

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	17 January 2013
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.53 Bannermill Place, Aberdeen

Applicant/s: Keith F.Lamb

Agent: Bridget A.Lamb

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 two letters of representation/objection have been received by the HMO Unit. Both letters were received outwith the statutory public Notice21-day period, therefore the Committee must first decide whether or not to consider one or both letters.

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 maisonette flat with accommodation comprising 5 letting bedrooms, one public room, one kitchen and 4 bathrooms (2 en-suite). The location of the premises is shown on the plan attached as Appendix 'A'

The HMO licence application:

The HMO licence application is dated 1 October 2012 and was received by the HMO unit on 3 October 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. At the date of this memo, all requirements have not been completed although this is not the reason for referral to Committee.

Certificate of Compliance – Notice of HMO Application:

The Certificate of Compliance submitted by the applicant declares that the public 'Notice of HMO Application' was displayed outside the property between 2 October 2012 – 23 October 2012.

A photograph showing the position of the public Notice is attached as Appendix 'B'.

Letters of Representation/Objection:

One letter of representation/objection was received by the HMO Unit on 20 November 2012, outwith the statutory 21-day time period. A second letter from the same writer was received on 7 December 2012. Both letters are attached as Appendix 'C'.

Another letter from a different writer was received by the HMO Unit on 4 December 2012, outwith the statutory 21-day period. The letter is attached as Appendix 'D'.

Other considerations:

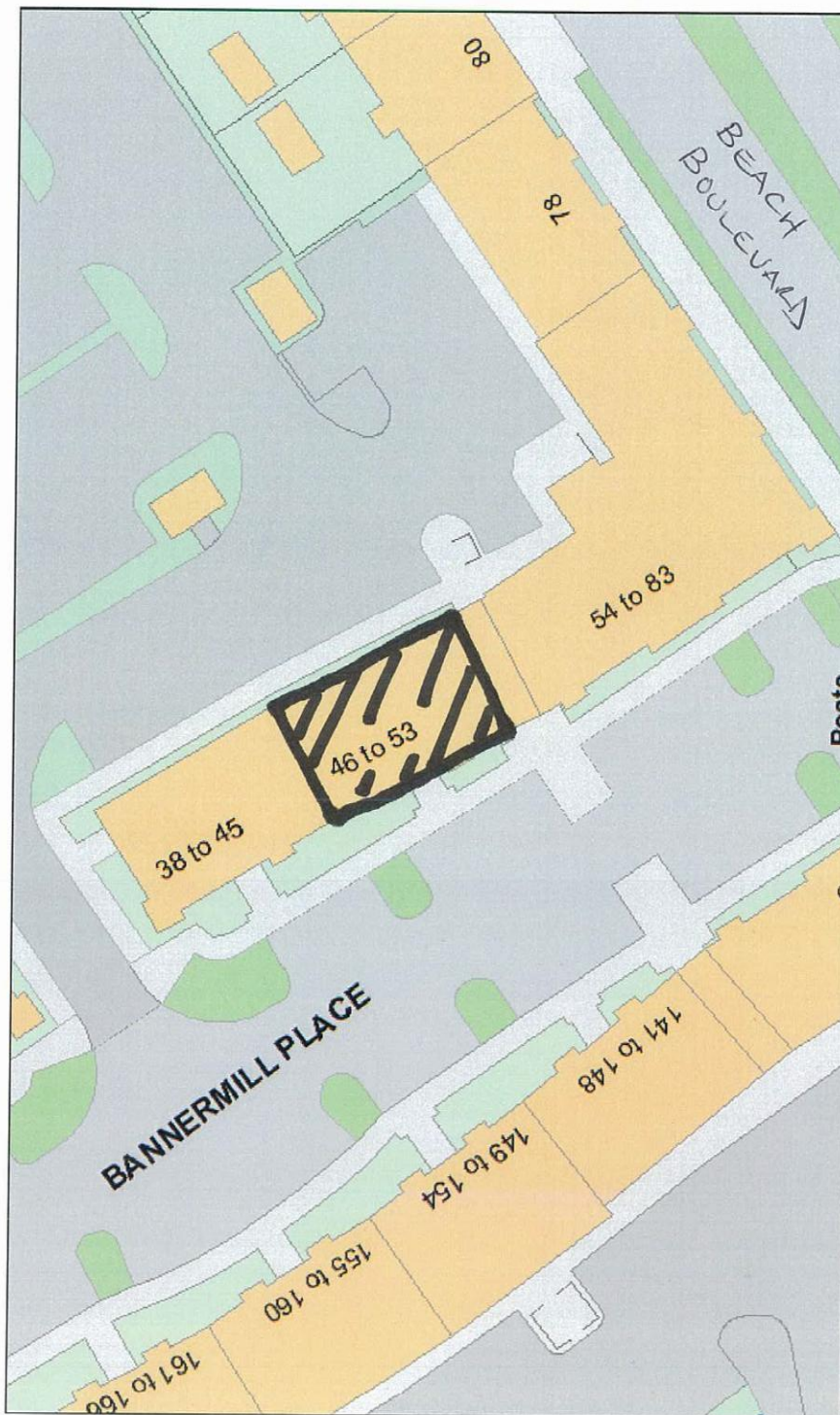
- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or 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's agent and property are currently registered with the Landlord Registration database, which may be an oversight, therefore the applicant will require to register.
- The applicant has requested an occupancy of 5 persons which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is the first such application concerning 53 Bannermill Place, recorded by the HMO Unit.

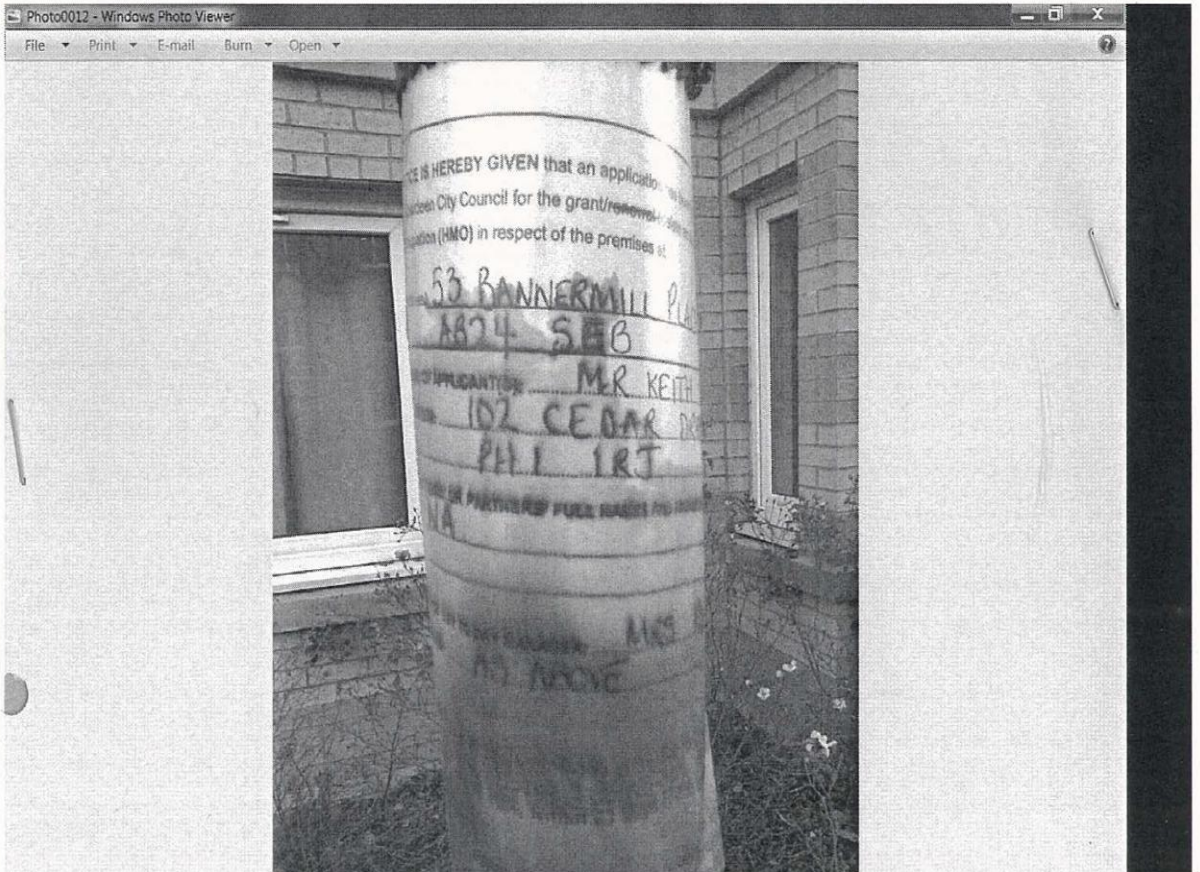
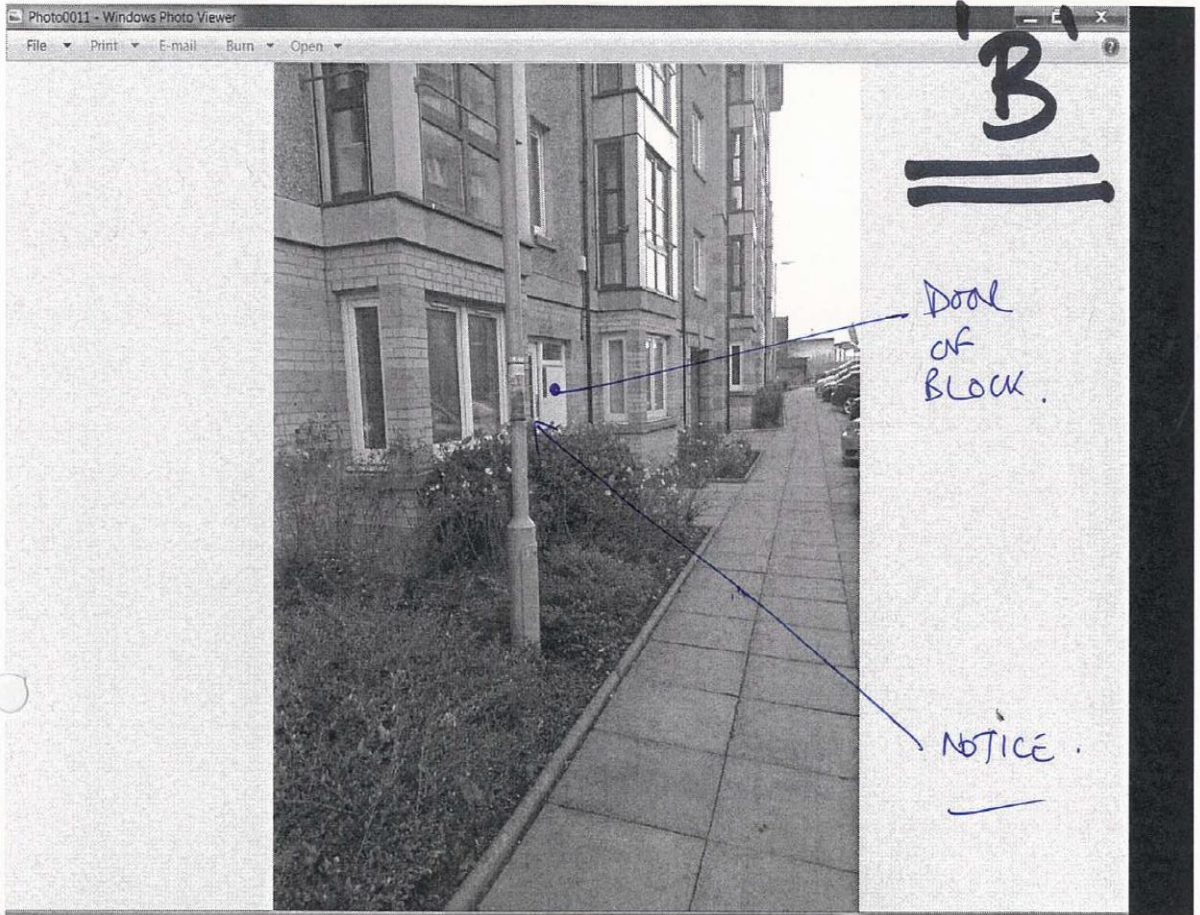
I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

Ally Thain
Private Sector Housing Manager

APPENDIX A

HMO LICENCE APPLICATION
PREMISES: 53 BANNERMILL PLACE





APPENDIX 'C'



18 November 2012

HMO Unit
Private Sector Housing Unit
Housing and Environment
Business Hub 1
Lower Ground Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

Aberdeen City Council Housing & Environment
DATE RECEIVED 20 NOV 2012
Private Sector Housing Unit

Ref: HMO Application for 53 Bannermill Place

Dear Sir / Madam

I have just spotted a sign, wrapped around a narrow lamp post, in a flower bed outside my building, and dated 02 October 2012, for the above application. It states objections needed to be in within 21 days. This is not acceptable – the sign is not in a clearly visible place. You have to step into the flower bed and walk round it to read the sign – if you spot in the first place. If you blink you miss it. There is no need to attach it to a lamp post - it should have been put on the outside door of the block, like one a few months ago on the block across from us. The address given to object to, St Nicholas House, is also incorrect as the HMO Unit is now based in Marischal College.

I wish to object most strongly. As you can see from my address, I live at Bannermill Place, directly beneath number 53. I am an owner occupier and have lived here for 10 years.

Number 53 has caused damage to my property on 5 occasions in the last 4 years due to escape of water. On the 3rd occasion I reported to the tenant, who was hung over, that there was water dripping into my bathroom, he took no action, and I ended up with two damaged rooms, one of them very badly.

On the 4th occasion (my kitchen ceiling was damaged for the 3rd time) I spoke to the new tenants and they told me the boiler had been broken for 4 weeks and the washing machine was out of action too. They had been unable to contact their landlord, had never seen her and had not signed any paperwork - which may explain why they didn't have any contractor's 'phone number to get the leak checked out.

5 separate incidents of escape of water in 4 years is not reasonable. Apart from the damage to my flat I have had a huge amount of inconvenience in time spent running after painters and cleaning up after them. The factors have told me that Mrs B Lamb, the person who is the "day to day manager", according to the sign on the lamp post, is

"elderly and in poor health". Mrs Lamb also lives in Perth and is unable to attend quickly and deal with any issues that arise.

There have also been lots of issues with noise, and I know from the factors that others have complained about this too. Twice this year tenants from number 53 have been sick in the communal stairwell and one of the tenants even tried to get into my flat by mistake at 4 o'clock in the morning. When my 80 year old mother went to the door the girl still tried to get in – was obviously not compos mentis.

I have lots of details, dates, and some pictures too, should you require them.

What I cannot understand is why Mrs Lamb is only just applying for an HMO as this property has had groups of young people (mostly students) living in it for years.

In summary, my objection is two-fold. Mrs B Lamb is not a fit and proper person to manage this property and does not take care to ensure she is letting to responsible tenants. This has resulted in my quality of life being seriously affected.

I will follow up this letter with a 'phone call.

Yours sincerely

A large black rectangular redaction box covering the signature of Julie Thompson.

Julie Thompson (Miss)

A black rectangular redaction box covering contact information, likely a phone number or email address.

APPENDIX 'C'



06 December 2012

Ally Thain
Private Sector Housing Unit
Aberdeen City Council
Business Hub 11
Second Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

Ref: Objection to HMO application for 53 Bannermill Place

Dear Mr Thain,

I refer to your letter, dated 26 November, and our telecon of 23 November.

During our conversation on 23 November you said you would send an inspector down to Bannermill to look at the location of the Notice. I would appreciate if you could let me know the results of this visit please, as I did not spot the notice for 7 weeks, my neighbour at number 50 has never noticed it and the factors, who inspect the development daily, were also unaware.

You state that I may not be allowed to object as my letter was late. By the same token, then, Mrs Lamb's application should be declared null and void as she has not followed correct procedure.

If she had, she would have displayed the Notice in "a prominent public place outside where it can be easily read by all neighbours and passers by" for the statutory 3 weeks. In fact she has chosen an obscure location, where it is difficult to read (wrapped right round a narrow lamp post in a flowerbed) and has still not removed it.

Can you also please let me know what format the Licensing Committee meeting takes. Can I show photographs, other types of evidence (letters, emails etc), is there the facility to do a PowerPoint presentation? How long will I have to present my case?

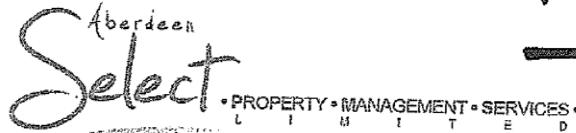
Looking forward to hearing from you.

Yours sincerely


Julie Thompson

Aberdeen City Council
Housing & Environment
DATE RECEIVED
- 7 DEC 2012
Private Sector Housing Unit

APPENDIX D



Aberdeen City Council
Housing & Environment
DATE RECEIVED - 4 DEC 2012
Private Sector Housing Unit



HMO Unit, Private Sector Housing Unit
Housing & Environment
Business Hub 1, Lower Ground Floor West
Marischal College
Broad Street
Aberdeen, AB10 1AB

30th November 2012

HMO Licence application for 53 Bannermill Place, Aberdeen, AB24 5EB

Dear Sir/Madam,

Please be advised it has come to our attention that Mr Keith Lamb of 102 Cedar Drive, Perth, PH1 1RJ, for the above property has applied for a HMO licence renewal.

I have attached several emails we have received from owners within this block regarding ongoing problems with the current tenants. We have informed the tenants this behaviour must cease immediately and have distributed anti social behaviour guidance information to them directly.

Since September 2012 we have been advised of numerous anti social behaviour activities of which the landlord has been advised. The landlord has been supportive and pro-active in dealing with issues but unfortunately the tenants have not complied with our requests.



We are submitting this information to as per requests of the clients residing in the block of which 53 Bannermill Place forms as part.

If you require any further information regarding the attached please do not hesitate to contact me direct.

Yours sincerely



Jennifer Nicolson
Leasing and Property Manager



'D'

Jennifer

Subject: FW: Update from 54 Bannermill

Sent: 18 August 2012 21:14

To: [REDACTED]

Subject: Re: Update from 54 Bannermill

Jennifer -

I'd also like you to know there have been a couple of noise disturbances from the occupants of number 53. Last Thursday and the Thursday before at 3 o'clock on the morning. Singing and generally making a lot of noise in the stairwell.

Also the front entrance looks like an ash tray.
Are they throwing fag ends from the balcony?
Do you have CCTV on our entrance?

Thanks,

[REDACTED]

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2178 / Virus Database: 2437/5205 - Release Date: 08/17/12

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2178 / Virus Database: 2437/5205 - Release Date: 08/17/12

①

D

Jennifer

Subject: FW: 53 Bannermill Place

Sent: 16 September 2012 15:41

To: [REDACTED]

Subject: 53 Bannermill Place

I have another incident to be added to my record of events at 53 - the extremely noisy Birthday party held last night - from 10pm to 4am. I didn't get a wink of sleep - it was like living under a herd of elephants. Banging, thumping, laughing, shouting and loud music. This morning we, once again, have sick on the stairs, sick outside the back door, a full bottle of cider inside the front door, a plastic cup half full of cider in a windowsill and even more cigarette ends than usual at the front entrance. I have taken photographs and would ask Select Property Services to follow this up with the tenants of 53, copying in the owner, and asking for an assurance this will not happen again.

I am not asking Select Property Services to "intervene in a dispute between neighbours". I am asking you to carry out your duty as factors - to ensure the properties are maintained to a good standard and that owners and tenants are behaving in a reasonable and responsible manner.

I note you state that the owner of 53 is "elderly and in ill health" but would assume that a responsible person would be looking after the property.

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D

Jennifer

Subject: FW: ~~54~~ Bannermill Place

Sent: 18 September 2012 04:34

To: [REDACTED]

Subject: Re: ~~54~~ Bannermill Place

[REDACTED]

Making another report on the residents at 53. Have been woken up at 4 in the morning. More loud thump thump music. Lots of laughing, shouting and banging about.

Regards,

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2437/5273 - Release Date: 09/17/12

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2437/5273 - Release Date: 09/17/12

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D

Jennifer

Subject: FW: Noise - 53 Bannermill Place

Sent: 30 September 2012 12:39

To: [REDACTED]

Subject: Noise - 53 Bannermill Place

Jennifer -

Very disappointed to have to report a lot of noise from 53 last night - between 12 and 2 in particular.
Very disappointed as they had put a letter of apology through my door for last time.

Noise not as loud or as protracted as last time - but it woke me up and kept me awake.
Loud voices, loud laughter, music and banging around - in the middle of the night.
They also make no attempt to keep the noise down when going up and down the communal stairwell after 12 at night.

Will keep you updated.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2441/5295 - Release Date: 09/27/12

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2441/5295 - Release Date: 09/27/12

D

Jennifer

Subject: FW: Noise - 53 Bannermill Place

Sent: 01 October 2012 10:52

To: [REDACTED]

Subject: Re: Noise - 53 Bannermill Place

Carline -

It's not the music that's the main problem here.

It's the tenants themselves - they are creating the noise by being generally very "loud" and showing no consideration for others.

They are a group of 18 year old first year students, with a nocturnal lifestyle, who are having what they would consider to be "a good time" - when "normal" people are trying to sleep.

Unfortunately, as with the series of "accidents" they've been having up there, I'm the one who's quality of life is being badly affected by it.

I've got a painter in as we speak and will have to blitz the kitchen yet again tomorrow as it's covered in dust.

○

D

Jennifer

Subject: FW: ~~53~~ Bannermill Place

Sent: 21 October 2012 16:07

To: [REDACTED]

Subject: Re: ~~53~~ Bannermill Place

Hi Jennifer -

Also, for the record, a girl from 53 was trying to get into my flat at 0430 am today. The girl was worse for wear obviously - my mum answered the door and was really spooked by the whole thing. (My mum's 80).

2221 / Virus Database: 2441/5344 - Release Date: 10/20/12

