

1. On the date that you submit the application for an HMO licence to the Council, please complete the “Notice of Application for a Licence for a House in Multiple Occupation” form and display it on or near the premises for a period of 21 days, so that it can conveniently be read by the public (e.g. attached to a tree or lamp-post on the public pavement as close to the premises as possible). You should also weather-proof the Notice by either laminating it or inserting it into a clear plastic envelope.
2. At the end of the 21-day period, please complete the Certificate of Compliance follow up form you will receive via email. Please note the actual Notice should be retained by you.
3. If, for any reason you are unable to display the Notice for a continuous 21-day period, a declaration to this effect must be made on the Certificate of Compliance.

Do you need an HMO licence?

An HMO licence is required if you are the owner of residential property and you give permission for that property to be occupied by three or more qualifying persons from three or more families as their only or main residence, and they share kitchen and/or bathroom facilities.

Submitting an HMO licence application

If you require an HMO licence, please submit a fully completed online HMO licence application and pay the relevant fee. Upon form completion, you will be redirected to our payment portal. The fee must be paid via Debit/Credit card upon application completion before the application can be submitted.

When you submit your licence application to the Council, you must display a Notice of HMO Application in a public place outside your property in a position where it can be easily read by all neighbours and passers-by. The Notice must remain on display for a statutory 21-day period during which time anyone may submit a letter of representation/objection to your licence application. If the Council receives such a letter/s, your licence application will be considered at a meeting of the Council's Licensing Committee. You and the objector/s will be invited to attend the Committee meeting where all parties will be given the opportunity to speak for/against your licence application, following which the Committee will decide whether to grant an HMO licence, subject to all requirements being met, or refuse your application.

As soon as we receive your licence application and fee, we will 1) copy your licence application to Police Scotland and the Scottish Fire & Rescue Service (SFRS), both of who are statutory consultees in the HMO licensing process, and 2) allocate your licence application to a Council HMO Officer. Police Scotland and SFRS have the same 21-day statutory period within which to submit a letter of representation/objection to the Council. Should they submit such a letter, your licence application will be considered at a meeting of the Council's Licensing Committee (see previous paragraph).

In light of the possibility of the Council's Licensing Committee refusing your licence application, you may not wish to commence any upgrading work on your property until at least the 21-day statutory consultation period has ended and you have established whether the Council has received any letters of representation/objection.

Inspection of your property

The Council's HMO Officer will also contact you to arrange an initial inspection of your property. If you are applying for an HMO licence for the first-time, the HMO Officer will be accompanied by an Officer from SFRS for the reason that SFRS, and not the Council, is solely responsible for enforcement of fire safety within HMO properties.

During the initial inspection the HMO Officer will use the ***Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities*** to determine the standards required at your property before an HMO Licence can be granted. You can view

the Statutory Guidance via a link on the Council's HMO webpage. In addition to any 'physical' works that may be required, the HMO Officer will require the following documents from you:

- A copy of the Tenancy Agreement
- A copy of a current Gas Safe certificate, if there are any gas appliances in the property
- A copy of a current Electrical Installation Condition Report (EICR)
- A copy of a current portable appliances test (PAT) certificate, if you choose to leave 'plug-in' electrical appliances for your tenants to use

A completed Certificate of Compliance, confirming the date of the 21-day period during which the Notice of HMO Application was displayed outside your property will also be required. This form will be emailed to you 21 days after receipt of your application and payment.

Granting an HMO licence

The Council must, by law, determine an application for an HMO licence within one year of receiving it. Officers hold delegated powers to grant HMO licences where there are no concerns or objections, and most HMO licences are granted under these powers. Accordingly, if no letters of representation/objection are submitted to the Council, an HMO licence will be granted under delegated powers as soon as the property is deemed suitable for occupation as an HMO. If, however, a licence application is nearing the one-year deadline and the property is still unsuitable for occupation as an HMO, the Council's Licensing Committee holds the power to refuse the application.

Fire Safety

As mentioned above, SFRS is solely responsible for enforcement of fire safety in HMO properties. If you are applying for an HMO licence for the first time and have satisfactorily completed all physical work and certification required by the HMO Officer, the HMO licence will only be granted when SFRS confirm that they are satisfied with the fire safety arrangements within the property.

Planning Permission/Building Warrant

In addition to an HMO Licence, you may also require a Local Authority Building Warrant and/or Planning Permission Change of Use. A Building Warrant may be required when internal alterations are proposed. Planning Permission Change of Use is required when the proposed HMO occupancy is 6 or more unrelated persons. Before it formally considers an HMO application, the Council has the discretionary power to refuse to consider it, if it considers that occupation of the accommodation as an HMO would be a breach of planning control.

Applying to renew an existing HMO Licence

If you currently hold an HMO licence and it is about to expire, you must submit an HMO licence renewal application and fee to the Council prior to the expiry date of your current HMO licence. By doing this, you can legally continue to operate your HMO until your renewal application is determined.

'Courtesy Visit'

If you are considering applying for an HMO licence but are unsure about the extent of work and documentation required before a licence can be granted, an HMO Officer will be pleased to meet you at the property and carry out a brief inspection to determine the extent of work required.

Unlicensed HMOs

It is a criminal offence to knowingly operate an HMO without being in possession of a current HMO Licence issued by the Council. It is also a criminal offence for any person to act as an Agent for an owner of an HMO who does not hold a current HMO Licence. Sanctions available to the Council are the service of a Rent Suspension Order, and/or a report to the Procurator Fiscal which could result in Court proceedings.