

LICENSING COMMITTEE INFORMATION SHEET

15 November 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MARIE DRURY

AGENT: MARGARET DUFFUS LEASING

ADDRESS: 379 LINKS ROAD, ABERDEEN

INFORMATION NOTE

This HMO renewal licence application has received that 1 letter of representation/objection that was submitted late 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 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 second floor flat providing accommodation of 3 letting bedrooms, dining kitchen and bathroom. The applicant wishes to accommodate a maximum of 3 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 Emma Stewart
- Agent – one letter of representation from the Agent, Margaret Duffus Leasing, in response to the objection letter

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 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.379 Links Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.379 Links Road.
- All upgrading work required by the HMO Officer, has not yet been completed.
- The objection mentions parking, members may wish to note that car parking is not a consideration of HMO Licensing as it is not mentioned in the Statutory Guidance, nor is it covered by any of the statutory grounds of refusal mentioned above.
- The applicant was first granted an HMO licence for No.379 Links Road in June 2010 and the application under consideration is a 4th renewal application.
- There are currently 10 HMO-licensed properties in Links Road, ie. Nos.139, 149, 169, 185, 201, 217, 233, 295, 359 & 361.

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