

**LICENSING COMMITTEE INFORMATION SHEET**  
**06 September 2023**

**Public Application**

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**APPLICANT:** ALISTAIR BLACK

**ADDRESS:** 118 GALLOWGATE, ABERDEEN

**AGENT:** WINCHESTERS LETTINGS

**INFORMATION NOTE**

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the certification and work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 06 September 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 06 September 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification requirements.

**DESCRIPTION**

The property at No.118 Gallowgate, Aberdeen, is a flatted property on two floors, providing accommodation of 4 letting bedrooms, open plan kitchen/lounge and shower room. The applicant has requested an occupancy of 3 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'](#)

### 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 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 the registration includes No. 118 Gallowgate, Aberdeen.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No. 118 Gallowgate, Aberdeen.
- The extent of the above-mentioned certification requirements is as follows:
  - 1) The bathroom downlight is to be re-fitted to the ceiling, as discussed on site.
  - 2) All self-closing doors must be capable of closing fully against their stops from all angles of swing. In this regard the bedroom 3 door is to be adjusted to latch correctly.
  - 3) The faulty/missing latches located on the bedroom 2 & 4 doors are to be renewed and the doors checked for correct operation.
  - 4) A window in each room must be capable of being easily opened for ventilation. In this regard the bathroom window is to be eased to operate correctly and keys supplied for the window handles, the bedroom 1 pivot window is then to be checked for correct operation.

- 5) There appears to be mould growth above the bedroom 2 window; this should be treated with an anti-fungicidal wash as per manufactures instructions. The affected areas should then be coated with an anti-fungicidal paint and then decorated accordingly.
  
- 6) The following documentation to be submitted for inspection:
  - Notice of HMO Application - Certificate of Compliance – Online HMO application confirmation required.
  - Electrical Installation Condition Report, which meets the requirements of BS 7671 - Re-test date required.
  - Gas Safety Certificate, detailing all gas appliances and carbon monoxide detectors (annually).
  - Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).
  - Private Residential Tenancy Agreement, an anti- social behaviour clause must be detailed.