

LICENSING COMMITTEE INFORMATION SHEET
24 April 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MICHAEL MCFADYEN

AGENT: WINCHESTERS LETTINGS

ADDRESS: UPPER FLAT, 6 SUNNYSIDE ROAD, ABERDEEN

INFORMATION NOTE

- Application Submitted 09/05/2023
- Determination Date 08/05/2024

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that work and certification requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 24 April 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 24 April 2024. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification.

DESCRIPTION

The property at Upper Flat, 6 Sunnyside Road, Aberdeen, is a 1st floor, flatted property, 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 the registration includes Upper Flat, 6 Sunnyside Road, Aberdeen.
- The Council's Community Safety Team has no record of any complaints of anti-social behaviour involving the tenants of Upper Flat, 6 Sunnyside Road, Aberdeen.
- The extent of the above-mentioned work requirements are as follows:
 - 1) Repair bedroom 2 middle bay window and kitchen window, to operate correctly.
 - 2) Prohibition notice required for open fire in bedroom 2.
 - 3) Repair/renew thumb turn lock on bedroom 1 door.
 - 4) Renew failed double-glazed unit at kitchen window (identified at follow up inspection).

The following certificates must be provided:

1. PAT Certificate
2. Electrical Installation Condition Report, which meets the requirements of BS 7671
3. Certificate of Compliance
4. Tenancy Agreement