

MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House



ABERDEEN
CITY COUNCIL

To	Eric Anderson, Senior Solicitor, Corporate Governance, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	1 September 2011
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982
(Licensing of Houses in Multiple Occupation) Order 2000
Application for the Grant of a Licence to Operate a House in Multiple
Occupation (HMO) at No.52 Bedford Place, Aberdeen
Applicant/s: Eileen D.R.Thomson
Agent: None stated**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 14 September 2011, for the reason that the premises is jointly owned, and the applicant's co-owner has previously been held not to be a fit & proper person to hold an HMO Licence.

I can advise you as follows:-

The premises:-

The premises to which this HMO Licence application relates is a first floor flat with accommodation comprising of 3 letting bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

The HMO application:-

The HMO Licence application was received by the Council on 14 February 2011, and is in the sole name of Eileen D.R.Thomson. The applicant declared that the joint-owner of the property is David C.Thomson, and that he is not an applicant for the HMO Licence.

Following submission of the application, I requested the applicant to provide me with a signed statement from David C.Thomson to the effect that 1) he agreed to the applicant applying for an HMO licence in her name only, and 2) he accepted that he remained jointly liable for all Landlords' legal obligations and responsibilities in respect of the premises. To date, no signed statement has been received by the HMO Unit.

The applicant also submitted the Certificate of Compliance, declaring that the Notice for Display was displayed between 11 February 2011 and 18 March 2011. No letters of objection were received by the Council during that period or since.

Works / Certification Requirements:-

The property has not been inspected.

Previous HMO Licence application from David C.Thomson:-

The Licensing Committee, at its meeting on 15 September 2010 considered an HMO Licence application from Mr Thomson in respect of the property at No.71 Craigievar Crescent, in light of the submission of a letter of objection from a neighbour. The Committee refused to grant Mr Thomson's an HMO Licence for the reason that, in the Committee's opinion, he was not a fit & proper person to hold a Licence. Mr Thomson appealed the decision to the Sheriff Court where the Council's decision to refuse the Licence was upheld.

Ground of Refusal:-

The Civic Government (Scotland) Act 1982, as amended, provides the following ground of refusal:

A Licensing Authority shall refuse an application to grant or renew a licence if, in their opinion, the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or refusal of such a licence if he had made the application himself.

Previous HMO Licence Application;-

Along with her application for No.52 Bedford Place, the applicant submitted an application for an HMO Licence in her own name in respect of the property at No.71 Craigievar Crescent, which she co-owns with David C.Thomson. This application was considered by the Licensing Committee at its meeting on 1 June 2011, and the draft Minute of the decision is as follows:

Premises – 71 Craigievar Crescent, Aberdeen

The Committee heard from Mr James Steel, Solicitor, Raeburn Christie on behalf of the applicant in support of the application.

The Committee resolved:-

to refuse the application on the ground contained in Paragraph 5(3)(b) of Schedule 1 of the Civic (Scotland) Act 1982 namely that the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or refusal of such a licence if he had made the application himself.

Other considerations:-

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- The Council's Antisocial Behaviour Investigation Team (ASBIT) has no record of any complaint in respect of No.52 Bedford Place, Aberdeen.
- The applicant, the co-owner and their property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 4 persons, however because the property has not been inspected, I cannot confirm whether or not this is acceptable to the HMO Unit.

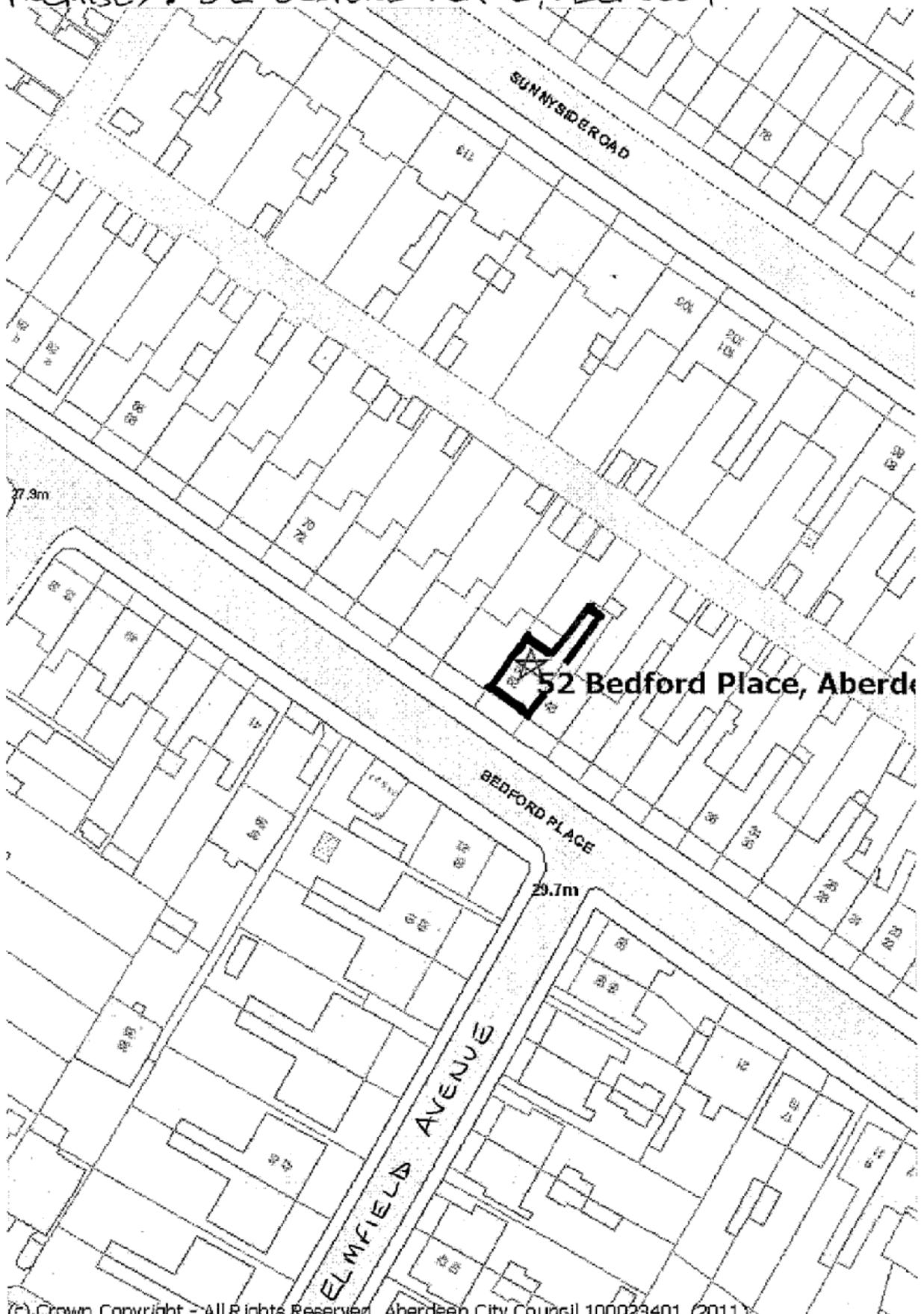
I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

Ally Thain

Private Sector Housing Manager

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TITLE: APPLICATION FOR HMO LICENCE
PREMISES: 52 BEDFORD PLACE, ABERDEEN



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