

**THE INVERCLYDE COUNCIL**

**HOUSING (SCOTLAND) ACT 2006**

**APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**EACH QUESTION MUST BE ANSWERED IN BLOCK CAPITALS (and preferably in black ink)**

|  |  |
| --- | --- |
| **1.** To be completed if a natural person (a) Full name (Block Letters) |  |
|  (b) Home Address |  |
|  (c) Age, Date and Place of Birth | Years | Date of Birth | Place of Birth |
|  |  |  |
|  (d) Is applicant to carry out day-to-day management of the activity? If not, give full name, address and date of birth of any employee or agent so engaged. Give business hours telephone number of applicant or agent.  | YES/NO |
| **2.** To be completed if not natural person (eg Company or Partnership) (a) Full name |  |
|  (b) Address of Principal Registered Office |  |
|  (c) Names, private addresses and dates of birth of directors, partners or other persons responsible for its management. |  |
|  (d) Full name, address and date of birth of employee or agent to carry on day-to-day management of the activity. Give business hours telephone number of applicant or agent. |  |
| **3.** Name (if any) and address of premises for which a licence is required (hereinafter called “the premises). |  |
| **4.** Please give details of the type of premises for which a licence is required. |  |
| **5.** Give the number of rooms used for the undernoted purposes:(a) Bedroom(b) Bathroom/Toilet(c) Kitchen(d) Lounge(e) Other (please specify) |  |
| **6.** Maximum number of persons proposed to be accommodated on the premises at any one time. |  |
| **7.** (a) If appropriate, has planning permission under the terms of the Town and Country (Scotland) Acts been applied for in respect of the use of the premises as a House in Multiple Occupation?If YES, give details and date of lodging application and, if applicable, date of grant of planning permission. (b) If appropriate, has building warrant under the Building (Scotland) Acts been applied for in respect of the use of the premises as a House in Multiple Occupation?If YES, give details and date of lodging application and, if applicable, date of grant of building warrant. (c) Are the premises the subject of a Certificate from the Fire Authority? If YES, give details of Certificate and date of last inspection. | YES/NOYES/NOYES/NO |
| **THIS SECTION MUST BE COMPLETED****8.** Have you ever been convicted of any crime or offence or had a conditional offer, fine or endorsement imposed on you, including contraventions of Byelaws, Road Traffic Offences and Environmental Health/Food Hygiene Offences? If so, subject to the provisions of the Rehabilitation of Offenders Act 1974, give particulars below. If there is insufficient space, please use a separate sheet. | YES/NO |

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Court | Offence | Sentence |
|  |  |  |  |
|  |  |  |  |
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|  |  |  |  |

**N.B ALL CRIMES AND OFFENCES MUST BE DECLARED**

|  |  |
| --- | --- |
| **9**. (a) Has any party named in 1 or 2 above previously held or currently hold a Licence for a House in Multiple Occupation? | YES/NO |
|  If YES, which Authority granted the licence? |  |
|  What was its reference number? |  |
|  When was it granted? |  |
|  When did/does it expire? |  |
|  (b) Has any party named in 1 or 2 above ever applied for and been refused a licence | YES/NO |
|  If YES, when were you refused? |  |
|  If YES, which Authority refused you a licence? |  |

|  |  |
| --- | --- |
|  (c) Have you previously held or do you hold any other licence issued by a Council? | YES/NO |
|  If YES which authority granted the licence? |  |

**I HEREBY DECLARE that I am the owner or one of the owners of the premises. I enclose the title deeds for the premises with this application.**

**I HEREBY DECLARE (a) that a Notice has been posted at or near the premises proposed for use as a House in Multiple Occupation and contains such information as is required by Paragraph 2(1) of Schedule 4 of the Housing (Scotland) Act 2006: OR**

**(b) that I have been unable to post a Notice in compliance with the requirements of Paragraph 2(2) and (3) of Schedule 4 of the said Act because (i) in so doing it is likely to jeopardise the safety or welfare of any persons or the security of any premises; or (ii) I do not have the rights of access which would enable me to do so, but I have taken reasonable steps to acquire those rights but have been unable to do so. The steps taken are as follows:- *(please specify)***

**I enclose with this application form:-**

**1. 5 sets of scaled plans of the premises drawn to a standard for building warrant application.**

**2. The application fee of £1,435.00**

**I also undertake to provide all information both in respect of the premises and of the tenancy management of the premises as may be required and that within a reasonable time. I understand that failure to produce any information within timescales indicated will delay the processing of the application and will result in the licensing authority being required to consider refusal of the application. I understand that if I do not proceed or in the event of the application being withdrawn or refused the fee is non-returnable.**

**Inverclyde Council is obliged to comply with current data protection laws and will use this information for the purposes of the Housing (Scotland) Act 2006 and related purposes.**

**Further information can be found at www.inverclyde.gov.uk/privacy**

**I HEREBY DECLARE that the particulars given by me on this form are correct to the best of my knowledge and belief.**

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NB** Any person who, in or in connection with the making of this application makes any statement which he/she knows to be false, or recklessly makes any statement which is false in a material particular, shall be guilty and liable on summary conviction, to a fine not exceeding £2,500.

To be lodged with the Licensing Section, The Inverclyde Council, Municipal Buildings, Greenock together with the appropriate fee.

|  |  |  |  |
| --- | --- | --- | --- |
| **Date Received** |  | **Fee Paid** |  |
|  |  |

**MANDATORY LICENSING FOR HOUSES IN MULTIPLE OCCUPATION**

**Checklist for Applicants**

 *Please tick*

1. Completed application form 

2. Fee 

3. Details of fire safety equipment maintenance e.g. contact etc 

 Copy of fire safety instructions to tenants 

4. Copy of tenancy agreement 

5a) Electrical installation and appliances 

 Certificate by competent person stating installation and any

 appliances supplied by landlord have been tested satisfactorily

b) Solid Fuel Heating (where appropriate) 

 Certificate by competent person stating system is

 functioning properly and confirming annual inspections

 and cleaning of chimney flues.

c) Oil Fired Heating (where appropriate) 

 Certified compliance inspection by competent person that

 system is functioning properly and ventilated properly.

d) Gas Heating (where appropriate) 

 Certificate by qualified (CORGI registered) person that all

 appliances are functioning properly and ventilation is

 adequate.

6. Extract Fans (where appropriate) 

 Spillage test details where an extract fan is fitted in the same room

 or an adjoining room containing an opened flued combustion appliance.

 *Note - Extract fan must not be fitted n the same room as a solid fuel*

 *opened flued appliance.*

**Notice for Display at Premises for period of 28 Days**

**Housing (Scotland) Act 2006**

|  |  |  |
| --- | --- | --- |
| (a) | Insert name of applicant | Notice is hereby given that (a)   |
| (b) | Insert type of Licence for which Application has been made | has lodged an application with The Inverclyde Council, Municipal Buildings, Greenock for a (b)   |
| (c) | Insert address of premises proposed to be licensed | in respect of premises at (c)   |
| (d) | Insert date not later than 28 days after the date of application, of the date of posting-up this notice for public display | Any person wishing to object or make representations in relation to the application must, not later than (d)  lodge with the Licensing Section, The Inverclyde Council, Municipal |
|  |  | Buildings, Greenock a written notice of objection or representation specifying the grounds of his objection; in this regard it should be noted that any objection or representation to an application for a licence shall be entertained by the Council as appropriate Licensing Authority only if it:- |
|  |  | (a) is in writing;(b) specifies the grounds of objection or, as the case may be, the nature of the representation;(c) specifies the name and address of the person making the objection or representation;(d) is signed by him or on his behalf;(e) was made to them within 28 days of the date listed at (d) above. |
|  |  | Date Signature  |
|  |  |  |

**THE INVERCLYDE COUNCIL**

**HOUSING (SCOTLAND) ACT 2006**

**APPLICATION FOR LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Please refer to these notes before completing the appropriate section of the application form.

These notes are designed to help you complete your application, are only for guidance and do not set out or interpret the detailed legal provisions. The Council can accept no responsibility for anything within or omitted from these notes.

This particular piece of licensing legislation is new and **IT IS STRONGLY RECOMMENDED THAT YOU CONSULT WITH YOUR SOLICITOR ON THE APPLICATION AND ON THE LEGISLATION**.

All sections of the application form have to be completed carefully. Much of the application form is self explanatory but your attention is drawn in particular to the following parts of the application form:-

**Sections 1 and 2 - Day to Day Management**

The Council requires information with regard to the person who will be responsible for the day to day management of the property. Where an application is by an individual who will be responsible for the management of the property then this should be indicated on the form. Where the application is made on behalf of a company or partnership, an individual responsible for management must be named. It is anticipated that this individual will deal with all tenancy management matters and if this is not the proposed arrangement, then information will be required as to how this will be dealt with.

**Section 4 - Description of Premises**

The premises will be inspected by officers as part of the application process. It would be helpful, however, to have a brief description of the premises, for example, detached house or flat within tenement.

**Section 8 - Convictions and Other Contraventions**

This section has to be completed for all persons named in the application. Please note that all applications are referred to Strathclyde Police for a report in respect of all persons associated with the application. It is an offence to fail to disclose a conviction even if the conviction did not result in a prison sentence or fine.

**Declaration of Ownership**

The new legislation requires a licence to be in the name of the owner or one of the owners of the premises. This means that the Council requires proof of your ownership of the premises. You will have to submit your title deeds for the premises and the Council reserves the right to have a search carried out in the Sasine Register or the Land Register at your cost. Before the search is arranged, the Council will discuss the matter with you to ascertain if the necessary information can be obtained without the use of a Search.

Please also note that the Housing (Scotland) Act 2006 allows the Council to look at everyone who may derive financial benefit from the operation of the premises as a House in Multiple Occupation and, therefore, the Council will be entitled to look beyond the applicant to satisfy itself about this particular aspect.

**TO BE RETURNED TO:**

**Licensing Section**

**Inverclyde Council**

**Municipal Buildings**

**Greenock**

**PA15 1LY**

**01475 712115**

After 28 days

**CERTIFICATE OF DISPLAY OF SITE NOTICE**

I hereby certify that a Site Notice has been displayed for a period of not less than twenty eight days on the undernoted premises (iii) in terms of Paragraph 2(1) of Schedule 4 to the Housing (Scotland) Act 2006.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Applicant/Agent:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Note referred to:**

(iii) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSING (SCOTLAND) ACT 2006**

**GUIDANCE NOTES ON LICENCES FOR PREMISES**

**TO BE USED AS HOUSES IN MULTIPLE OCCUPATION**

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| --- |
| These guidance notes are issued on behalf of Inverclyde Council for the purposes of information and general guidance. They include the Council’s own interpretation of the law and the applicant is strongly advised to obtain his own independent legal advice in any matters of doubt. |

Inverclyde Council as the local authority responsible for the processing of applications for a licence to use premises as a house in multiple occupation (HMO) under the Housing (Scotland) Act 2006. The Council also has responsibility for ensuring that the conditions on which it issues a licence for a HMO are complied with.

The purpose of this note is to outline the procedure for applying for an HMO licence and to draw attention to important points relating to such a licence.

You will find attached to these notes the following:-

1. An application form package comprising:-

 (a) Notes to assist with the completion of the application form;

 (b) Application form;

 (c) Checklist for applicants;

 (d) Site Notice for displaying at or near the premises; and

 (e) Certificate of display of the site notice.

2. A copy of the form of licence incorporating the standard conditions which the Council will seek to apply in the grant of an HMO licence, to be subject to variations demanded by particular circumstances. The licence includes as an Appendix the HMO Short Assured Tenancy (Furnished) Lease which the holder of an HMO licence for premises is expected to use as the foundation for his/her written tenancy agreement for those living within the premises again subject to variations depending on circumstances.

3. The Council’s Guide to the Physical Standards applying to an HMO.

**PROCEDURE FOR AN APPLICATION**

1. The application must be accompanied by the fee and 5 sets of scaled plans. The consultation period will only start once the Council is in receipt of **all** of these.

2. The application is sent for consultation to the Chief Constable, Police Scotland, Scottish Fire and Rescue Service and to the Heads of Regeneration & Planning and Environmental & Public Protection.

 Consultation

3. The consultation relates to the following 2 matters:-

 (a) Fitness of the applicant to hold a licence.

 Each of the persons detailed in paragraph 2 above has a period of 28 days within which to lodge an objection or to make comment on the application. This period of 28 days also applies to any other person who may wish to lodge an objection or representation in response to the application.

 (b) Suitability of Premises - Site Notice and Advertisement

As part of the application process you are required to complete and post the site notice attached to the application form and ensure that it is displayed for a period of not less than 28 days to allow people living or working in the vicinity of the premises to know about the intended use as an HMO. The Council will also place an advertisement in a local newspaper as a further means of publicising the application. A period of 28 days is allowed for any person who may wish to lodge an objection or representation in response to the application.

 You will be advised of any objections or representations received as a result of consultation with the Chief Constable and Council officials and/or the advertising of the application and be given the opportunity to respond.

4. If an objection or representation cannot be resolved at this stage, the application will be referred to the Council’s General Purposes Board for the application to be determined. You will be given the opportunity to provide a written response to any objection or representation and, at the Board’s discretion, can be given a hearing in support of your application.

5. If the Board decides to refuse your application, the decision will be confirmed to you in writing and you will have right of appeal to the Sheriff against the Council’s decision.

 6. If there has been no objection or representation to your application or, if an objection or representation has been referred to the Board who have decided to allow the application to proceed, the application will then be dealt with in detail by the Council along with Police Scotland and Scottish Fire & Rescue Service.

7. The plan of the premises which you require to submit and the tenancy agreement which you propose to use will be among the material used by the Council and Scottish Fire and Rescue Service who will carry out at least one visit to the premises to ensure that they are fit for the proposed use as an HMO and that you or the person appointed by you to supervise the premises will deal with the residents in an acceptable way. If there are works which have to be carried out to make the premises fit for use as an HMO or measures you have to take in managing the use of the premises as an HMO, these will be detailed in writing to you. You should note that because of the nature of this licence, the Council is allowed an initial period of up to one year to reach a final decision for the grant or refusal of a licence and the time taken before a licence is granted is often dependent on the co-operation of the applicant in dealing with the points raised by the Council as Licensing Authority.

8. As a matter of policy, in normal circumstances the Council issues a licence for an HMO for a maximum period of three years only.

9. Please note that it is the licence holder’s responsibility to remember to apply for a new licence before the current licence expires, otherwise, once the licence expires, the premises will be unlicensed until a new licence is issued by the Council.