

# 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	6 June 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.2 Wallacebrae Road, Danestone, Aberdeen**

**Applicant/s: Gail Forrest**

**Agent: Nan MacDonald**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 18 June 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 two-storey detached house with accommodation comprising 4 letting bedrooms, one kitchen/dining room, one public room and 2 bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO licence application:**

The HMO licence application was received by the HMO unit on 4 April 2013.

**Work/Certification Requirements:**

The HMO Officer visited the premises on 8 May 2013, then he wrote to the applicant on 8 May 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.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicant states that the public Notice of HMO Application was displayed outside the property between 2 April 2013 – 24 April 2013.

**Letter of Representation/Objection:**

One letter of representation/objection was received by the HMO Unit on 24 April 2013, within the statutory 21-day timescale, and is attached as Appendix 'B'.

**Other considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish 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 at No.2 Wallacebrae Road.
- The applicant and her 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.
- The HMO licence application under consideration is a renewal application. The applicant was first granted an HMO licence for 2 Wallacebrae Road in November 2008.

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



1:500

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APPENDIX 'B'

Roy & Jackie Duncan

Wallacebrae Road, Danestone, Aberdeen

Private Sector Housing Unit  
Aberdeen City Council  
Business Hub 11, Second Floor West  
Marishal College, Broad Street  
Aberdeen AB10 1AB

22/4/13

Dear Sir or Madam

No 2 Wallacebrae road, Danestone, Aberdeen, AB22 8YQ

I refer to the application to extend the HMO licence for the above property.

I want to object to the extension for many reasons which are noted below.

1. The gardens of the property are a mess. The flowerbeds are never weeded and the grass is hardly ever cut. I notice that it has been cut recently and assume that this is because their application is in for extension.
2. The fence at the front of the property is falling down and has been like that for about a year.
3. The garage window has been broken for well over a year.
4. The occupants often sit at the front of the property drinking and smoking & shouting out comments to women & children who are passing by.
5. The police have been out to the property on more than one occasion. One example was just recently because there were two women screaming and shouting at each other in the front garden.
6. The occupants of the property often have drinks in the back garden and throw their cans and other rubbish over the fence onto the public grass on Laurel Drive.

The property was done up before the last application and nothing has been done to it since. Everybody else in the street has paid good money for their properties and keep them well maintained and tidy. The property is an eyesore and being at the entrance to the street is seen by everybody. I think it is unfair that we should have to accept the property being used for the purpose it is.

Yours Sincerely,



Aberdeen City Council
Housing & Environment
DATE RECEIVED
24 APR 2013
Private Sector Housing Unit