

MEMO

Shelter & Environment

Housing & Environment

Second Floor West, Marischal College



ABERDEEN
CITY COUNCIL

To	Eric Anderson, Senior Solicitor, Corporate Governance		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	8 November 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.21 Sunnybank Road, Aberdeen

Applicants: Fiona M.Boyd

Agent: Martin Wilkinson

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 20 November 2012 for the reason that one letter of representation/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, as amended. 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, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
 - 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 & security of persons likely to occupy it
 - viii) The possibility of undue public nuisance
 - ix) There is, or would be, an overprovision of HMOs in the locality

The premises:

The premises to which this HMO Licence application relates is a 2-storey detached house with accommodation comprising 3 letting bedrooms, one public room, one kitchen and one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

The HMO licence application:

The HMO licence application is dated 15 August 2012 and was received by the HMO unit on 15 August 2012.

Work/Certification Requirements:

The HMO Officer carried out an initial inspection of the premises and identified upgrading work and certification required to bring the premises up to the current HMO standard. All requirements have been satisfactorily met.

Letter of Representation/Objection:

One letter of representation/objection was received by the HMO Unit on 29 August 2012, within the statutory 21-day time period, and is therefore competent. The letter is attached as Appendix 'B'.

Other considerations:

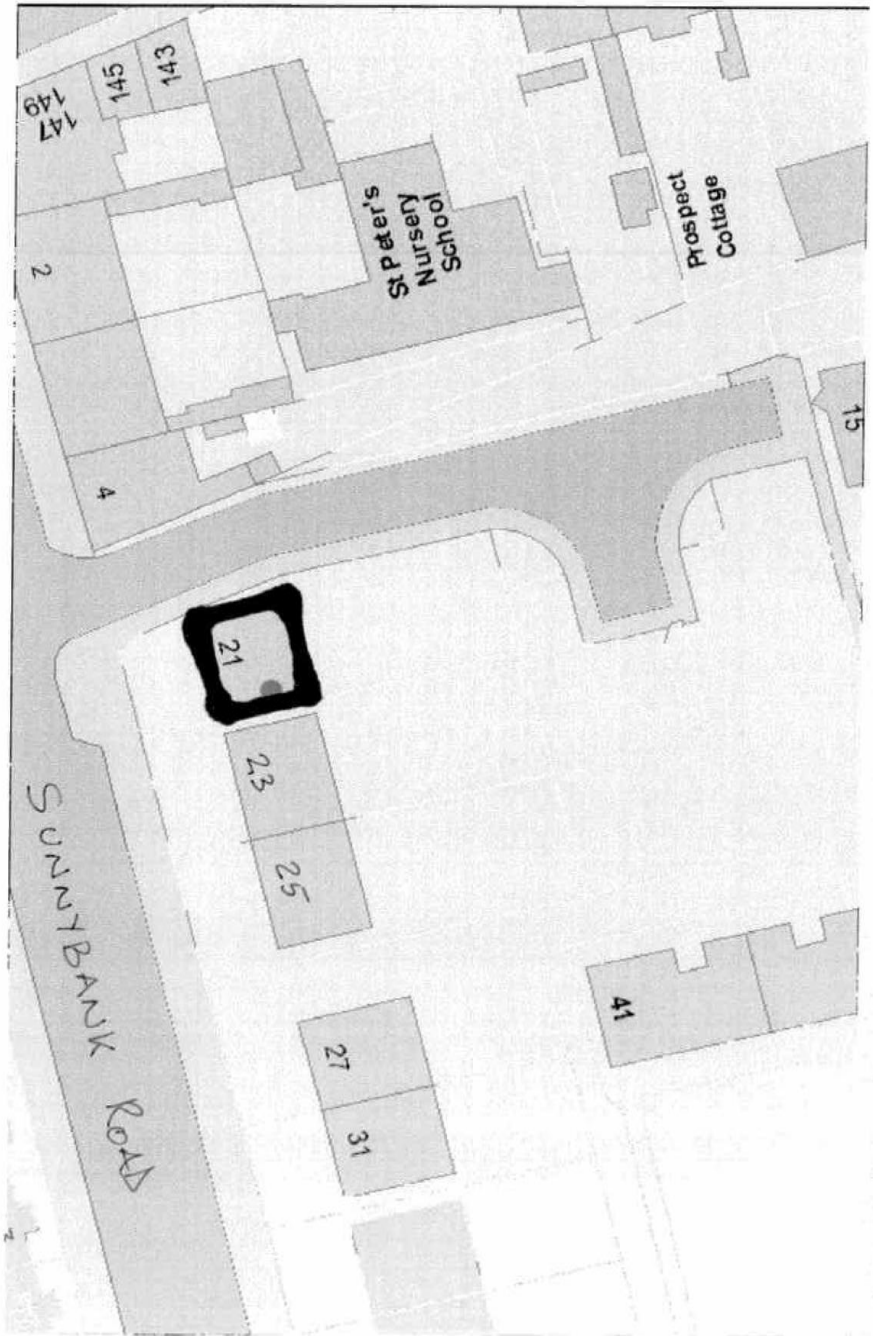
- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of one complaint in July 2011 of anti-social behaviour, which was investigated and found to be unsubstantiated.
- At the date of this memo, the applicant and property are not registered with the Landlord Registration database. The landlord should therefore 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 HMO licence application under consideration was submitted prior to the expiry of the previous HMO Licence, therefore the premises may legally be operated as an HMO until the application is determined.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

Ally Thain

Private Sector Housing Manager

17



E.B.

Dear sir/madam,

I would like to object to the continuation of the HMO license at 21 Sunnybank road aberdeen.

I objected to the original granting of the license because of the potential for noise disturbance..because of the potential for littering...and because I considered there was already a high enough concentration of HMO properties in the area already.

My concerns about noise and littering have been proven to be well founded. We have suffered from late night noise from the property and I personally suffered verbal abuse and threats from some of the residents.

My concerns about littering were well founded as well. Over the piece there have been many instances of major littering at the address. Most commonly black rubbish bags dumped on the pavement which are then torn open by cats and gulls and of course the rubbish is all over the place...something that is particularly disgusting. I have had on occasion to clean up some of this offensive mess myself.

As I walked past the property today I couldn't help thinking how the property had the look abandonment. The driveway is lush with well established weeds and the borders either side of the driveway don't look much better. It would certainly improve the amenity of the area if the front of the property was kept in a tidy condition.

I would also like to put on record my feelings about the HMO system.. The council invariably grant an HMO license often despite objections from those in the neighbourhood. When the objected about behaviour arrives...as it invariably does.....the ones left to deal with it are the neighbours. You... the clouncil ...seem perfectly happy to wash your hands of these problems and leave us poor citizens to deal with these problems ourselves. I do not think that is good enough and is an abrogation of responsibility. There should be protection in place for those who have to live and deal with the problems created in a community from HMO licensed properties.

John p whyte.

[Redacted signature]

Aberdeen City Council
Housing & Environment
DATE RECEIVED
29 AUG 2012
Private Sector Housing Unit