

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.265 Links Road, Aberdeen

Applicant/s: Janet Park

Agent: None stated

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 flat with accommodation comprising of three letting bedrooms (one en-suite), one kitchen/dining-room & 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 2 April 2012, and was received by the Council on 4 April 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 completed although this is not the reason for referral to Committee.

Letters of objection:-

The Notice of HMO Application – Certificate of Compliance, submitted by the applicants states that the Notice was displayed between 2 April 2012 – 23 April 2012.

One letter of objection was received by the HMO Unit on 11 April 2012, within the statutory period and is therefore competent. The letter is attached as Appendix 'B'.

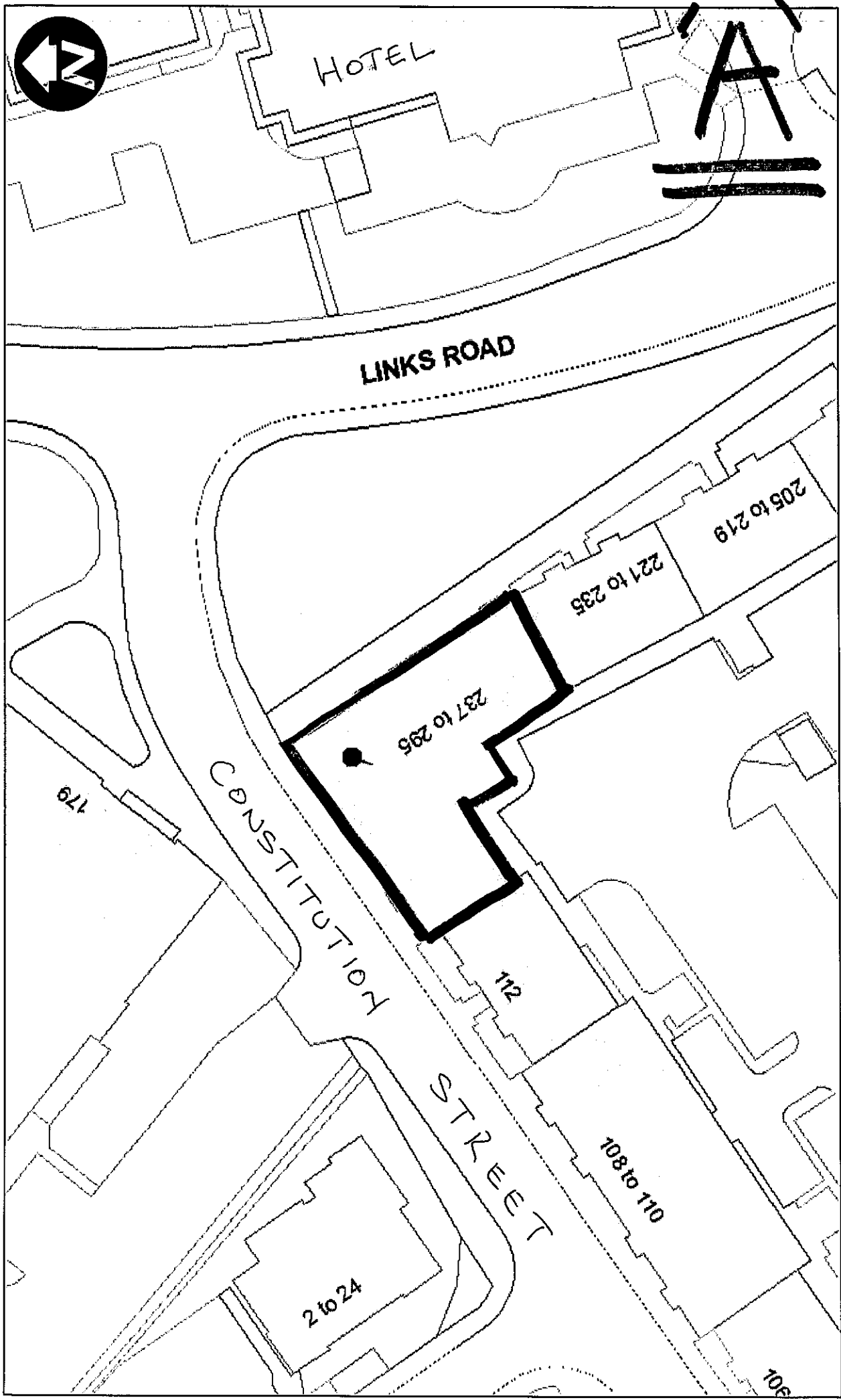
Other considerations:-

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper persons", and has yet to reply. The Police-check outcome should be known by the day of the meeting when I will advise the Committee accordingly.
- 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.265 Links Road, Aberdeen.
- The applicant and her property were registered with the Landlord Registration database, however the registration expired in November 2011. It will therefore be necessary for the applicant to re-register immediately.
- 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 January 2006.

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



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265 Links Road

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Bob LN: 25306 - received application 4/4/2012

APPENDIX 'B'

Mrs Margaret Ritchie

Reference :HMO application 265 Links Road

Dear Sir/Madam,

I would like to question the feasibility of the application referenced on two grounds.

- There is extremely limited extra parking within the complex and as such the granting of HMO licence could exacerbated the prior existing situation
- It is my understanding that the title deeds for the properties state they are not to be subdivided and not to be occupied by more than one family. I have enclosed a copy of the relevant section for your information.

Yours sincerely Mrs M. Ritchie

Aberdeen City Council
Housing & Environment
DATE RECEIVED
11 APR 2012
Private Sector Housing Unit



LAND REGISTER OF SCOTLAND



TITLE NUMBER XXXXXXXXXX

D 3

D. BURDENS SECTION

'B' (CONT'D)

ENTRY
NO

SPECIFICATION

for all damage which may be thereby occasioned to the surface of the Whole Subjects or the buildings erected or to be erected thereon as such damage shall, failing agreement, be ascertained by arbitration as aftermentioned.

(THIRD)

No Flat or building whether of a permanent, temporary or portable nature shall be erected on the Whole Subjects nor shall any additions, enlargement, alteration, rebuilding or reconstruction in whole or in part be made on any Flat or building on the Whole Subjects until the plans thereof have been approved and written consent thereto given by the Superiors and no poultry house, kennel or apiary shall be erected on any part of the Whole Subjects.

(FOURTH)

Each Flat is to be used and occupied as a private dwellinghouse and shall not be subdivided or occupied by more than one family at a time; No Flat or Parking Space shall be used for the carrying on therein of any trade, business or profession or for the selling of any goods or wares of any sort, whether or not such use may be deemed incidental or natural to the ordinary residential use of the Flat or whether any person occupying the same may have a contractual right to use the same for or in connection with or arising out of any trade business or profession notwithstanding any Rule of Law to the contrary; No Flat or Parking Space shall be used for the sale of any wines or spirits or other excisable liquors nor for the making or manufacturing of any goods for sale without the prior written consent of the Superiors; No board, card, plate or advertising notice of any kind shall be placed on any Flat or Parking Space or any other parts of the Whole Subjects (except in connection with the selling or leasing thereof) without the prior written consent of the Superiors; No power boats, marine craft, caravans, motor homes, trailers, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any Parking Space or in the open or on any other part of the Whole Subjects; No handicrafts for commercial purposes shall be carried on in any Flat or Parking Space or other parts of the Whole Subjects without the consent of the