

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.438 Union Street, Aberdeen (First floor flat)

Applicant/s: Bryant Group (Scotland) Limited

Agent: Ledingham Chalmers, Solicitors

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 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 first-floor flat with accommodation comprising 4 letting bedrooms, 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 15 February 2012 2012.

HMO upgrading works and certification:

The HMO Officer visited the premises on 23 March 2012, then he wrote to the applicants on 29 March 2012, listing the following requirements to bring the premises up to the current HMO standard:-

1. All room pass doors to be 30-minute fire resistant and fitted with self-closing devices.
2. All door handles must be repaired or replaced as necessary.
3. A carbon-monoxide detector to be installed within the kitchen.
4. All fire-safety provisions to be explained to the tenants, including instructions not to tamper with any fire-safety installation.
5. All tenants to be instructed to 1) keep the hallways free of obstructions, and 2) the boiler cupboard free of combustible materials.
6. A Fire Action Plan to be discussed with all tenants.
7. The bathroom extractor fan to be repaired or replaced as necessary.
8. Additional electric sockets to be installed throughout the flat.
9. All windows to be capable of easy opening for ventilation.

Since the initial inspection, Grampian Fire & Rescue Service (GFRS) has taken over responsibility for fire-safety in all HMO properties and are therefore dealing with the above fire-safety requirements. The HMO Officer is now dealing with all non fire-safety requirements.

At the date of this memo, neither the fire-safety nor non fire-safety works have been completed. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 29 January 2013, 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 4 persons which is acceptable to the HMO Unit in terms of space and layout.

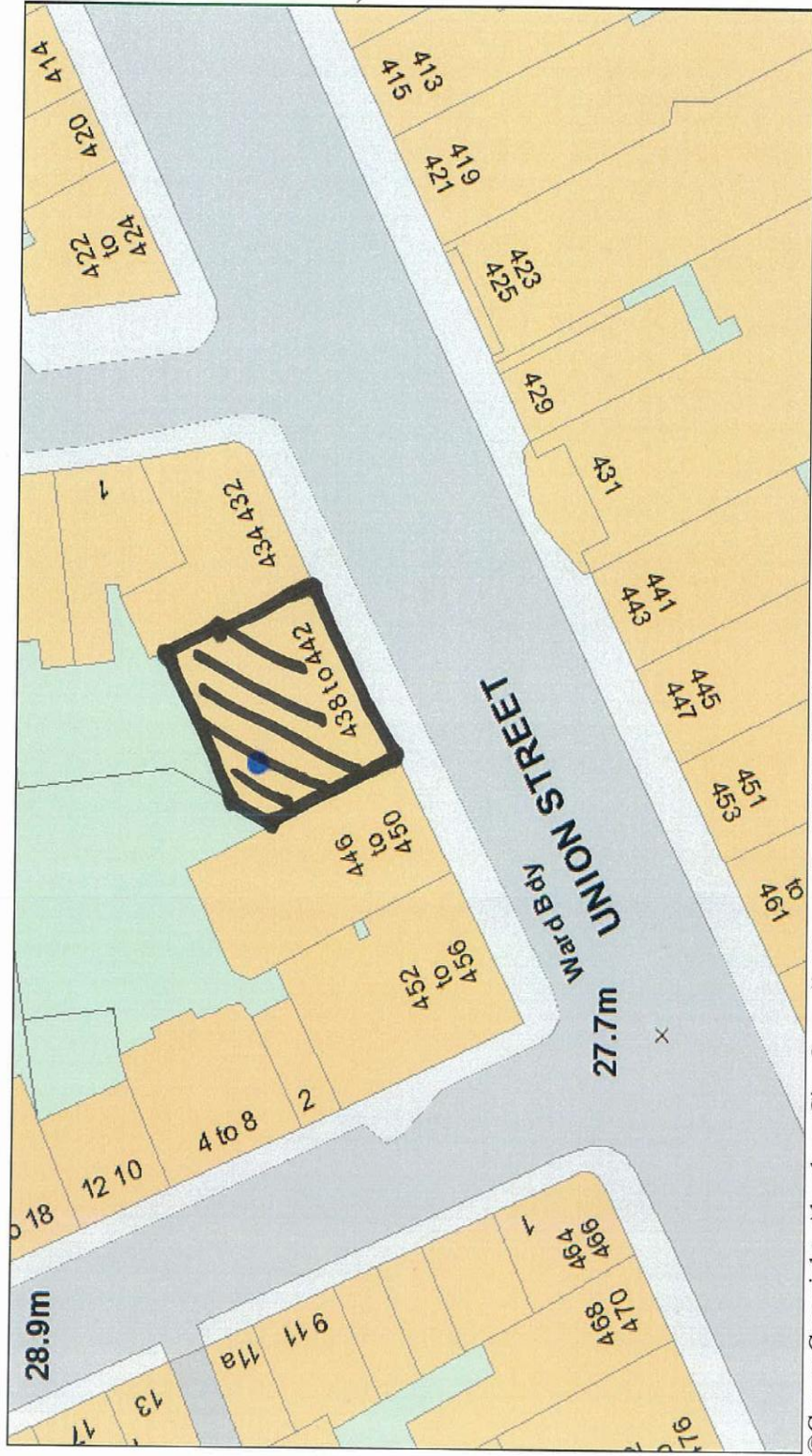
I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

Ally Thain
Private Sector Housing Manager

Appendix 'A'

HMO LICENCE APPLICATION
PREMISES: FLAT 1, 438 UNION STREET

A4 Landscape



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