

LICENSING COMMITTEE INFORMATION SHEET

6 September 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: SHIVAS LINDSAY

ADDRESS: 38 FONTHILL TERRACE, ABERDEEN

AGENT: STONEHOUSE LETTINGS

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.38 Fonthill Terrace, Aberdeen, is a top-floor maisonette flat, providing accommodation of 3 letting bedrooms (one en-suite), lounge, kitchen & bathroom. The applicant has requested an occupancy of 3 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 their registration includes No.38 Fonthill Terrace.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.38 Fonthill Terrace.
- 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 from all angles of swing and latch when closed. Particular attention to be paid to the doors in the kitchen and bedroom 2.
 - 2) The amount of electrical sockets in bedrooms 1 & 2 could not be established because of the position of the beds and bedroom furniture. Confirmation required that each bedroom includes a minimum of 6 sockets.
 - 3) The mould growth on the bathroom ceiling to be treated and the ceiling redecorated.
 - 4) The sealant around the bath to be removed and new sealant applied.
 - 5) 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