

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.17 Morrison Drive, Aberdeen

Applicant/s: Peter A.Mutch

Agent: Aberdeen Considine & Co., Solicitors

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 two letters of objection have 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 first-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 28 February 2012, and was received by the Council on 7 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:-

Two letters of objection were received by the HMO Unit within the statutory 21-day period for lodging objections or representations, and are therefore competent. The letter of objection, dated 13 March 2012, is attached as Appendix 'B', and the undated letter of objection is attached as Appendix 'C' .

Applicant's Response:-

A copy of the letter of objection was issued to the applicant, who submitted a written response, attached as Appendix 'D'.

Other considerations:-

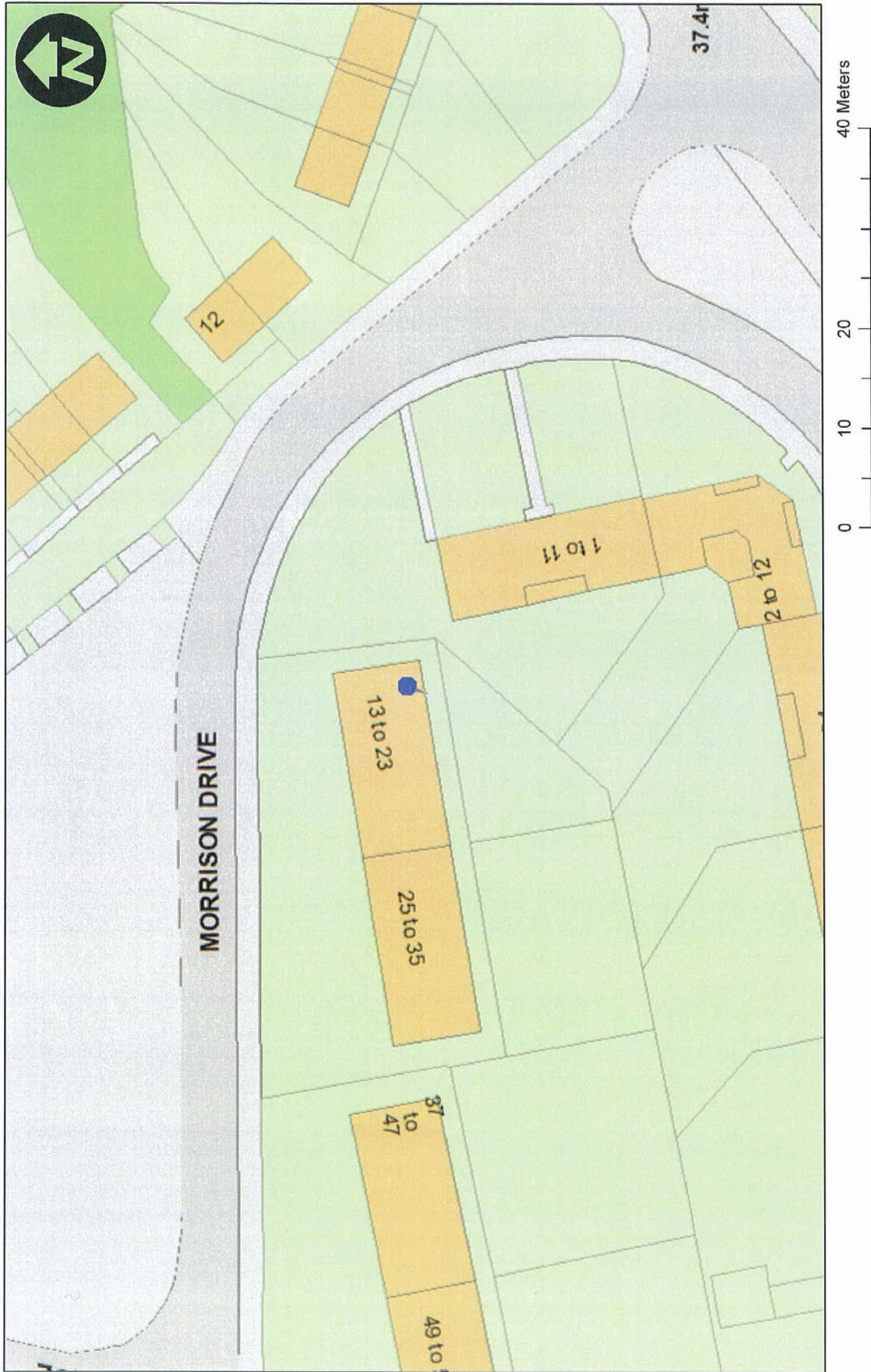
- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team (ASBIT) has no record of any complaint in respect of No.17 Morrison Drive, Aberdeen.
- The applicant and his property are currently registered with the Landlord Registration database.
- The applicant has requested an occupancy of 3 persons, which 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

APPENDIX A



1:500

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APPENDIX B

13 March 2011

To the HMO unit

Re: Application for HMO licence at 17 Morrison Drive

I would like to register my concerns re the above application.
This was taken from Aberdeen City Council Website

Houses In Multiple Occupation (HMO)

“You must display a Notice of HMO Application in a prominent public place outside the HMO property where it can be easily read by all neighbours / passers-by. This Notice must remain on display for 21 days starting on the day you submit your HMO Licence application and fee.”

The notice was attached to a lamppost opposite the premises where there is no footpath and you either have to stand on the road or climb over a railing to read it. I do not class this as displayed where it can be easily read as residents / passes by do not walk on the road. I only read the notice as I thought it was to do with the street light being out of order.

The following was taken from

LICENSING OF HOUSES IN MULTIPLE OCCUPATION: STATUTORY GUIDANCE FOR SCOTTISH LOCAL AUTHORITIES. August 2011

Noise reduction

4.11.3 Noise is a significant source of complaints about HMOs from neighbours, and some physical aspects of the property can add to the problems. Local authorities should therefore be satisfied that appropriate measures have been taken to minimise noise nuisance, such as the installation of items such as door closers and extractor fans, and ‘deafening’ under the floors. For flats with downstairs neighbours the local authority should consider requiring that exposed wooden floor boards, laminate, hard wood floorings or tiled floor finishes be provided, in living areas, with a fitted carpet with good quality underlay and, in kitchen or bathroom areas, with good quality cushioned flooring such as vinyl

The previous owner had exposed floor boards and laminate flooring. As there is little to no soundproofing between the flats, I would like a guarantee in writing that the above will be carried out.

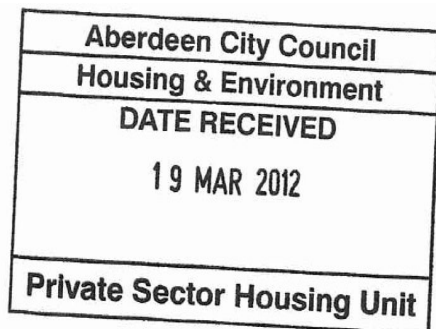
I would also like to know who is accountable if the tenants make excessive noise after 11pm at night i.e. loud music / parties etc. I have to be up at 6am for work. If this were to happen will I be given a contact number for either the landlord / letting agent / HMO to enable this to be dealt with as and when it occurs?

I am 57 years of age, this is my home where I have lived for the last 20 years and at my age I do not need the stress or aggravation of noisy neighbours due to multiple occupants living above me

Yours faithfully

Julie Gilliatt





16 March 2012

To the HMO unit

Re: Application for HMO licence at 17 Morrison Drive

I would like to add the following to my original letter dated 13/03/12 (copy attached)

Can you please confirm definition of HMO, is it as follows and bearing in mind it is a 3 bedroom flat, how many people are you looking at living there at any given time

LICENSING OF HOUSES IN MULTIPLE OCCUPATION: STATUTORY GUIDANCE FOR SCOTTISH LOCAL AUTHORITIES. August 2011

What is the definition of an HMO?

2.1.4 Living accommodation is an HMO within the meaning of the 2006 Act if it is: occupied by three or more persons from three or more families, **and** occupied by them as their only or main residence **or** in some other manner specified by the Scottish Ministers by order, **and either** a house, premises or a group of premises owned by the same person with shared basic amenities, or some other type of accommodation specified by the Scottish Ministers by order.

The following was taken from

The Scottish Government / Houses in multiple occupation / A guide for landlords

LC1 The landlord must provide each tenant with a clear statement, in a form they can understand and keep for reference, of what is expected of them and what they can expect from the landlord. (The licensing authority may provide a list of features to be included in the agreement.)

LC6 The landlord must manage the property in such a way as to seek to prevent or deal effectively with any anti-social behaviour by tenants to anyone else in the HMO or in the locality of the HMO.

LC7 The landlord must provide tenants and adjoining neighbours with details of how they can contact him or his agent in an emergency, or with non-urgent complaints.

APPENDIX B cont...

To conclude the Human Rights Act 1998 states

You have the responsibility to respect other people's rights, and they must respect yours.
Your human rights are:

- the right to peaceful enjoyment of your property

If we are to achieve a win-win outcome you will bear in mind the above so that we can both continue to live in a peaceful environment.

Yours faithfully

Julie Gilliatt

APPENDIX B cont...

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Yours faithfully

Julie Gilliatt

APPENDIX C

Handwritten notes on lined paper, including a stamp and an address.

Handwritten notes (partially obscured by stamp):

- to Aberdeen Council
- Housing & Environment
- DATE RECEIVED
- 18 MAR 2015
- Multiple occupancy
- Private Sector Housing Unit

Address:

To Aberdeen Council
120 Main Street
Aberdeen