

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.191 Broomhill Road, Aberdeen

Applicant/s: Hilton Aberdeen Treetops Hotel

Agent: Gary MacDonald

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 a detached house with accommodation comprising of three letting bedrooms, two public rooms, one kitchen and 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 6 October 2011. The HMO Officer visited the premises on 21 October 2011, then he wrote to the applicant on 9 November 2011, listing the following requirements to bring the premises up to the current HMO standard:-

1. A hard-wired, interlinked fire-alarm/fire-detection system to be installed throughout the property.
2. A CO detector to be installed in the kitchen.
3. All fire doors to be checked and adjusted where necessary to ensure that they fully close against their stops.
4. The electrical meter cupboard to be upgraded to 30-minute fire-resistance.
5. Tenants to be instructed not to interfere with the fire-safety fixtures & fittings, also to ensure that hallways are kept clear of all obstructions.
6. All locks on room-doors and external doors to be replaced with keyless locks.
7. A Fire Action Notice to be displayed within the property.
8. A fire-blanket to be installed in the kitchen.
9. A window in each room to be able to be easily opened for ventilation.
10. The Notice for Display – Certificate of Compliance, gas safety certificate, both electrical safety certificates and a copy of the Tenancy Agreement 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:-

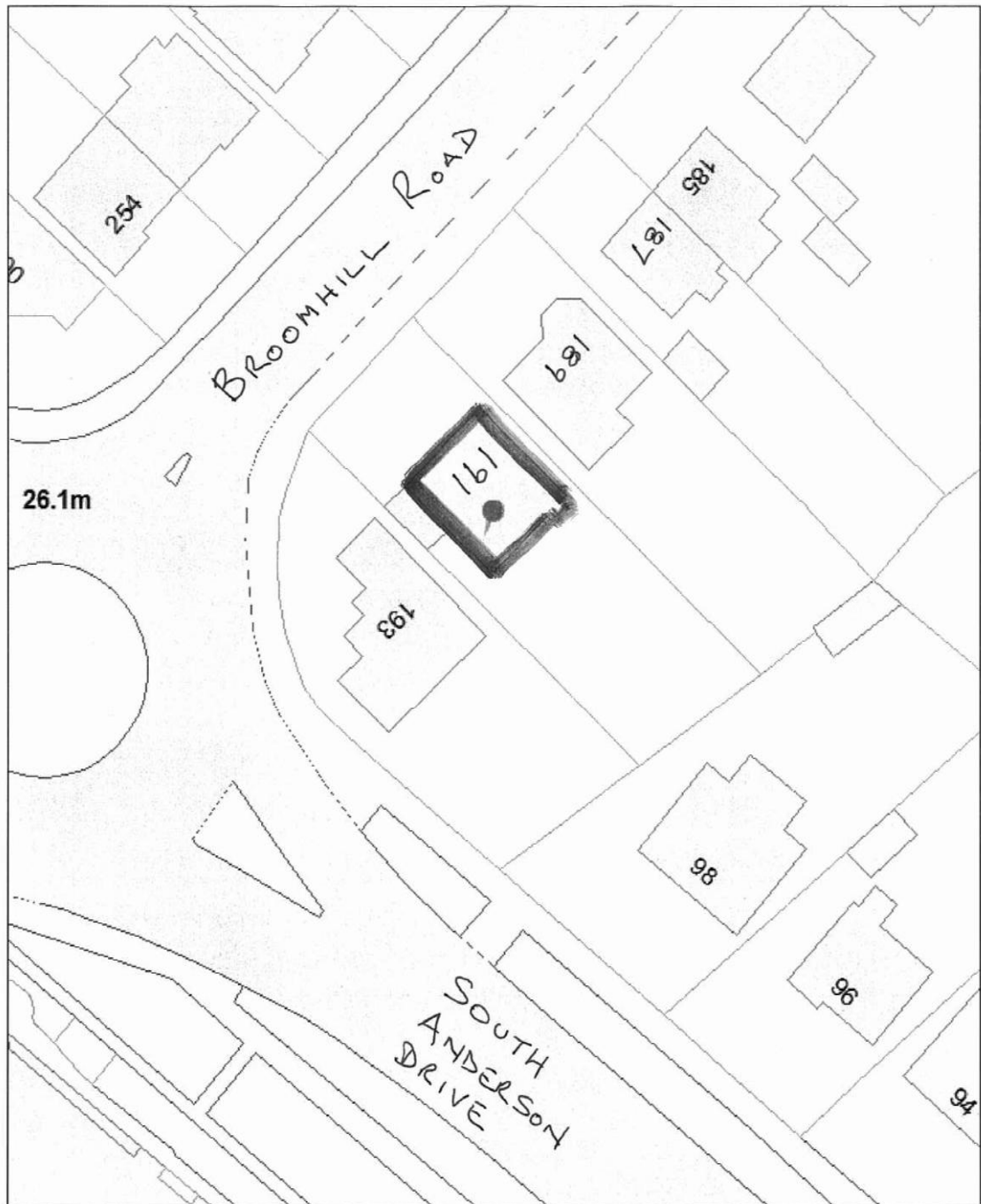
- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team (ASBIT) has no record of any complaint in respect of No.191 Broomhill Road, Aberdeen.
- At the date of this memo, the applicant and the property are not registered with the Landlord Registration database. The applicant must register prior to letting the property.
- 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 6 October 2011. The Council must determine the application no later than 5 October 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 : 191 BROOMHILL ROAD, ABERDEEN