THE HOUSING (SCOTLAND) ACT 2006—PART 5 (LICENSING OF HOUSES IN MULTIPLE OCCUPATION)

APPLICATION FOR NEW/RENEWAL HOUSE IN MULTIPLE OCCUPATION LICENCE



HOUSE IN MULTIPLE OCCUPA	dallowa
REF: Plea	Complete in Block Capitals and Black Ink se refer to the guidance notes while completing this form.
COMPLETE EITHER 1(a) OR 1(b) DEPENDING PROCEED THR	G ON THE LEGAL OWNERSHIP OF THE PROPERTY THEN OUGH QUESTIONS 2 TO 16
1a. TO BE COMPLETED BY THE PERSON NA	MED ON THE TITLE DEED OF THE PROPERTY
Full Name (of legal owner)	Contact Tel. Number
Home Address	Contact E-Mail Address
	Date of Birth
Postcode	Place of Birth
Company or Business Name Where the application is made on behalf of a company	
or business, the details of a named person who h responsibility for the property are required for the assessment of the application. Full Name (of responsible person)	
Home Address	Date of Birth
	Business Tel. Number
	Business E-Mail Address
JOINT PROPERTY OWNERS WHO ARE NOT AL	
Name Address	D.O.B Please state connection with the proper (joint owner, trustee, partner or director)
Name Address	D.O.B Please state connection with the proper (joint owner, trustee, partner or director)

D.O.B

Name Address

Please state connection with the property (joint owner, trustee, partner or director)

3. AGENT OR DAILY M	IANAGER		
Please provide the name of the personanagement of the tenants on a dail	y boois within the mannerty	son has a Disclosure Scotland Number or a PVG Number, er it here :	
Name:	prease enc	a relace.	
	Daytime		
Date of Birth:	Telephone		
Home Address:	Additional Telephone		
	E-Mail Ad		
4. TYPE OF LICENCE A	PPLICATION		
	application for a new licence or the renewal		
Ref No.:	Expiry Date:		
(c) Fee enclosed : \pounds			
Application Fee Structure based upon occupancy	For all new licence applications received on or after 01/04/2017	For all licence renewals where the current licence has an expiry date on or after 01/04/2017	
3 to 5 occupants	£1044.75	£708.75	
6 to 10 occupants	£1144.50	£787.50	
11 or more occupants	£1312.50	£945.00	
5. OTHER REGISTRAT	IONS		
	n question 1(a) or 1(b) or 2 previously held	l, or	
currently holds a House i	n Multiple Occupation Licence? If YES, which Authority granted the lice	YES NO	
	What is the reference num		
	When was it gran		
	When did / does it exp		
	•		
(b) Has any person named in House in Multiple Occup	question I(a) or I(b) or 2 ever been refused a ation licence?		
•	If YES, which Authority refused the applicat	ion? YES NO	
	When was the application ref	used	

6.	PREMISES TO BE LICENSED	
	(a) Address of the premises which requires an HMO licence	
	Postcode	
	(b) Is this property jointly owned or part of a trust? YES / NO	
	If YES, the joint owner or trustees should be named in section 2	
	(c) Maximum number of proposed residents Total number of	of bedrooms available
	(d) How many are single occupancy bedrooms? How many are	double occupancy bedrooms?
	(e) Does anyone work on the premises? (See Note 5) YES / NO	
7.	PLEASEC SELECT THE CURRENT USE OF THE PROPERTY	
	Landlord with Lodgers B&	B, Hotel or Guesthouse
	Bedsit Accommodation Hos	stel
	Shared Flat or House let as a whole She	ltered Accommodation
	Nurses Homes NH	S Hospital—where employees reside
	Student Hall of Residence Oth	er Employee Residence
8.	SHARED FACILITIES	
(a)	Specify the location and number of acakars available in the kitchen(a) for	
(a)	Specify the location and number of cookers available in the kitchen(s) for the tenant's use. (a standard cooking facility consists of a four ring cooker with oven)	
(b)		
(c)	Specify the location and number of toilets available for the tenant's use.	
(d)	Specify the number of showers or baths available for the tenant's use.	
(e)	Is there is a washing machine available for the tenant's personal use.	YES / NO If Yes, how many?
(f)	Is there is a tumble dryer available for the tenant's personal use.	YES / NO If Yes, how many?
(g)	Is there is an outside washing line for the tenant's use.	YES / NO
(h)	Is there a shared living room available for the tenants and their guests?	YES / NO
9.	WATER SUPPLY AND DRAINAGE	
(a)	Is there an adequate supply of hot and cold water in the premises?	YES / NO
(b)	Are any of the drinking water points supplied through lead pipes?	YES / NO
(c)	Is the premises supplied with mains water or from a private supply?	MAINS / PRIVATE*
	*If PRIVATE, then a current bacterial test certificate must be obtained to confirm the bacteriological quality and a risk assessment carried out.	MAINS / I MIVAIL
(d)	Is the drainage from the premises connected to the main sewerage system or a	MAINS / PRIVATE

10. DOCUMENTS	
(a) Please specify the type of lease or occupancy agreement used for the tenants within the property.	Please enclose a template document with your application
other gas appliances?	YES If Yes, please enclose a copy of the Landlords Gas Safety Certificate with your application
	ease enclose a copy of this document th your application
eta) need to be tested annually for electrical safety	case enclose evidence of the most recent retable Appliance Testing (PAT) retificate with your application
property is safe and has been tested every five years. <i>Ele</i>	ase enclose evidence of the most recent ectrical Installation Condition Report (CR) with your application
11. OTHER PROVISIONS	
(a) If required, has an application been made for a change of use in Platerms for the proposed use of the property?	anning YES NO
If YES, please specify the reference number if k	known.
(b) What is the authorised use of the property in Planning terms (if known i.e. domestic house, shared residential accommodation, hotel/hostel,	
(c) If required, has a Building Warrant application been made for alterations for the proposed use of the property?	or any YES NO
If YES, please specify the reference number if k	known.
(d) Has provision been made for waste collection ancillary to the norm domestic collection?	YES NO
If YES, please specify	
12. FIRE SAFETY	
(a) Fire Risk Assessment	
The Fire (Scotland) Act 2005 places a responsibility on a 'duty holder' to carry out a Fire Risk Assessment for non domestic premises.	Please enclose a copy of this document with your application
The Fire Risk Assessment should be benchmarked against the Practical Fire Safety Guidance for Small Premises Providing Sleeping Accommodation (or medium and large as appropriate), as provided by the Scottish Government.	
(b) Emergency Lighting Maintenance Certificate	Please enclose a copy of this document with your application
In properties where emergency lighting is installed you will need this tested annually by a competent person and a copy of a Periodic Inspection and Test Certificate for Emergency Lighting must be provided.	
(c) Fire Extinguisher Maintenance Certificate	Please enclose a copy of this document with your application
Fire extinguishers require to maintained and tested annually. This can be recorded with a certificate or an invoice from the contractor.	
(d) Fire Alarm System Maintenance Certificate	Plana analos a samuel de la la coma
Periodic certification is required to confirm that the Fire Detection and Alarm System has undergone an inspection. This must be carried out by a competent person and in accordance with BS 5839-1 (current edition)	Please enclose a copy of this document with your application

13	s. CRIMINAL CONV (individual photocop			persons in section 1(a) 1(l for each person)	o) or 3
de (So an du	etermine whether or cotland) Act 2004 set ad proper in respect	not they are "fi ts out what can of an applicatio HMO Licence wi	t and proper pe be taken into ac n. Assessments th any additiona	assess those persons named ersons". Section 85 of the Arcount in deciding whether a pare made at the time of applicable. In etrospectively.	itisocial Behaviour etc person is considered fi plication and reviewed
CO	MO Licence. Details	of all Conviction	ons and Fixed	out on all named persons on Penalties (Criminal and C have been previously d	ivil) including spent
se De na tei	xual offences. eclare if you have be itional origins, or disa nant law, and any o	en charged with ability. Or controther material if	n unlawful discri avened any prov f it appears to	fraud or dishonesty, violence mination on grounds of sex, vision of the law relating to h the authority that the mate on in relation to this application	colour, race, ethnic or ousing or landlord and rial is relevant to the
W	nilure to disclose the rite 'NONE' and sig ections of this shee	in the declarat	tion below. Tl	fence. If you have no such he application will not be ed and returned.	convictions, please processed unless al
	Name	Date	Court	Crime/Offence	Penalty

Name	Date	Court	Crime/Offence	Penalty

I authorise the Chief Constable to make available to convictions and conditional offers of fixed penalties for Licensing Authority on my application. I also underst additional Fit and Proper investigations as part of the HMC	or inclusion in any report for submission to the and that the Licensing Authority may carry out	
I declare that the above particulars of previous convictions	and fixed penalties are accurate.	
Signed	Date	
		-

EXPLANATORY NOTES ON THE REHABILITATION OF OFFENDERS ACT 1974

An applicant for an HMO licence will need to disclose both spent and unspent convictions. Although spent convictions may not normally be a primary consideration, the Council may take them into account along with any declared unspent convictions when deciding upon an application.

The Rehabilitation of Offenders Act 1974, as it applies in Scotland, was amended under the Management of Offenders (Scotland) Act 2019. The following disclosure periods apply.

Sentence length	18 or over on date of conviction	Under 18 on date of conviction
Up to (and including) 12 months	Length of sentence plus 2 years	Length of sentence plus 1 year
Over 12 months & up to (and including) 30 months	Length of sentence plus 4 years	Length of sentence plus 2 years
Over 30 months & up to (and including) 48 months	Length of sentence plus 6 years	Length of sentence plus 3 years
Over 48 months	This is an excluded sentence and the conviction will not become spent after a specific amount of time	e This is an excluded sentence and the conviction will not become spent after a specific amount of time

Disposal	18 or over on date of conviction	Under 18 on date of conviction
Absolute discharge	Zero	Zero
Admonishment	Zero	Zero
Bond of caution	6 months, or length of caution period, whichever is the longer	3 months, or length of caution period, which- ever is the longer
A fine or compensation order	1 year	6 months
Community Payback Order, Drug Treatment & Testing Order and Restriction of Liberty Order	9 12 months or length of order, whichever is the longer	6 months or length of order, whichever is the longer
Adjournment/Deferral after conviction	Until relevant sentence given	Until relevant sentence given
An order under section 61 of the Children and Young Persons (Scotland) Act 1937	N/A	12 months
Ancillary Orders	Length of order	Length of order
An endorsement made by a court in relation to an offence mentioned in schedule 2 of the Road	5 years	2½ years
Any other sentence not mentioned in sections 5 to 5J of the 1974 Act	1 year	6 months

The periods of time which must elapse in other cases before the conviction becomes spent vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended if a further offence has been committed during the rehabilitation period.

Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974" or from a Solicitor.

	I am applying for a House in Multiple Occupation Licence. I certify will display the public notice on or near the premises for a continuous	
	I authorise Dumfries and Galloway Councils' Housing and Licensing this application from other Council departments and relevant organisa	
	The owner specified in 1(a) should sign. If the owner is a business	s, the person specified in 1(b) should sign
	Signature of Applicant from (1a) or (1b):	Date:
	Under part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, al must be registered with the Local Authority before they can be let. W subject of a new licence application and is not on the register, the Loc on this licence application form to create a new landlord registration for	here there is an HMO property that is the al Authority will use the information supplied
15.	Declaration by Agent or Daily Manager named in section (3) of the	nis form
	I authorise Dumfries and Galloway Councils' Housing and Licensing this application from other Council departments and relevant organisa	Standards to request information relevant to ations.
	Signature of named person from (3):	Date:
A	enquiries will be made which may include reference to person any applicant who authorises any person who is not specified on the facilitate the occupation of the property as an HMO, may be liable	application form to do anything which may
	incinitate the occupation of the property as an invito, may be hable	to prosecution and a fine up to £10,000.
16.		
	After completion, please return the application form and the following Housing and Licensing Standards, Militia House, English Str	documents to:
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Declaration by Applicant named in section (1a) or (1b) of this form

- Note 1 If the required documents listed above are not submitted along with your application without good reason, the
- application may be marked as incomplete and returned to you without being processed.

 Note 2 An objection may be lodged any time within 21 days from date of receipt of application and therefore the licence cannot be issued within that period.

H.M.O MANAGEMENT STANDARDS Licensing conditions to be included in all H.M.O Licences

- LC1 The Licence Holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The HMO owner should hold all the necessary certificates.
- LC2 The Licence Holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the living accommodation.
- LC3 The Licence Holder must ensure that the physical standards for HMO living accommodation assessed as suitable by the local authority when approving the licence application are met at all times.
- LC4 The Licence Holder must ensure that the number of persons residing in the premises shall not exceed the maximum number stated on the licence.
- LC5 The Licence holder must make the Licence, including any conditions and the current electric and gas certificates available to occupiers within the premises where it can be conveniently read by residents. The Licence Holder shall further at all times display the HMO Licence in a prominent position within the premises.
- LC6 The Licence Holder must ensure that actions to secure repossession are only by lawful means.
- LC7 The Licence Holder must ensure that liquefied petroleum gas (LPG), or any other highly flammable liquid, gas or substance, is not used or, unless in any external store designed and approved for such storage, stored on the premises.
- LC8 The Licence Holder shall comply with the current regulations regarding the maximum re-sale prices of gas and electricity supplied, as appropriate.
- **LC9** The Licence Holder shall ensure that let rooms are fitted with a lever latch and secured with a suitable local and thumb turn mechanism or other appropriate locking mechanism.
- LC10 In addition to the requirements of LC1 to maintain furnishings and fittings during the period of the licence, the licence holder should at the start of any tenancy or occupancy of any room, ensure that any furniture is in a clean and serviceable condition, free from stains and damage, beds and particularly mattresses are clean and in a serviceable condition, bedding including pillows, duvets, covers and pillow cases are freshly laundered and free from rips and tears or replaced as necessary. Communal areas should likewise be maintained in the same manner.
- LC11 The licence holder must ensure that walls and ceilings are in a reasonable condition, taking into account the age and nature of the building, should be wallpapered or painted, or a combination, should be clean and without significant marks or staining. Washing marks from walls or painting over marks (in the same colour) where appropriate will be acceptable. Wallpaper must be properly fixed to walls. Woodwork should be painted or varnished and maintained to a reasonable standard.
- LC12 The licence holder must ensure that floor coverings are clean and free from stains and properly fixed to the floor. Floor coverings that are worn excessively or any damage that introduces trip hazards will require the floor covering to be replaced. Minor damage, e.g. a minor burn, may be acceptable, provided the floor covering is otherwise serviceable.
- LC13 The licence holder must ensure that the exterior of the property is maintained to a reasonable standard, with painted surfaces being maintained, windows cleaned, no rubbish being dumped in or around the property (including furniture removed from the property) and regular maintenance of gardens, including grass being cut, weeds being removed, general pruning of trees and shrubs as required.

HMO STANDARDS AND LICENSING GUIDANCE

The licensing of HMOs seeks to control standards in three main areas: the suitability of a property owner to be an HMO landlord, his or her management of the premises, and the physical condition and facilities of the accommodation. These things must be checked before a licence is granted; the licence is then usually granted with conditions which require the standards to be maintained through the period of the licence. A licensing authority has discretion to set any reasonable conditions it thinks fit.

FIT AND PROPER PERSON

The licensing authority must be satisfied that the person applying for an HMO licence is a "fit and proper person" to hold a licence. The same test applies to any person managing the premises, any director or partner in a company or organisation which owns or manages the HMO, and any employee in a position of trust or authority over the tenants within the HMO property.

The legislation does not give a precise definition of a "fit and proper person", but the licensing authority will check with the police whether the applicants have any relevant convictions. Not all convictions would be relevant to a person's prospective role as an operator of an HMO. For example, motoring offences would not be relevant, but a conviction for fraud or theft could be since the operator would be in a position of trust. If the HMO operator is subject to any other form of regulation, the licensing authority may wish to approach the relevant regulatory authority, such as the Care Commission or Environmental Standards, for their comments. This would usually focus on the applicant's record of maintaining standards and their response if concerns are raised.

MANAGEMENT STANDARDS AND LICENSING CONDITIONS

Good management by the landlord is vital if the aims of HMO licensing are to be achieved. Physical standards must be maintained, tenants' rights must be respected, and any problems which arise during the period of the licence must be effectively addressed. Good management is also key to tackling the issues which most concern neighbours of HMOs, such as building maintenance, cleaning, and noise or disturbance. For these reasons, licensing authorities are expected to give equal weight to management issues as to physical standards in deciding whether to grant, renew or suspend a licence.

The landlord of a licensed HMO has two main sets of obligations. One is to meet the requirements of licensing, which the local authority has the responsibility to enforce. The other set of obligations relates to the tenancy or occupancy agreement between the landlord and the tenant and the legal requirements governing tenancies and the provision of residential accommodation.

All types of HMO should provide occupants with some form of agreement setting out the rights and responsibilities of both parties, even if the accommodation is only temporary. Good management based on a clear tenancy/occupancy agreement can be very effective in tackling such problems at an early stage.

TENANCY/OCCUPANCY AGREEMENTS

Individual and joint tenancies

In most HMO situations, the occupants do not know one another before they move in, and they move in and move out at different times. In order to be clear what each person is responsible for, particularly in terms of rent and any payments due for damage or bills, it is best practice for each of them to have a separate tenancy or occupancy agreement, which also specifies the parts of the accommodation which they have an exclusive right to occupy and the parts which they share with others.

Some landlords grant tenancies in an HMO on a "joint and several" basis, in which all the tenants are jointly responsible for the rent and other liabilities, but if any of them defaults, the others are required to cover that debt.

Re-letting, sub-letting and visitors

In some shared flats and houses, the landlord may require the remaining tenants to find a new tenant when someone leaves, or they may set up the tenancy so that one person is the principal tenant and the others sub-let from them. In any such case, there should be an agreement in writing which clearly sets out the tenants' responsibilities and liabilities for such things as advertising costs, taking up references and arranging for the payment of rent. If the landlord takes on the task of finding new tenants, he should give the existing tenants at least 24 hours notice of a new tenant moving in.

Landlords should take steps to ensure they are aware of who is staying in their property on an informal

basis. A person who may be considered a long-term visitor by the tenant could be defined as an additional resident by the licensing authority. In supported accommodation, there may be very strict rules about non-residents being brought into the premises, for security reasons. In a shared flat, the landlord may simply wish to be informed of any visitors staying for longer than a specified period.

Tenancies and leases

Some HMO buildings, particularly where some form of care or support is provided, are owned by one person or organisation and leased by another, which operates the day-to-day management and lets the accommodation to individuals. This is most often the case with supported accommodation or hostels leased by a voluntary organisation from a local authority or RSL. Universities, in particular, may also manage properties which are (effectively if not formally) leased to them by individual owners.

This is a different situation from an owner using an agent to manage their property. It does not change the responsibility of the owner to obtain the HMO licence, since they are giving permission for the lessee to use the property in that way. However, in terms of the relationship with the occupiers, it is the lessee's procedures and tenancy/occupancy agreements that should be scrutinised. The licensing authority should also examine the terms of the lease between the owner and the operator, to ensure that responsibility for issues such as maintenance are clear, and that the operator has the freedom and authority necessary to fulfil its duties towards the occupants.

A sound tenancy or occupancy agreement is an essential base for good management of any rented property, setting out the rights and responsibilities of both the landlord and the tenant. A licensing authority will normally require to check, before awarding an HMO licence, that the operator uses an acceptable form of tenancy or occupancy agreement. This may be a formal tenancy or may come in another form, such as, in temporary accommodation, a list of house rules and service standards, or as part of a contract of employment or a care and support plan.

The importance of the tenancy/occupancy agreement is not simply as a piece of paper, but as a statement of intent and commitment to acceptable behaviour from both parties, which can then be monitored.

NOTES FOR GUIDANCE

- 1. The applicant should be the legal owner of the property. If the premises are owned by a company or a business name, all directors or partners should be named. If the property is to be managed by the applicant's agent, their details must also be included in the application form.
- 2. A separate application form must be submitted for each licensable premises.
- 3. If the premises are in a tenement or a shared building, please give flat number.
- 4. For all new applications, a floor plan showing the layout of the building and the location of all rooms within the premises, must be included with the application.
- 5. Anyone that is employed to work in the premises in a position of trust or authority should be adequately vetted and managed by the owner or the daily manager.
- 6. A new application should be made at least 3 months before the date from which the licence is to planned to operate. Applications to renew licences should be made 3 months before the date of expiry of the licence. The use of an HMO without a licence, or before a licence has been issued by this department, may constitute an illegal use of the property.
- 7. The appropriate licence application fee must be submitted with the application form.
- **8.** If you are uncertain about the period of rehabilitation for a conviction, then please consult your solicitor before disclosing details of any convictions.
- 9. A Notice for Objection must be displayed on the property boundary or near the premises to be licensed, in a position where it can be easily read by the passing public, for a period of at least 21 days from the date the Local Authority receive the application. The ideal location would be on a nearby lamppost or similar pole as near to the property as possible. The 21 days should start with the next whole day after you have put the notice on display. Where the display of such a notice is likely to jeopardise the safety or welfare of any person, or the security of the premises, please contact the Licensing Authority.

 You must return a copy of the notice to the Council at the end of the 21 day period, with the declaration section completed.
- 10. The Council has a maximum of 12 months from the date of application to determine if an HMO licence is to be issued, or that the application be refused. This decision will be based upon satisfaction of the HMO licence requirements within a specified timescale. If the application is refused, a further application for the same property under the same ownership cannot be considered for a period of 12 months from the date of refusal.
- 11. Both the owner and the property to be licensed, may require to be on the national register of landlords at www.landlordregistrationscotland.gov.uk.

To apply for a House in Multiple Occupation Licence please send:

- Fully completed application form
- Appropriate fee Make cheques payable to Dumfries and Galloway Council (Please
 note that the fee is to cover the costs of processing the application and may not
 be refundable if the application fails or is withdrawn) Please contact us for BACs
 details.

Checklist:

- Floor plan of the premises for new applications or recently altered properties.
- Tenancy or Occupancy Agreement for the shared use of the property
- Current Electrical Portable Appliance Test certificate (PAT)
- Gas Safety certificate (where applicable)
- Insurance of the property including details of indemnity and public liability
- Electrical Installation Condition Report (EICR)
- Fire Safety Risk Assessment
- Fire Safety Policy and Fire Emergency Action Plan (where applicable)
- Fire Detection/Warning System Maintenance and Testing Records
- Emergency Lighting Maintenance and Testing Records

The completed application should be returned to: Housing and Licensing Standards

Militia House English Street DUMFRIES DG1 2HR

