

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 Housing (Scotland) Act 2006

Application for a Licence to Operate a House in Multiple Occupation (HMO) at No.34 Nelson Court, King Street, Aberdeen

Applicant/s: Louise Bosomworth

Agent : Martin & Co.

I refer to the above HMO Licence application, which will be considered by the Licensing Committee at its meeting on 6 June 2012, for the reason that all HMO requirements have not been completed.

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 top-floor flat with accommodation comprising of three letting bedrooms, one public room, one kitchen, one bathroom.

The HMO application:-

The HMO Licence application was received by the Council on 2 September 2011. The HMO Officer visited the premises on 15 November 2011, then he wrote to the applicant on 16 November 2011, listing the following requirements to bring the premises up to the current HMO standard:-

1. All fire doors to be checked and adjusted where necessary to ensure that they fully close against their stops.
2. The general standard of housekeeping requires to be improved.
3. The glazing above the bedrooms doors and also between the lounge and bedroom must be replaced with fire-resistant glass.
4. Tenants to be instructed not to wedge open any fire door or disconnect the self-closing devices.
5. The lock on the flat entrance door exit door to be replaced with a keyless lock.
6. A Fire Action Notice to be displayed within the property.
7. A fire-blanket to be installed in the kitchen.
8. The Notice for Display – Certificate of Compliance, gas safety certificate and both electrical safety certificates must be submitted to the HMO Unit.

At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 6 June 2012, where the application will be discussed.

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.34 Nelson Court, Aberdeen.
- At the date of this memo, the applicant and her property are 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.
- As mentioned above, the Council received the HMO Licence application on 2 September 2011. The Council must determine the application no later than 1 September 2012, otherwise the application will become deemed to be approved, which the Council must strive to avoid. Accordingly, I will advise the Committee whether the Licence has been granted under delegated powers, or some works are still outstanding. If works are still outstanding and the Committee are minded to refuse the Licence, it must do so at its meeting on 6 June 2012.

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