

LICENSING COMMITTEE INFORMATION SHEET

28 June 2023

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: CAITLIN GRANT

AGENT: FELICITY LITTLE

ADDRESS: 21 SUNNYBANK ROAD, 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 property at No.21 Sunnybank Road, Aberdeen, is the subject of this new HMO licence application and its accommodation comprises 4 letting bedrooms, lounge, kitchen and bathroom. The applicant wishes to accommodate a maximum of 4 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 John Whyte (Attached as Appendix B)
- One letter of representation from the applicants Agent, Felicity Little (Attached as Appendix C)

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'](#)

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.21 Sunnybank Road.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.21 Sunnybank Road.
- The Council's Waste and Recycling Team have advised that the wrong bin was put out for collection multiple times last year. However, no issues have been recorded this year.
- There are currently 5 HMO licensed properties in Sunnybank Road, ie. No 15D, 26, 28F, 30B and 34D.
- The property is currently unlicensed and the application under consideration is a new application. The property was previously HMO licensed under a previous owner from September 2009 until January 2016.

- The objection mentions car parking. Members may wish to note that car parking is not a consideration of HMO Licensing it is not specifically mentioned in the Statutory Guidance.
- 'Overprovision' is a statutory ground of refusal of an HMO licence application, however this ground of refusal is not available to the Committee for the reason that an 'Overprovision' policy is not currently in force at Aberdeen City Council

'A'



'B'

[REDACTED]
23rd April 2023
Application for a Licence for a House in Multiple
Occupation: Ref. HOU5507000354
21 Sunnybank Road
Aberdeen AB24 3NJ

I wish to lodge a complaint about the above application.

Twice in the recent past, this property has been an HMO and on both occasions there have been problems:

1. A complete failure to deal with rubbish. Bins left on the street. Bins routinely overfilled leading to litter on the street and attracting seagulls.
2. Noise - both previous HMOs were the source of noise disturbance, generally associated with drunkenness; loud behaviour & loud swearing generally late at night when people are sleeping.
3. Persistent car parking on and across the pavement

I consider that there are already too many HMOs in the neighbourhood which have a negative impact on the quality of life for permanent residents.

The Council is famous for dumping stuff like this on communities then leaving the communities to deal with the fallout.

It is now almost impossible to contact the Council to get any resolution to issues like these.

Yours faithfully
[REDACTED]

'C'

Attn: Jocelyn Janssen
Private Sector Housing Manager
HMO Unit
Private Sector Housing Unit
Aberdeen City Council
Marischal College
Business Hub 11
Second Floor West
Broad Street
Aberdeen AB10 1AB

Dated: 1st May 2023

Dear Jocelyn,

Re: HMO Licence [REDACTED]

We are in receipt of your letter dated 25th April 2023 regarding our application for an HMO licence.

Thank you for the invitation to the committee meeting on the 28th June, however Caitlin will be away and I will be unable to be in attendance myself. We would however welcome the chance to participate by means of Teams.

We feel we should respond to the letter of representation/objection in respect of our HMO licence application which you received.

Since Caitlin has owned the house it has not been licenced or occupied as an HMO. The residents of the house are medical students and have been resident in the property for nearly 4 years.

I will deal with the points raised in the letter one by one.

1. The complaint about rubbish is factually untrue. At times there may have been remote instances when the bins have left out longer than would be desirable, but this was on a few occasions when the students were working shifts and not on a regular basis. We are not aware of the bins being over filled and we have seen no evidence of the bins belonging to this property causing a seagull nuisance any more than any bin in the City.

In fact a number of private bins in the area are permanently on the footpath.

2. Noise – We are not and have not been aware of any excessive noise from the property. No complaints have been received from any of the neighbours in the area specifically those even nearer to the property than the complainant's residence.

Cont/d

We are also not aware of any notifications to the council in any form including environmental health regarding noise from the property. No correspondence has been received by the owner or tenants from the council regarding noise.

On the occasion that gatherings have been held these were "Pre's" and the visitors left between 10.00 and 11.00 pm to go on to clubs in the City.

We are particularly upset about the use of the word "loutish behaviour." Loutish behaviour is defined as impolite and aggressive, oafish, rough, gross, coarse and we vehemently disagree that anyone associated with the property was ever loutish to anybody let alone a local resident.

Perhaps the complainant is confusing the residents with those who have been in the Red Lion around the corner and are going home along Sunnybank Road?

3. Again we completely refute this point. There have been two cars regularly at the premises and they are parked in the driveway of the house. These cars are required due to the nature of the residents' course which requires travel to different hospitals and clinics in Aberdeenshire and further afield. No illegal parking tickets have been issued to either of the registered car owners outside the property for any reason let alone illegal parking and the cars are not parked on the pavement.

As you will know, Aberdeen, like other university towns in Scotland, has been hit not only with a shortage of suitable student accommodation but also soaring rents. It would be a shame if this property which has outdoor space, off street parking and is close to the Old College, the university library and the sports centre were not to be granted a licence.

Please let us know should you require anything further at this stage.

Kind regards



Felicity Little per Caitlin Grant