

LICENSING COMMITTEE INFORMATION SHEET

1 September 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: JOHN MONTEITH

ADDRESS: 198 KINCORTH CIRCLE, 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 Committee on 1 September 2020, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 1 September 2020. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.198 Kincorth Circle, Aberdeen, is a 2-storey linked-detached house providing accommodation of 4 letting bedrooms, one public room, one kitchen & one bathroom. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout. The application under consideration is to renew an existing HMO licence, which the applicant has held since May 2006.

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'

GROUNDS 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 his registration includes 6 rental properties, one of which being No.198 Kincorth Circle.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.198 Kincorth Circle.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All self-closing doors to be checked and adjusted as necessary to ensure that they fully close against their stops. In this regard, the door of bedroom No.4 requires adjustment.
 - 2) All windows to be checked and adjusted as necessary to ensure that they open for ventilation. In this regard, the missing catches for the handles must be replaced, also the kitchen window must be repaired.
 - 3) The top of the bath must be re-sealed.
 - 4) A Certificate of Compliance, Landlords Gas Safe certificate, Electrical Installation Condition Report (including Portable Appliance Test certificate) and a copy of the Tenancy Agreement to be submitted to the HMO Unit.