

LICENSING COMMITTEE INFORMATION SHEET

25 January 2023

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: FARHANA BEGUM

ADDRESS: 125 GARTHDEE DRIVE, ABERDEEN

AGENT: MOHAMMAD CHOWDHURY

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the work & certification requirements to bring the property up to the current HMO standard has not been completed. The meeting of the Licensing Committee on 25 January 2023, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 25 January 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The property at No.125 Garthdee Drive, Aberdeen, is a top floor flat on two floors, providing accommodation of 3 letting bedrooms, kitchen, lounge and bathroom. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.125 Garthdee Drive.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.125 Garthdee Drive.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) A Carbon Monoxide Detector (operated by a long life sealed battery) must be installed within any room where a gas appliance or a flue from such an appliance is located and must be installed in accordance with the manufactures instructions. In this regard the Carbon Monoxide detector in the kitchen has passed its expiry date and should therefore be replaced.
 - 2) All portable heaters must be permanently removed from the premises. In this regard the portable heaters in the upstairs cupboard should be removed.
 - 3) All self-closing doors must be capable of closing fully against their stops from all angles of swing and latch off when closed. In this regard the door closers for the following rooms should be reinstated:

- a. Bedroom 1
 - b. Bedroom 2
 - c. Bedroom 3
 - d. Lounge.
- 4) The following documentation to be submitted for inspection:
- Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).
 - Copy of Private Residential Tenancy (PRT) Agreement