

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	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.11 Weaver Terrace, Aberdeen

Applicant/s: Luke Temple

Agent: None stated

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 semi-detached house with accommodation comprising 3 letting bedrooms (1 en-suite), one kitchen/dining room, one public room and 2 bathrooms. Weaver Terrace is a newbuild within the Hilton Campus development and an exact location plan is not yet available. The plan attached as Appendix 'A' shows the approximate position of No.11 Weaver Terrace.

The HMO licence application:

The HMO licence application is dated 2 May 2013 and was received by the HMO unit on 3 May 2013.

Work/Certification Requirements:

The HMO Officer visited the premises on 9 May 2013, then he wrote to the applicant on 9 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 May 2013 – 25 May 2013.

Letter of Representation/Objection:

One letter of representation/objection was received by the HMO Unit on 17 May 2013, within the statutory 21-day timescale, and is attached as Appendix 'B'.

Letter from Landlord:

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

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.11 Weaver Terrace.
- The applicant and his property are not registered with the Landlord Registration database. It will be necessary for the applicant to register prior to letting the property.
- 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



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APPENDIX 'B'

[Redacted]
[Redacted]
[Redacted]

HMO Unit
Housing and Environment
Business Hub 11
2nd Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir/Madame,

Date: 16/5/13

I reside at [Redacted] Weaver Terrace and I am writing to you in order to place a formal objection to the application made by a Mr Luke Temple, [Redacted] 11/2A/3 Don Street Aberdeen, for a HMO licence for 11 Weaver Terrace.

Weaver Terrace is a recently built residential street and [Redacted] Weaver Terrace are adjoined semi-detached properties.

I bought and moved into my property on the understanding that I was moving into a quiet, newly completed, family friendly area with privately owned properties occupied by professional people.

I did not buy this property to have my peace potentially disturbed by a house of multiple occupancy adjoining me.

There is parking for two cars on the driveway outside 11 Weaver Terrace but any more cars than that and they would have to park on the street. The street is not very wide and I think that this could cause a hazard.

Granting a HMO licence for this property could set a precedent and lead to the street being full of such properties.

I am not the only person in the street who is concerned about this application and I think more objections will be forthcoming.

Also, I would like to add that I only found out about this HMO application from a neighbour. The reason being, that the notice was attached to a lamp post, two doors up and across the street from my property. How was I supposed to see this notice? As the property concerned adjoins my property and hence, I am going to be primarily affected by this HMO application, should I not have been directly informed?

I look forward to hearing from you in due course.

Regards

[Redacted Signature]

David Mazzoni

Aberdeen City Council
Housing & Environment
DATE RECEIVED
17 MAY 2013
Private Sector Housing Unit

APPENDIX 'C'

FAO DOUG YEATS
Aberdeen City Council
Housing & Environment
Private Sector Housing Unit
Aberdeen City Council
Business Hub 11
Second Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

Luke Temple

12A/3 Don Street

Aberdeen

AB24 1UN

29 May 2013

Dear Sir

Licensing Committee: Tuesday, 18 June 2013
Application for a Licence for a House in Multiple Occupation (HMO)
Premises: 11 Weaver Terrace, Aberdeen, AB24 4SD (the "Property")

I refer to the above and to your letter dated 17 May 2013 enclosing the letter of objection from Mr Mazzoni, dated 16 May 2013.

I understand that you require to prepare a report for circulation to the Committee Members ahead of the meeting on 18 June 2013 and should be grateful if you would include within the report this letter in support of my application. I wish to address the concerns raised by Mr Mazzoni and hope that the undernoted information will serve to clarify matters and offer some reassurance.

I appreciate that Mr Mazzoni has concerns about the potential disturbance of the peaceful residential area. I purchased the Property in February and it will be my home when the refurbishments are complete. My intention is to be the owner / occupier and share the Property with my partner and also with two close friends. Currently, we are all Honours students at the University of Aberdeen and I deliberately chose the Property because of its proximity to the University and because it is located in a quiet and peaceful residential area. I intend to share my home with responsible tenants of my choosing; this is not a commercial venture and I wish to reassure my neighbours that we look forward to enjoying the peace and quiet of the area.

I acknowledge that Mr Mazzoni has expressed concern over car parking space at the Property. At present, neither I nor those with whom I intend to live have a vehicle in Aberdeen and, should we make use of the parking spaces in the future, I would ensure that all vehicles are parked responsibly.

I shall be attending the Licensing Committee meeting on 18 June 2013, at which time I should be more than happy to address any further concerns or issues raised by the Committee or by Mr Mazzoni.

I look forward to receiving a copy of your report in due course.

Yours faithfully

Luke Temple

Aberdeen City Council
Housing & Environment
DATE RECEIVED
30 MAY 2013
Private Sector Housing Unit