

HMO LICENCE PROCEDURES

OCTOBER 2004

PROCEDURES FOR LICENSES FOR HOUSES IN MULTIPLE OCCUPATION

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LICENSING OF HOUSES IN MULTIPLE OCCUPATION

1. INTRODUCTION

The purpose of this document is to provide staff with guidance on the procedures to be used when applying for a licence for a House in Multiple Occupation (HMO).

2. BACKGROUND

There is a statutory requirement on landlords to apply for licenses for HMOs. HMOs are broadly defined as follows:

Houses which are occupied by three or more unrelated people (who occupy the house as their sole or principal residence) sharing common facilities such as kitchens or bathrooms.

The basis of the legal obligation is a statutory instrument issued on 1 October 2000 under the Civic Government (Scotland) Act 1982 and further amended in 2002 and 2003. Operation of an HMO without a licence is an offence incurring a fine of up to £5000. HMOs with three or more residents will therefore now require to be licensed.

GCC's fee for lodging a licence application is £1,700 (provided it accommodates no more than ten people). Fees cover a licence valid for three years from the date the licence is granted (at present approximately six to nine months after application). Fees are not refundable under any circumstances; e.g. where the HMO continues for less than three years.

3. APPLYING FOR LICENSES

APPLICATIONS FOR HMO LICENSES AND PLANNING CONSENT ARE TWO SEPARATE PROCESSES. BOTH HOWEVER REQUIRE TO BE FOLLOWED. PRIOR TO APPLYING FOR A LICENCE, CHECK THE PLANNING STATUS OF THE PROPERTY. (PLEASE NOTE THAT YOU MAY BE EXEMPT FROM REQUIRING PLANNING CONSENT WHERE A PROPERTY HAS BEEN IN USE FOR TEN YEARS. IN THIS INSTANCE YOU MUST APPLY TO PLANNING FOR A "CERTIFICATE OF LAWFULNESS".)

Any enquiries about the planning status of a property should be addressed to:

Development and Regeneration Services (Planning)
Glasgow City Council
229 George Street
Glasgow

The Licensing Authority is Glasgow City Council.

Application forms can be obtained from:

HMO Unit
Environmental Protection Services
Glasgow City Council

231 George Street
Glasgow

Application forms should be **returned** to:

Licensing Section
Glasgow City Council
235 George Street
Glasgow

Application forms should be accompanied by the following.

1. Six sets of plans of the premises to a scale of 1 : 50 showing the following:
 - (a) Section of the building showing heights to each floor from ground level; and
 - (b) Floor plans providing the following information:-
 - The layout and use of all rooms with details of all cooking, sanitary and washing facilities in use;
 - The location of heat/smoke alarms or a smoke/heat detection system; and
 - The location of half-hour self-closing doors.
2. A copy of the lease and a copy of any written tenancy agreement.
3. A cheque to the value of £1,700. Authorisation for the cheque should be signed by the Area Business Support Manager and ordered in advance from the Management Accounting Section. The cheque should be made payable to “Glasgow City Council”.

4. PUBLIC NOTICE

When receiving the application form you will also be supplied with a public notice. This is in standard form (see appendix one) and must be completed and displayed at or near the premises where it can be easily read by the passing public in the street. This must be done on the day the application form is submitted and should be kept on display for a period of twenty-one (calendar) days. The requirement to complete and display a public notice is specified by the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000.

The following must be detailed on the notice:

- The date the application is being made to Glasgow City Council for the licence.
- The address of the house for which the licence is being applied.
- The organisation applying for the licence; i.e the GHA, 177 Trongate, Glasgow G1 5HF.
- The name, title and business address of the manager of the organisation who will be managing the HMO’s day-to-day care; e.g. the care provider.
- The signature of the agent (i.e. representative of the GHA) making the application along with the GHA’s address, as above.

Notices should be on A3 sized paper and laminated if possible. They should be displayed as follows:

- If the HMO is located in a close the notice should be displayed on the outside of the close door, where it can be easily seen, or an adjacent lamppost or garden gate.
- If the HMO is located in a main door property the notice should be visible from the window of the property. If it is not visible from the window, the notice should be displayed on the garden gate or adjacent lamppost.
- If the house is located in a multi-storey property the notice should be displayed on the outside door leading to the foyer where it can be easily seen.

At the end of the twenty-one days a Certificate of Compliance (see appendix two) requires to be completed and returned to the Licensing Section, 235 George Street, Glasgow.

This Certificate requires you to detail when “the said notice was removed, obscured or defaced” during the twenty-one day period; and that you “took reasonable steps for it’s protection and replacement”. The HMO should therefore be given spare copies of the notice which should be replaced if vandalised or removed, and the time this happened noted by the HMO, as all instances of vandalism/removal of the notice will require to be noted on the Certificate of Compliance.

PLEASE NOTE THAT THIS NOTICE DOES NOT APPLY TO APPLICATIONS IN RELATION TO AN HMO USED AS A WOMEN’S REFUGE AS DEFINED IN THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF HOUSES IN MULTIPLE OCCUPATION) ORDER 2000. PLEASE ALSO NOTE WE ARE NOT ALLOWED TO AVOID PUBLICISING THE EXISTENCE OF AN HMO ON THE GROUNDS THAT THE RESIDENTS ARE PEOPLE WITH COMMUNITY CARE NEEDS.

5. HOW TO FILL IN THE APPLICATION FORM

Fill in the Licence Application Form as Follows.

Question 1:

This question does not have to be filled in as it applies to private owners only.

Question 2:

- (a) Glasgow Housing Association Limited.
- (b) 177 Trongate, Glasgow G1 5HF.
- (c) This question asks you to list the “full names, private addresses and dates of birth of all directors, partners or other persons responsible for the management of the business”. This is because the persons named in this part of the form will be subject to enquiries, including criminal records enquiries, in order to establish that the person(s) so named are suitable to hold a licence.

The named representatives for the GHA are the Chief Executive, and the Director of Investment and Regeneration.

PLEASE NOTE THAT, IN THE INTERESTS OF CONFIDENTIALITY, THE PRIVATE ADDRESSES OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF INVESTMENT AND REGENERATION SHOULD NOT BE LISTED ON THE FORM BUT DETAILED IN AN ACCOMPANYING LETTER MARKED “PRIVATE AND CONFIDENTIAL”. ON THE FORM UNDER “ADDRESS” PLEASE WRITE “SEE ENCLOSED LETTER”.

ANY CHANGE IN PERSONNEL TO THOSE PERSONS NAMED IN QUESTION 2 (c) SHOULD BE NOTIFIED TO THE LICENSING SECTION, 235 GEORGE STREET. NO NEW APPLICATION IS REQUIRED AS THIS IS REGARDED AS A CHANGE TO THE ORIGINAL APPLICATION. LICENSING SHOULD BE NOTIFIED BY WAY OF LETTER, ADVISING THEM THAT YOU WISH TO ADOPT ANOTHER PERSON AS CHIEF EXECUTIVE OR DIRECTOR. THE COST OF THIS IS TWENTY-ONE POUNDS.

- (d) This question requires you to detail the “full name, address and date of birth of employee or agent to carry on the day-to-day management of the activity”; i.e. a representative of the care provider.

A NEW APPLICATION HAS TO BE MADE IF THERE IS ANY CHANGE IN THE PERSONS NAMED IN QUESTIONS 2(d) OF THE APPLICATION FORM. THIS IS BECAUSE THE MANAGER OF THE HMO PREMISES HAS CHANGED WHICH CHANGES THE LICENCE. THE NAMED PERSON IN QUESTION 2(d) SHOULD THEREFORE BE SOMEONE RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT OF THE HMO, BUT ALSO SOMEONE WHO IS NOT LIKELY TO BE MOVED ON A REGULAR BASIS; I.E. A DIRECTOR OR MANAGER WHO IS EASILY CONTACTABLE. THE ADDRESS LISTED SHOULD BE THE BUSINESS ADDRESS OF THE CARE PROVIDER.

THE FOLLOWING ACTION SHOULD BE TAKEN:

- A letter sent to the Licensing Section from the former manager within six weeks of the change advising that they are resigning and naming the new manager.
- A letter from the new manager agreeing to take on the management of the service in question.
- A letter signed by the personnel named at 2 (c) agreeing to the new manager being taken on.
- A new application form submitted to the Licensing Section.
- A reduced fee of £500 (for premises with up to ten residents) which will cover GHA only until the expiry of the existing licence. (Full fee of £1,700 needed if a full three year licence is required.)
- New Statutory Notice to be displayed, followed by the submission of a new Certificate of Compliance.
- No new plans required, unless any changes have been made to the premises, which will incur a new fee.

(The letter included as at appendix three should be sent to the manager named in question 2(d). This letter reinforces the need to advise GHA of any change in personnel.)

Question 3

For a new application write “grant”.

For a renewal of an HMO licence write “renewal”.

Question 4

Detail the name and address of the premises for which the HMO licence is required. Under “name”, write the name of the organisation the care provider represents.

Question 5

- (a) Specify the number of storeys in the premises.
- (b) Specify the total number of bedrooms. (Please note that a bedroom used by the care provider as an “office/sleepover” room should not be listed as a bedroom.)
- (c) Specify the number of residents occupying the premises.

Question 6

- (a) Write “see attached floor plans” but also list any room in the house other than the kitchen and bathroom. Include in this question any use of a room by the care provider as an “office/sleepover” room.
- (b) Write “see attached floor plans” but also list all facilities supplied in the kitchens and bathrooms; e.g. cookers, showers etc.

Question 7

This question relates to the Rehabilitation of Offenders Act 1974. Write “not applicable” against this question. You do not require to answer this question as police checks are made against any named persons in questions 2(c) and 2(d).

Question 8

- (a) Answer as applicable.
- (b) Write yes or no depending on whether or not they have ever applied for and/or been refused an HMO licence.

Declaration

This part of the form can be signed by the person who made the application on behalf of the Glasgow Housing Association; e.g. LHO Planning and Development Officer.

When the application has been submitted and accepted please complete the attached proforma which should be retained on file along with the application form and relevant information. (See appendix four.)

6. RSLs AND SECOND STAGE TRANSFER

As LHOs become RSLs (*i.e. after Registration*) they will not have to re-apply for an HMO licence. GHA will however have to advise the HMO Unit of Glasgow City Council who maintain an HMO Registration Scheme which will require to be updated. There is no fee associated with this Registration Scheme. The following personnel should be notified:

John Docherty
Team Leader (HMO Unit)
Glasgow City Council
Building Control and Public Safety
231 George Street
Glasgow G1 1RX

Should SECOND STAGE TRANSFER take place, please note that the existing licence cannot be assigned to the new landlord. A new licence will instead have to be applied for as there has been a change of owner. The cost of this new licence will be at the reduced rate of £500. This licence will not last for the usual three year period but only for the duration of the previous owners' licence. **A new licence will thereafter have to be applied for.**

7. HOLDING OF LICENSES

HMO licenses, once granted by Glasgow City Council, should be passed to Legal Services who will hold them on file.

8. RENEWAL OF LICENCE

The date the Licensing Committee agrees to the application is the date when the three years starts. Renewal of the application should be made before the licence expires. After an initial licence has been applied for and granted any renewal of the application by GHA will cost £850 for each additional three year licence. If the application is made **after** the licence expires it will be treated as a new application and the fee will be £1,700. Preparation of the application form and associated paperwork should therefore begin **AT LEAST THREE MONTHS PRIOR TO THE EXPIRY DATE** to ensure that all information/action required in relation to the application can be collated, is up to date and can be submitted on time.

APPENDIX 5, "MONITORING OF RENEWAL/CHANGES TO HMO LICENCE APPLICATIONS" WILL BE PRODUCED BY INFORMATION TECHNOLOGY AND SENT TO CHMS, AREA TEAMS, POLICY AND PLANNING AND LEGAL SERVICES IN ADVANCE OF THE CHANGES REQUIRED.

IT IS THE RESPONSIBILITY OF COMMUNITY HOUSING MANAGERS/LEAD OFFICERS (AS APPROPRIATE) TO ENSURE THAT RENEWAL/CHANGES TO HMO APPLICATIONS ARE APPLIED FOR AND COMPLETED ON TIME.

9. ALTERATIONS TO PROPERTIES

If any alterations are carried out to properties which are subject to HMO licensing a variation fee of £850 has to be paid. This applies even if the alteration is only quite small.

Appendix 1

Civic Government (Scotland) Act, 1982

NOTICE

HOUSE IN MULTIPLE OCCUPATION LICENCE

NOTICE IS HEREBY GIVEN that on _____ application was made to Glasgow City Council for a Licence for a House in Multiple Occupation in respect of premises at by ¹

and²

Any objections and representations in relation to the application may be made to the Glasgow City Council per the Protective Services Department, Licensing Section, 235 George Street, Glasgow, G1 1QZ within 21 days of the above-mentioned date. Objections and representation 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 ground 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 or on his behalf;
 - (e) was made to them within 21 days of whichever is the later or, as the case may be, latest of the following dates:-
 - (i) where public notice of the application was given in a newspaper, the date when it was first so given;
 - (ii) where the Glasgow City Council have required the applicant to display the Notice again from a specified date, that date;
 - (iii) in any other case, the date when the application was made to them.
- (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 in the time required.
- (3) An objection or representation shall be made for the purposes of (1) above if it is delivered by hand within the time where specified to the licensing authority or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

1 State Name and Address of Applicant. Signature of Applicant or Agent

2 State Name and Address of day to day Manager, if appropriate Agent's Address

Appendix 2

Civic Government (Scotland) Act, 1982

CERTIFICATE OF COMPLIANCE

I,

Applicant for a Licence for a House in Multiple Occupation hereby certify that a Notice has been posted at or near the premises at

From _____ to _____

containing such information as is required by Paragraph 2(3) of Schedule 1 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

Delete if not applicable.

Appendix 3

The Glasgow Housing Association Limited
South Area Business Support Team
Lipton House
1st Floor
170 Crown Street
Glasgow G5 9XD
Tel: 0141 274 7200
Fax: 0141 274 7201
www.gha.org.uk

Address of Organisation

[Date]

Dear [Name]

APPLICATION FOR HMO LICENCE ADDRESS

I refer to previous discussion regarding the above and write to confirm that the HMO Licence for..... has now been submitted to Glasgow City Council.

The person named on the application form as being responsible for the day-to-day management of the house at Is.....I would be obliged if you would note that legislation requires the Glasgow Housing Association to notify Glasgow City Council within six weeks if this officer changes. Failure to notify the Council would result in the HMO trading illegally. It is therefore of the utmost importance that we be notified of any such change in personnel as soon as possible.

Your co-operation in the above matter is most appreciated.

Yours sincerely

[NAME]

Appendix 4

Houses in Multiple Occupancy Licence Application Proforma

Address:

Check list for application

Application Form Completed

Copy of Lease or Tenancy Agreement Enclosed

Six Copies of Floor Plans Enclosed

Licence Fee Enclosed

Date Application Submitted

Date Public Notice Displayed

Date Certificate of Compliance Returned

Date of Expiry of Licence

**This pro forma should be retained with a copy of the application pack and filed.
A copy to be retained by Support Services as back-up.**

