

# MEMO

Shelter & Environment

## Housing & Environment

Lower Ground Floor West, Marischal College



**ABERDEEN**  
CITY COUNCIL

To	Eric Anderson, Senior Solicitor, Corporate Governance, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	1 November 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 was originally considered by the Licensing Committee at its meeting on 14 September 2011, and deferred until its next meeting on 23 November 2011.

The report which was considered by the Licensing Committee on 14 September 2011 is attached to this memo as Appendix 'A', and an update is as follows:

1. Under the heading of "The HMO Application", it is stated that a signed statement from Mr Thomson was requested but had not been received by the HMO Unit. The signed statement from Mr Thomson was subsequently submitted to the HMO Unit on 8 September 2011, and is satisfactory.
2. Under the heading of "Works/Certification Requirements", it is stated that the property had not been inspected. The HMO Officer has now inspected the property and written to the applicant listing the following HMO requirements:
  - a) The installation of a fire alarm/fire detection system.
  - b) The enclosure of the electric meter and consumer unit with 30-minute fire-resistant material.
  - c) Tenants to be instructed not to wedge open any fire doors or disconnect the self-closing devices.
  - d) The lockbolts to be removed from the room doors, and the lock on the flat entrance door to be replaced with a keyless lock.
  - e) A lock to be fitted to the loftspace access door.
  - f) The Tenancy Agreement, and all gas & electrical safety certificates to be submitted to the HMO Unit for inspection.

The property will be suitable for use as an HMO when the above requirements have been satisfactorily completed.

3. Under the heading of "Other Considerations", it was stated that the applicant has requested an occupancy of 4 persons, but that same could not be confirmed as acceptable until an inspection had been carried out. The above-mentioned inspection has confirmed that an occupancy of 4 persons is acceptable to the HMO Unit in terms of space and layout.

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

# MEMO

Shelter &amp; Environment

**Housing & Environment**4<sup>th</sup> Floor, St.Nicholas House

To	Eric Anderson, Senior Solicitor, Corporate Governance, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	1 September 2011
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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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