

# Licensing of Houses in Multiple Occupation Guidance Notes

## Orkney Islands Council

### Housing (Scotland) Act 2006

Before lodging your application for a licence for a House in Multiple Occupation (HMO) please ensure that you have read the following guidance notes.

1. You should note that a licence for a House in Multiple Occupation is required if three [3] or more unrelated adults live and share either cooking, toilet or personal washing facilities. The definition includes hostels, bedsits, student residences and shared flats. The premises should be the sole or main residence of those people.
2. The applicant must be the owner of the property. Where the applicant is an individual natural person, the whole of question 1 must be completed, and question 2 should be ignored.
3. Where the applicant is a company, partnership or other non-natural person, the whole of question 2 must be completed and question 1 should be ignored.
4. The Council require you to provide proof of ownership of the premises stated on the application form.
5. A separate application requires to be submitted in respect of each residence occupied as an HMO.
6. The Council has established Conditions to ensure that Houses in Multiple Occupation (HMOs) are managed to an acceptable standard and that the standards set by the Council for facilities and safety are adequately maintained. Nevertheless, because houses in multiple occupation may differ there is provision for an applicant for a licence to seek exemption from, or relaxation of, a licence condition. Such an application should be made in writing to the Environmental Health Manager and should specify the grounds on which the application is made.
7. Applicants for licence should also examine the Council's Standards for Houses in Multiple Occupation to determine whether they might wish to seek a relaxation or exemption in respect of any of those.
8. The enclosed Public Notice requires to be completed and displayed at or near the premises where it can be easily read by the passing public in the street, for a continuous period of 21 days, starting on the day the application is lodged with the Council.

**NB: This does not apply to applications where the display of such a notice would jeopardise the safety or welfare of any person or the security of any premises. If you have any concerns regarding the display of the notice please discuss the matter with Environmental Health.**

9. The enclosed Certificate of Compliance requires to be completed and returned to the Council only after the 21 day notice period is over.
10. The fees for an HMO licence are published at <http://www.orkney.gov.uk/Service-Directory/S/council-charges.htm>.
11. An application for licence in respect of an HMO should be accompanied by 5 copies of plans of the premises. These plans should include a floor plan of each floor to a scale of 1: 50 with elevations to a scale of 1:100 and should include a section through the building (including stairs) where the building is more than one storey. The plans should include all appropriate structural detail required to assess the suitability of the building. A site plan (including boundaries) to a scale of 1:500 should also be provided.
12. Please note that any HMOs with 6 or more tenants require planning permission. If you plan to convert a listed building into an HMO you may also require planning permission. If you have any questions about planning applications please contact Orkney Islands Council's Development Management on (01856) 873535.
13. Whilst processing the application, Orkney Islands Council Environmental Health will consult with the following:-
  - Development Management;
  - Building Standards;
  - Housing and Homelessness Services;
  - Police Scotland; and
  - the Scottish Fire and Rescue Service.
14. Your premises may be inspected by the Services referred to in paragraph 13 above. However, the Services involved will try to arrange to co-ordinate their visits to minimise inconvenience.
15. The application may not be granted unless the premises have planning consent or a certificate of lawfulness or that the premises do not require such consent to operate as a House in Multiple Occupation. Similarly, the property should have a relevant Building Warrant and Completion Certificate.
16. Once all the consultations have been carried out, you will be told of the nature of these enquiries. The results of them may be taken into account in coming to a decision on your application. If any objections against your application are received, they will be reported to the Licensing Sub-committee of the Council and you will be given an opportunity to be heard by the Committee before a decision is made on your application.
17. The Council must consider your application within 3 months of it being lodged and reach a decision on it within 12 months. However, if no objections are received, your application will normally be dealt with and a licence issued as soon as reasonably practicable after the conclusion of the consultation process. You may not operate as a House in Multiple Occupation until you have been issued with a licence. The licence should be displayed at all times. You should also show this licence to a police officer, fire officer, an officer from Orkney Islands Council or to any member of the public on demand.

18. The Council may refuse an application:-
- if they consider that the applicant is not a fit and proper person to hold a licence;
  - where the premises are not considered suitable for the proposed activity;
  - if there is deemed overprovision of HMOs within the area.
19. If your application is refused, or granted conditionally, you are entitled to ask the Council to give reasons for such refusal, or the imposition of such conditions, within 14 days of receiving notice of the decision. You are entitled to appeal to the Sheriff against the decision on various grounds within 28 days of receiving notice of the decision. You should seek the advice of a solicitor if matters get to that stage.
20. In order to comply with the requirements of the Fire (Scotland) Act 2005 the applicant must use the sector specific guidance signposted by the Scottish Fire and Rescue Service at <http://www.firescotland.gov.uk/your-safety/for-householders/rented-accommodation.aspx> and supplied free by the Scottish Government at <http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/landlords/physical/rules/repairing>.
21. Further information on Tenancy Management and other matters affecting private sector landlords can be found on the Housing and Homelessness Service section of the Orkney Islands Council Website at <http://www.orkney.gov.uk/Service-Directory/H/landlords.htm>.

If you are unclear about any of the above, please do not hesitate to ask a member of staff for assistance or clarification.

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