

LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: TERRY MCDONALD

AGENT: NONE STATED

ADDRESS: 52 ALBURY PLACE, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 3 'late' letters of representation/objection were submitted to the HMO Unit.

DESCRIPTION OF PREMISES

The premises at No.52 Albury Place, Aberdeen, is an upper-floor maisonette flat contained within a 2-flatted property. The ground-floor flat has the address, No.57 Albury Road. The accommodation in the upper-floor maisonette comprises 5 letting bedrooms, one living-room, one kitchen and one bathroom. The applicant wishes to accommodate a maximum of 5 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – 3 letters of representation/objection
- Licence-applicant – one letter from the applicant in response to the letters of representation/objection

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
 - ix) There is, or would be, an overprovision of HMOs in the locality

NOTICE OF HMO APPLICATION – CERTIFICATE OF COMPLIANCE

The HMO licence renewal application was submitted to the HMO Unit on 4 April 2020 and the Certificate of Compliance, submitted by the applicant to the HMO Unit, declares that the public Notice of HMO Application was on display outside the property between 4 April 2020 – 25 April 2020. These 21 days are statutory and any written representation submitted to the Council during this statutory period must by law be considered. No such written representations were, however, submitted during the statutory period.

LETTERS OF REPRESENTATION/OBJECTION

- One letter of objection was received by the HMO Unit on 16 September 2020.
- A 2nd letter of objection was received by the HMO Unit on 22 September 2020.
- A 3rd letter of objection was received by the HMO Unit on 2 October 2020.

All 3 letters of objection are written by the same person and all 3 letters were received by the HMO Unit a few months out-with the statutory period for submission of written representations. The above-mentioned HMO licensing 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 one, two or all three of the late letters, copies will be e-mailed to Members at the meeting.

LETTER FROM APPLICANT

The applicant submitted a letter responding to the 3 'late' letters. Accordingly, if the Committee decides to consider any of the late letters, a copy of the applicant's letter will be e-mailed to Members at the meeting.

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.52 Albury Place.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.52 Albury Place.
- A recent inspection of the property revealed a minor amount of upgrading work which the applicant satisfactorily completed. Consequently, a new HMO licence may now be granted if the Committee is so minded.
- The application under consideration is to renew an existing HMO licence. An HMO licence for the property was first granted to the applicant in 2014.

