

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 to Vary a Licence for a House in Multiple Occupation (HMO) at
No.605B King Street, Aberdeen**

Applicant/s: Tudor Fernando

I refer to the above matter, which the previous Convenor of the Licensing Committee asked to be referred to the Informal Business Panel for determination. The IBP did not, however, determine the application, therefore it is scheduled to be considered by the Licensing Committee at its meeting on 6 June 2012.

I can advise you as follows:-

The HMO legislation:-

This Variation 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. Section 138 of Part 5 allows a Local authority to vary an HMO Licence at any time, either upon the application by the Licence-holder or by the Local Authority itself. There is no requirement for a public notice to be displayed outside the property and the local authority cannot charge a fee for the Variation application.

The existing HMO Licence:-

The Licensing Committee at its meeting on 23 March 2011, considered my report concerning the HMO Licence application in respect of No.605B King Street, as a result of a letter of objection to the application which had been received by the HMO Unit. The Committee resolved to give delegated powers to grant the Licence as soon as all HMO upgrading requirements had been completed. Following satisfactory completion of the work, the Licence was granted, however the objector appealed the decision to the Sheriff Court. The appeal was subsequently dropped and the HMO Licence came into effect on 17 January 2012. The Licence is in the name of Tudor Fernando and the maximum occupancy is stated to be 5 persons. There is no separate day-to-day manager named on the Licence.

The Variation application:-

The Licence-holder (Tudor Fernando) has submitted an application to the Council, to vary the Licence by nominating a separate day-to-day manager. The proposed day-to-day manager is Edward Thomas, Assistant Homelessness Manager, Housing & Environment, Aberdeen City Council.

The Licence-holder currently accepts referrals directly from the Homelessness Service for the property on a Bed & Breakfast basis. This is not cost-effective for the Council due to restrictions on Housing Benefit subsidy, and introduces an intermediary between the authority and tenants. Therefore agreement for the applicant to lease the property to the Council under the Private Sector Leasing Scheme and for the Homelessness Service to sublet directly to tenants has been reached in principle, subject to the variation to the licence being approved. This will allow the Council to manage the tenants directly and provide structured Resettlement assistance as part of the tenancy management function.

Other considerations:-

- The Chief Constable, Grampian Police, has been consulted in respect of Edward Thomas' suitability as a "fit and proper person" to manage the property on a day-to-day basis, and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the Variation application, 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.605B King Street, Aberdeen.
- The Licence-holder and his property are currently registered with the Landlord Registration database.

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