

## Housing (Scotland) Act 2006, Part 5 House in Multiple Occupancy (HMO) Licence Application



### Before you complete the application

To make the application process as easy as possible please ensure you have the following to hand before you start completing the form:

- Legal ownership details of the property.
- Agent and owner details where applicable.
- When applying as a company, names, private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities.
- Current Energy Performance Certificate (EPC) status of the premises.
- Any criminal convictions for all persons named on the licence application.

### You will also need to provide the following documentation (where applicable):

- Floor plans of the premises (for new applications, altered premises or where plans have never been submitted).
- A copy of the current or proposed Tenancy Agreement (PRT) for the property.
- A copy of the property Insurance Policy showing Public Liability and Indemnity cover.
- Verification of the most recent Electrical Portable Appliance Testing (PAT) for the property.
- A copy of the Legionella Risk Assessment (LRA).
- A copy of the current Gas Safety Certificate for all gas appliances.
- A valid copy of an Electrical Installation Condition Report (EICR) for the property, including confirmation that the property is fitted with a Residual Current Device (RCD).
- Where the water supply is not provided by Scottish Water but by a private water supply, a current Bacterial Test Certificate and Risk Assessment will be required.
- Fire Safety Risk Assessment (FRA).
- Fire Detection/Warning System (Maintenance and Testing Record).
- Emergency Lighting (Maintenance and Testing Record).
- Firefighting Equipment (Maintenance and Testing Record).

### After completion, please return the application form and all above documentation including payment to:

c/o Mr Adam Black  
Housing Standards  
Dumfries and Galloway Council  
Militia House  
English Street  
Dumfries  
DG1 2HR

Direct Dial: 01387 273164

Your application may be marked as incomplete and returned to you, if we do not receive all the documents listed above, in addition to a fully completed Application Form and the appropriate fee.

Please note that failure to renew timeously may result in an application for a NEW Licence being required at a higher cost.

An objection may be lodged at any time within 21 days from the date of acceptance of the application and therefore the licence cannot be issued within that period.

**Housing (Scotland) Act 2006, Part 5  
HMO Licence Application**



**ALL FIELDS ARE COMPULSORY (where appropriate)**

**1. OWNERSHIP**

Who is the property owned by?

- Company or a business *(complete section 2a)*  
 An Individual *(complete section 2b)*

**2a. OWNERSHIP – COMPANY OR A BUSINESS**

Company or Business name:

Address of Principal or  
Registered Office:

Where the application is made on behalf of a company or business, the details of a named person who has responsibility for the property are required for the assessment of the application.

Full name:  
*(Of responsible person)*

Home address(es) for last 5  
years:  
*(Use a separate sheet of  
paper if necessary)*

Address(s)	From	To

Position in company:

Date of birth:

Business telephone number:

Business e-mail address:

**2b. OWNERSHIP – INDIVIDUAL**

Please complete the details of the person named on the title deeds of the property.

Full name of legal owner:

Home address(s) for last 5 years:  
*(Use a separate sheet of paper if necessary)*

Address(s)	From	To

Contact telephone number:

Contact e-mail address:

Date of birth:

Place of birth:

**3. INTERESTED PARTIES AND MANAGER**

Please add the full names, home addresses and dates of birth of any Directors, Partners, Trustees or Joint Property Owners who have not already been specified.

*(A police check may be carried out on the named individuals as part of the Fit and Proper Person test if necessary for the application)*

Other interested parties:  
*(Use a separate sheet of paper if necessary)*

Name:
Address:
Date of Birth:
Connection with property:

Please provide the Agent or name of the person(s) who is responsible for the management of the tenants on a daily basis.

Name:  
*(Company or person)*

Date of birth:

Address - company or person for last 5 years:  
*(Use a separate sheet of paper if necessary)*

Address(s)	From	To

Daytime telephone number:

Additional telephone number:

e-Mail address:

Disclosure Scotland Number or PVG Number:

#### 4. TYPE OF LICENCE & OTHER REGISTRATIONS

Is this an application for a new licence or the renewal of an existing licence?

Renewal       New

Reference number of existing Licence *(if appropriate)*

Expiry date of existing licence *(if appropriate)*

#### LICENCE FEES & PAYMENT METHODS

NUMBER OF OCCUPANTS	NEW LICENCE	RENEWAL LICENCE
3-5	£1044.75	£708.75
6-10	£1144.50	£787.50
11 or more	£1312.50	£945.00

**Please note that your application is not valid until payment has been received by Dumfries & Galloway Council along with your completed Application Form and documentation.**

You can pay your application fees as follows:

- By Cheque (payable to Dumfries & Galloway Council) - please write your name, address, and licence number (if appropriate), on the back of your cheque.
- By Postal Order.
- By BACS – please contact us for further details.

Have the legal owner, company or other interested parties previously held, or currently holds a House in Multiple Occupation Licence?

YES       NO

Which Authority granted the licence? *(if appropriate)*

When was it granted? *(if appropriate)*

When did/does it expire? *(if appropriate)*

Has any person named ever been refused a House in Multiple Occupation licence?

YES       NO

**5. PREMISES TO BE LICENSED**

Please select and tick the current use of the property

Landlord with lodgers.  
 Bedsit accommodation.  
 Shared flat or houses let as a whole.  
 Nurse's homes.  
 Student hall of residence.  
 B&B, hotel or guesthouse.  
 Hostel.  
 Sheltered accommodation.  
 NHS hospital - where employees reside.  
 Other employee residence.

House name and address of the premises which requires an HMO licence

Is this property jointly owned or part of a trust?

YES       NO

Maximum number of proposed residents

Total number of bedrooms available

How many are single occupancy bedrooms?

How many are double occupancy bedrooms?

Does anyone work on the premises?

YES       NO

Anyone that is employed to work in the premises in a position of trust or authority should be adequately vetted and managed by the owner or the daily manager.

**6. SHARED FACILITIES**

Specify the location and number of cookers available in the kitchen(s) for the tenants use (a standard cooking facility consists of a four ring cooker with oven)

Specify the location and number of kitchen sinks available for the tenant's use

Specify the location and number of toilets available for the tenant's use

Specify the number of showers or baths available for the tenant's use

How many washing machines are available for the tenant's personal use?

How many tumble dryers are available for the tenant's personal use?

Is there an outside washing line for the tenant's use?

YES       NO

Is there a shared living room available for the tenants and their guests?

YES       NO

**7. WATER AND DRAINAGE**

Is there an adequate supply of hot and cold water in the premises?

YES     NO

Are any of the drinking water points supplied through lead pipes?

YES     NO     DON'T KNOW

Is the premises supplied with mains water or from a private supply?

MAINS     PRIVATE

Has a Legionella Risk Assessment been carried out?

YES     NO

Please enclose a copy of the Bacterial Test Certificate.

Is the drainage from the premises connected to the main sewerage or private system?

MAINS     PRIVATE



**8. DOCUMENTS AND OTHER PROVISIONS**

Please specify the type of lease or occupancy agreement used for the tenants within the property

Please enclose a copy of the lease or occupancy agreement.

Does the property have a gas central heating system, or any other gas appliances?

YES       NO

Please enclose a copy of the Gas Safety Certificate.

A Schedule of Insurance must be provided confirming the insured use of the property and the level of Public Liability and Indemnity cover included within the policy. Please enclose a copy of this document.

All appliances supplied by the owner or manager for the tenant's use (i.e. cooker, fridge, TV, kettle, vacuum cleaner, etc) need to be tested annually for electrical safety. Please enclose evidence of the most recent Portable Appliance Testing (PAT) Certificate.

Certification which meets the requirements of BS7671 must be provided to confirm that the electrical system within the property is safe and has been tested every five years. Please enclose evidence of the most recent Electrical Installation Condition Report (EICR).

**Other Provisions**

If required, has an application been made for a change of use in Planning terms for the proposed use of the property?

YES       NO

What is the authorised use of the property in planning terms (if known)?  
*(i.e. domestic house, shared residential accommodation, hotel/hostel etc.)*

If required, has a Building Warrant application been made for any alterations for the proposed use of the property?

YES       NO

Has provision been made for waste collection ancillary to the normal domestic collection?

YES       NO  
If yes, please provide further details:

## 9. FIRE SAFETY

### Fire Risk Assessment

The Fire (Scotland) Act 2005 places a responsibility on a 'duty holder' to carry out a Fire Risk Assessment for non-domestic premises.

The Fire Risk Assessment should be benchmarked against the Practical Fire Safety Guidance for small premises providing sleeping accommodation (or medium and large as appropriate), as provided by the Scottish Government.

### Emergency Lighting Maintenance Certificate

In properties where emergency lighting is installed you will need this tested annually by a competent person and a copy of the Periodic Inspection and Test Certificate for Emergency Lighting must be provided.

### Fire Extinguisher Maintenance Certificate

Fire extinguishers are required to be maintained and tested annually. This can be recorded with a certificate or an invoice from the contractor.

### Fire Alarm Maintenance Certificate

Periodic certification is required to confirm that the Fire Detection Alarm System has undergone an inspection. This must be carried out by a competent person and in accordance with BS5389-1 (current edition).

**10. CRIMINAL CONVICTIONS**

In determining an application, a local authority must assess those persons named in the application to determine whether or not they are "fit and proper persons". Section 85 of the Antisocial Behaviour etc. (Scotland) Act 2004 sets out what can be taken into account in deciding whether a person is considered fit and proper in respect of an application. Assessments are made at the time of application and reviewed during the term of the HMO Licence with any additional information if applicable. In certain circumstances, the Fit and Proper Person Assessment may be applied retrospectively.

A Fit and Proper Person Assessment must be carried out on all named persons on the application for an HMO Licence. **Details of all Convictions and Fixed Penalties (Criminal and Civil) including spent convictions must be given below even if they have been previously disclosed on a prior application.**

You must disclose details of any offences involving fraud or dishonesty, violence, drugs, firearms, or sexual offences.

Declare if you have been charged with unlawful discrimination on grounds of sex, colour, race, ethnic or national origins, or disability. Or contravened any provision of the law relating to housing or landlord and tenant law, and any other material if it appears to the authority that the material is relevant to the question of whether the person is a fit and proper person in relation to this application.

**Failure to disclose these matters is a criminal offence.**

Convictions  
*(Use a separate sheet of paper if necessary)*

Name:

Date of offence:

Court:

Crime/offence:

Penalty:

**10. CRIMINAL CONVICTIONS - Continued**

If you have no Convictions/Court Judgements/Tribunal or ASB Decisions to report for any person named on the licence, then please confirm by placing a **tick** in the checkboxes below.

I confirm there are no Convictions/Court Judgements/Tribunal or Antisocial Behaviour Act Decisions to report.

I authorise the Chief Constable to make available to the Licensing Authority, details of my previous convictions and conditional offers of fixed penalties for inclusion in any report for submission to the Licensing Authority on my application.

I understand that the Licensing Authority may carry out additional Fit and Proper investigations as part of the HMO Licensing application process.

I declare that the above particulars of previous convictions and fixed penalties are accurate.

Signed by

Date

**10. CRIMINAL CONVICTIONS - Continued****EXPLANATORY NOTES ON THE REHABILITATION OF OFFENDERS ACT 1974**

An applicant for an HMO licence will need to disclose both spent and unspent convictions. Although spent convictions may not normally be a primary consideration, the Council may take them into account along with any declared unspent convictions when deciding upon an application.

The Rehabilitation of Offenders Act 1974, as it applies in Scotland, was amended under the Management of Offenders (Scotland) Act 2019. The following disclosure periods apply.

<b>Sentence Length</b>	<b>18 or over on date of conviction</b>	<b>Under 18 on date of conviction</b>
Up to (and including) 12 months.	Length of sentence plus 2 years.	Length of sentence plus 1 year.
Over 12 months and up to (and including) 30 months.	Length of sentence plus 4 years.	Length of sentence plus 2 year.
Over 30 months and up to (and including) 48 months.	Length of sentence plus 6 years.	Length of sentence plus 3 year.
Over 48 months.	This is an excluded sentence, and the conviction will not be spent after a specific amount of time.	This is an excluded sentence, and the conviction will not be spent after a specific amount of time.

<b>Disposal</b>	<b>18 or over on date of conviction</b>	<b>Under 18 on date of conviction</b>
Absolute discharge.	Zero.	Zero.
Admonishment.	Zero.	Zero.
Bond of caution.	6 months, or length of caution period, whichever is the longer.	3 months, or length of caution period, whichever is the longer.
A fine or compensation order.	1 year.	6 months
Community Payback Order, Drug Treatment and Testing Order and Restriction of Liberty Order.	12 months or length of order, whichever is the longer.	6 months or length of order, whichever is the longer.
Adjournment/Deferral after con-.	Until relevant sentence is given.	Until relevant sentence is given.
An order under section 61 of the Children and Young Persons (Scotland) Act 1937.	N/A.	12 months.
Ancillary Orders	Length of order.	Length of order.
An endorsement made by a court in relation to an offence mentioned in schedule 2 of the Road.	5 years.	2 years 6 months.
Any other sentence not mentioned in sections 5 to 5 of the 1974 Act.	1 years.	6 months.

The periods of time which must elapse in other cases before the conviction becomes spent vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended if a further offence has been committed during the rehabilitation period.

Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974" or from a Solicitor.

**11. DECLARATION**

I am applying for a House in Multiple Occupation Licence. I certify that the information supplied is correct and I will display the public notice on or near the premises for a continuous period of 21 days.

(tick box)

I authorise Dumfries and Galloway Councils' Housing Standards to request information relevant to this application from other Council departments and relevant organisations.

(tick box)

Under part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, all private landlords and their rental properties must be registered with the Local Authority before they can be let. Where there is an HMO property that is the subject of a new licence application and is not on the register, the Local Authority will use the information supplied on this licence application form to create a new landlord registration for the named owner.

Signed by

Date

**Whilst processing this application background enquiries will be made which may include reference to personal data held on computer records. Any applicant who authorises any person who is not specified on the application form to do anything which may facilitate the occupation of the property as an HMO, may be liable to prosecution and a fine of up to £10,000.00.**

## 12. HMO MANAGEMENT STANDARDS

### Licensing conditions to be included in all HMO licences

**LC1** - The Licence Holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The HMO owner should hold all the necessary certificates.

**LC2** - The Licence Holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the living accommodation.

**LC3** - The Licence Holder must ensure that the physical standards for HMO living accommodation assessed as suitable by the local authority when approving the licence application are met at all times.

**LC4** - The Licence Holder must ensure that the number of persons residing in the premises shall not exceed the maximum number stated on the licence.

**LC5** - The Licence holder must make the Licence, including any conditions and the current electric and gas certificates available to occupiers within the premises where it can be conveniently read by residents. The Licence Holder shall further at all times display the HMO Licence in a prominent position within the premises.

**LC6** - The Licence Holder must ensure that actions to secure repossession are only by lawful means.

**LC7** - The Licence Holder must ensure that liquefied petroleum gas (LPG), or any other highly flammable liquid, gas or substance, is not used or, unless in any external store designed and approved for such storage, stored on the premises.

**LC8** - The Licence Holder shall comply with the current regulations regarding the maximum re-sale prices of gas and electricity supplied, as appropriate.

**LC9** - The Licence Holder shall ensure that let rooms are fitted with a lever latch and secured with a suitable local and thumb turn mechanism or other appropriate locking mechanism.

**LC10** - In addition to the requirements of LC1 to maintain furnishings and fittings during the period of the licence, the licence holder should at the start of any tenancy or occupancy of any room, ensure that any furniture is in a clean and serviceable condition, free from stains and damage, beds and particularly mattresses are clean and in a serviceable condition, bedding including pillows, duvets, covers and pillow cases are freshly laundered and free from rips and tears or replaced as necessary. Communal areas should likewise be maintained in the same manner.

**LC11** - The licence holder must ensure that walls and ceilings are in a reasonable condition, taking into account the age and nature of the building, should be wallpapered or painted, or a combination, should be clean and without significant marks or staining. Washing marks from walls or painting over marks (in the same colour) where appropriate will be acceptable. Wallpaper must be properly fixed to walls. Woodwork should be painted or varnished and maintained to a reasonable standard.

**LC12** - The licence holder must ensure that floor coverings are clean and free from stains and properly fixed to the floor. Floor coverings that are worn excessively or any damage that introduces trip hazards will require the floor covering to be replaced. Minor damage, e.g. a minor burn, may be acceptable, provided the floor covering is otherwise serviceable.

**LC13** - The licence holder must ensure that the exterior of the property is maintained to a reasonable standard, with painted surfaces being maintained, windows cleaned, no rubbish being dumped in or around the property (including furniture removed from the property) and regular maintenance of gardens, including grass being cut, weeds being removed, general pruning of trees and shrubs as required.

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## **HMO STANDARDS AND LICENSING GUIDANCE**

The licensing of HMOs seeks to control standards in three main areas: the suitability of a property owner to be an HMO landlord, his or her management of the premises, and the physical condition and facilities of the accommodation. These things must be checked before a licence is granted; the licence is then usually granted with conditions which require the standards to be maintained through the period of the licence. A licensing authority has discretion to set any reasonable conditions it thinks fit.

## **FIT AND PROPER PERSON**

The licensing authority must be satisfied that the person applying for an HMO licence is a "fit and proper person" to hold a licence. The same test applies to any person managing the premises, any director or partner in a company or organisation which owns or manages the HMO, and any employee in a position of trust or authority over the tenants within the HMO property.

The legislation does not give a precise definition of a "fit and proper person", but the licensing authority will check with the police whether the applicants have any relevant convictions. Not all convictions would be relevant to a person's prospective role as an operator of an HMO. For example, motoring offences would not be relevant, but a conviction for fraud or theft could be since the operator would be in a position of trust. If the HMO operator is subject to any other form of regulation, the licensing authority may wish to approach the relevant regulatory authority, such as the Care Commission or Environmental Standards, for their comments. This would usually focus on the applicant's record of maintaining standards and their response if concerns are raised.

## **MANAGEMENT STANDARDS AND LICENSING CONDITIONS**

Good management by the landlord is vital if the aims of HMO licensing are to be achieved. Physical standards must be maintained, tenants' rights must be respected, and any problems which arise during the period of the licence must be effectively addressed. Good management is also key to tackling the issues which most concern neighbours of HMOs, such as building maintenance, cleaning, and noise or disturbance. For these reasons, licensing authorities are expected to give equal weight to management issues as to physical standards in deciding whether to grant, renew or suspend a licence.

The landlord of a licensed HMO has two main sets of obligations. One is to meet the requirements of licensing, which the local authority has the responsibility to enforce. The other set of obligations relates to the tenancy or occupancy agreement between the landlord and the tenant and the legal requirements governing tenancies and the provision of residential accommodation.

All types of HMO should provide occupants with some form of agreement setting out the rights and responsibilities of both parties, even if the accommodation is only temporary. Good management based on a clear tenancy/occupancy agreement can be very effective in tackling such problems at an early stage.

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## TENANCY/OCCUPANCY AGREEMENTS

### **Individual and joint tenancies**

In most HMO situations, the occupants do not know one another before they move in, and they move in and move out at different times. In order to be clear what each person is responsible for, particularly in terms of rent and any payments due for damage or bills, it is best practice for each of them to have a separate tenancy or occupancy agreement, which also specifies the parts of the accommodation which they have an exclusive right to occupy and the parts which they share with others.

Some landlords grant tenancies in an HMO on a "joint and several" basis, in which all the tenants are jointly responsible for the rent and other liabilities, but if any of them defaults, the others are required to cover that debt.

### **Re-letting, sub-letting and visitors**

In some shared flats and houses, the landlord may require the remaining tenants to find a new tenant when someone leaves, or they may set up the tenancy so that one person is the principal tenant and the others sub-let from them. In any such case, there should be an agreement in writing which clearly sets out the tenants' responsibilities and liabilities for such things as advertising costs, taking up references and arranging for the payment of rent. If the landlord takes on the task of finding new tenants, he should give the existing tenants at least 24 hours notice of a new tenant moving in.

Landlords should take steps to ensure they are aware of who is staying in their property on an informal basis. A person who may be considered a long-term visitor by the tenant could be defined as an additional resident by the licensing authority. In supported accommodation, there may be very strict rules about non-residents being brought into the premises, for security reasons. In a shared flat, the landlord may simply wish to be informed of any visitors staying for longer than a specified period.

### **Tenancies and Leases**

Some HMO buildings, particularly where some form of care or support is provided, are owned by one person or organisation, and leased by another, which operates the day-to-day management and lets the accommodation to individuals. This is most often the case with supported accommodation or hostels leased by a voluntary organisation from a local authority or RSL. Universities, in particular, may also manage properties which are (effectively if not formally) leased to them by individual owners.

This is a different situation from an owner using an agent to manage their property. It does not change the responsibility of the owner to obtain the HMO licence, since they are giving permission for the lessee to use the property in that way. However, in terms of the relationship with the occupiers, it is the lessee's procedures and tenancy/occupancy agreements that should be scrutinised. The licensing authority should also examine the terms of the lease between the owner and the operator, to ensure that responsibility for issues such as maintenance are clear, and that the operator has the freedom and authority necessary to fulfil its duties towards the occupants.

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A sound tenancy or occupancy agreement is an essential base for good management of any rented property, setting out the rights and responsibilities of both the landlord and the tenant. A licensing authority will normally require to check before awarding an HMO licence, that the operator uses an acceptable form of tenancy or occupancy agreement. This may be a formal tenancy or may come in another form, such as, in temporary accommodation, a list of house rules and service standards, or as part of a contract of employment or a care and support plan.

The importance of the tenancy/occupancy agreement is not simply as a piece of paper, but as a statement of intent and commitment to acceptable behaviour from both parties, which can then be monitored.