

ANGUS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 HOUSES IN MULTIPLE OCCUPATION INFORMATION FOR APPLICANTS

1 Background

- 1.1 The Civic Government (Scotland) Act 1982 ("the Act") introduced a system for licensing certain activities. On 7th June 2000 by Statutory Instrument the Scottish Parliament made the licensing of Houses in Multiple Occupation mandatory in accordance with the powers vested in them in section 44 of the Act.

2 Licensing Requirements

- 2.1 'House in Multiple Occupation' is defined as a house occupied, during any period listed below by **more** qualifying persons than the number specified below in relation to the period, being persons who are not all members either of the same family or of one or other of 2 families.

- 2.2 The number of qualifying persons for the purpose of the definition of a House in Multiple Occupation is specified as follows:-

- | | | | |
|-----|---|---|-------------|
| (a) | in the period 1 October 2000 to 30 September 2001 | : | more than 5 |
| (b) | in the period 1 October 2001 to 30 September 2002 | : | more than 4 |
| (c) | in the period 1 October 2002 to 30 September 2003 | : | more than 3 |
| | and | | |
| (d) | in the period 1 October 2003 | : | more than 2 |

The specified number in the mandatory licensing scheme will therefore start at **six** or more and reduce annually until it reaches its minimum level i.e. **three or more**.

- 2.3 In practice Houses in Multiple Occupation are essentially shared accommodation including flats, bedsits, lodgings, bed and breakfast accommodation such as student residences and hostels. To be classified as a licensable House in Multiple Occupation the accommodation must be the only or principal residence of a specified number of people who are not members of the same family or one or other of two families.

- 2.4 The following types of houses are specifically exempted from the provisions of the Act and do not therefore require to be licensed:-

Any house –

- (a) which is or requires to be registered
- (i) as a nursing home under the Nursing Homes Registration (Scotland) Act 1938;
 - (ii) as a residential establishment under section 62 of the Social Work (Scotland) Act 1968; or
 - (iii) as a private hospital under the Mental Health (Scotland) Act 1984
- (b) which is occupied principally for the purpose of the provision for school students of residential accommodation by an education authority, the board of management of a self-governing school or the managers of a grant-aided or independent school (or by any other person in pursuance of such arrangements made by an education authority or any such board of management or managers)
- (c) which is occupied by a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering
- (d) which is occupied only
- (i) by qualifying persons, each of whom has a heritable right of ownership in the house; or
 - (ii) by a person who is a member of the same family as such a qualifying person

- (e) in respect of which a Control Order under section 178 of the Housing (Scotland) Act 1987 is in force.

3 How to apply for a licence

- 3.1 The application form should be completed in ballpoint pen or typed. The owner of the property must make application or where there is more than one owner, it must be made by one of the co-owners. The application may be made in the name of (1) an individual (2) a voluntary organisation or (3) a company or commercial organisation. Applicants should complete sections 1, 2 or 3 on the front page of the application form. All other questions on the application form should be answered.

Licences will normally be granted for a period of three years. The fee is as detailed below, which must be submitted with the application. In the event of the Council refusing your application or in the event of you withdrawing your application the fee is non-returnable.

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NUMBER OF BEDS	FEE FOR NEW GRANT	FEE FOR RENEWAL
Individual Buildings containing between 0-5 beds	£276.00	£234.00
Individual Buildings containing between 6-20 beds	£364.00	£307.00
Individual Buildings containing more than 20 beds	£466.00	£390.00

TAYSIDE FIRE AND RESCUE

NUMBER OF BEDS	INSPECTION AND ADMINISTRATION TIME	FEE FOR NEW GRANT	FEE FOR RENEWAL
Up to 5	3 Hours	£137.00	£69.00
6-20	4 Hours	£181.00	£91.00
21-75	6 Hours	£276.00	£138.00
Over 75	8 Hours	£367.00	£183.00

Please note that the appropriate fee for an HMO application is calculated as follows:

e.g. New Application for HMO containing 5 beds.

£276.00 (Angus Council fee) + £137.00 (Tayside Fire and Rescue) = **£413.00**

Please note your cheque must be made payable to Angus Council.

- 3.3 A site notice must be displayed for a continuous period of 21 days from the date of submission of the application. A copy of this notice is enclosed along with a compliance notice, which should be returned to the Council after 21 days to certify that you have complied with the display requirement. A site notice may not be required for certain applications such as women's refuges and if you are unsure of the requirement for a site notice you should contact the Council for advice on alternative arrangements.
- 3.4 For all applications 4 copies of a detailed plan of the premises should be submitted with the application form. These should be to a scale of 1:50 and include all information requested on the Specification for Plans of Licensed HMO's enclosed herewith. The application will not be processed until the relevant plans are submitted.

- 3.5 For all applications copies of a) relevant insurance cover b) a Fire Safety Certificate (where one has previously been issued) c) an Electrical Certificate d) all relevant safety certificates in connection with heating safety and e) copies of any standard lease or licence in relation to the premises should be submitted with the application. **The application will not be processed until these documents are submitted.**

Please note in relation to Electrical Certificates, the electrician will require to advise which part of the system that has been inspected, the condition of that system and whether in their opinion the system is satisfactory. The Certificate must also be signed by a qualified electrician and should be forwarded to Angus Council on the appropriate headed notepaper.

- 3.6 The completed form should be returned to the Council at the address below along with the fee and documents referred to in 3.4 and 3.5 above and the site notice should be returned after 21 days.

4 Grant or refusal of application

- 4.1 The Council will consult with the Chief Constable, the Chief Fire Officer, the Head of Planning and Transport, Head of Environmental and Consumer Protection, Head of Housing and such other person(s) as the Council think fit in respect of your application who will carry out their own enquiries and inspection where relevant and report to the Council. You will be told of the nature of these enquiries and the results of them may be taken into account in coming to a decision on your application. Any objections made will be reported to the Civic Licensing Committee and you will be given an opportunity to be heard by the Committee before a decision is made on your application.

- 4.2 The Council must reach a decision on your application within twelve months of it being lodged. However, if no objections are received, your application will normally be dealt with under delegated powers 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.

- 4.3 The Council may impose such conditions on the grant of a licence as they consider reasonable and if a licence is granted, you will be advised of the conditions which must be observed at all times. The standard conditions approved by the Council are attached for your information. You are entitled to seek variation of any of these conditions or such other conditions imposed by the Council once a licence has been granted.

- 4.4 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 for any other good reason

Where an application is refused, the applicant may appeal to the Sheriff and you may care to seek the advice of a Solicitor.

- 4.5 If you need any help completing the forms or need any advice, please do not hesitate to contact Moira Hayes at Angus Council, Angus House, Orchardbank Business Park, Forfar, DD8 1AN (01307) 476254.

ANGUS COUNCIL**SPECIFICATION FOR PLANS OF HOUSES IN MULTIPLE OCCUPATION**

Where applications require to be accompanied by plans, such plans shall conform to the following requirements:-

- (a) Plans are to be drawn clearly and to a scale of not less than 1/50 and must contain a location plan to a scale of not less than 1/2500. Plans should show a section of the building giving heights to each floor from ground level.
- (b) Floor plans of each level shall be provided giving layout (i.e. use of all rooms and details of all cooking/sanitary/washing facilities provided therein) and including the location of Fire Exits.
- (c) Plans must show the whole of the premises and amended plans will be required for proposed alterations.
- (d) The names and addresses of (i) the applicant and (ii) the person who drew the plans, must be shown on the plans, which must be signed by the applicant or his agent as relative to the application.
- (e) The plan must state the designation of each room shown on it and include the floor area shown in square metres.
- (f) The glass area of each bedroom and living room should be given.
- (g) The location of alarm systems, smoke detectors, emergency lighting and other fire precaution equipment which exist or are proposed to be installed, must be marked on the plans.
- (h) The means of providing heating within the premises including the type and location of heating appliances should be indicated in each room on the plans.
- (i) The location of food preparation, serving areas and toilet facilities existing or proposed to be installed must be shown in the plans.
- (j) The ventilation systems, whether mechanical or natural, must be indicated on the plans.
- (k) The names and widths of all streets and lanes etc, to which the premises have a frontage must be marked on the plans.