

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	allyt@aberdeencity.gov.uk	Date	20 March 2012
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

Part 5 of the Housing (Scotland) Act 2006

Application for a Licence to Operate a House in Multiple Occupation (HMO) at No.162 Morrison Drive, Aberdeen

Applicant/s: Matthew H.Cross

Agent: Julie Chapman & Linda Cross

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 17 April 2012, for the reason that one letter of objection has been received by the HMO Unit.

I can advise you as follows:-

The HMO legislation:-

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, which came into effect on 31 August 2011. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be 'fit & proper' persons.
- 2) The property is unsuitable for occupation as an HMO for the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Whether any rooms within it have been subdivided
 - iv) Whether any rooms within it have been adapted
 - v) Any amenities it contains
 - vi) They type and number of persons likely to occupy it
 - vii) The safety and security of persons likely to occupy it
 - viii) The possibility of undue public nuisance
 - ix) There is, or would be, overprovision of HMOs in the locality

The premises:-

The premises to which this HMO Licence application relates is a second-floor flat with accommodation comprising of three letting bedrooms, one public room, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'.

The HMO application:-

The HMO Licence application is dated 26 January 2012, and was received by the Council on 13 February 2012. The Certificate of Compliance submitted by the applicant declares that the Notice of HMO Application was displayed at the property between 13 February 2012 – 5 March 2012.

Works / Certification Requirements:-

The HMO Officer carried out an initial inspection of the property, identifying 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.

Letter of objection:-

One letter of objection was received by the HMO Unit on 16 February 2012, within the statutory 21-day period for lodging objections or representations, and is therefore competent. The letter of objection is attached as Appendix 'B'.

Other considerations:-

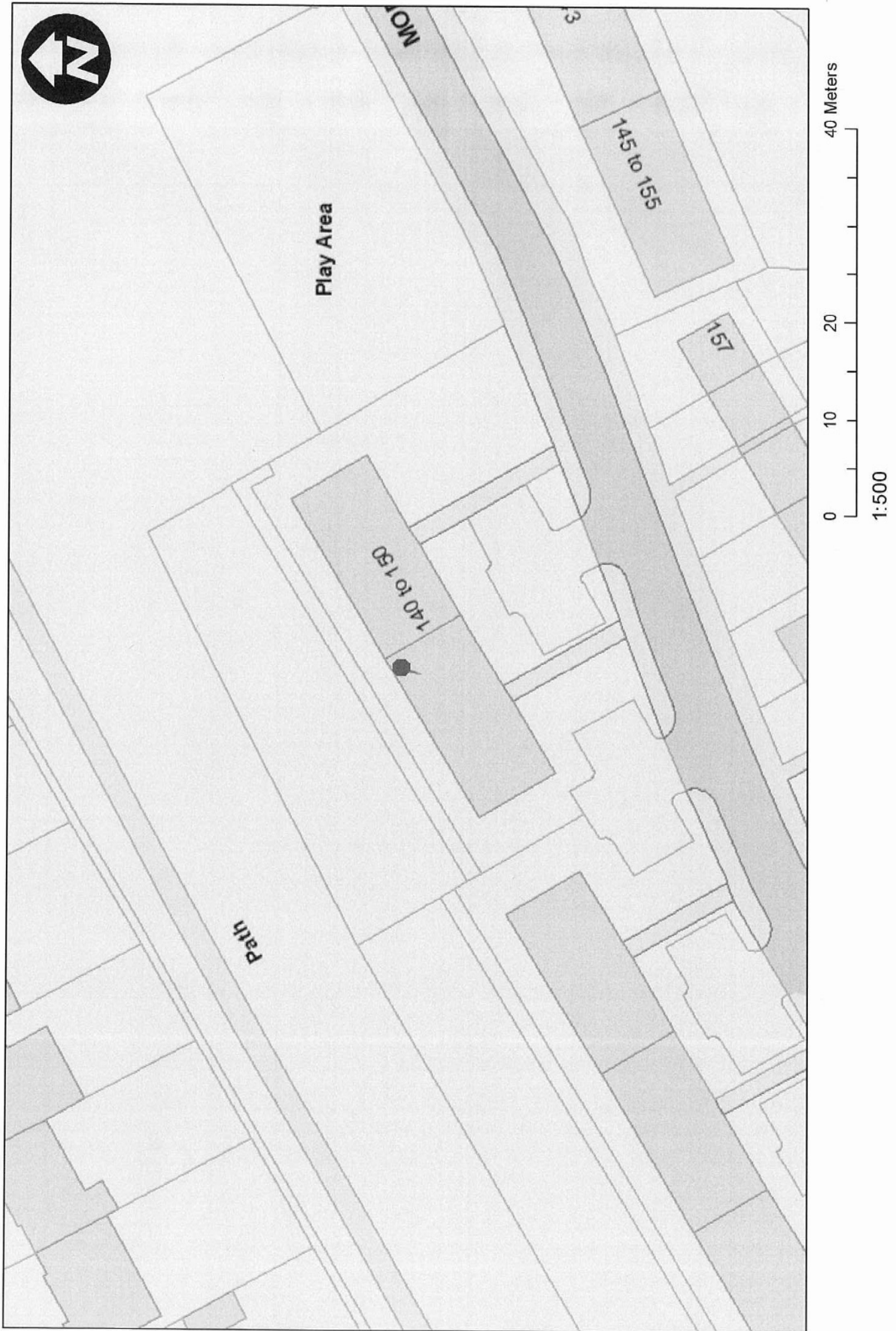
- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team (ASBIT) has no record of any complaint in respect of No.162 Morrison Drive, Aberdeen.
- At the date of this memo, the applicant and his property are not registered with the Landlord Registration database. It will therefore be necessary for the applicant to register prior to letting the property to tenants.
- The applicant has requested an occupancy of 4 persons, which is acceptable to the HMO Unit in terms of space and layout.
- Bullet point 4 within the letter of objection refers to the position of the public Notice. Following receipt of the letter of objection, the HMO Officer visited the property and confirmed that the Notice was indeed attached to a lamppost on the opposite pavement. This lamppost is the nearest one to the property and is the most appropriate one for the Notice to be attached to.

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

APPENDIX A



APPENDIX B

13th February 2012

RE: HMO Licence of 162 Morrison Drive, Aberdeen, AB10 7HD

I am writing in relation to the application for HMO licence for the above address.

I would like to oppose this licence being granted on the following grounds:

- The last occupants of the mentioned address, 2 girls and a boyfriend, caused a lot of damage to the communal area of the building. One night the couple had a major fight; there was a lot of shouting, slamming doors, running up and down the stairs until ultimately 2 tins of paint were thrown down the stairs and the front door to the building was smashed. In this instance, the owner of the property did not evict them right away or arrange for the building to be cleaned or repaired. I had to phone the building's factor to arrange for the hallway to be cleaned.
- The location of the flat means that the occupants are most likely to be students. I have nothing against students, I am a student myself, but a lot of students in a small flat might cause a lot of noise disruption. The occupants on the other side of my property () are students and listen to loud music, have parties and are generally quite noisy all the time, I genuinely do not think I could cope with having loud people on either side of my home.
- There are 6 parking spaces at the building, and it is often quite difficult to find a space, meaning that people park out with designated parking bays on the street. This causes issues if the roads are icy or if emergency services have to use the road as space can be tight if there are cars parked on either side of the road.
- The notice of application for HMO is not properly displayed. It is attached to a lamp-post across the street and along from the property, as 3 of the residents in the building drive they would not see this sign as they would have no reason to cross the street and walk along. I only noticed it because I walk this way to university.

To summarise, I do not think that the owner of the property can be trusted to maintain the property as they have not shown themselves to do this on past occasions, the likelihood of loud occupants is too much to bear, there is not enough parking for multiple occupants and there is the issue of improper display of notice.

If you have any questions or require any further information then please do not hesitate to get in touch.

Yours truly,

Vicki Shennan

