

# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House



**ABERDEEN**  
CITY COUNCIL

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	16 December 2009
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.109 Craigievar Crescent, Aberdeen  
Applicant/s: Susan Boulton  
Agent: James & George Collie, Solicitors**

I refer to the above HMO Licence application, which was considered by the Licensing Committee at their meeting on 2 December 2009, for the reason that a letter of objection had been received by my HMO Unit. The Committee requested clarification of several points and resolved to defer consideration of the application until its next meeting on 13 January 2010.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is an ex- Council ground floor flat contained within a 'four-in-a-block' property, with accommodation comprising of three bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was received by the Council on 14 September 2009. The HMO Officer visited the premises thereafter, then he wrote to the agent listing several requirements to bring the premises up to the current HMO standard. At the date of this memo, all requirements have not been met.

**Letter of objection:**

The HMO Unit received a letter of objection from Mrs E.MacLeod, 111 Craigievar Crescent, Aberdeen. The letter was received within the statutory 21-day period for consultation therefore it is a 'competent' objection. The letter is attached as appendix 'B'.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.109 Craigievar Crescent, Aberdeen (see Clarification below).
- At the date of this memo, the applicant and her property are registered with the Landlord Registration scheme.
- The objector lives directly above the HMO property.
- The HMO property has been the subject of two previous HMO licences.
- The applicant also owns the HMO premises at No.107 Craigievar Crescent, and has submitted an HMO Licence renewal application, which has not attracted any objections.
- The applicant's Solicitor has submitted a letter in support of the HMO Licence application, and responding to the points made in the letter of objection. The letter is attached as appendix 'C'.

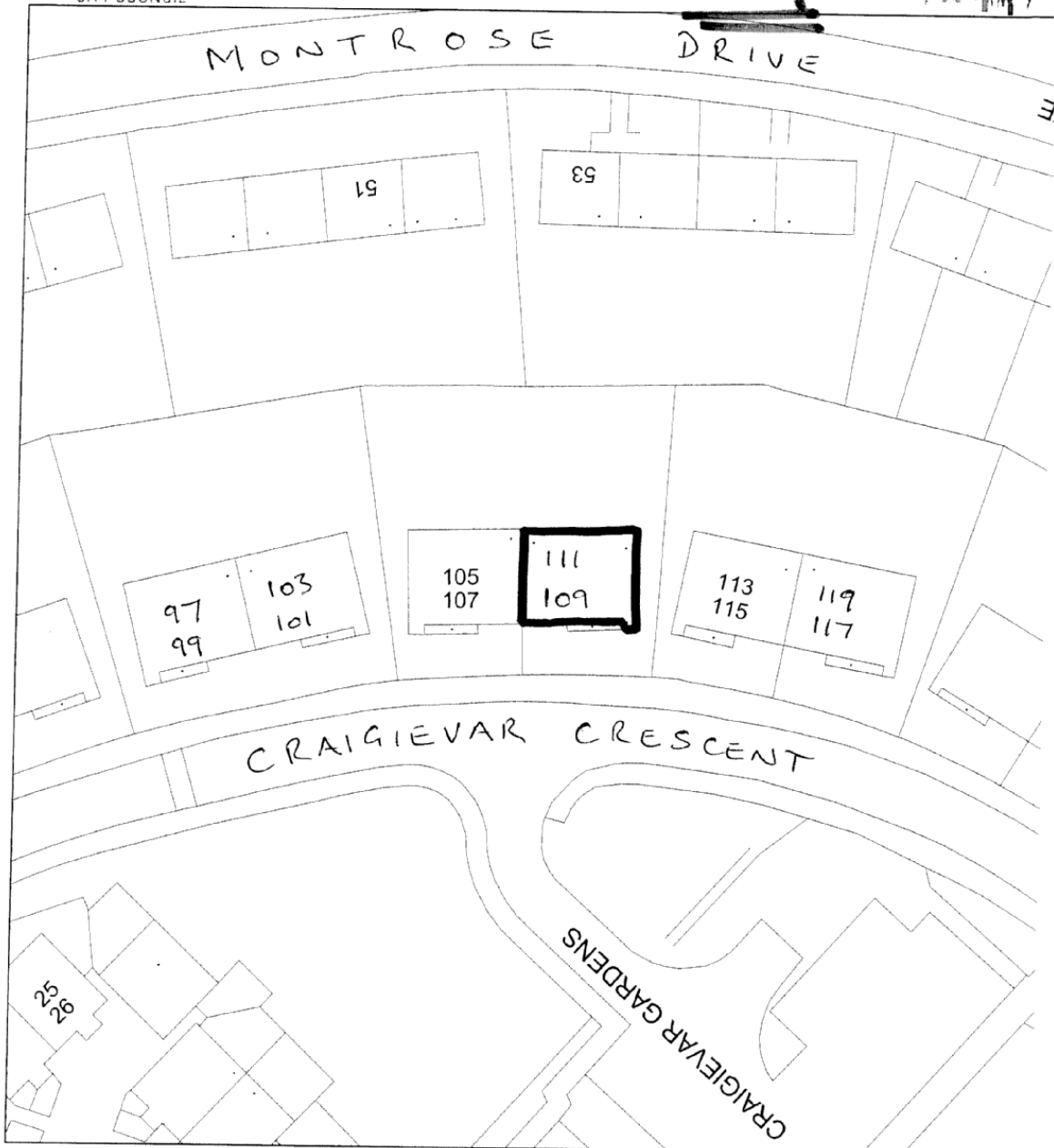
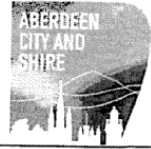
**Clarification requested by Licensing Committee at its meeting on 2 December 2009:-**

- The objector advised the Committee that there were 5 persons living in the HMO property, however this was denied by the applicant and her agent. The Senior Private Sector Housing Officer carried out a joint inspection with the agent on 15 December 2009, and found evidence of only 3 persons living there.
- The objector advised the Committee that she had previously complained to the Council's Anti-Social Behaviour Investigation Team (ASBIT) about noise from the HMO property, however my report advised that the ASBIT team had no record of any such complaint. Further investigation has revealed that the objector was registered with the former Neighbour Complaints Unit (NCU) in 2004, however she was de-registered from the NCU in September 2004 for the reason that she had not used their service within a given period. The former NCU and the former Noise Control Team amalgamated in October 2007 to form what is now the ASBIT team, and the ASBIT team have again confirmed that they have no record of any complaint since it was formed. It is possible that the objector did complain to the former NCU, although the NCU records have been checked and no complaint found.


- The HMO Licence Renewal application requested a maximum occupancy of 4 tenants, however the previous Licence stated a maximum occupancy of 3 tenants. The Clerk to the Licensing Committee advised that the new application could not therefore be treated as a Renewal application, rather it was a fresh Grant. The applicant's Solicitor has today formally requested that the maximum occupancy stated on the Renewal application be amended to 3, as per the previous Licence.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



Title: HMO LICENCE APPLICATION  
PREMISES : 109 CRAIGIEVAR CRESCENT, ABERDEEN  
Scale: 1:500 Date: 13 October 2009 Map Ref: NJ9203SW

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