

LICENSING COMMITTEE INFORMATION SHEET

04 December 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: SHAIRRON MURRAY

AGENT: STEWART PROPERTY SERVICES LIMITED

ADDRESS: LOWER FLAT, SPRING COTTAGE, 1 AND A HALF SOUTH CROWN STREET, ABERDEEN

INFORMATION NOTE

- Application Submitted 29/08/2024
- Determination Date 28/08/2025

This HMO licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection letter was submitted to the HMO Team.

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 certification has not been completed.

DESCRIPTION

The property at Lower Flat, Spring Cottage, 1 and a Half South Crown Street, Aberdeen, is the subject of this renewal HMO licence application and its accommodation is a ground floor flatted property comprising, 3 letting bedrooms, lounge, kitchen, bathroom, and cloakroom. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Team in terms of space and layout. The location of the premises 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 letter from Diane Pirie (Attached as Appendix B)
- One representation from Addleshaw Goddard (Attached as Appendix C)

The objection was received within the statutory time period therefore the Council must consider.

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'](#)

GROUNDINGS 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 as a landlord with this Council and their registration includes Lower Flat, Spring Cottage, 1 and a Half South Crown Street, Aberdeen.
- The Council's Community Safety Team has one record of complaint regarding Lower Flat, Spring Cottage, 1 and a Half South Crown Street:
 - **10 June 2024** - complaint of late night/morning thudding and banging and continuously failing to pick up dog mess in the rear shared garden.
- There are currently no other HMO licensed properties at South Crown Street, Aberdeen.
- The applicant was first granted an HMO licence for Lower Flat, Spring Cottage, 1 and a Half South Crown Street in 2012 and the application under consideration is the fourth renewal application.
- The objection mentions car parking. Members may wish to note that car parking is not a consideration of HMO Licensing it is not specifically mentioned in the Statutory Guidance.

'A'



'B'

Dear Sir / Madam,

LOWER FLAT, SPRING COTTAGE, ONE AND A HALF SOUTH CROWN STREET, ABERDEEN AB11 7RQ

I would like to object to an HMO Licence for the above address.

My concerns are legitimate. I moved into my property in September 2007, 17 years ago. The lower flat did not have an HMO license for the first 3 – 4 years, nevertheless the property was leased to 3 or more people who were not related in this period, since then it has existed as an HMO property.

HMO landlords should be transparent with their neighbours, communicate adequately and address neighbour concerns to ensure a beneficial environment for both tenants and neighbours.

I have had to get the Community Safety Team and Landlord registration involved on a number of occasions to try and obtain replies to my email complaints as the Landlord and Leasing agent refuse to reply.

I have a substantial number of emails which have been sent to the landlord and leasing agent over the last 17 years as evidence of noise disturbance, constant partying, slamming doors and dog fouling.

The constant noise which emits from the property has greatly impacted the quality of my private and work life causing stress and sleep deprivation.

The dog fouling has resulted in myself, family and friends unable to utilise the shared garden. It has also resulted in the gardener who was engaged to maintain the shared garden every 4 weeks refusing to maintain the garden which has taken years to get into a good quality condition.

The front of the property has been neglected.

This disregard for shared property maintenance will ultimately cause loss of value to my property.

Furthermore, there are parking issues on the street. The potential of 3 additional cars would increase this problem as well as adding in environmental concerns.

Due to my concerns above, I believe that the landlord is not fit to hold an HMO license.

If you would like me to provide evidence to these issues, I have been experiencing over my time in this property I am happy to do so.

If the council and the landlord can ensure correct measures are going to be taken to limit disturbance from noise levels, agree to maintaining shared spaces and an appropriate plan is detailed to me on how this would be carried out I will reconsider this objection to an HMO license.

Kind Regards,



Diane Pirie



Our reference [REDACTED]

8 November 2024

FAO: Jocelyn Janssen
Private Sector Housing Manager
Aberdeen City Council

By email: hmounit@aberdeencity.gov.uk

Dear Private Sector Housing Manager

Our Client: Shairron Murray
Part 5 Housing (Scotland) Act 2006
Application for Licence for a House in Multiple Occupation (HMO)
Premises: Lower Flat, Spring Cottage, One and a Half South Crown Street, Aberdeen
Licensing Committee: Wednesday 4 December 2024

We act for Shairron Murray. We have been instructed by Ms Murray to respond to your letter of 26th September 2024. We enclose with this letter copies of the following:-

- 1 Letter dated 6th November 2024 from Stewart Property Services.
- 2 Letter from EWF Interior Services dated 6th November 2024 with accompanying invoices.

Background

Ms Murray has been the landlady of the property in question for more than 20 years. She is a responsible landlady and takes any neighbour complaint seriously. For all of the reasons articulated below, the application for an HMO License should be granted.

Our Client's Response

In respect of the matters raised by our client's neighbour Ms Pirie, our client advises as follows:-

- 1 The steps taken by our client to address Ms Pirie's complaints are set out in the letter from Stewart Property Services.
- 2 The property is presently occupied by a single man. He keeps a cat and a dog in the premises. His son occasionally visits him there. Any allegation of parties in the flat, late night noise, etc are entirely false.
- 3 Where allegations of excessive noise by previous tenants have been established, our client has taken steps to remove them. That does not apply to the present tenant. Our client refers to the comments of Stewart Property Services in respect of the present tenant.

10-88710774-1

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- 4 Where the tenant in the property keeps pets, it is inevitable that there will be, from time to time, issues regarding dog fouling. Nevertheless, we refer to the submissions from Stewart Property Services Ltd in respect of the steps which our client has taken to mitigate this problem. As recently as last week our client has paid personallt for an extensive garden tidy at both the front and rear of the property.
- 5 The letter from EWF Interiors together with accompanying invoices indicates the level of expenditure which our client has incurred to maintain the property and to address reasonable points raised from time to time by her neighbours.

In the event that the HMO License is not granted, there will be no immediate impact, as the property is presently only occupied by one tenant. However, our client will be disadvantaged in respect of potential future tenants when the Lease comes to an end.

If our client is unable to rent the property, it is likely that she would relocate to the property along with her partner three teenage children and their pets.

In all the circumstances there are no good reasons why the HMO License should not be granted and our client invites the Committee to grant the application. Our client will attend the meeting on 4 December 2024 in person.

Yours faithfully



Addleshaw Goddard LLP

Direct line
Email



Our Ref: [REDACTED]

6th November 2024

To whom it may concern
Aberdeen City Council
HMO unit



REF: LOWER FLAT, SPRING COTTAGE, ONE AND A HALF SOUTH CROWN STREET, ABERDEEN, AB11 7RQ
HMO Licence Number: HOUS308828636

We are writing to you in relation to the above and to the Objection correspondence we received from the Aberdeen City Council HMO unit dated 26th September 2024.

We are the leasing agents of the property and have been the agent for the Landlord Shairron Murray since February 2012. First HMO licence was granted in 2015 as before this the property did not require an HMO, due to tenants being related/partnerships.

In relation to the complaint of 26th September 2024, from Diane Pirie the owner of the Upper Flat, we have at all times dealt with her correspondence and replied. See below our points:

- Constant partying, noise disturbance and slamming doors
 - As we are all aware when it comes to an HMO property all doors have to be self-closing, and unfortunately in this particular building there is no sound deafening etc due tot the age of the property, also constant partying we can confirm this to be untrue.
- Dog fouling this has taken place recently but not before the current tenant moved in who moved in on 14th August 2023, and when we have received an email from Diane Pirie we have always contacted the tenant and replied to her to have the issue resolved. **(please find attached to this letter email trails)**
- The front of the property is our landlords, liability Diane has no right to the front garden of the property it solely belongs to our landlord, and it has been maintained to a reasonable standard
- Diane mentions 3 cars at present current tenant only has one car, if the property was not leased and was owner occupied, they can have as many cars as they wish, as long as they have the right parking permits, councils discretion.

During the time we have managed property Diane Pirie we have found to be at times, not forthcoming or approachable, and we can ensure you we and the landlord have done our best in order to have issues resolved.

Your sincerely
[REDACTED]

To whom it may concern
Aberdeen City Council
Licensing Committee
Aberdeen

6 November 2024

Ref: Spring Cottage, 1 ½ South Crown Street, Aberdeen, AB11 7RQ – HMO License Renewal

Dear Sir/Madame,

We write with reference to the above property, following recent objection to the HMO license renewal application, which we understand upstairs owner/occupier neighbour, Diane Pirie has initiated.

We confirm full support to the owner of lower flat, Shairron McDonald for renewal of the property HMO license. We have provided maintenance support for the owner/landlord of Lower Flat, Spring Cottage, 1½ South Crown Street since 2016. Throughout this time, this support has been provided in coordination with the property leasing agent, Stewart Property Services through whom we are periodically notified of requirements. Maintenance has typically been provided when tenants have exited the property, when full access is gained, allowing thorough review, with remedials scope agreed with landlord and works completed in advance of new tenants moving in, in coordination with Stewart Property Services. Such works typically include end of tenancy clearing; carpet cleaning; minor repairs; light bulb replacement etc. In addition, we have also provided more substantial maintenance works, some necessitated during tenancies. These have included recent refurbishment of the bathroom/shower room in January 2024, as well as repair works in the flat basement following water ingress, or replacement of domestic appliances etc. We have also on occasion been requested to investigate concerns which we have been advised were raised by the upstairs neighbour. The most recent instance of this we understand was to address a noise complaint, with subsequent checks and adjustments made to internal door closers, as well

as checking the integrity of the beam below the flat's front bedroom, using access from the basement. To support the above, please find copies of several invoices for reference and verification and advise we would be happy to provide any further detail to support the renewal of this HMO property license.

Yours sincerely,



Owner

INVOICE

Shairron McDonald

Invoice Date

2 Aug 2022

Invoice Number

INV-1080235

Reference

Spring Cottage -
Maintenance Jul 2022

VAT Number

294 2012 19

EWF Interior Services Ltd

9 Louisville Avenue

Aberdeen

AB15 4TT

UNITED KINGDOM

Description	Quantity	Unit Price	VAT	Amount GBP
Post damp proof redecoration works	1.00			
Preparation for new tenants - tenant chargeable	1.00			
- Cleaning				
- Cleaning of oven				
- Supply of replacement bulbs				
Preparation for new tenants - landlord chargeable	1.00			
- Remove existing and re-silicon shower				
- Supply and fit replacement door handle on WC				
- Supply mattress protectors				
- Supply dehumidifiers x 8				
- Supplement for post builder/damp proof works clean				
- Visit to check and adjust blinds				
Slater to clear gutters, unblock downpipes and clear vegetation on gable end skew	1.00			
AMOUNT DUE GBP				0.00

Due Date: 8 Aug 2022

Payment terms within 7 days of invoice

Payment to: EWF Interior Services Ltd

Please use invoice number as your payment reference

INVOICE

Shairron McDonald

Invoice Date
21 Jun 2024

Invoice Number
INV-1080294

Reference
Spring Cottage -
Basement Works

VAT Number
294 2012 19

EWf Interior Services Ltd
9 Louisville Avenue
Aberdeen
AB15 4TT
UNITED KINGDOM

Description	Quantity	Unit Price	VAT	Amount GBP
Services including: - Check and adjust main property door closers - Investigate beams from basement beneath front bedroom found to be sound (connected to complaint from upper flat owner) - Re-sheet of exposed areas of ceiling - Remove rotten door and surround and form new basement door with lock and 3 x keys (tenant has 2 x keys) - 2 x extra keys cut - Dispose of all waste	1.00			
AMOUNT DUE GBP				0.00

Due Date: 27 Jun 2024

Payment terms within 7 days of invoice

Payment to: EWf Interior Services Ltd

Please use invoice number as your payment reference