

LICENSING COMMITTEE INFORMATION SHEET

15 November 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: LADY DOROTHY ANGEST

AGENT: WINCHESTERS LETTING

ADDRESS: 2 THE CHANONRY, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection e-mail 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 under delegated powers since at the time of drafting this report, the necessary upgrading works and certification have not been completed. I will advise Members during the Committee if that position has changed.

DESCRIPTION

The premises to which this HMO Licence application relates is a three-storey basement detached house with accommodation comprising of 5 letting bedrooms, 3 public rooms, one kitchen and 3 shower rooms. The applicant wishes to accommodate a maximum of 5 tenants, which is acceptable to the HMO Unit in terms of space and 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 public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from Gordon Mutch (Attached as Appendix B)

The objection was received within the statutory time period therefore the Council must consider.

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'](#)

GROUNDS 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 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 their registration includes No.2 The Chanonry.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has received one email record of complaint in respect of No.2 The Chanonry:

22 September 2022 - Retrospective e-mail received from a complainer regarding large parties in the garden until 3 and 4 am. Including loud music, sounds of glass breaking and smoking. ASBIT team replied with suitable advice and contact details for reporting noise issues when noise or antisocial behaviour is ongoing.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- The objection mentions the 'Notice of Display'. The Notice of Display should be displayed outside the property for a statutory period of 21 days. The applicants Agent has declared the Notice was displayed outside No.2 The Chanonry, from 30 August 2022 to 17 October 2022. A Private Sector Housing Officer checked on 06 September 2022 at the property inspection and the Notice was on display on a lamp post outside the property.

- The applicant was first granted an HMO licence for No.2 The Chanonry in September 2014 and the application under consideration is a 2nd renewal application.
- There are no other Granted HMO's at The Chanonry.

'A'



'B'

Objection to Renewal of HMO licence for 2 The Chanonry, Old Aberdeen, Aberdeen, AB24 1RP.

Reference: HOU5448002649

There is regular disturbance from No2 The Chanonry in terms of noise at antisocial hours, large parties, frequent drunk and disorderly behaviour and drug use — all of which adversely impacts upon family life in an otherwise peaceful residential area.

Waste bins are regularly left on the street for weeks on end on one of Aberdeen's busiest tourist thoroughfares.

Despite attempts by neighbours to curb regular nuisance and antisocial behaviour, there has been no effective remedy demonstrated by the occupants, to the significant detriment of the community.

This licence should not be renewed.

I would also note that the notice of application for an HMO licence has to my knowledge not been displayed on a public lamppost anywhere around the property. It certainly was not displayed today the 20th September 2022.

Yours sincerely,

Gordon Mutch,

[REDACTED]

Old Aberdeen,

Aberdeen

AB24 1RP

[REDACTED]