

Houses in Multiple Occupation (HMO) Housing (Scotland) Act 2006

Application Form – Guidance Notes

These guidance notes have been provided to help you completing the application form

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

Part 1 Category

- If you already hold an HMO licence and are making an application because your existing licence is due to expire please tick the 'Continuation' box and include the reference number of your existing licence (set out at the foot of your licence), together with the expiry date.
Existing licences holders applying for a second or subsequent application ('renewal') for individual properties can apply for either a one or three year licence.
Your new application will have the effect of keeping your existing licence in force until a final decision has been made in respect of the new application.
- If you do not have an HMO licence or if you previously held an HMO licence which has now expired you should tick 'New' box. Note - Your property must not be occupied as an HMO until a licence is granted.
Allowing your property to be occupied as an HMO without a licence is a criminal offence and the Council may commence enforcement proceedings against you and any agent you have appointed if the property is so occupied.
- If you are registered on the Landlord Register then please also provide your registration number.

Note: - If you are making an application for HMO licence within a year of a previous application having been refused, please include a covering letter setting out details of the material change in circumstances that have occurred since your previous application was refused. If there has been no material change in circumstances then the Council may not consider a new application.

Certificates & Plans - certificates submitted with an application to continue (renew), a licence must demonstrate that there has been no 'break' between their expiry dates

The following documents must be submitted with all applications for an HMO Licence - *please only provide copies of documents as originals will not be returned:*

- Annual Gas Certificate (for properties with a gas supply).
- Current Electrical Installation Condition Report.

- Annual Emergency Lighting Certificate – *(You will only need emergency lighting installed if there is insufficient borrowed light during the hours of darkness to illuminate the escape route. This will be documented in your fire risk assessment as discussed and agreed with the Scottish Fire and Rescue Service. In properties where a 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 to this Department).*
- Annual Portable Appliance Test Certificate (PAT).
- Annual Fire Appliances Certificate or a current invoice.
- Current Part 1 Fire Alarm System Certificate – *(Only required for systems governed by BS 5839-1. Your Fire Risk Assessment, as agreed and discussed with the Scottish Fire and Rescue Service, will cover if you need a Fire Alarm System Certificate for your system. 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)).*
- Annual Sprinkler System Inspection Certificate in accordance with BS9251 – *(In properties where a sprinkler system is installed the sprinkler system should be subject to an annual inspection and test by a suitably qualified and experienced contractor. The results of this should also be entered into the system's log book. Please provide certification that the annual inspection and test has been carried out and that the system is operating satisfactorily).*
- 1 x A4 size copy of the floor plans clearly showing room use, dimensions, doors and windows. In the event of a ceiling lower than 1.5m, this should be clearly defined on the plans - *(required for new and any subsequent 'renewal' application or where there has been a change to number of occupants).*
- Current Fire Safety Risk Assessment - *(required for new and any subsequent 'renewal' application or where there has been a change to number of occupants)..*

Checklist

Any application submitted without all the required certificates, layout plan and completed checklist will be deemed to be incomplete and will be returned.

Note: For applications to continue an existing licence, please note that it is the licence holders responsibility to ensure that a fully completed application for continuation of the existing licence, together with all required certificates, is received before the current licence expires. Failure to do so will result in the application being treated as a new licence application with the relevant fee payable.

Part 2 – Applicant Details

The application must be made in the name of the legal owner of the property:

- If the applicant is a natural person, any maiden or previous name and place and date of birth must be provided. The Council is required to copy your application to the police who require this information to carry out appropriate vetting checks.
- If the application is being made in joint names then these details must be provided for each applicant.
- If the applicant is a business, company or trust please provide the head/registered office address and details of all partners, company directors or trustees. The Council is required to copy your application to the police who require this information to carry out appropriate vetting checks.

Please ensure that any additional sheets used to provide the required information are stapled or otherwise secured to the application form.

Part 3 – Details of Appointed Agent

Anyone appointed by you to manage your property on a day to day basis will be named on the HMO licence.

If an agent is to be appointed to take responsibility for managing the property on a day-to-day basis then this section must be completed. If the agent is not an individual person then a list of all directors/partners/trustees together with their names and addresses and dates and towns of birth must be provided and attached to the application form. If the applicant is a business, company or trust and not an individual, then details of a named individual who is to carry on the day-to-day management of the property must be provided in this section.

Part 4 – Previous Convictions

Subject to the Rehabilitation of Offenders Act 1974 if the applicant, appointed agent or anyone named on the application form has been convicted of any crimes or offences in any court in the United Kingdom then these must be detailed in this part of the form. If there are no convictions you must enter N/A in the relevant boxes.

Part 5 – Property Details

- Please provide the full statutory postal address of the property for which a licence is sought (as shown on your Council Tax statement). If the property is a flat then please ensure that the flat number is provided with reference to its position within the tenement, for example flat 1F2 if the flat is the second flat on the first floor above street level.
- Please provide the date that the property was recorded or registered in the applicant's name. This will be a few months after the purchase of the property was completed and you may have to check this with your solicitor.
- Please indicate the total number of people that will be living in the property, including any owner-occupiers, family members, lodgers and tenants.
- Please indicate the total number of bedrooms within the property.

- Please provide a contact telephone number on which you or your agent can be contacted on a 24-hours basis. Note - The Council will use this telephone number to contact you/your appointed agent if complaints are received about your property or in emergency situations such as water leaks from your property and it will be set out in the neighbour notification notice that you will be required to provide to neighbours when your licence is granted. Please also indicate if the number provided is that of the applicant, the appointed agent or another person with responsibility for your property.
- Please provide the full name(s) of any joint owner(s) of the property who are not named in part 2 of the application form.

Part 6 – Applicants Declaration

Before signing and dating the application form, please ensure that:

- The application form has been completed fully and all information provided is accurate and complete.
- You have read the Council's data protection statement. **By signing and lodging this application form you are deemed to have given consent for your personal data to be held and processed for the stated purpose.**
- You are aware of your obligations to display a notice of application and to certify to the Council that you have done so in terms of paragraph 2 of Schedule 4 to the Housing (Scotland) Act 2006 (see *Notice of Application – Guidance Notes below*); and
- That you have read the copy of the Council's Standard Licensing Conditions provided with this application form and that that you understand that any HMO licence granted will be subject to these conditions.

Part 7 - Correspondence

Please provide full contact details, including an email address, for where all correspondence relating to the licence application, inspection appointments & reports should be sent.

Please note that only the applicant, the appointed agent (day to day manager), or the correspondence agent as identified on the application form must facilitate access to the property and be present during the inspection.

Notice of Application (Site Notice) – Guidance Notes

Applicants have a statutory obligation to advertise display a notice of application stating that an application for an HMO licence has been made. A style notice is provided with the application form.

This notice should be completed clearly and legibly. The notice must be displayed suitably protected from the elements on or near to the property in a position where it can be **easily** read by members of the public for a period of 21 days starting on the date on which your application is lodged with the Council.

You must take reasonable steps to protect the notice and if it is removed, obscured or defaced, within the 21 day period, it should be replaced. At the end of the 21 day period part B at the foot of the notice must be completed and the entire notice must be emailed to the Council's Licensing Section at: licensing@edinburgh.gov.uk

If the notice has been removed or defaced then you must provide the Council with written confirmation that you displayed the notice for 21 days as required and took steps to protect and replace the notice if appropriate.

Note - Where an applicant believes that compliance with the requirement to display a Site Notice is likely to jeopardise the safety or welfare of any persons, or the security of any premises, they may apply to the local authority to be exempt from this requirement.

Submitting Your Application

Before submitting your application, please ensure the following:

- The checklist at part 1 has been fully completed.
- The correct application fee is attached.
- All required certificates and supporting documentation are attached.
- The property is ready for a property inspection to be carried out – **note** properties with an existing licence should have undergone maintenance and be in all other respects ready for the property inspection at the time of submission.
- Where applicable, **Details of material change in circumstances** (*new applications made within a year of a previous application having been refused*).

Please be advised that the Council cannot accept your application without a fully completed application form, checklist, the correct fee, floor plans and if appropriate, details of material change in circumstances.

For applications to continue an existing licence, please note that it is the licence holders responsibility to ensure that a fully completed application for continuation of the existing licence, together with plans and all required certificates, is received before the current licence expires. Failure to do so will result in the application being treated as a new licence application with the relevant fee payable.

Please also note that all licence application fees are non refundable, except in exceptional circumstances. You can download our refunds policy from our website for more information. Any requests for a refund due to exceptional circumstances should be made in writing to the Licensing Manager

Please read through the Guidance Notes before completing this form and complete the form in capital letters using black ink. Please also ensure you complete the checklist before submitting your application

This application form must be fully completed and submitted electronically, together with all required supporting documentation and the appropriate fee, to the Licensing Section using our HMO Licensing [online submission form](#). Further information is also available on our website at www.edinburgh.gov.uk

Checklist

PART 1 - This check list must be fully completed in order to submit your application.

Any application submitted without all the required certificates, layout plan and completed checklist will be deemed to be incomplete and will be returned.

Please note that it is the licence holder's responsibility to ensure that a fully completed application for continuation of the existing licence, together with all required certificates, is received before the current licence expires. Failure to do so will result in the application being treated as a new licence application with the relevant fee payable and your property will be unlicensed

Application Type: please tick ✓	CONTINUATION <input type="checkbox"/>	DURATION: <input type="checkbox"/> 1 YEAR <input type="checkbox"/> 3 YEAR
	NEW <input type="checkbox"/> (1 YEAR)	

Current Licence No* _____ **Expiry date*:** _____
 (*required where a current licence already exists): _____ (*required where a current licence already exists): _____

Applicants Landlord Registration No (if applicable) _____

I have enclosed the following - please tick ✓ or enter N/A

Completed application form		
Correct application fee		note application fees are non refundable
Annual Gas Certificate (for properties with a gas supply)		valid to:
Current Electrical Installation Condition Report		valid to:
Annual Emergency Lighting Certificate (note 1)		valid to
Annual Portable Appliance Test Certificate (PAT)		valid to:
Annual Fire Appliances Certificate or Current Invoice		valid to:
Current Part 1 Fire Alarm System Certificate (note 1)		valid to:
Annual Sprinkler System Inspection Certificate in accordance with BS9251 (note 1)		valid to:
Completed Fire Risk Assessment (note 1)		valid to:
A4 size copy of the floor plan		<i>required for all new and any subsequent (renewal) application</i>

PART 2 – APPLICANT'S DETAILS - (guidance note 2)	
Applicant's full name	
Maiden/Previous name	
Date and town of birth	
Applicant's home address (or registered office) including postcode	
Contact telephone numbers	
Contact e-mail address	
If the applicant is a firm, partnership, company or trust please provide Directors'/Partners'/Trustees' details	
Name	
Maiden/Previous name	
Date and town of birth	
Address - including postcode	
Name	
Maiden/Previous name	
Date and town of birth	
Address - including postcode	
Name	
Maiden/Previous name	
Date and town of birth	
Address - including postcode	
(Please provide details of any further directors/partners/trustees on a separate sheet)	

PART 3 – DETAILS OF APPOINTED AGENT - appointed to take responsibility for managing the property on a day-to-day basis (guidance note 3)

Agent's full name (Include all director/partner/trustee details if not an individual)	
Name of responsible individual (If agent is a company/business/trust)	
Date and town of birth	
Agent's address (including postcode)	
Agent's telephone number	
Agent's e-mail address	

PART 4 – PREVIOUS CONVICTIONS - (guidance note 4)

Subject to the Rehabilitation of Offenders Act 1974 if the applicant, the appointed agent or any director/partner of them named in this application has been convicted of any crime or offence in any court in the United Kingdom, please provide details below or answer "None" if applicable.

<u>Date</u>	<u>Court</u>	<u>Offence</u>	<u>Sentence</u>
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PART 5 – PROPERTY DETAILS - (guidance note 5)		
5.1	Property Address (including postcode) (Please include flat number e.g. 1F2 where appropriate)	
5.2	Date of registration of title	
5.3	Maximum total number of occupants	
5.4	Maximum number of bedrooms	
5.5	24-hour emergency contact number & name	
5.6	Name(s) of joint property owner(s)	

PART 6 – APPLICANT'S DECLARATION - (guidance note 6)	
<p>I/we hereby make application for licence in the above terms and certify that the information given is true and correct.</p> <p>I/we confirm that that in submitting this application I/we consent to the information supplied by me/us in making this application (“data”) being held and processed by the City of Edinburgh Council (“the Council”) for its purposes as licensing authority. I/we understand that data will be disclosed to the police and other public bodies involved with licensing processing and enforcement. I/we understand that the Council is required to enter the data on to its HMO Register of Applications which may be inspected by members of the public on request and that certified copies of entries on this register may be issued to members of the public on request and on payment of the appropriate fee. I/we understand that I/we may check or amend data held or request deletion of data by contacting the Council’s Licensing Section at the address at the top of this form.</p> <p>I/we certify that I/we will comply with the requirement to display a notice of application in accordance with paragraph 2 of schedule 4 to the Housing (Scotland) Act 2006 and that I/we have received and read a copy of the Council’s standard licence conditions for HMO licences.</p> <p>Signed _____ applicant /appointed agent (delete as appropriate)</p> <p>Date _____</p>	

PART 7 – CORRESPONDENCE DETAILS - Please provide full contact details indicating where all correspondence relating to the HMO licence application & inspection process should be sent

Correspondence name and address (including postcode)	
Telephone number	
E-mail address	

NOTICE OF APPLICATION FOR HOUSE IN MULTIPLE OCCUPATION LICENCE

Applicant			
Applicant's Address	Postcode		

Has applied to the City of Edinburgh Council (the Council) for a House in Multiple Occupation (HMO) licence.

HMO Address			
Maximum number of tenants			
Managing Agent (if different from owner)	<p>Name Address</p>		

Representations

Representations about the application may be made by any member of the public. A representation must be in writing, must set out the name and address of the person making it and must be signed by the person or on their behalf. A copy of the representation will be given to the applicant.

Representations must be made within 21 days of the date the application was made. If a representation is made to the Council after this date but before a final decision is taken on the application, then the Council may consider the late representation if it is satisfied that it was reasonable for the representation to have been made after the deadline.

Representations should be submitted electronically to: licensing@edinburgh.gov.uk

Date application lodged	/	/
Last date for representations	/	/

- This notice must be displayed on or near the HMO property in a position where it can be easily read by the public.
- This notice must be displayed for a period of 21 days from the date the application was lodged with the Council.
- After the notice has been displayed for 21 days, Section B below must be completed and the notice returned electronically to licensing@edinburgh.gov.uk

PART B – CONFIRMATION OF DISPLAY OF NOTICE

This section must be completed by the applicant and the whole notice returned electronically to the Council at licensing@edinburgh.gov.uk at the end of the 21-day display period. Alternatively please email confirmation of display in writing with signature, along with full applicant and property details.

I (Full name of applicant)			
Certify that the notice of application has been displayed as prescribed above for a period of not less than 21 days ending on _____			
Applicant's Signature		Date	

Housing (Scotland) Act 2006
Standard HMO Licensing Conditions – Adopted 6 February
2023

HMO1	The licence holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, drainage, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The HMO owner should have a system in place which provides for continuity of safety certification.
HMO2	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.
HMO3	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.
HMO4	The licence holder must ensure that the number of persons residing in the premises shall not exceed [insert number] when operating as an HMO.
HMO5	The licence holder must make the Licence, including any conditions, available to occupiers, or prospective occupiers, within the premises where it can be conveniently read by residents.
HMO6	The licence holder must ensure that actions to secure repossession must be only by lawful means.
HMO7	The licenceholder must provide each tenant with a clear statement, in a form they can understand and keep for reference, of what is expected of them and what they can expect from the licenceholder. The agreement must accurately describe the subject of let, the start and end dates of the agreement, rent to be paid, period of written notification of intention to enter the property (which shall not be less than 24 hours), and where the agreement is in the form of a lease and the licence holder intends to retain a key for the property, the agreement will specify how the tenant will grant explicit permission for the key to be used.
HMO8	The licenceholder must act lawfully and reasonably in requiring any advanced payments, handling rents, returning deposits, and making deductions from deposits.

HMO9	The licenceholder must comply with all relevant legislation affecting private sector residential tenancies, including participation in any communal repairs and maintenance, as per the Tenements (Scotland) Act 2004.
HMO10	The licenceholder must manage the property in such a way as to seek to prevent and deal effectively with any anti-social behaviour by tenants to anyone else in the HMO and in the locality of the HMO.
HMO11	An emergency contact telephone number for the licence holder and/or management shall be available and notified to the Council, on an annual basis, for 24-hour contact purposes for emergencies or antisocial behaviour from the property
HMO12	The licence holder shall give a neighbour notification to every occupier in the same building as the licence holder's premises, and any adjoining premises within 28 days of the licence holder's receipt of the licence document, and thereafter on an annual basis. This will advise of the name of the licence holder or managing agent, a contact address, daytime telephone number and an emergency contact number
HMO13	The use of the premises shall be as authorised from time to time by the City of Edinburgh Council in terms of the Building (Scotland) Act 2003.
HMO14	Adequate facilities must be provided for the storage and disposal of refuse, and recycling. The licenceholder shall make the tenants fully aware of their responsibilities.
HMO15	The licence holder must ensure that Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
HMO16	The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
HMO17	Where the agreement between a tenant (or group of tenants) and the licence holder gives those tenants exclusive access to specified rooms in the premises, the licence holder should ensure those rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.

HMO18	Any chimneys/flues that are in use must be maintained/cleaned annually or in accordance with the manufacturer's instructions, or, where the flue is covered by a Gas Safety Inspection, at a period determined by a Gas Safe registered engineer.
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