

# LICENSING COMMITTEE INFORMATION SHEET

16 March 2021

## Public Application

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

**APPLICANT:** LIAM FINDLAY

**ADDRESS:** 48A FOUNTAINHALL 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 Committee on 16 March 2021, 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 16 March 2021. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

### DESCRIPTION

The premises at No.48A Fountainhall Road, Aberdeen, is an upper floor maisonette flat on the 1<sup>st</sup> & 2<sup>nd</sup> floor of a tenement building. The accommodation provides 4 letting bedrooms, one lounge, one kitchen/diner & two bathrooms. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout. The application under consideration is a renewal application.

### 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 No.48A Fountainhall 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.48A Fountainhall Road.
- The extent of the above-mentioned work & certification requirements is as follows:
  - 1) All portable heaters to be permanently removed from the property.
  - 2) All room and final exit door locks must be capable of being opened from the inside, without the use of a key. Any door lock not normally in use must be permanently disabled. In this regard the rear door lock requires to be repaired or renewed.
  - 3) All self-closing doors must be inspected and adjusted to ensure that they are capable of closing fully against their stops from all angles of swing. Particular attention to be paid to the lounge door and the door to bedroom No.4
  - 4) The following certificates to be submitted to the HMO Unit for scrutiny:
    - Gas Safe certificate
    - Portable Appliance Teste (PAT) certificate
    - Notice of HMO Application – Certificate of Compliance