

# 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.9E Froghall Place, Aberdeen**

**Applicant/s: Luba Shanks**

**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 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 second-floor flat with accommodation comprising 3 letting bedrooms, one public room, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application is dated 30 June 2012 and was received by the HMO Unit on 9 July 2012.

**HMO upgrading works and certification:**

The HMO Officer visited the premises on 11 July 2012, then he wrote to the applicants on 13 July 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. A hard-wired, interlinked fire alarm/fire detection system to be installed throughout.
3. Carbon-monoxide detectors to be installed within all rooms where there are gas appliances.
4. All fire-safety provisions to be explained to the tenants, including instructions not to tamper with any fire-safety installation.
5. The flat entrance door to be fitted with a keyless lock.
6. A Fire Action Notice to be discussed with all tenants.
7. Polystyrene ceiling tiles to be removed from the bathroom.
8. The bathroom light to be upgraded to IP44 rating.
9. The means of escape to be clear of all obstructions at all times.
10. The cupboard which houses the electric meters to be upgraded to 30-minute fire resistance.
11. The cracks in the bathroom wall to be repaired.
12. The Certificate of Compliance, Gas & Electrical Safety certificates, Fire Alarm certificate and a copy of the Tenancy agreement to be submitted to the HMO Unit.

At the date of this memo, the above works & certification requirements have not been completed. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 18 June 2013, where the application will be discussed.

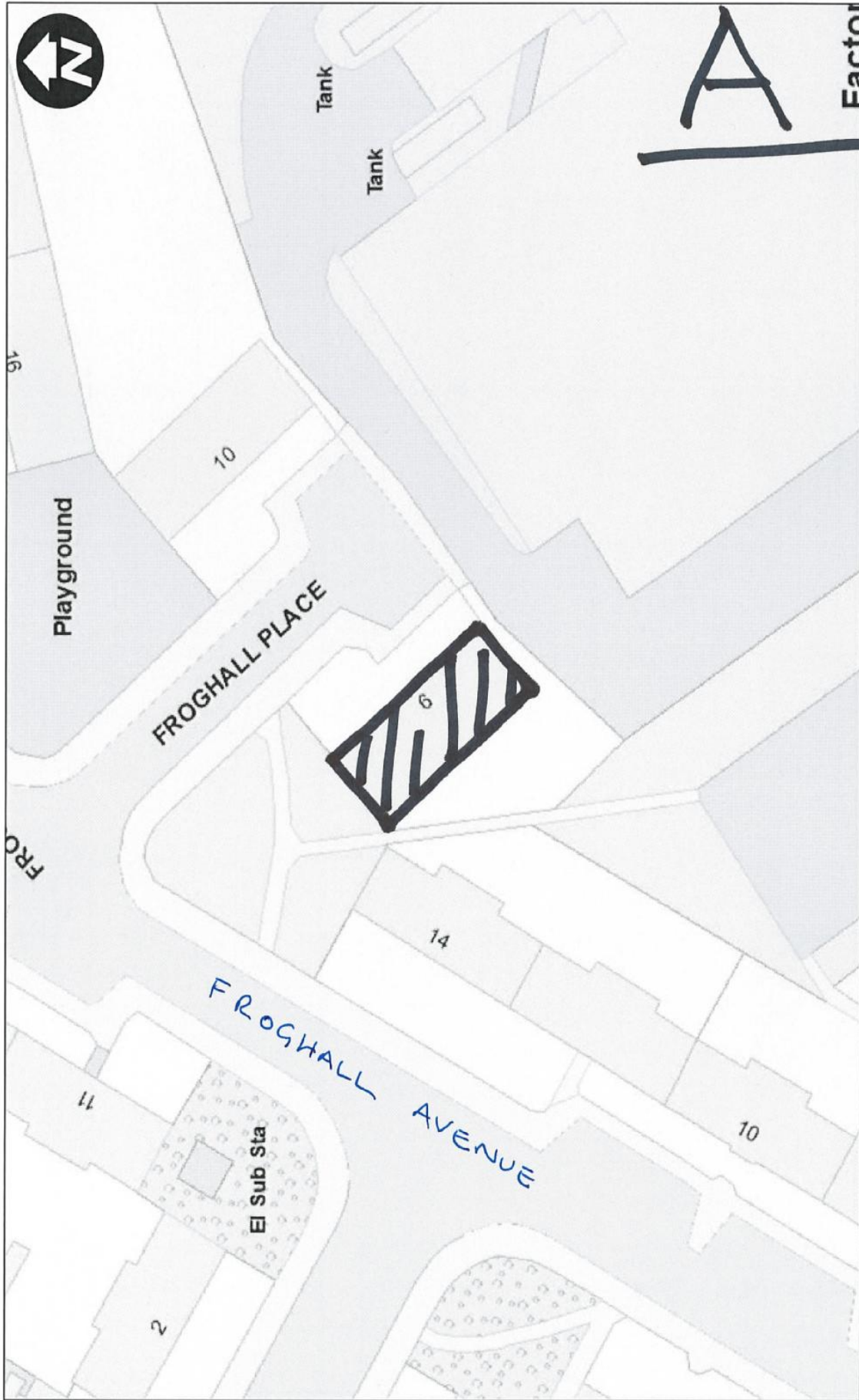
**Other considerations:**

- The Chief Constable, Grampian Police, was consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no comment or objection.
- Grampian Fire & Rescue Service was consulted in respect of the suitability of the premises as an HMO, and 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.9E Froghall Place.
- The applicant and her property are not registered with the Landlord Registration database. It will therefore be necessary for the applicant to register prior to letting the property.

- The applicant has requested an occupancy of 3 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
- The meeting of the Licensing Committee on 18 June 2013, is the last one before the one-year deadline therefore if all requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 18 June 2013. I will advise the Committee whether or not all works have been carried out.

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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