2010, would result in the HMO application being reconsidered by the Licensing Committee at its meeting the following day. I advised that in the event of that happening, I would recommend to the Committee that they refuse the HMO application. The reason for my 'refusal' recommendation is because the Council must, by law, determine the HMO application no later than 1 year after the date of submission (15 December 2009) of the application, failing which the application is automatically deemed to be granted. The Council strives to avoid deemed grants, therefore if the Committee are minded to refuse the application it must do so at its meeting on 17 November 2010.

At the date of this memo, all requirements have not been completed.

Fire Incident:

Grampian Fire & Rescue Service (GFRS) e-mailed me on 18 October 2010 with the following information:

"GFRS attended a dwelling fire at the above address on the 17th October 2010 approx 1330hrs. The fire was in the electrical cupboard and extinguished by an occupier."

There were no working smoke detectors and Fire crews installed battery smoke detectors, as an interim measure, on the ground floor and 2nd floor. The battery was replaced in the detector on the first floor.

The occupiers informed Grampian Fire and Rescue Service that; the fire alarm system is being upgraded at present, with smoke detectors going in every room and asked if this could be checked.

The attending crews noted evidence of 5 individuals residing at the property, but cannot provide any further information relating to these individuals."

It would therefore appear that the applicant was operating an unlicensed HMO at the time of the fire incident.

Recommendation:

At the date of this memo, all works & certification requirements have not been completed, albeit there are some weeks remaining until the 16 November 2010 deadline. I would normally have issued the HMO Licence under delegated powers if all requirements had been completed, and advised the Committee accordingly, however the Committee may also wish to consider the matter of the apparent occupation of the property at the time of the fire incident, therefore I request that a final decision on the Licence be taken at Committee on 17 November 2010.

Ally Thain
Private Sector Housing Manager

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4th Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	27 August 2010
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982
(Licensing of Houses in Multiple Occupation) Order 2000
Application for the Grant of a Licence to Operate a House in Multiple
Occupation (HMO) at No.130 Hamilton Place, Aberdeen
Applicant/s: Peter Mearns
Agent: None stated**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 15 September 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

The premises:-

The premises to which this HMO Licence application relates is an inner terraced three-storey house with accommodation comprising of nine bedrooms, one public room, one kitchen and two bathrooms. The position of the premises is shown on Appendix 'A' attached to this memo.

The HMO application:-

The HMO Licence application was submitted to the Council on 15 December 2009. The HMO Officer visited the premises on 20 January 2010, then he wrote to the applicant on 28 January 2010, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. Installation of 30-minute fire-resistant room doors fitted with self-closers.
3. The front and rear exit doors to be fitted with keyless locks.
4. A padlock hasp to be removed from a first-floor bedroom door.
5. A Fire Action Notice to be displayed in the property.
6. A fire-blanket to be installed in the kitchen.
7. Additional electric sockets to be installed in all rooms.
8. Windows in each room to be capable of easy opening for ventilation.
9. The broken/missing tiles in the ground-floor shower-room to be replaced.
10. the housekeeping in several bedrooms to be improved.
11. All damage to ceilings & walls to be repaired and redecorated.
12. Construction of a staircase to the basement.

13. Adequate heating to be provided in all areas occupied by the tenants.
14. All valid gas & electrical safety certificates and the Tenancy Agreement to be submitted to the HMO Unit.

At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 15 September 2010, where the application will be discussed.

Other considerations:-

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.130 Hamilton Place, Aberdeen.
- The applicant is an approved Landlord, registered with the Landlord Registration database. However, his property at No.130 Hamilton Place is not registered therefore the applicant must register the property prior to allowing tenants to reside there.
- The applicant has requested an occupancy of 9 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 15 December 2009. The Council must determine the application no later than 14 December 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 17 November 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

Ally Thain
Private Sector Housing Manager