

# LICENSING SUB-COMMITTEE INFORMATION SHEET

21 April 2020

## Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (NEW)

**APPLICANT:** ROGER RUSHWORTH

**AGENT:** LEDINGHAM CHALMERS LLP, SOLICITORS

**ADDRESS:** 217 CLIFTON ROAD, ABERDEEN

### INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the applicant has not completed the work & certification requirements to bring the property up to the current HMO standard. The meeting of the Licensing Sub-Committee on 21 April 2020, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the requirements have not been satisfactorily completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 21 April 2020. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

### DESCRIPTION

The premises at No.217 Clifton Road, Aberdeen, is an upper-floor flat, and the applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout. The application under consideration is a first-time application although the previous owner was granted an HMO licence for the property in October 2016.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:  
*'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'*

## GROUNDINGS FOR REFUSAL

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

## OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes No.217 Clifton Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.217 Clifton Road.
- HMO Unit practice over many years has not been to grant an HMO licence under delegated powers until 1) a final inspection of the HMO property has been carried out by the HMO Officer to confirm that any upgrading/repair work has been completed to a satisfactory standard, and 2) any safety-related certificates (gas & electricity) have been submitted to the HMO Officer and he deems them to be satisfactory.

During this unprecedented period of COVID-19 restrictions, the HMO Unit has suspended property inspections and introduced 'self-certification' whereby applicants must provide a written assurance that any upgrading/repair works have been completed. Following relaxation of the restrictions, property inspections will resume and this will include properties that were 'self-certified' by the applicants so as to ensure that the works are to a satisfactory standard.

With regard to the safety-related certification, the COVID-19 restrictions are affecting applicants' ability to find contractors prepared to enter properties to carry out the necessary testing/inspection. Other than that, applicants are continuing to send any certificates to the HMO Officers for scrutiny.

- Following submission of the HMO licence application in April 2019, the HMO Officer carried out an initial inspection of the property and identified several items of works & certification that were required before a new HMO licence could be granted. These items were advised to the applicant.

At the date of this report, there are 4 outstanding standing items preventing a new HMO licence being granted under delegated powers. These are:

- 1) Although the Electrical Installation Condition Report (EICR) is satisfactory, it does not state when the electrical installation should be re-tested. This is important, especially in older properties.
- 2) It is understood that the property will be let furnished and the landlord will provide plug-in electrical appliances for the tenants. It will therefore be necessary for a Portable Appliance Test (PAT) certificate to be submitted to the HMO Unit, confirming that the plug-in appliances are safe for use.
- 3) The HMO Officer required the gas fire in bedroom no.2 to be disconnected and capped. It will be necessary for the applicant to 'self-certify' that this work has been satisfactorily completed.
- 4) The HMO Officer required the glass in the vestibule door to be replaced with safety glass or plastic safety film to be applied to the existing glass. It will be necessary for the applicant to 'self-certify' that this work has been satisfactorily completed.