

LICENSING COMMITTEE INFORMATION SHEET
6 September 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: ARNOLD CLARK AUTOMOBILES LIMITED

AGENT: NONE STATED

ADDRESS: 80 WESTERN ROAD, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 2 representation/objection e-mails were submitted to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence it may do so under delegated powers since at the time of drafting this Information Note, the necessary upgrading works & certification have not been completed. I will advise Members during the Committee meeting if that position has changed.

DESCRIPTION

The 2-storey, detached building at No.80 Western Road, Aberdeen, was originally a doctors' surgery which was converted by the applicant some years ago to form 19 serviced apartments, ie. 8 apartments on the ground floor and 11 apartments on the upper floor. All apartments are en-suite hotel-room accommodation and there are communal kitchens on both floors. There is no garden ground. The applicant wishes to accommodate a maximum of 19 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises, marked 'surgery' 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 public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection e-mail from Pat Gibson (Attached as Appendix B)
- One objection e-mail from Lee Gibson (Attached as Appendix C)
- Licence-applicant – one e-mail from the applicant to the objector, Pat Gibson, in response to her objection e-mail (Attached as Appendix D)

Both e-mail objections were received within the statutory time period therefore the Council must consider them.

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

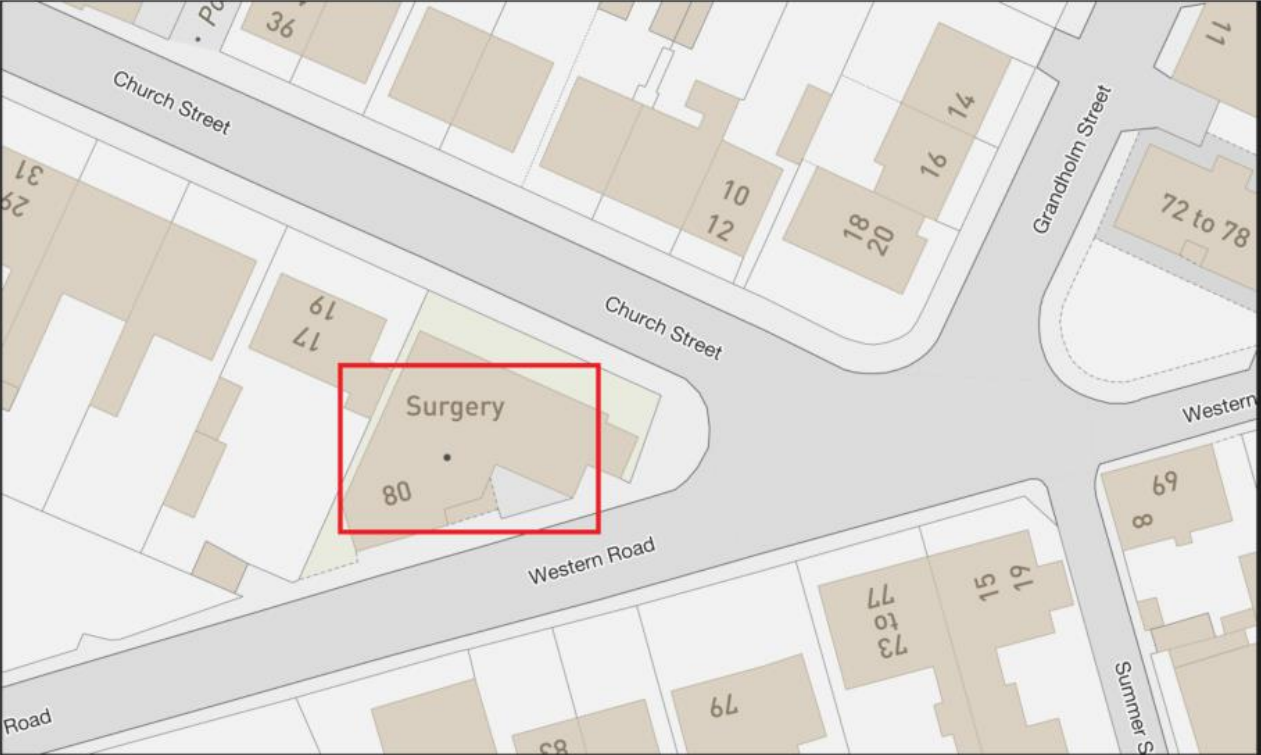
This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 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 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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and their registration includes No.80 Western Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.80 Western Road.
- The building at No.80 Western Road was originally used by the applicant to accommodate employees from their company when they were in Aberdeen for training courses and the like. Accordingly, no HMO licence was required however the applicant's current intention is to obtain an HMO licence for the purpose of accommodating refugees. The applicant is currently in talks with the Council's Resettlement Team about this.
- One of the objection e-mails mentions the lack of a garden at No.80 Western Road, and whilst this is correct there is no requirement in HMO licensing for a licensed property to include garden ground. There are hundreds of HMO-licensed flats in Aberdeen and some of these do not include any garden ground.

'A'



'B'

From:

Sent: 06 May 2022 08:16

To: HMOUnit <HMOUnit@aberdeencity.gov.uk>

Subject: HMO Licence (Ally Thain)

Hi Ally

I am Mrs Pat Gibson, [REDACTED]

I wish to complain about Arnold Clark requesting a HMO licence for 80 Western Road, Woodside. They want to put 36 refugees into the building, that would mean we would have no privacy as there are 7 windows looking onto my garden, this is a quiet area and we never have any problems. When Arnold Clark took over the old surgery there was only employees allowed to stay, obviously Arnold Clark will be paid for every refugee staying and they are just trying to make money back for the past 2 years of having very few employees staying there, due to COVID, this may not be the case but that's what I think.

My husband has been ill for some years and takes panic attacks and this would not help him one bit having all this strange people coming and going, I know refugees need help but the building is not suitable for families. They have only one small kitchen and a small lounge, there is nothing for children to do nearby, I wouldn't mind a couple of families but not 36 all together, I hope you take this into account when looking at giving them a licence.

Pat Gibson (Signed)

'C'

From:

Sent: 04 May 2022 21:09

To: HMOUnit <HMOUnit@aberdeencity.gov.uk>

Subject: Re: Complaint HMO license

To Ally Thainstone hope this is all you Need!

> Hi it has come to my knowledge that the Arnold Clark accommodation 80 western road Aberdeen next door to me has applied for a HMO license for housing refugees , I do not think this is appropriate as there is no outside area for children and it would cause a noise nuisance for us being directly next door as the room windows look on to our garden there has only been a few workers staying there at one time and if it was full I am convinced it would cause a problem, I look forward in hearing from you about this matter
Many thanks, Lee Gibson

'D'

From: ACA-SafetySupport [REDACTED]
Sent: 06 June 2022 10:42
To: [REDACTED]
Subject: FW: HMO Licence (Ally Thain)

Good Morning Pat

Following your email below, I would like to address some of the points you have raised and try to alleviate your concerns.

1. Arnold Clark are offering the accommodation as a charitable gesture.
2. Arnold Clark do not currently profit or generate an income from the property and our employees are not charged for staying overnight.
3. Any goodwill payments from Aberdeen City Council are donated per building and not per refugee.
4. The number of refugees has not been agreed and currently there is no guarantee children will be staying in the property.

I am happy to discuss your concerns further. You can contact me via email at [REDACTED] or the office phone number [REDACTED]

Many thanks
Margaret
☒ Many thanks,