

LICENSING COMMITTEE INFORMATION SHEET
21 February 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MARTIN FLETT

ADDRESS: THIRD FLOOR FLAT, 21 JUSTICE STREET, ABERDEEN

AGENT: D J ALEXANDER

INFORMATION NOTE

- Application Submitted 13/04/2023
- Determination Date 12/04/2024

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 21 February 2024, 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 21 February 2024. I will advise the Committee whether the applicant has satisfactorily completed the necessary work.

DESCRIPTION

The property at Third Floor Flat, 21 Justice Street, Aberdeen, is a 3rd Floor, flatted property, providing accommodation of 3 letting bedrooms, 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'](#)

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 the registration includes Third Floor Flat, 21 Justice Street, Aberdeen.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of Third Floor Flat, 21 Justice Street, Aberdeen.
- The extent of the above-mentioned work requirements are as follows:
 - 1) Mould at the lounge and bedroom 1 and 2 window areas
 - 2) The property has water ingress to the lounge and bedroom 3 areas