

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.48 Elmbank Terrace, Aberdeen
Applicant/s: Andrew Buchan
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 one letter of objection was received by the HMO Unit.

I can advise you as follows:-

The premises:-

The premises to which this HMO Licence application relates is an upper floor maisonette with accommodation comprising of five 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 11 July 2011. The Certificate of Compliance submitted by the applicant declares that the Notice for Display was displayed between 5 July 2011 – 27 July 2011.

Works / Certification Requirements:-

The HMO Officer carried out an initial inspection, then he wrote to the applicant on 29 July 2011, listing upgrading work and certification requirements to bring the property up to the current HMO standard. At the date of this memo, all requirements have not been met, although this is not the reason for referral to the Licensing Committee.

Letters of objection:-

One letter of objection was received by the HMO Unit within the statutory Notice period, and is therefore competent. The letter is attached as appendix B1.

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.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team (ASBIT) has no record of any complaint in respect of No.48 Elmbank Terrace, Aberdeen.
- The applicant and his property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 5 persons, which is acceptable to the HMO Unit in terms of space and layout.
- The applicant previously held an HMO Licence in respect of the property, which expired on 28 April 2011 and was not renewed.

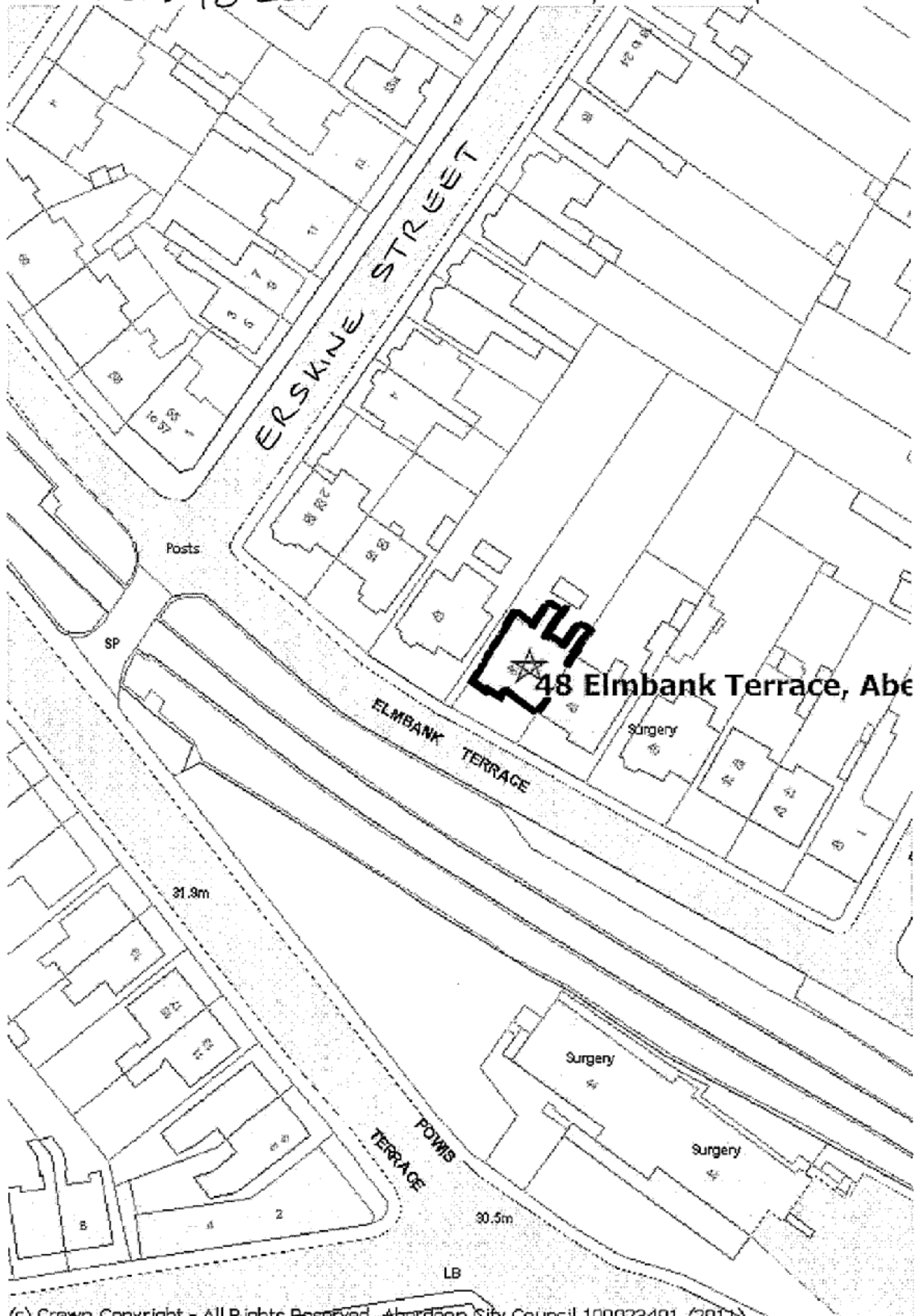
I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

Ally Thain

Private Sector Housing Manager

A

TITLE: APPLICATION FOR HMO LICENCE
PREMISES: 48 ELMBANK TERRACE, ABERDEEN



B.1

Clare Neely



22 July 2011

ABERDEEN CITY COUNCIL	
Neighbourhood Services Central	
HMO Unit	
Date Received:	25 JUL 2011
Date Logged on Flare	

Housing & Environment
4th floor St Nicholas House
Broad Street
Aberdeen
AB10 1BX

**Housing in Multiple Occupation (HMO) Licence Application:
48 Elmbank Terrace, Aberdeen**

Thank you for the opportunity to respond to the application for a HMO licence for the property situated at 48 Elmbank Terrace, Aberdeen.

Please accept this letter as an objection of such a licence for this property.

I have been advised by the HMO Unit at Aberdeen City Council that a previously HMO licence for this property, held by the same owner, expired in April 2011 and was not renewed. As I believe that tenants have been residing in this property during the period from April 2011 to July 2011, the applicant may be committing a criminal offence and is therefore not a fit and proper person to hold a HMO licence. The Aberdeen City Council website clearly states that *"It is a criminal offence to operate an HMO without being in possession of a current HMO Licence issued by the Local Authority"* Copies of the tenancy agreement detailing the dates of vacation would confirm if my beliefs are correct.

In addition, the applicant has failed to manage his property correctly in that he has not ensured his tenants to take appropriate action to maintain the garden at the front of the property, or to comply with existing Council waste collection activities.

Waste collection

The property currently possesses three standard sized wheelie bins which are stored in the front garden. On a number of occasions over the past year, all three bins have been full and overflowing with additional refuse piled up within the garden. As the tenants have not put their rubbish out for collection, the overflowing bins have attracted scavenging seagulls to the area who damage the roofs of cars by scratching paintwork as well as depositing their faeces in the locality. This is something that as a local resident and car owner, I'm keen to avoid.

Rubbish has now been cleared from the garden, but since 20 July 2011 two sofas have been 'dumped' outside the property on the footpath of Elmbank Terrace (photo attached). A telephone call to the Environmental Services Department of the Council on the date of writing confirmed that the applicant has not arranged a special collection for these, and may therefore have committed an act of 'fly-tipping'.

As I understand, properties can only be allocated ONE additional wheelie bin if there is a baby in nappies in the household to obviously encourage the residents to undertake recycling activities in line with Council policies. The landlord of this property appears to have done nothing to ensure his tenants are undertaking their obligations with regard to local waste collection / recycling activities and has also managed to circumnavigate the policies with regard to the provision of additional wheelie bins.

Garden

I would expect, as a minimum, that the landlord ensures that the tenants take appropriate action to maintain the garden at the front of the property – adjacent to the footpath of Elmbank Terrace. This has not been done. At the date of writing, the garden is unruly and overgrown, with planting, including a bramble bush which you will appreciate has thorns, spilling out over and into the public footpath (photo attached). The overgrown state of the garden does nothing to support the visual amenity of the local area. If, under their tenancy agreement, the tenants have not been required to maintain the garden, the responsibility falls to the landlord himself and its overgrown state suggests he is unwilling/unable to do so, or to ensure his tenants do so and therefore not a fit and proper person to hold a HMO licence.

Car parking

Space for on-street car parking is at a premium in the Elmbank Terrace area. A HMO could reasonably be expected to contain residents who, between them, own more than one car. Granting a HMO licence for this property is likely to increase the competition for on-street car parking spaces in the locality as well as increase traffic flow in a residential area.

I feel that the applicant has not managed either his property, with regard to maintenance of the garden area, or the behaviour of his tenants correctly and therefore a HMO licence for this property should not be granted.

I would be grateful if the Council would inform me of the outcome of their decision.

Yours faithfully,



Clare Neely

B.1 (CONTIN)

