

LICENSING COMMITTEE INFORMATION SHEET
18 January 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: KENNETH CAITHNESS

AGENT: ABERDEEN PROPERTY LEASING LIMITED

ADDRESS: 34 TAILOR PLACE, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that one letter of representation/objection was submitted to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so for the reason that the necessary upgrading works & certification have been satisfactorily carried out.

DESCRIPTION

The premises at No.34 Tailor Place, Aberdeen, is a second-floor flat with accommodation comprising 3 letting bedrooms, one open plan public room and kitchen & one bathroom. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building, alerting the general public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – one letter of representation/objection (Attached as Appendix B).
- Licence-applicant Agent – one letter from the applicant's Agent Aberdeen Property Leasing in response to the letter of representation/objection (Attached as Appendix C)

Members will note that Appendix B includes a letter of representation/objection and an e-mail. The letter did not state a reason for the objection to the application and legal advice was sought following which the objector was requested to provide reasons for his objection to the application. This resulted in the later e-mail being submitted. The letter was received within the statutory 21-day period, therefore Members are requested to consider the letter and the e-mail.

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

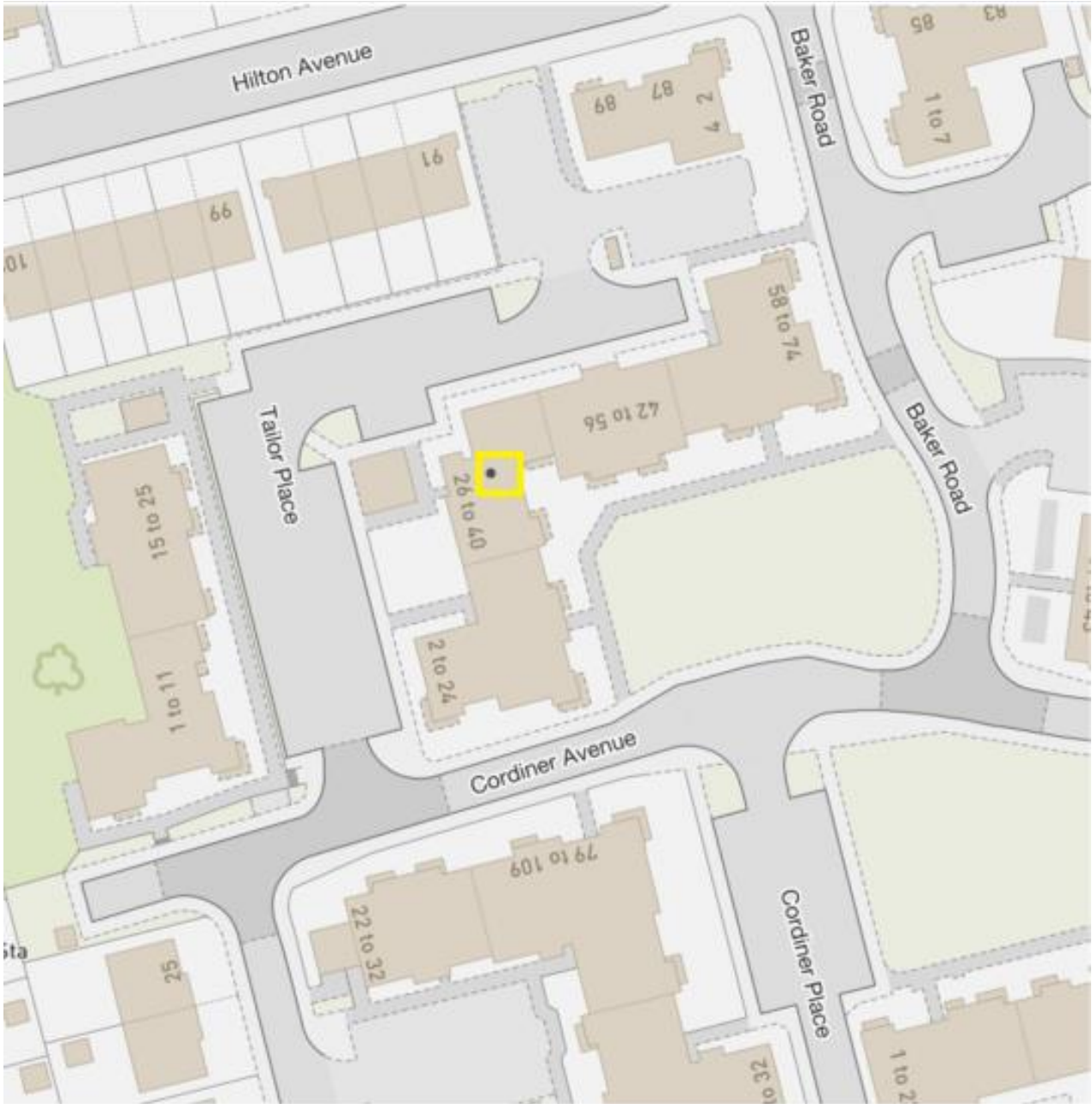
This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 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
 - ix) There is, or would be, an overprovision of HMOs in the locality

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.34 Tailor Place.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.34 Tailor Place.
- All upgrading work required by the HMO Officer, including certification, has been satisfactorily carried out.
- The applicant was first granted an HMO licence for No.34 Tailor Place in November 2015 and the application under consideration is his 2nd renewal application.
- There are currently 2 HMO-licensed flats in Tailor Place, ie. Nos.34 & 38.
- The later letter of objection includes 3 separate points about car parking and one point about the effect of an HMO on house prices. Members may wish to note that car parking and house prices are not considerations of HMO Licensing as they are not specifically mentioned in the Statutory Guidance.

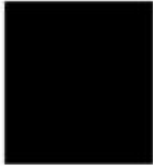
‘A’



'B'

September 23rd 2021

Raymond Andrew Gray



Aberdeen City Council
Housing & Environment
DATE RECEIVED
24 SEP 2021
Private Sector Housing Unit

Ref: HMO Address 34 Tailor Place, Aberdeen, AB24 4RU – HOU5361276372

I object to the above on Tailor Place.

Regards



Raymond Andrew Gray

From: Raymond Andrew Gray [REDACTED]
Sent: 12 October 2021 12:13
To: Ally Thain <ALLYT@aberdeencity.gov.uk>
Subject: HMO Licence - 34 Tailor Place, Aberdeen

Dear Mr Thain

Following your recent letter, the main reasons for my objection are as follows:

1. All residents on Tailor Place are allocated one car parking space per apartment, with multiple residents in 23 TP, this may not be possible thus causing more issues with limited parking, in particular between September and May.
2. In addition some of the apartments in that block now service Air B and B and during the summer parking is an issue.
3. Part of my monthly management fee is related to my parking space, and if I cannot park in Tailor place due to HMO property/s this would be unfair, to myself and my fellow homeowners.
4. As a homeowner and not a landlord or renter, the HMO will devalue my property.

Regards

Raymond Andrew Gray

34 Tailor Place



Stuart Carmie
To: Ally Thain
Cc: Allison Guyan, Stuart Carmie

Follow up. Start by 23 December 2021. Due by 23 December 2021.
You replied to this message on 24/12/2021 12:54.

Reply Reply All Forward
Thu 23/12/2021 16:52

Dear Mr Thain

I am writing regarding the recent objection to our client Mr Kenneth Caithness's application to renew the HMO licence.

We have factored this property with an HMO licence since 2015 and there have never been any reports of antisocial behaviour against any of the tenants. The present tenants have been there since May 2019, our routine inspections show that the property is being well cared for. The main objection seems to centre on car parking. Our tenants are advised that there is only one parking space per property – and the lease states that the property benefits from the use of "private parking space". The objection is vague and seems to assume that because there are 3 occupants they will abuse the parking. I'm sure there are many other properties in the development where there are more than one adult in the household and possibly own more than one car. I cannot see how a possible parking issue can be relevant in an HMO application and would hope that this will not be considered by the Licencing Committee.

I cannot see the relevance to other properties being used as Air B&B. This has nothing to do with Mr Caithness's flat and again I would ask the Licencing Committee not to take this into account.

Mr Caithness also pays management fee and is entitled to the use of one space. Again, the assumption that it would only be the occupants of the HMO property who would abuse the parking. As previously, I do not think this should affect the Licencing Committee's decision.

I do not see why an HMO in the development would devalue a property any more than Air B&B would and there seems to be no objection to Air B&B.

Regards

Stuart Carmie
Lettings Director
Landlord Registration Number 06119/100/16370
Letting Agent Registration Number LABN1909098

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