

# MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College



**ABERDEEN**  
**CITY COUNCIL**

To	Fraser Bell, Chief Officer – Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	7 February 2019
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## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.1 Lilybank Place, Aberdeen**

**Applicant/s: Yul Thomson**

**Agent: Winchesters Lettings Limited**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 19 February 2019 for the reason that the HMO upgrading work 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 an upper-floor maisonette providing accommodation comprising 4 letting bedrooms, 2 public rooms, 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 was received by the HMO Unit on 12 April 2018.

**HMO upgrading works and certification:**

The HMO Officer carried out an inspection of the property on 8 May 2018, then he wrote to the agent listing certain requirements to bring the property up to the current HMO standard. A later inspection identified additional requirements and at the date of this report, the following requirements are outstanding:-

1. An IP44 rated light fitting to be installed in the bathroom.
2. All faulty or missing lightbulbs must be replaced immediately.
3. A diffuser cover to be fitted to the strip light in the utility-room and lightshades to be fitted to bare pendant lightbulbs.
4. The electrical trunking in the utility-room must be securely re-fixed.
5. All self-closing doors to be inspected and adjusted as necessary to ensure that they fully close against their stops.
6. A new handle to be fitted to the wardrobe in bedroom 2.
7. The loose timber flooring outside bedroom 2 to be re-fixed.
8. The mould growth evident in the bathroom and bedroom 1 to be eradicated and the affected areas redecorated.
9. A Prohibition Notice to be fixed beside the open fireplace in the public room.
10. The standard of housekeeping throughout the HMO must be improved.
11. The Notice of HMO Application - Certificate of Compliance, Gas Safe certificate, Portable Appliance Test (PAT) certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

**Fire Safety**

Scottish Fire & Rescue Service (SFRS), who are responsible for enforcement of fire safety in HMO premises, have not yet confirmed that they are satisfied with the fire-safety provision within the property.

**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO and made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.1 Lilybank Place, Aberdeen.
- The applicant, agent, and No.1 Lilybank Place, Aberdeen, are currently registered with the Landlord Registration database.
- The applicant has requested an occupancy of 4 tenants which is acceptable to the HMO Unit in terms of space and layout.

- The HMO licence application under consideration is to renew a current HMO licence. The property was first HMO-licensed in September 2011.
- The meeting of the Licensing Committee on 19 February 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the above-mentioned HMO 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 19 February 2019. I will advise the Committee whether or not all requirements have been completed.

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

