

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	1 May 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.75 Cordiner Place, Aberdeen

Applicant/s: Moya A.Lilley

Agent: Rachel Lilley

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 15 May 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 first-floor flat with accommodation comprising 4 letting bedrooms (1 en-suite), one kitchen/dining room 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 5 March 2013 and was received by the HMO unit on 13 March 2013.

Work/Certification Requirements:

The HMO Officer visited the premises on 25 March 2013, then he wrote to the applicant on 25 March 2013, listing some work and certification requirements to bring the premises up to the current HMO standard. At the date of this memo, these requirements have not been completed although this is not the reason for referral to Committee.

Letter of Representation/Objection:

One letter of representation/objection was received by the HMO Unit and is attached as Appendix 'B'.

The letter is addressed to Aberdeenshire Council at its Inverurie offices, where it was received there on 22 March 2013, within the statutory 21-day time period. The letter was subsequently forward to the HMO Unit in Marischal College, where it was received on 3 April 2013.

The reason why the letter is addressed to Aberdeenshire Council is because the licence-applicant obtained the HMO public Notice from that Council in error, and displayed it outside her property whereupon the objector followed the instructions on the Notice and wrote to Aberdeenshire Council. During the initial inspection of the property, the HMO Officer spotted the 'wrong' public Notice and instructed the licence-applicant to obtain the correct public notice from this Council and display it outside her property for 21 days, which she then did. However, no more letters of representation/objection have been received.

Legal opinion from the Council's Solicitors is that it is reasonable for the Licensing Committee to consider the letter as if it had been received by this Council within the statutory 21-day time period.

Letter from Landlord:

The landlord has submitted a letter responding to the objection. The letter is attached as Appendix 'C'.

Other considerations:

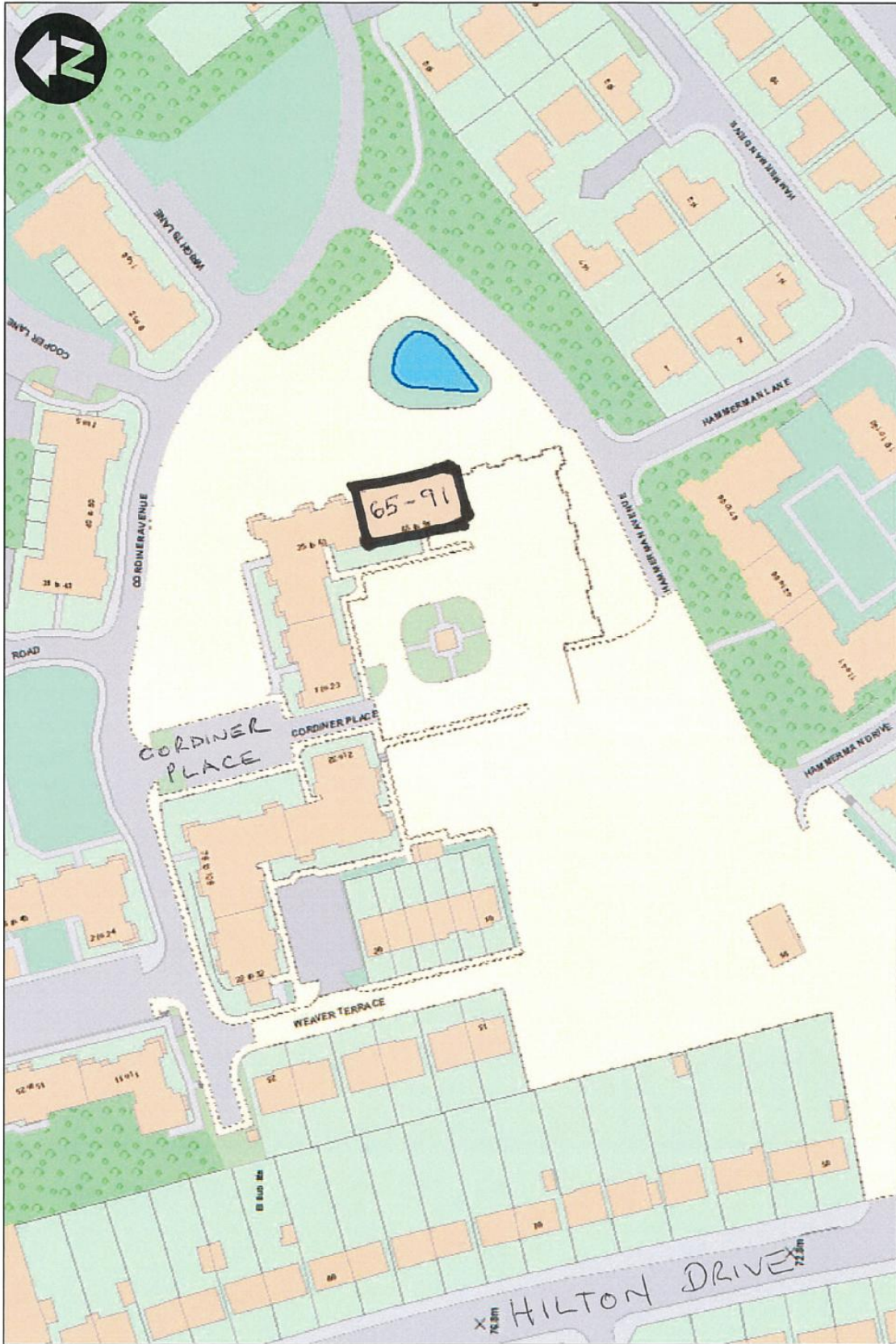
- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or 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 her 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.
- The HMO licence application under consideration is the first such application on record in respect of the property.

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'



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APPENDIX 'B'

21st March 2013

Head of Protective Services & Waste Management (Environmental Health)
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie
AB51 3WA

Dear Sir/Madam

Application for Licence for House in Multiple Occupation (HMO) 75, Cordiner Place Aberdeen AB24 4SB

With reference to the above mentioned HMO Licence Application for the property at 75, Cordiner Place, Aberdeen, AB24 4SB, I wish to formally record my strong objection to this licence being granted.

The basis for my objection is that should such a licence be granted, as the owner of the property immediately above the property for which the licence is being requested, there is the potential to impact severely upon my own enjoyment of my property due to increased noise levels from the said property as well as to the immediate environs and amenities by any potential tenants who may not have the same degree of respect for the immediate environs and amenities, as those who actual own their properties.

This objection is also borne out of the fact that I am myself a landlord of long-standing who rents out several properties and has, in the past, come across the problems surrounding HMO's with absentee landlords and appointed property managers who fail to carry out their duties in a responsible manner. The objection is also given further support by the fact that as a previous Local Authority Fire Officer I was intimately involved in the HMO licensing and inspection processes so have first-hand experience of the problems that can arise.

I trust therefore that you will take this objection seriously and include it as part of you deliberations towards the refusal of this HMO Licence application.

I look forward to your response on this matter.

Yours Sincerely

	Aberdeen City Council
	Planning & Environment
Euan Mushet	DATE RECEIVED
	03 APR 2013
	Private Sector Housing Unit



APPENDIX C

10 Frosterley Drive

Greatholm

Co. Durham

DH3 4AS

28th April 2013

Dear Mr. Thain

Licensing Committee Meeting: Wednesday 15th May 2013

HMO licence application for 75, Cordiner Place, Hilton, Aberdeen AB24 4SB

Thank you for your letter of 16th April. I apologise for our unintentional error in displaying the wrong HMO Notice; neither I nor my husband had realised there are both Aberdeen City and Aberdeenshire Councils. The first notice, which Mr Mushet responded to, had been displayed for 1 week prior to Mr Marc Steel's inspection visit to our flat, when he brought our mistake to my attention. Following this I downloaded the correct Notice from your website and it was displayed for a period of five weeks thereafter. I understand from your letter that no other objections have been raised.

May I first of all acknowledge Mr Mushet's concerns, as we too value peace and quiet, mutual respect and responsibility in our neighbourhood. Unlike Mr Mushet, we have no previous experience of owning properties to let; we are both doctors, and the sole reason for our buying this property in Aberdeen is for our daughter, Rachel, to live in. Rachel and I are, in fact, joint owners of No. 75 and, as such, have a particular vested interest in ensuring the flat and its environs are well maintained and cared for, and in forming good relationships with her neighbours.

Having viewed a number of properties for sale within easy walking distance of the Aberdeen Royal Infirmary, we chose this particular flat on the Hilton development not least because of its quiet location and managed grounds and facilities. Flat No. 75 is on the third floor of a newly constructed five storey block and No. 81 is two floors above on the top floor.

Rachel is just completing her first year at Aberdeen University studying medicine. As you may be aware, the selection process for medical student applicants is extremely exacting and, apart from academic merit, candidates are assessed on various personal attributes including motivation, commitment, team-working and moral calibre. The medical curriculum is full-time and demanding, for which I can personally vouch, and Rachel has been working extremely hard and has progressed very well. She hopes to invite three other carefully selected medical students to share flat No. 75 with her; they will also share her need for a quiet base in which to live and to support each other in their studies.

We have taken advice from friends who already have a property which they are letting and from the Scottish Association of Landlords, of which we are members. We have adopted their Tenancy Agreement documentation which contains a robust anti-social behaviour clause. Whilst my husband and I are not local to the property, our daughter, Rachel, is an owner-occupier. As such, she will be alert to any problems about which, should any arise, you can be assured we shall take expedient and appropriate action.

Rachel has already made 75 Cordiner Place her home, and it will remain so for at least the duration of her 5-6 year course. She also knows some other medical students who are living on the development in similar flats with HMO licenses, and we understand there have been no related issues or complaints.

Thank you for inviting us to the Committee's Meeting on 15th May which Rachel and I will be happy to attend. I trust my letter goes some way to assuring you of our situation and intent and the basis of our HMO application. I can forward to you a copy of our proposed Tenancy Agreement which Marc Steel looked at during his visit. Rachel is also happy to provide character references, for the committee's eyes only, should you wish. If there is any further specific information you have need of prior to the meeting, please do not hesitate to contact me.

Yours sincerely,

A black rectangular redaction box covering the signature of Mrs M Angela Lilley.

Mrs M Angela Lilley