

LICENSING COMMITTEE INFORMATION SHEET

6 September 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: JOHN FOTHERINGHAM

ADDRESS: 37 ORCHARD STREET, ABERDEEN

AGENT: NONE STATED

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the work & certification requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 6 September 2022, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 6 September 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The property at No.37 Orchard Street, Aberdeen, is an upper-floor maisonette flat, providing accommodation of 5 letting bedrooms, open-plan lounge/kitchen, shower-room & bathroom. The applicant has requested an occupancy of 5 tenants, which is acceptable in terms of space and layout.

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.37 Orchard Street.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of 4 separate complaints of anti-social behaviour involving the tenants of No.37 Orchard Street. The last recorded complaint was on 9 February 2020 when a neighbour contacted the ASBIT helpline to complain about loud music being played in No.37. ASBIT staff attended an hour later but the neighbour advised that the music had since been turned off and no further action taken. Similar complaints were recorded on 14 October 2017 and 20 November 2015. On 2 April 2015, ASBIT staff witnessed a loud party in No.37 at 03.10 hours and served a Warning Notice on the occupants.
- 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 and latch. Particular attention to be paid to the doors in bedrooms 1, 2, 4 & 5.
 - 2) The door-handle to bedroom 1 to be securely reattached to the door as a matter of urgency.
 - 3) Door handles and a latch to be fitted to the lounge door.

- 4) The window locks which have been fitted to the doors of the letting bedrooms must be removed as a matter of urgency.
- 5) All faulty or missing lightbulbs to be replaced immediately and lightshades fitted to pendants where there are bare lightbulbs.
- 6) All portable heaters to be permanently removed from the property.
- 7) All windows to be checked and adjusted as necessary to ensure that they easily open for ventilation. Particular attention to be paid to the windows in bedroom 1 & bedroom 2.
- 8) The mould growth on the ceiling of the first-floor bathroom treated and the ceiling redecorated.
- 9) There is evidence of historical water damage to the ceilings of the lounge and kitchen. These ceilings to be made good and redecorated.
- 10) The sealant around the shower-tray in the second-floor bathroom to be removed and the shower-tray resealed.
- 11) A prohibition notice to be fixed beside the open fireplace in bedroom 1 and a relevant clause added to the Tenancy agreement.
- 12) The new Notice of HMO Application to be displayed outside the property for a 21-day period.
- 13) The following documentation to be submitted for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Electrical Installation Condition Report (EICR)
 - Portable Appliance Test (PAT) certificate
 - Copy of Private Residential Tenancy (PRT) Agreement

- During a recent visit to No.37, the HMO Officer noticed some fire-safety items requiring attention. The Scottish Fire & Rescue Service was notified and confirmation is awaited from them that the property is fire-safety compliant.