

## Licensing of Houses In Multiple Occupation Guidance Notes & Fees

- The Housing (Scotland) Act 2006 requires houses in multiple occupation (HMOs) to be licensed by the local authority. Failure to be licensed is an offence under the Housing (Scotland) Act 2006.
- A licensable HMO is essentially a shared property, providing accommodation for 3 or more people from more than 2 different families and being used as their main or only residence.
- It is the **owner** of the building who is required to apply for a licence.
- Applications require to be made in writing to the Head of Planning and Economy (Environmental Health), Buchan House, St Peter Street, Peterhead AB42 1QF or emailed to [hmo@aberdeenshire.gov.uk](mailto:hmo@aberdeenshire.gov.uk). An application will only be considered valid once the correct fee has been submitted. See over for details of fees and payment options.
- The following items require to be submitted with the application form:
  - Electrical Certificates                      Portable appliance testing (PAT) Certificate & Electrical Installation Report (EICR) Certificate
  - Gas Certificate                                (if applicable) to be provided by a Gas Safe Registered installer
  - Public Liability Insurance                (cover to a minimum of £5m)
  - Tenancy Agreement                         Private Residential Tenancy agreement
  - Correct Fee                                    Dependant on the level of occupancy
- The Environmental Health Service will inspect the premises to ensure that they comply or can be made to comply with the standards issued by the Scottish Government, copies of which can be viewed online at [www.scotland.gov.uk](http://www.scotland.gov.uk) or on the Council's website at [www.aberdeenshire.gov.uk/Private Housing](http://www.aberdeenshire.gov.uk/Private Housing). Paper copies are available on request.
- The Environmental Health Service will request the Scottish Fire & Rescue Service to undertake a fire safety inspection. In addition, a Fire Risk Assessment must be completed and retained for inspection by the Scottish Fire & Rescue Service. **For information in relation to fire safety in HMO's contact 01779 822650.** Further information and guidance is available at <https://www2.gov.scot/Topics/Justice/policies/police-fire-rescue/fire/FireLaw>
- The Environmental Health Service will contact Police Scotland to obtain details of (a) any convictions that the owner, manager or any other person named on the application form may have and (b) any information regarding the premises.
- The Notice titled 'Notice for Display at Premises' must be displayed for at least 21 days (from the date the valid application is submitted to the Environmental Health Service) in a prominent position at the premises where it can be clearly read by members of the public. The Notice must be removed **after** 21 days and the 'Certificate' completed and returned to Environmental Health at the above address.
- In accordance with the Housing (Scotland) Act 2006, details of the application and subsequent decisions will be detailed in a public register.
- Should objections or representations be received regarding an application, or if it is minded to refuse the application, a report will be submitted to the Licensing Sub-Committee for a decision. The applicant will require to attend or be represented at the Sub-Committee.
- An HMO licence is normally valid for 3 years. If the Licensing Sub-Committee are asked to consider an application, they can reduce the length of the licence. A further / renewal application requires to be submitted **before** the expiry date of the existing licence. If an application is submitted after the expiry date the application will be treated as a new application and subject to the appropriate fee.
- Should ownership of the HMO change, a new application will require to be submitted. Other changes in circumstances, such as a change in the person with day to day responsibility, requires to be approved by Aberdeenshire Council; an application and fee **may** be required depending upon the circumstances.

## **CONTACT DETAILS**

### **Environmental Health**

Advice on Houses in Multiple Occupation can be obtained from the HMO Officer, Tel 01467 534409 or email: [hmo@aberdeenshire.gov.uk](mailto:hmo@aberdeenshire.gov.uk)

### **Planning & Building Standards**

The Building Standards Service of Aberdeenshire Council are responsible for ensuring that buildings meet the statutory requirements. New buildings or conversions/change of use to an HMO **may** require Building Warrant and/or Planning. If you are the owner of an existing HMO and are proposing any alteration or extension to your premises, your local Building Standards Surveyor will offer advice as to whether or not you require a Building Warrant. You are also advised to check with the Planning Service to clarify if Planning Permission is required for any alteration, extension or change of use.

**Contact details are as follows:**

[planning@aberdeenshire.gov.uk](mailto:planning@aberdeenshire.gov.uk)

[buildingstandards@aberdeenshire.gov.uk](mailto:buildingstandards@aberdeenshire.gov.uk)

### **Landlord Registration**

On 30<sup>th</sup> April 2006, it became law for all private landlords letting property in Scotland to have applied for registration in the Register of Landlords. As part of the HMO Licence process, your details will automatically be passed to the Landlord Registration section. Any additional properties which may be rented out will require to be added to the landlord's portfolio and the appropriate fee paid. For further information on Landlord Registration, please contact 01467 535524