

# 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	17 January 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.88 Bon Accord Street, Aberdeen**

**Applicant/s: Elizabeth Argo**

**Agent: Grampian Accommodation Agency**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 29 January 2013 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 top-floor flat 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 8 November 2012 and was received by the HMO unit on 16 November 2012.

**Work/Certification Requirements:**

An initial inspection of the property has been scheduled for 21 January 2013, however given that the premises was previously HMO-licensed, there should be no reason why the premises is no longer suitable for occupation as an HMO, subject to any necessary upgrading works being carried out first.

**Letter of Representation/Objection:**

One letter of representation/objection was received by the HMO Unit on 13 November 2012, within the statutory 21-day time period, and is therefore competent. The letter is attached as Appendix 'B'.

**Applicant's response:**

The applicant's agent has submitted a letter responding to the representation/objection. The letter is attached as Appendix 'C'.

**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 premises are not currently registered with the Landlord Registration database, therefore it will be necessary for the applicant to register.
- The applicant has requested an occupancy of 3 persons which is likely to be acceptable to the HMO Unit, given that the premises includes 3 letting bedrooms.
- The applicant held an HMO licence for the premises between 2006 - 2009.

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

# APPENDIX 'A'



© Crown Copyright. Aberdeen City Council. Licence No. 100023401 (2013)  
1:500

HMO LICENCE APPLICATION  
PREMISES : 88 BON ACCORD STREET

Aberdeen City Council
Housing & Environment
DATE RECEIVED
13 NOV 2012
Private Sector Housing Unit

## APPENDIX 'B'

HMO Unit  
Housing & Environment  
Marshall College  
Aberdeen

William David Orskine

[REDACTED]

10<sup>TH</sup> Nov 2012

- Notice of Application for a Licence for a House in Multiple Occupation. (08-11-12)

Top Floor Left - 88 Bon Accord Street.

Dear Sirs

I submit that there is insufficient information in the above notice.

- First thought on LICENCE tends to be a DRINKS licence, but since the Applicant is "Gampier Accommodation Agency" this seems unlikely. So, reading between the lines, is this a proposal for a Hostel? If so, for whom?

Is this for the Homeless, Drug & Alcohol dependent, Recovering Addicts or what.

I may be totally wide of the mark here, but, as already stated, the notice by itself conveys little or no substance.

If this application is to house people with

'B' case

problems. Then I submit that the location is totally inappropriate.

There is a primary school nearby and the children naturally gravitate to the nearby shop, a few doors up from 88 Bon Accord Street.

There have been problems in this area in the past with people with drug related problems - we had to clear a bunch of them out of my daughter's basement, for example. Additionally, the shop is like a magnet to them, as are the benches across the road.

My particular interest is because my daughter owns a flat in the area.

The unfortunate people referred to above seem to have disappeared in the last 18 months and I wonder if that is anything to do with the flatted area being cleared out for renovation?

I may be totally wrong - please advise.

Yours sincerely,



W. D. ERSKINE

'B' South

P.S. Your "Notice" is pinned to a newly painted door, at knee height.....!

Mainly young people live in the Tenements and there is no way they will be bending down to read your Notice.

Such Notices need to be DELIVERED to the occupants and EXPLAINED to them.



# GRAMPIAN ACCOMMODATION AGENCY

24-26 Marischal Street • Castlegate • Aberdeen AB11 5AJ

Est. 1986

Tel: (01224) 594 594 • Fax: (01224) 595 700 • E-mail: [info@gaa.uk.com](mailto:info@gaa.uk.com) • Website: [www.gaa.uk.com](http://www.gaa.uk.com)

Aberdeen City Council  
Business Hub 11  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen - AB10 1AB  
Attention: Mr Ally Thain

**APPENDIX C**

6 December, 2012

Dear Mr Ally Thain,

**RE: 88 Bon Accord Street, TFL, Aberdeen  
Licensing Committee – Tuesday 29 January, 2013**

Further to an objection received by Aberdeen City Council we wish to state Mrs E. Argo's defence in order for the pending HMO application to go ahead:-

1. The property has in the past already received a successful HMO license where upon no discrepancies were found throughout the duration of the license. The license would be acting on the similar precedence as before and therefore no problems are envisaged throughout.
2. Information given on the display notice is as per ACC guidelines, therefore no breach has been made.
3. The notice was displayed correctly on the first and subsequent applications as per ACC guidelines.
4. The property is to be used for a maximum of three persons for a minimum of a six month period throughout the tenancy. The occupiers will either be in full time employment or education of which necessary reference and any guarantors will be obtained before tenancy.

We trust the above explains the full situation and perhaps alleviates any worries Mr William Erskine may have with connection to this HMO application. A representative will be attending the meeting on 29 January and should this prove not be necessary please advise our office accordingly,

Thanking you in advance for your co operation with this matter.

Yours sincerely,

Caren Gray



<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
11 DEC 2012
<b>Private Sector Housing Unit</b>