

# 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	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	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.2 Roslin Terrace, Aberdeen**

**Applicant/s: Fiona Mitchell**

**Agent: Patricia Sutherland**

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 HMO upgrading work & certification has 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, 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 house with accommodation comprising 5 letting bedrooms (all with kitchen facilities), one public room, one kitchen & 2 bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO Licence application was submitted to the Council on 26 January 2012. The HMO Officer visited the premises on 14 February 2012, then he wrote to the applicants on 17 February 2012, listing the following requirements to bring the premises up to the current HMO standard:-

1. All self-closing fire-doors to be adjusted to ensure that they close fully against their doorstops.
2. The installation of a hard-wired, interlinked fire alarm/fire detection system in all rooms and areas of the property.
3. The installation of a fixed, controllable space heater in every bedroom and livingroom.
4. Paint tins must be removed from the hallway cupboard.
5. All fire-safety provisions to be explained to the tenants, including instructions not to tamper with the fire-safety installations.
6. The front & rear house exit door locks to be replaced with keyless locks.
7. The housekeeping in bedroom 3 must be improved.
8. The Electrical Safety Certificates, Certificate of Compliance and 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 20 November 2012, where the application will be discussed.

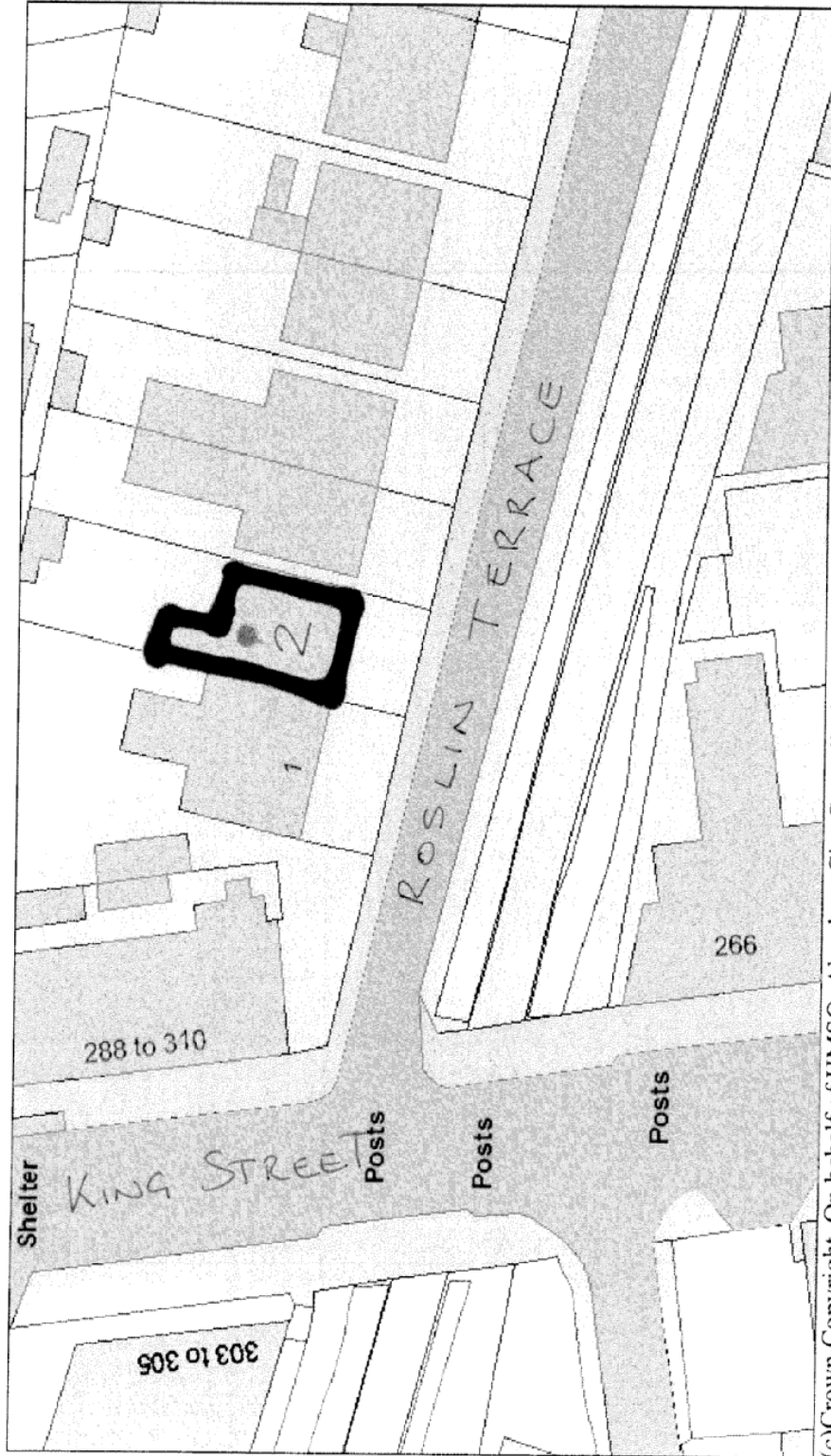
**Other considerations:**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a 'fit & 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 no record of any complaints of anti-social behaviour.
- The applicant and property are currently 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.

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



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