



Executive Manager: William Spence  
**Director: John R Smith**

Environmental Health & Trading Standards  
**Infrastructure Services Department**  
Old Anderson High School  
Lovers Loan  
Lerwick  
Shetland ZE1 0BA

Telephone: 01595 745250  
Fax: 01595 744802

## **The Housing (Scotland) Act 2006 Part 5, Licensing of Houses in Multiple Occupation Applicant Guidance Notes**

Before lodging your application for a licence for a House in Multiple Occupation (HMO) please ensure that you have read the following guidance notes.

1. You should note that a licence for a House in Multiple Occupation is required if three [3] or more unrelated adults live and share either cooking, toilet or personal washing facilities. The definition includes hostels, bedsits, student residence and shared flats. The premises should be the sole or main residence of those people.
2. **The applicant must be the owner of the property.** Where the applicant is an individual natural person, the whole question 1 must be completed, and question 2 should be ignored.
3. Where the applicant is a company, partnership or other non-natural person, the whole of question 2 must be completed and question 1 should be ignored.
4. The Council may require you to provide proof of ownership of the premises stated on the application form.
5. The fee for applications for licences (valid for a maximum of 3 years) are as follows:  
  
3 year licence £216.43 (for up to 6 occupants)  
3 year licence £324.67 (for more than 6 occupants)

**NB: These fees are payable when the application is lodged and are non-refundable.**

6. A separate application requires to be submitted in respect of each residence occupied as an HMO.
7. The enclosed Public Notice requires to be completed and displayed at or near the premises where it can be easily read by the passing public in the street, for a continuous period of 21 days, starting on the day the application is lodged with the Council.

**NB: Under Schedule 4, paragraph 3 of the Housing (Scotland) Act 2006, where**

**applicants believe that compliance with this requirement is likely to jeopardise the safety or welfare of any persons, or the security of any premises, they may apply to their local authority to be exempt from this requirement.**

8. The enclosed Certificate of Compliance requires to be completed and returned to Environmental Health only after the 21 day notice period is over.
9. An application for licence in respect of an HMO should be accompanied by copies of plans of the premises. Ideally these plans should include a floor plan of each floor to a scale of 1: 50 with elevations to a scale of 1:100 and include a section through the building (including stairs) where the building is more than one storey. The plans should include all appropriate structural detail required to assess the suitability of the building. A site plan (including boundaries) to a scale of 1:500 should also be provided. Whilst every effort should be made to submit plans to the above requirement should such plans not be available then hand drawn line plans will be acceptable providing that they are reasonably to scale or adequately dimensioned.
10. Whilst processing the application we will consult with the following: - Building Standards, Development Management (planning), Environmental Health, Trading Standards, the Police and the Fire Service.
11. Your premises will be inspected by some of the Services referred to in Para. 10 above. However, the Services involved will try to arrange to co-ordinate their visits to minimise inconvenience.
12. Depending on the occupancy of your premises planning consent may be required for the operation of the same as an HMO. You are asked to contact your local planning office prior to submission of an application for licence for an HMO to ascertain whether this is the case. Whilst the absence of planning consent will not prevent a licence from being issued should you require planning consent then both should be in place to enable the premises to operate. Please note that a change of use to multiple occupancy involving more than five residents who are not members of the same family will require planning permission. Where required the property should also have a relevant Building Warrant and Completion Certificate.
13. For all applications copies of (a) relevant insurance cover (b) an Electrical Certificate and (c) a copy of the lease with tenants (if any) and a copy of any written tenancy agreement should accompany the application.
14. Once all the consultations have been carried out, you will be told of the nature of these enquiries. The results of them may be taken into account in coming to a decision on your application. If any objections against your application are received, they will be reported to the Shetland Islands Council Licensing Committee and you will be given an opportunity to be heard by the Committee before a decision is made on your application.
15. The Council must reach a decision on your application within twelve months. However, if no objections are received, your application will normally be dealt with 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.
16. 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. 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.

- 17.** The Council may refuse an application:-
- (i) if they consider that the applicant is not a fit and proper person to hold a licence
  - (ii) where the premises are not considered suitable for the proposed activity
  - (iii) for any other good reason.
- 18.** Where an application is refused, the applicant may appeal to the Sheriff and you may care to seek the advice of a Solicitor.

**Please note that:**

- (1) The fees and fines referred to above are correct at 1 April 2018, and may be subject to subsequent change.
- (2) These notes are for guidance only and are not a complete statement of the procedures relating to applications for licences under The Housing (Scotland) Act 2006 Part 5, Licensing of Houses in Multiple Occupation

If you need any more information, please contact Environmental Health at the address given above.