

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	24 May 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.626 George Street, Aberdeen

Applicant/s: Robert A.Jones

Agent: James & George Collie, Solicitors

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 6 June 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 a 'fit & proper' person to hold an HMO Licence.
- 2) Having taken account of the following, the property is unsuitable for occupation as an HMO:
 - 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 and security of persons likely to occupy it
 - viii) The possibility of undue public nuisance, and,
 - ix) There is, or would be, overprovision of HMOs in the locality

The premises:-

The premises to which this HMO Licence application relates is an upper-floor maisonette 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 14 December 2011, and was received by the Council on 15 December 2011.

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. A final inspection of the property was recently carried out and all requirements have been satisfactorily completed.

Letter of objection:-

The Certificate of Compliance submitted by the applicant states that the public Notice of HMO Application was displayed between 14 December 2011 – 6 January 2012.

One letter of objection was received by the HMO Unit on 12 January 2012, outwith the statutory 21-day period. The legislation, however, allows the local authority to consider a late letter if it considers that it was reasonable for the respondent to submit the letter after the deadline for doing so. Accordingly, if the Committee decides to consider the letter, it will be circulated to Members at the meeting.

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.626 George Street, Aberdeen.
- The applicant and his property are currently registered with the Landlord Registration database.
- The applicant has requested an occupancy of 4 persons, which is acceptable to the HMO Unit in terms of space and layout.
- The applicant has held HMO Licences for the property, continuously since December 2005.

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

