

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	23 August 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.35 Kings Crescent, Aberdeen (First floor flat)

Applicant/s: Nicholas Mockett

Agent : None stated

I refer to the above HMO Licence application, which will be considered by the Licensing Committee at its meeting on 4 September 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 position of the property is shown on the plan attached as Appendix 'A'.

The HMO application:-

The HMO Licence application was received by the Council on 28 September 2011. The HMO Officer visited the premises on 28 March 2012, then he wrote to the applicant on 28 March 2012, listing the following requirements to bring the premises up to the current HMO standard:-

1. Repair/replacement of smoke detectors which form part of the fire alarm/fire detection system.
2. All room doors to be 30-minute fire-resistant and fitted with closing devices.
3. All vents above room doors to be replaced with fire-block vents or the vents removed and the gaps sealed.
4. General housekeeping and storage requires to be improved.
5. Additional electrical sockets to be installed in each bedroom.
6. The central-heating system to be repaired and brought back into use.
7. The flooring at the lounge entrance to be repaired.
8. Tenants to be instructed not to wedge open any fire door or disconnect the self-closing devices.
9. The lock on the flat entrance door exit door to be replaced with a keyless lock.
10. A fire-blanket to be installed in the kitchen.
11. The Certificate of Compliance, gas safety certificate and both electrical safety certificates to 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 4 September 2012, where the application will be discussed.

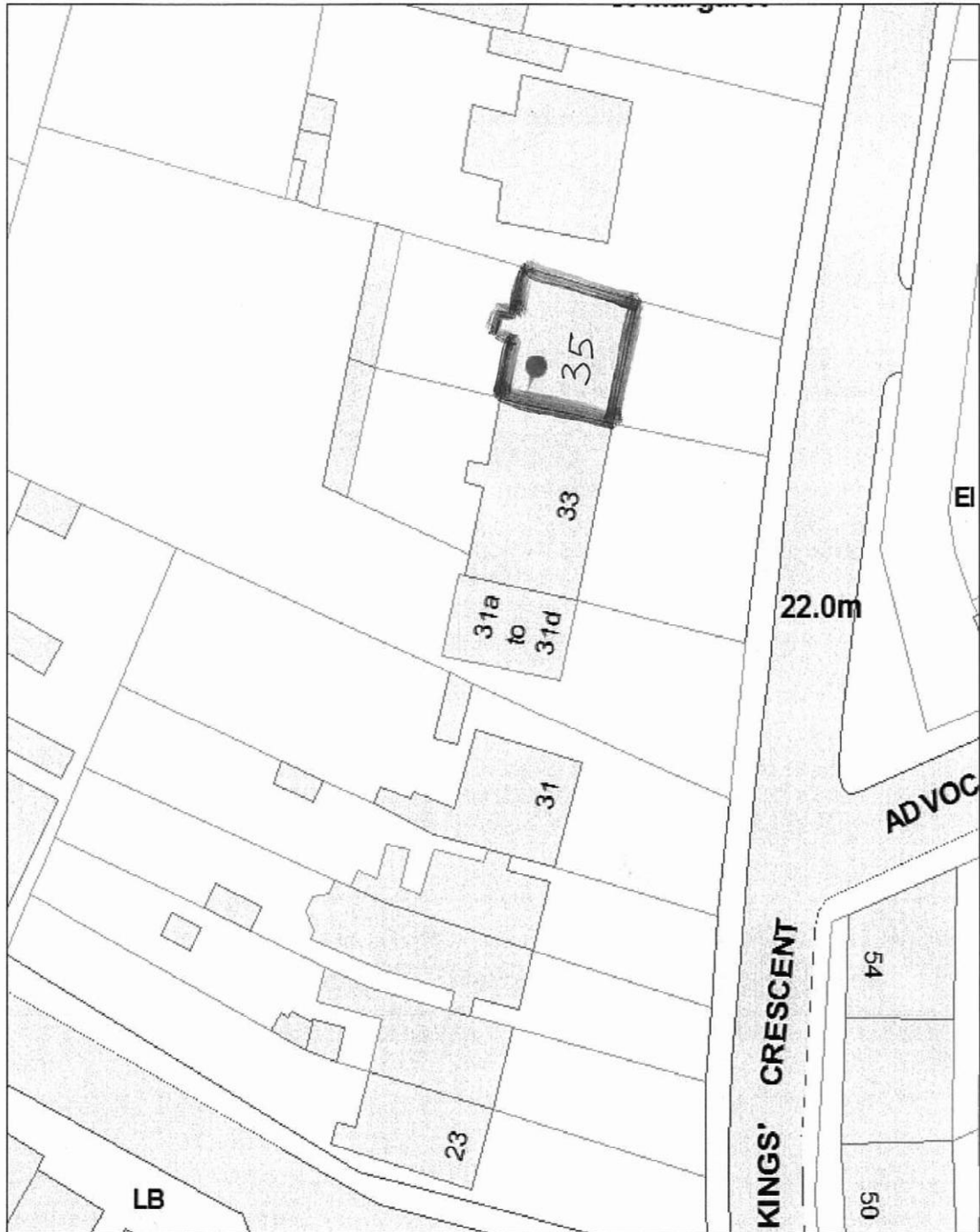
Other considerations:-

- 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.35 Kings Crescent, Aberdeen.
- At the date of this memo, the applicant and his property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 5 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 28 September 2011. The Council must determine the application no later than 27 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 4 September 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

APPENDIX 'A'



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APPLICATION FOR HMO LICENCE
PREMISES: 35 KINGS CRESCENT, ABERDEEN