

LICENSING COMMITTEE INFORMATION SHEET

23 April 2019

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: DEY PROPERTIES LIMITED

ADDRESS: 35 KINGS CRESCENT, ABERDEEN (TOP FLOOR FLAT)

INFORMATION NOTE

The Licensing Committee previously considered this HMO licence application on 21 August 2018 as a result of 2 objections having been submitted to the HMO Unit. The objectors did not attend the meeting, nor were they represented, and the Licensing Committee resolved to grant the HMO licence under delegated powers as soon as all work & certification requirements had been met. The objectors have no right of appeal to the Sheriff Court.

At the date of drafting this Information Note, the property is still not suitable for occupation as an HMO for the reasons that 1) the accommodation does not meet the requirements of the statutory HMO guidance, and 2) a Local Authority Certificate of Completion has not been granted. The meeting of the Licensing Committee on 23 April 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the above-mentioned requirements have not been completed by the day of the Committee, and the application has not been withdrawn, the Committee are requested to consider the application. If the Committee are minded to refuse the application, they must do so at the meeting on 23 April 2019. I will advise the Committee of the up-to-date position during the Committee meeting.

DESCRIPTION

The premises at No.35 Kings Crescent, Aberdeen, is a top-floor flat occupying the whole floor of the tenement. The applicant obtained a Building Warrant to alter the layout of the flat and when the works are complete, the accommodation will comprise of one public room, one kitchen/dining room, one shower-room and 3 letting bedrooms. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout when the works are complete.

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:

'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDINGS FOR REFUSAL

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