

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-1628 - Inspections
Date: 01 December 2017 10:20:52
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED],

Thank you for your information request of 8 November 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

Could you please disclose how many inspections you carried out on private rented housing in 2017, 2016, 2015,2014? Please provide a breakdown

In relation to HMO licensing, we carry out a minimum of 2 inspections (initial inspection & final inspection) following the submission of a licence application. Often interim inspections are also required. These inspections are a routine part of the licensing process and are unconnected with enforcement activities. We manually record these inspections in a paper file for each HMO property. We also carry out inspections of suspected unlicensed HMOs.

During financial year 2014/15 we granted 397 HMO licences and carried out 48 enforcement-related inspections.

During financial year 2015/16 we granted 525 HMO licences and carried out 158 enforcement-related inspections.

During financial year 2016/17 we granted 482 HMO licences and carried out 33 enforcement-related inspections.

Each of the 1,404 HMO licences referred to above would have had an initial inspection and a final inspection therefore a minimum of 2,808 inspections were carried out. To accurately confirm the actual amount of inspections carried out in excess of 2,808 would require a Private Sector Housing Officer examining each of the 1,404 HMO paper files and recording the information.

In relation to Landlord Registration we do not inspect rental properties following submission of an application for Landlord Registration. We occasionally inspect non-HMO rental properties following complaints received and give advice to landlords and tenants alike. These inspections are not recorded.

In relation to Scheme of Assistance, we inspect many flatted properties annually but do not differentiate between private rented and owner-occupied.

Environmental Health at Aberdeen City do not routinely carry out inspections of private rented housing. An officer may attend in response to a service request received by a tenant. This may be due to an issue relating directly to the property, a common issue within a block of flats or an issue which is being caused by an adjacent property.

Whilst visiting the property we would only attend to the issue specifically raised and would not carry out an inspection of the property

ACC is unable to provide you with information on **how many inspections you carried out on**

private rented housing in 2017, 2016, 2015,2014 as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 10(4)(b) – Manifestly Unreasonable - of the EIRs.

In making this decision ACC considered the following points:

HMO licensing is a statutory requirement which is the responsibility of the Private Sector Housing Unit. 4 Private Sector Housing Officers carry out HMO licensing and each Officer is responsible for dealing with an application from start to finish. To report an accurate figure of the number of inspection would require an examination of each of the 1,404 paper HMO files by an officer, and the relevant information extracted. The HMO paper files vary in terms of their complexity i.e. a fairly simple 3 person HMO, to a 500 person student halls HMO. An average of 5 minutes per file is required to extract and record the information. This equates to 117 hours for the total 1,404 files.

As mentioned above, HMO licensing is a statutory activity for which certain statutory deadlines are imposed and adhered to. The removal of an Officer or Officers to examine the HMO files would remove them from their principle task which is to deal with HMO licence applications and enforce against landlords of unlicensed HMOs.

Under our duty to advise and assist, we have provided you with the minimum amount of HMO inspections carried out.

How many warnings or penalties have been issued to landlords over the same period? (If one individual received multiple warnings/penalties please outline how many they received). This relates to warnings/ penalties following inspection and specifically in relation to quality of tenement rather than other fines.

We do not issue Warning Notices/Penalties. If there is a statutory nuisance in existence an abatement notice may be issued to one, several or all of the owners in the block

How many prosecutions have you brought against private landlords over the same period and on what grounds? Please provide an annual breakdown.

The Private Sector Housing Unit has never reported a private landlord to the Procurator Fiscal.

How many of those have been successfully prosecuted?

Not applicable, please see our response above.

Among those you attempted to prosecute, how many of had been warned/fined in the past and how many times?

Not applicable, please see our response above.

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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