

LICENSING SUB-COMMITTEE INFORMATION SHEET

16 June 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MARTIN BUCHAN

AGENT: WINCHESTERS LETTINGS LIMITED

ADDRESS: 96 BROOMHILL 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 16 June 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 16 June 2020. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.96 Broomhill Road, Aberdeen, is an upper-floor maisonette flat providing accommodation of 7 letting bedrooms, one public room, one kitchen and 3 bathrooms. The applicant has requested an occupancy of 7 tenants, which is acceptable in terms of space and layout. The application under consideration is to renew an HMO licence which the applicant has held since September 2010.

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.96 Broomhill 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.96 Broomhill 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 August 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 3 outstanding items preventing a new HMO licence being granted under delegated powers. These are:

- 1) Written confirmation from the agent to be submitted, declaring that all physical works have been completed.
- 2) A satisfactory Electrical Installation Condition Report (EICR) to be submitted.
- 3) A Certificate of Compliance to be submitted, declaring that the public Notice of HMO Application was displayed outside the property for the statutory 21-day period.