

**EAST AYRSHIRE COUNCIL
HOUSING (SCOTLAND) ACT 2006**

**Application for the Grant/Renewal of a Licence for a House
in Multiple Occupation**

Please read the application form and accompanying notes before completing this form in block letters

1. Address of Premises for which licence is sought including Postcode	
Complete Q2 or 3 & 4 2. Details of applicant (if not company or partnership) Full Name Maiden Name National Insurance No Address including postcode Telephone No Mobile Telephone No Date of Birth Place of Birth Go to Q5	
3. Details of applicant Company/partnership/trust Name of Company Address of Head/Registered Office Company Registration No. Date of Registration	
4. Full Name, Address, Place and Date of Birth of all Company Directors, Company Secretary and any other persons concerned in its management. Please continue on a separate sheet if necessary and attach to the application.	

<p>5. Details of any joint owner(s) of the premises or persons (other than the applicant) who will derive financial benefit from the operation of the premises.</p> <p>Full Name, Address, Place and Date of Birth for each.</p> <p>Please continue on a separate sheet if necessary and attach to the application.</p>	
<p>6. Details of person who will act as an agent for the premises (if the applicant is a non-natural person, then details of a named <u>individual</u> must be provided in the section)</p> <p>Full Name</p> <p>Maiden Name</p> <p>National Insurance No</p> <p>Address including postcode</p> <p>Telephone Number Mobile Telephone Number Date of Birth Place of Birth</p> <p>In the event that the agent is a company/partnership or trust, please state its Full Name, Head/Registered Office Address and Full Name, Address of Company Directors, Company Secretary and any other persons concerned in its management).</p> <p>Please continue on a separate sheet if necessary and attach to the application.</p>	
<p>7. Date of registration of title by applicant(s)</p>	
<p>8. Please give details of the type of premises (e.g. bungalow, flat etc.) and attach a floor plan of the premises, drawn to a suitable scale</p>	

9. Total number of rooms in house used exclusively as :-	1. Bed-sitting rooms : 2. Bedrooms: 3. Bathrooms: 4. Kitchen: 5. Lounge, other:
10. Number of letting rooms in house	
11. Maximum number of tenants to be accommodated.	
12. Maximum number of persons to be accommodated within the house	

13.

SCHEDULE OF DETAILS OF CONVICTIONS

Give details of all convictions for which a Court has imposed a sentence on you. Failure to disclose convictions may lead to a refusal to grant a Licence. Also include details of any **fixed penalties** imposed.

If the applicant is a limited company or partnership, details of convictions of all parties specified in the application form are required.

If you have not been convicted by a Court or received any fixed penalties write “**NONE**”.

If you are in doubt about your answer, consult your Solicitor for advice.

Note: As of 29th March, 2003 the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 requires that applicants for **Taxi and Private Hire Car and Driver Licences** must declare all previous convictions both **spent** and **unspent**.

DATE OF OFFENCE	DATE OF CONVICTION	NAME & PLACE OF COURT	NATURE OF OFFENCE	PENALTY/SENTENCE IMPOSED

**Please state if you are Registered with East Ayrshire Council as a Private Landlord
YES/NO**

If Registered please state Registration Reference No.

I/We also undertake to provide all information both in respect of the premises and of the tenancy management of the premises as may be required.

I/We declare that I/we shall, for a period of 21 days commencing with the date of this application, display at or near the premises so that it can conveniently be read by the public, a notice complying with the requirements of Paragraph 2 of Schedule 4 of the Housing (Scotland) Act 2006 and, I/we shall thereafter produce a Certificate of Compliance in compliance with Paragraph 2(5) of Schedule 4 to the Act.

I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief. I enclose £ in payment of the appropriate application fee.

Signature of Applicant/Agent

Agent's Address

.....

.....

Date.....

East Ayrshire Council is under a duty to protect the public funds it administers, and to this end may use the information you provide on this form for the prevention and detection of fraud. It may also share this data with other bodies including government organisations for these purposes.

NB Any person who in making, 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 of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

EAST AYRSHIRE COUNCIL

**Housing (Scotland) Act 2006
Part 5 – Licensing of Houses in Multiple Occupation**

SITE NOTICE

To be displayed so that it can conveniently be read by the public

NOTICE IS HEREBY GIVEN that application has been made

On (date of application)

to East Ayrshire Council for a **House in Multiple Occupation Licence**

for (maximum no of tenants)

in respect of premises at (address)

By (applicant's name)

Address/Registered Office:-.....

Day-to-Day Agent:-.....

Address.....

Any objection and representations in relation to the application should be made to the Head of Legal, Procurement and Regulatory Services, Council Headquarters, London Road, Kilmarnock, KA3 7BU generally **within 21 days** of the abovementioned date. Objections and representations should be made in accordance with the following provisions, namely:-

- (1) Any objection or representation relating to an application for the grant or renewal of a Licence shall be entertained by the licensing authority if, but only if, the objection or representation -
 - (a) is in writing;
 - (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
 - (c) specifies the name and address of the person making it;
 - (d) is signed by him/her on his/her behalf;
 - (e) was made to them within 21 days of the date when the application was made, being the date specified at the top of this notice.

Any objection or representation received will be copied to the applicant.

- (2) Notwithstanding (1)(e) above, it shall be competent for a licensing authority to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made at the time required.
- (3) An objection or representation shall be made for the purpose of (1) above if it is delivered by hand within the time there specified to the licensing authority or posted (by registered or recorded delivery post) so that in that normal course of post, it might be expected to be delivered to them within that time.

EAST AYRSHIRE COUNCIL

**Housing (Scotland) Act 2006
Part 5 – Licensing of Houses in Multiple Occupation**

DECLARATION OF COMPLIANCE OF DISPLAY OF SITE NOTICE

I/We.....

applicant(s) for a **House in Multiple Occupation Licence**, hereby certify that a Notice has been posted
at or near the premises at (address)

.....

from (dates) to.....

containing such information as is required by paragraph 2 of Schedule 4 to the above Act.

* Where the said Notice was removed, obscured or defaced during the above-mentioned period, I took
reasonable steps for its protection and replacement as follows (give details and circumstances):-

.....

.....

.....

.....

Date..... Signature of Applicant.....

*Delete if not applicable.

**This Certificate of Compliance to be returned to the Head of Legal, Procurement and Regulatory
Services, Council Headquarters, London Road, Kilmarnock, KA3 7BU, following display of the
Site Notice for 21 days.**

Housing (Scotland) Act 2006
Part 5 – Licensing of Houses in Multiple Occupation

Application Guidance Notes

In advance of submitting your application for consideration you are requested to seek advice from the Planning Department (Tel 01563 576790) regarding whether consent is required for change of use of your premises to an HMO property. Accordingly, you are requested to provide evidence of planning permission in terms of the Town and Country Planning Act 1997 or a certificate of lawfulness of use or development under this Act in respect of the occupation of the premises as an HMO.

In addition, it is advisable that you contact the Private Sector Housing Unit for information on registration as a private landlord (Tel 01563 554880).

Q 1 – Address

The applicant must provide the full statutory postal address of the property for which a licence is sought. This will be as shown on the Council Tax statement. In the event that the property is a flat, please ensure that the flat number is provided.

Q 2 – Applicant (individual)

The application must be made in the name of the **legal** owner(s) of the property. This being the person or persons having a heritable interest in the property which is capable of being recorded in the General Register of Sasines or in the Land Register. The person applying for the licence must be the owner or the property or at least one of the owners.

If the applicant is a natural person, any maiden or previous name, place and date of birth must be provided. If the application is being made in joint names then these details must be provided for each applicant. The licensing authority must decide if the applicant is a “fit and proper person” to be the holder of a licence. The application will therefore be copied to Strathclyde Police for appropriate background checks to be carried out to ascertain whether the applicant or any person who will derive benefit from the operation of the premises has a criminal record and, if so, any relevant convictions may be subject to a report in respect of the application.

Please provide a contact telephone number on which you (or your agent) can be contacted on a 24-hour basis. The Council will use this telephone number to contact you or your agent if complaints are received in relation to your premises or in the event of an emergency situation.

All applicants should be Registered with East Ayrshire Council as a Private Landlord. Please contact the Private Sector Housing Section on 01563 554880 for information in this regard prior to submitting your application.

Q 3 & 4 – Applicant (Company/Partnership/Trust)

As stated above, the owner is the person or persons having a heritable interest in the property. In the event that the applicant is a company, partnership or trust, please also provide the head/registered office address and details of all partners, company directors or trustees. Please ensure that any additional sheets used to provide this information are secured to the application form.

Q 5 – Joint owner(s)

Legislation permits the local authority to look at everyone who may derive financial benefit from the operation of the premises and are not, therefore, restricted to looking solely at the applicant if, for example, there is more than one owner.

Q 6 - Agent

In the event that an agent is to be appointed to take responsibility for managing the property on a day-to-day basis, their full details must be included on the application form. If the agent is not an individual person, then a list of all directors/partners/trustees together with their names, addresses, place of birth and dates of birth must be provided. If the applicant is also the Agent, please state this. If the applicant is a company, partnership or trust and not an individual, then details of the named individual who is to carry on the day-to-day management of the property must be provided.

Please provide a contact telephone number on which you (or applicant/licence holder) can be contacted on a 24-hour basis. The Council will use this telephone number to contact either of you if complaints are received in relation to the premises or in the event of an emergency situation.

Q 7 – Ownership of Property

Please provide the date that the property was recorded or registered in the name of the current owner(s). This will probably be a few months after the purchase of the property was completed, however, if in any doubt, please consult your solicitor. In some instances, examination of the title deeds to the property may be required and the licensing authority reserves the right to require a Search in the Sasine Register or the Land Register (the cost of which to be met by the applicant). Should this be the case, the applicant will be contacted to ascertain whether the necessary information may be obtained without reference to a Search.

Q 8 – Type of Property

Please also provide a floor plan of the property, drawn to a suitable scale, with the application.

The plan should indicate:

- All bedrooms, with dimensions, and number of persons each will accommodate
- Communal livingrooms and the number of persons each will accommodate
- Bathroom(s); indicating wc, washbasin, shower, bath
- Kitchen(s); layout of
- Whether cooking facilities and washing facilities are available in the bedrooms
- Location and number of light and power points in bedrooms
- Mechanical extract fans
- Fire escapes
- Emergency lighting units
- Fire fighting equipment, including the type of extinguishers and fire blankets
- Windows, stating the glazed/opening area of each
- Smoke detectors and full details of fire alarm and detection system installed
- Clothes drying provisions
- Facilities for storage and disposal of rubbish
- Fire resistancy of walls, ceilings, floors and doors
- Space heating provisions including details of appliance (ie solid fuel, gas, oil fired)

Q 9 – Total No of Rooms in Property

Please quote the total number of rooms in the property as requested.

Q 10 – Letting Rooms

Please quote the number of letting rooms in the property and indicate these by referencing the floor plan of the property submitted with the application.

Q 11 – Tenants

Please quote the maximum number of tenants to be accommodated. Any licence granted will refer to the maximum number of tenants permitted to occupy the premises.

Q 12 – Persons Occupying Property

In the event that the property will accommodate any owner/occupiers, family members as well as tenants, please state the total number in residence and give relationships.

Q 13 – Previous Convictions

A full response is required in respect this question for all persons named in this application. All applications are referred to Strathclyde Police and a report by the Chief Constable is submitted in respect of each person. It is an offence to fail to disclose a conviction even if, for example, it was dealt with by way of admonition.

The fully completed application form should be submitted to the Licensing Unit, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU together with the appropriate fee (currently £520.00 in respect of grant of a licence and £326.00 in respect of a renewal) and a floor plan of the premises drawn to a suitable scale.

The undernoted supporting documentation is required at the time of application:-

- **Annual inspection certificate for any solid fuel heating systems (if appropriate)**
- **Gas Safety (Installation and Use Regulations) Certificate for heating and other appliances**
- **Electrical Certificate for installed system (PIR) and appliances (PAT testing)**
- **Risk Assessment and details of fire safety management practices**

Licensing Process

These notes are designed to help you in the application process, however, are for guidance only and do not set out the detailed legal provisions, nor do they attempt to interpret these. The precise terms of the licensing requirements are set out in the Housing (Scotland) Act 2006, Part 5. In terms of this legislation it is an offence to operate a house in multiple occupation without the required licence and the maximum penalty for doing so is currently a fine of £50,000.

Site Notice

Applicants have a statutory obligation to display a Site Notice stating that an application for an HMO licence has been made. The Notice must be displayed at or near the property so that it can be conveniently read by members of the public for a period of 21 days starting on the date on which the application is lodged with the Council.

Reasonable steps must be taken to ensure that the Notice is displayed for the required period and replaced if need be. At the end of the display period, the Declaration of Compliance MUST be completed and returned to the Licensing Unit, Council Headquarters, London Road, Kilmarnock, KA3 7BU. If the Notice was removed or defaced during the display period, you must provide confirmation that it was displayed for 21 days, as required, and what steps were taken to protect and replace it, if necessary.

Where an applicant believes that compliance with the requirement to display a Site Notice is likely to jeopardise the safety or welfare of any persons, or the security of any premises, they may apply to the local authority to be exempt from this requirement, eg where the HMO is to be used as a womens' refuge or similar.

Grant/Renewal of Licence

If you are applying for Grant of an HMO licence and do not currently hold a valid licence, your property must not be occupied as an HMO until such time as a licence is granted. Permitting a property to be occupied as an HMO without a licence is a criminal offence and both the owner and any agent of the premises could be liable for prosecution.

If you are applying to Renew an existing HMO licence which is due to expire, your new application, when lodged with the local authority, will have the effect of keeping your existing licence in force until such time as the renewal application has been determined.

The local authority must decide whether to grant or refuse an application no later than 12 months from the date of lodgement. A licence may be granted for a maximum period of 3 years, or shorter period if the Licensing Panel so decides. In considering an application, the licensing authority must decide if the applicant (including each of the parties connected to a company) and authorised agent are classed as being "fit and proper persons" together with the suitability of the living accommodation.

In the event that works are identified to bring the property up to a required standard, the co-operation of the applicant will be required to carry out the necessary works within a reasonable timescale. Should adverse reports from the consultees be received during the consultation process and/or the necessary works have not been carried out within a reasonable timescale, it may be that the application will be referred for a Hearing before the Local Government Licensing Panel, to which the applicant will be invited to attend and may be represented.

Change of Licence Holder

When a licence has been granted, please note that it is non-transferrable and any new owner of the property intending to operate an HMO will require to apply for a licence in their own name. If, during the term of a licence, there is any change to the Partners, Company Directors or Secretary, the licence holder must notify the licensing authority.

Change of Agent

A licence holder who appoints a new agent to manage the property during the course of an existing licence will have to notify the licensing authority with the name, address, date of birth and place of birth of the proposed new agent. Checks will be made to ensure that the proposed new agent is a fit and proper person and an endorsement will be made to the licence once this has been confirmed. Please check with the Licensing Unit as to the fee payable for a change in material circumstances.

What constitutes an HMO?

1. The Act defines a “house in multiple occupation” as living accommodation, used as a person’s only or main residence, occupied by 3 or more persons who are not all members of the same family or of one or other of two families, where it be a house or part of any premises or group of premises owned by the same person and the occupants share one or more of the basic amenities, ie a toilet, personal washing facilities and facilities for the preparation of cooked food.
2. Persons are to be treated as being in the same family as, and being related to, each other if
 - they are a couple
 - one of them is a relative of the other, or
 - one of them is a relative of one member of a couple and the other is a relative of the other member of that couple

For the purposes of the Act

- “couple” means two persons who are married or are civil partners, or live together as husband and wife or, whether they are of the same sex, in an equivalent relationship
- “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- A relationship by the half-blood is to be treated as a relationship of the whole blood.
- The stepchild of a person is to be treated as that person’s child.
- A person brought up or treated by another person as if the person were that other person’s child (including any person placed with that other person, or with that other person’s family, under section 26(1)(a) of the Children (Scotland) Act 1995) is to be treated as that other person’s child.

3. Houses in multiple occupation include residential accommodation such as shared flats and houses, flats, bedsits, hostels and halls of residence which are the main home for usually more than three unrelated people. If the owner of the property is in residence, they are not counted in the number of qualifying persons.
4. A licence is exempt from the requirement to be licensed if it is
 - (a) occupied only by the owners of the HMO either alone or together with –
 - any persons in the same family as any of those owners, and
 - any number of other persons who are unrelated to any of those owners but who are members of the same family or of one or other of two families.
 - (b) provided as part of
 - a care home service,
 - an independent health care service,
 - a school care accommodation service, or
 - a secure accommodation service registered under Part 1 of the Regulation of Care (Scotland) Act 2001,
 - owned by the Crown and occupied by members of the armed forces of the Crown (either alone or together with any persons in the same family as any of those members),
 - a prison, a young offenders institution or a remand centre,
 - occupied only by –
 - persons who are members of, and fully maintained by, a religious order the main occupation of which is prayer, contemplation, education or the relief of suffering, or
 - a group consisting of such persons and no more than two other persons
 - subject to a management control order made under section 74 (order transferring landlord's rights and obligations to local authority) of the Antisocial Behaviour etc (Scotland) Act 2004, or
 - owned by a co-operative housing association (within the meaning of section 300(1)(b) of the 1987 Act) the management of which is undertaken by general meeting.