



COMHAIRLE NAN EILEAN SIAR

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR HMO LICENCE Guidance Notes

Application Form Section 1

Please confirm whether the application is a new application, a renewal of an existing licence or an application for change of manager. If your application is a renewal application please include the licence reference number of your previous licence (this is set out at the foot of your licence). Please note that a renewal application can only be lodged while an existing, valid licence is in place. If your previous licence has expired then a new application is required. Please be advised that the statutory application process is the same for both new and renewal applications and therefore there is no mechanism for 'fast-tracking' renewal applications.

If you are making a new application for licence then 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 Comhairle may commence enforcement proceedings against you and any manager you have appointed if the property is so occupied.

Please provide the full 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 building, for example flat 1F2 if the flat is the second flat on the first floor above street level.

The day to day manager will be named on the licence as joint licence holder. If there is any change in the day to day manager an application for change of manager is required and your existing licence must be returned with the application. The Comhairle is required to satisfy itself that the proposed new manager is a fit and proper person to hold a licence and to issue a replacement licence once this has been confirmed.

Please provide contact telephone number on which you or your day-to-day manager can be contacted on a 24-hours basis. The Council will use this telephone number to contact you if complaints are received about 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.

Sections 2, 3

The application must be made in the name of the legal owner of the property. 'Owner' is defined as the person having a heritable interest in the property which is capable of being recorded in the General Register of Sasines or recorded in the Land Register.

If the applicant is a natural person, any maiden or previous name and place and date of birth must be provided. If the application is being made in joint names then these details must be provided for each applicant and one applicant must be identified as the day to day manager of the property. The Comhairle is required to copy your application to the police who require this information to carry out appropriate vetting checks.

If the applicant is a business, company or trust, details of all partners, company directors or trustees must be provided. Please ensure that any additional sheets used to provide the required information are stapled or otherwise secured to the application form. Please indicate the total number of people that will be living in the property, including any owner-occupiers, family members, lodgers and tenants.

Section 4

If a manager 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 manager 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.

Sections 5 and 6

Subject to the Rehabilitation of Offenders Act 1974 if the applicant, manager or anyone named on the application form has been convicted of any crimes or offences in any court in the United Kingdom these must be detailed in this part of the form.

Section 7

All the requested additional information will require to be provided prior to licence approval.

Section 8

Before signing the application form, please ensure that

- All information provided on the application form is accurate and complete. It is an offence to make a false statement in submitting an application for licence;
- 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;
- That you are aware of your obligations to display a site notice and to certify to the Council that you have done so in terms of paragraph 2(2) of Schedule 1 to the Civic Government (Scotland) Act 1982 (see site notice 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.

General Guidance

If anyone other than the applicant is involved in submitting the application or managing the property on a day-to-day basis, please indicate whether mail in connection with this application should be sent to the applicant, the day to day manager or to the applicant's agent. The Comhairle will not be responsible for any failure by a manager or agent to forward correspondence to an applicant.

Site Notice –Guidance Notes

Applicants have a statutory obligation to advertise a new or renewal application for licence with a site notice. A site notice is provided with the application form. This notice should be completed clearly and legibly. The notice must be displayed at or near 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 Comhairle. You must take reasonable steps to protect the site notice and replace this if need be. At the end of the 21 day period part B at the foot of the site notice must be completed and the entire notice must then be returned to the Comhairle.

If the notice has been removed or defaced then you must provide the Comhairle with written confirmation that you displayed the site notice for 21 days as required and took steps to protect and replace the notice if appropriate. Please be advised that if the Comhairle does not receive written confirmation from you that a site notice was displayed then your application will be refused.

Submitting Your Application

Please ensure that you sign and date your application and enclose the required documentation along with the correct fee.

The application fee is set out in the enclosed Fee Table or are available from

<http://www.cne-siar.gov.uk/feesandcharges/environmentalhealth.asp>

Please note that the application fee is non-refundable and is not dependent on grant of licence. It will not be refunded if your application is refused or withdrawn.

Floor Plan

The floor plan may be a simple line drawing but it must be accurate, preferably to scale but a close approximation would be acceptable. It must state the use of each room, and show the location of all windows, internal glazing (e.g. "stolen lights" between kitchens and bathroom, windows on the common stair and fanlights above doors), doors, stores/cupboards, sanitary facilities, extract fans and duct routes. If there are any timber linings to walls and ceilings in a kitchen and hall then should be noted on the drawing.

You should also note the location of any combustible appliance, telephone point or state the location of the nearest public telephone, the locations of any mains powered smoke or fire alarm system and indicate the location of electric sockets.

Other Information

Copies of your application will be circulated to the Northern Constabulary, Highland & Islands Fire Brigade and the Development Department - (Planning, Building Standards & Housing).

You will be contacted to arrange for a suitable time for an inspection of the property. The inspection will usually be a joint inspection by Environmental health, Building Standards and the Fire Authority. Fire Safety is enforced separately by Highlands and Islands Fire brigade and they have separate powers to deal with any issues that arise, although they can still object to the issue of a licence.

Licence Standards

Comhairle Nan Eilean Siar has adopted the Benchmark Standards in the Scottish Executive booklet 'Guidance on Mandatory Licensing of Houses in Multiple Occupation' for its assessment of properties it is available to download from: <http://www.scotland.gov.uk/Resource/Doc/47060/0028720.pdf>.

A summary of the Benchmark Standards is given below

| Bedrooms Size | Where Common Living Room Is Also Available | Where No Communal Living Area Is Available | Bedroom with Cooker |
|---|--|--|--|
| Single room (one adult) | 6.5 sq metres | 10.0 sq metres | 13.0 sq metres |
| Double room (two adults) | 10.5 sq metres | 15.0 sq metres | 19.0 sq metres |
| Triple room (three adults) | 16.5 sq metres | 19.5 sq metres | <i>In normal circumstances children would not be accommodated in bedrooms with cookers. If – in exceptional circumstances – they are, appropriate measures must be taken to ensure their safety:</i> |
| More than three adults | 16.5 sq metres + 4.5 sq metres per additional adult over 3 | 19.5 sq metres + 6 sq metres per additional adult over 3 | |
| Family Room (two adults plus children under 10) | 10.5 sq metres + 4.5 sq metres per child | 15 sq metres + 7 sq metres per child | |

Every bedroom should be capable of accommodating a bed, wardrobe and a chest of drawers and must have sufficient activity space around the furniture and fittings.

| | |
|----------------------------------|--|
| Communal living room | <ul style="list-style-type: none"> • 3 – 6 persons 11.0 sq metres • 7 – 10 persons 16.5 sq metres • 11 – 15 persons 19.5 sq metres |
| Kitchens | <ul style="list-style-type: none"> • sinks with integral drainers – one for every six people • cookers – one for every six people unless board is provided • adequate food storage, waterproof work surfaces and refuse disposal facilities |
| Sanitary Facilities | <ul style="list-style-type: none"> • toilet – one for every five people • bath or shower – one for every six people • washbasin – within or adjacent to each toilet • each letting unit shall be no more than 1 floor from appropriate sanitary facilities |
| Water Supply and Drainage | All facilities must have a safe hygienic drainage system and suitable and sufficient hot and cold water. |
| Heating | Each bedroom and living room must have fixed space heating or be served by central heating. Liquefied petroleum gas (LPG) must not be used or stored on the premises. |
| Lighting and Ventilation | <ul style="list-style-type: none"> • Every bedroom or living room must have a glazed window equal to at least 1/15th of the floor area. • Every bedroom and living room must have a window or windows with an opening area equal to at least 1/30th of the floor area. • Every kitchen, bathroom and toilet must have either natural ventilation, with a window opening area equal to at least 1/30th of the floor area, or adequate mechanical ventilation to the outside air. • All windows must be situated in external wall or roof. • There must be adequate electric lighting system providing at least one lighting point to every room or circulation space. |
| Boxrooms | Boxrooms which are not provided with natural lighting and ventilation are not suitable for use as living or bedroom accommodation regardless of size. |
| Tenancy management | The Scottish Government puts major emphasis on issues of tenancy management. Comhairle officers may visit residents within property or block of flats and may require to meet separately with the applicant or their agent. Applicants and/or their agent must keep accurate rent records. The Comhairle will require to see and approve the format of how these records are kept. Tenancy agreements used by an applicant or agent must be approved for use, and sample leases that meet the requirements of the Licensing Scheme are available free of charge. |

Northern Constabulary

All licence applications will be circulated to the Northern Constabulary who will advise the Comhairle if you have any convictions which suggests that you should not be granted a licence. Any convictions, whether listed on the application form or not, will be considered.

Highlands and island Fire Brigade

Fire Safety in Houses in Multiple Occupation is enforced by the Highlands and island Fire Brigade. Guidance on compliance is available from <http://www.infoscotland.com/firelaw>

Neighbourhood Objections and Complaints

Neighbours may raise an objection to a new or renewal application should they consider the landlord or manager is not a fit and proper person, or the premises are not suitable for use as an HMO.

In addition, neighbours may complain at any time to the Comhairle should they consider an existing licensed HMO:

- Is causing undue public nuisance or threat to public order or safety
- The landlord or the manager is no longer a fit or proper person.

All written complaints or objections should be sent to: Consumer and Environmental Services, Development Department, Comhairle Nan Eilean Siar, Sandwick Road, Stornoway, Isle of Lewis, HS1 2BW.

Complainants and objectors will receive at least seven days notice should they wish to appear and be given the opportunity to speak to the Licensing Panel.

The Decision Process

Your HMO application will be considered within three months and the Council has to make a final decision on your application within 12 months.

The extended period is to allow applicants additional time to obtain any permissions, or to carry out necessary work that may be required before the licence is granted.

Should the 12-month period be insufficient, the Comhairle may in exceptional circumstances apply to the court to extend the licensing period. This is only likely to happen if you have arranged for an extensive amount of work to be carried out.

Applications that meet the standards and do not attract any local objections will be granted and the licence will be sent to you.

Applications will only require to be heard by the Licensing Panel where:

1. Objections have been received
2. The property does not meet the standards
3. The completed site notice has not been returned to the Comhairle.

The inspection report will detail any works needed to comply with the standards.

Should your application need to be heard, a letter will be sent inviting you, or your representative, to attend.

You will also be sent copies of all papers and objections to the application the Panel will be considering.

Issue of licence

Within 7 days of grant of licence you will receive a letter confirming the terms and conditions on which the licence has been granted and advising you of any right of appeal to the court.

Once the licence document is received by you, you should arrange to display the licence and a set of standard conditions attached to it in a prominent position within the premises.



COMHAIRLE NAN EILEAN SIAR
CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR A HOUSE IN MULTIPLE OCCUPATION LICENCE

For application fee please refer to application fees leaflet (All fees are non-refundable)
 Payment is due at the time you submit your application at the Comhairle

Please refer to the relevant guidance notes prior to completing this form.

If the application relates to premises then applicants must display a **public notice** at the proposed premises as soon as this application has been lodged with this office. This display notice must be displayed for a period of 21 days, together with a copy of this application. For further information please refer to the guidance notes.

At the end of the 21 day period you must sign and return a **certificate of compliance** to confirm that you have complied with this requirement.

| For Official Use only | |
|-----------------------|--|
| Date Lodged | |
| Paid | |
| Relationship | |
| Received by | |
| Public Notice | |
| Police | |
| Fire | |
| Planning | |
| B'Standards | |
| Date Granted | |
| Renewal | |
| Licence no | |

Please Answer every Question in Typescript or black ink and capital letters

| | | | |
|----------|---|--|-----------------------------------|
| 1 | Type of Licence Application: Initial: <input type="checkbox"/> Renewal: <input type="checkbox"/> Current Licence No: _____ Variation: <input type="checkbox"/> Change in Circumstances: <input type="checkbox"/> Other <input type="checkbox"/> _____ | | |
| | Full address of premises in respect of which the licence is applied <div style="text-align: right;">Postcode: _____</div> | | |
| | Maximum total number of occupants: _____ | | Maximum number of bedrooms: _____ |
| | 24-hour emergency contact number _____ | | |

To be completed if owner is individual natural person. This MUST be completed by the owner.

| | | | | |
|----------------------------|--|-----|---------------|----------------|
| 2 | Full Name (include all names & Title): _____ | | | |
| | Address and Postcode: _____ | | | |
| | Phone: Home | | Business: | |
| | | | Mobile: | |
| | Fax: | | Email: | |
| Age, Date & Place of Birth | | Age | Date of Birth | Place of Birth |
| | | | | |

To be completed if owner is not an individual natural person (e.g. A company or partnership).

| | | |
|----------|--|--|
| 3 | Full Company Name: _____ | |
| | Company address and postcode: _____ | |
| | Principle office address & postcode: _____ | |

| | | | |
|---|-----------|---------|--|
| Full name (including any previous name(s)), address and designation of employee or agent of applicant to be responsible for the day-to-day running of the premises | | | |
| Name (including any previous names(s) private addresses, dates and places of birth of all directors, partners or other person responsible for its management (Please continue on separate sheet if necessary): | | | |
| Phone Numbers: | Business: | Mobile: | |
| Fax: | Email: | | |

DAY TO DAY MANAGER'S DETAILS (Guidance Note 4)

| | | | | |
|---|---|--|--|--|
| 4 | Managers Full Name: (include director/partner/Trustee details if not an individual): | | | |
| | Name of Responsible Individual: (if manager is a company/business/trust) | | | |
| | Manager's/Responsible Individuals home Address: & postcode: | | | |
| | Date of Birth: (manager/responsible individual) | | Place of Birth (Town): (manager/responsible individual) | |

| | | | | |
|---|--|--------------|----------------|-----------------|
| 5 | Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in Section 2, Section 3 or Section 4 ever been convicted of any crime or offence (this includes contravention's of bye-laws, environmental health/food hygiene regulations and road traffic offences and any other conviction of any kind)? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please details below (Please note all unspent crimes & offences must be declared): | | | |
| | Date | Court | Offence | Sentence |
| | | | | |

| | | |
|---------------------------|--|---|
| 6 | Has any person named in Section 2 or Section 3 previously held or do they currently hold this type of licence? | Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes Date Licence Granted? |
| | | by which Local Authority? |
| | | Expiry Date: |
| | Has any person named in Section 2 or Section 3 ever applied for and been refused this type of licence? | Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes Date Licence refused? |
| by which Local Authority? | | |

| | | | |
|--|-------------------------------|---|--|
| 7 | Additional Information | | |
| The following information should be provided with your application (please tick if enclosed) | | | |
| An A4 sized detailed floor plan of the property The plan should show the location and size of rooms, sanitary and cooking facilities, electrical sockets and heating equipment. The proposed occupancy rate of each room should also be shown. | | (new applications only) | |
| A copy of the proposed tenancy agreement if non standard. Edinburgh Council run Letwise which has a lot of useful information including standard tenancy documents | | | |
| A copy of the latest electrical safety certificate for the wiring of the building | | | |
| If there is Gas (mains or LPG) in the premises, a copy of the last gasSAFE certificate issued. | | | |
| A copy of the property insurance | | A copy of the property owner's liability insurance. | |

| | |
|---|--|
| 8 RELATIONSHIP TO COUNCILLOR OR COMHAIRLE OFFICER | |
| Are you or your partner a relative or partner of a Councillor or Comhairle Officer? Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| If yes, please state the name of the relation, the position held in the Comhairle, and explain the relationship? | |
| Please note: A "relation" for the purposes of this document is a spouse, partner, child, sister, brother, parent, or parent-in-law of a Member or Officer. In this context 'Officer' shall mean an Officer who is salaried at Assistant Director level or above or any officer directly involved in the decision-making process. | |

Declaration

| | | | |
|----------|--|------------------------|--|
| 9 | <p>I / we declare that I / we shall, for a period of 21 days commencing with the date hereof, display at or near the premises so that it can conveniently be read by the public, a notice complying with the requirements of Paragraph 2(3) of Schedule 1 of the Civic Government (Scotland) Act, 1982.</p> <p>Where this declaration is made there must be produced in due course a certificate declaring compliance with paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982</p> <p>I/we confirm that I/we are the legal owner/s of the property detailed in this application and I/we hereby make application for licence in the above terms and certify that the information given is true and correct and I/we understand that if any material statement is made which I/we know to be false then an offence is committed and I/we may be liable, on summary conviction, to a fine not exceeding £2,500.00;</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 Comhairle Nan Eilean Siar 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 Comhairle Nan Eilean Siar is required to enter the data on to its 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 Comhairle at the address at the bottom of this form.</p> <p>I declare that the particulars given by me on this form are correct to the best of my knowledge and belief.</p> | | |
| | Signature of Owner/ Company Representative | Print Name: | |
| | Position of applicant in company / partnership, if not otherwise stated: | Date | |

Please note that all correspondence will be sent to the applicant unless otherwise indicated. If you wish correspondence to go to your manager or agent please state here.
Please send all correspondence in relation to this application to Applicant /Manager./ Agent* (*delete as appropriate).

NOTE: Any person who, in connection with the making of this application, makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction, to a fine not exceeding level 4 on the standard scale.

Please ensure you have read the attached guidance notes and have:

- completed every question in block capitals and black ink or typescript
- signed and dated the application
- arranged for the public notice to be displayed at the proposed premises showing the exact 21 days date (if you are uncertain about this date please seek contact us).

Completed Applications should be returned along with the correct fee to any Comhairle office **or** posted to
Consumer & Environmental Services
Development Department
Comhairle Nan Eilean Siar
Stornoway
Isle of Lewis HS1 2BW

If you have any queries regarding this licence please phone:
01851 822694 or email to eh@cne-siar.gov.uk



COMHAIRLE NAN EILEAN SIAR
CIVIC GOVERNMENT (SCOTLAND) ACT 1982

DISPLAY NOTICE

**Application
for the**

(Insert grant or renewal)

of a

(insert type of licence applied for)

Licence

at

(insert the address of the premises that the licence is for)

by

Applicant

(insert the name & address of the applicant)

I declare that an application as detailed above has been made to Comhairle Nan Eilean Siar. A copy of the application form lodged with Comhairle Nan Eilean Siar is displayed opposite.

Any objection or representation relating to the application should be made to the Director for Development Department, Comhairle Offices, Stornoway., HS1 2BW

before

(insert 21 days from the date the application is lodged with Comhairle Nan Eilean Siar)

Any objection or representation must be in writing and:

- must specify the ground of the objection or the nature of the representation,
- must specify the name and address of the person making it,
- must be signed by him/her or on his behalf.

Such a representation shall be considered to have been made within the period referred to if it is delivered by hand within that period or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered within that period.

It should also be noted that where an objection or representation is made to the Comhairle after the date referred to but before a final decision is taken on the application, it is competent for the Comhairle to entertain if it is satisfied that there is sufficient reason why the objection or representation was not made within the period of time stated.

**Signed (by
applicant)**

**PLEASE PRINT
NAME:**

This site notice must be displayed for the whole of the period of 21 days at, or near, the premises so that it can be conveniently read by the public



COMHAIRLE NAN EILEAN SIAR
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
CERTIFICATE OF COMPLIANCE
DISPLAY NOTICE

I,

(Insert name of applicant)

**Applicant
for a**

(insert type of licence applied for)

Licence

hereby certify that the Notice (as per overleaf) has been posted at or near the premises at:

(insert address of premises)

from:

(insert date application lodged at Comhairle)

to:

(insert 21 days date thereafter)

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 abovementioned period, I took reasonable steps for its protection and replacement as follows:- (give details and circumstances)

** Please delete if inapplicable*

Date:

Signature:

Please complete this side of the form after the 21 days and return to this office:

**Consumer & Environmental Services, Development Department, Comhairle Nan Eilean Siar,
Stornoway, Isle of Lewis HS1 2BW**

Notes:

The DISPLAY NOTICE and the CERTIFICATE OF COMPLIANCE should be printed back to back.

The DISPLAY NOTICE must be completed and displayed at the premises to which the licence relates. Please note that the date on the display notice must be exactly 21 days from the date the application is lodged with the Comhairle. (If posting your application please remember the 21 days will not commence until the application has been received at this office).

After the 21 days date has passed the CERTIFICATE OF COMPLIANCE (on the reverse of the display notice) must be completed and returned to the Comhairle. The dates on this certificate must reflect the date the application is lodged and the 21 days thereafter.

Once the 21 days date has passed and both sides of this form have been completed correctly you must ensure that you submit the original to this office.

If you are in any doubt about these dates, please contact the Comhairle on 01851 822694 for clarification.

Conditions

1. Requirement to Meet Standards

1.1 The Premises shall comply with the Comhairle's "Standards for Houses in Multiple Occupation" in force at the date of this licence (subject to any exemption or relaxation granted thereto and specified in schedule 1 to the licence.)

2. Maximum Number of Occupants

2.2 The number of persons residing in the premises at any one time shall not exceed the numbers stated on the licence.

2.3 The room numbers (listed as per your plan) shall have maximum occupancies as detailed in the licence.

2.4 To increase the number of residents residing in the premises the following will be required;

- a) Application for a variation to the licence,
- b) A building warrant "Change of Use" may be required for any HMO with 6 or more residents and
- c) Planning Permission may be required for any HMO with 5 or more residents.

3. Entry for Authorised Person

3.1 The licence-holder shall allow access to the premises for HMO licensing purposes any person authorised on that behalf by Comhairle Nan Eilean Siar, The Chief Constable of the Northern Constabulary or The Highland and Islands Fire Brigade.

4. Material Changes

4.1 The Licence holder shall not make or cause or permit to be made any material change to the premises, licensed activity or any occupancy agreement without the prior written consent of the Comhairle.

4.2 The Licence holder shall notify the Comhairle immediately of any material change of circumstances affecting the licensed premises or licensed activity or the licence-holder (or any agent appointed by him/her to manage part or all of the licensed activity), including details of any criminal convictions incurred by such persons since the granting or renewal of the licence.

5. Reporting of Certain Incidents

5.1 The Licence holder shall notify the Comhairle, as soon as is reasonably practicable, of the details of any incident affecting, or within, the licensed premises which (a) has resulted in structural damage to, or structural collapse within, the premises, or (b) which has involved a gas leak, fire or explosion necessitating the call-out of the Emergency Services.

6. Prohibition of LPG room-heaters and storage of inflammable liquids etc

6.1 The licence-holder shall not permit the use or storage on the premises of LPG room-heaters or, unless in any external store designed and approved for such storage, the storage of any liquefied petroleum gas (LPG) or any highly inflammable liquid, gas or substance.

6.2 This condition shall not apply to small amounts of liquids or gas sold in small non-refillable retail packs (e.g. lighter fuel or cosmetic appliance cartridges) kept by residents for their own use. Nor shall it apply to the external storage of LPG in cylinders or tanks which are provided by the licence-holder for the provision of gas for cooking or for water or space heating or other domestic use, provided the storage complies fully with LPGA Codes of Practice and Building Regulation Technical Standards and that any installation connected to such cylinders or tanks complies with The Gas Safety (Installation and Use) Regulations 1998 or any amendment thereto.

7. Requirements regarding Repair and Fitness

7.1 The Licence holder shall keep the premises fit for human habitation and shall keep in a good state of repair, to the satisfaction of the Comhairle, the structure and exterior of the premises

8. Maintenance of Installations

8.1 The Licence holder shall maintain and keep in proper working order to the satisfaction of the Comhairle and in compliance with any statutory requirements any installation provided for space-heating or water-heating or ventilation or sanitation or for the supply of water, gas, oil or electricity.

9. Maintenance of Appliances

9.1 The Licence-holder shall ensure that any appliance, provided by him/her in terms of this licence or any occupancy agreement, functions properly and safely.

Inspection and Certification of Certain Installations

10. Solid Fuel

10.1 The licence-holder shall ensure that an annual inspection of solid fuel fires, installations and appliances and an annual inspection/cleaning of chimneys/flues serving solid fuel appliances or fires shall be carried out by a competent person and, following the execution of any necessary repairs or works identified by that person, the licence holder shall obtain from such person or other competent person a certificate signed by him/her stating that the system is functioning properly and safely.

11. Oil

11.1 The licence-holder shall ensure that an annual inspection of all oil-fired appliances or installations shall be carried out by a competent person and, following the execution of any necessary repairs or works identified by that person, the licence-holder shall obtain from such person or other competent person a certificate signed and dated by him/her stating that the system is functioning properly and safely.

12. Gas

12.1 The licence holder shall ensure that an annual inspection of all gas-fired appliances or installations within the HMO shall be carried out by a qualified person (that is a person registered with GasSafe for inspection of installations, appliances or premises of that nature) and, following the execution of any necessary repairs or works identified by that person, the licence-holder shall obtain from such person or other similarly qualified person a certificate signed and dated by him/her stating that the installations and appliances are functioning properly and safely. Such inspection shall include the provisions of any inspection required by any statutory requirement and in particular The Gas Safety (Installation and Use) Regulations 1998 and any amendment thereto.

13. Electricity

13.1 The licence-holder shall ensure that the electrical installation and any appliances provided by him are maintained in a safe working condition and routinely checked.

13.2 The licence-holder shall ensure that a formal inspection of the electrical installation (in accordance with Chapter 73 of BS 7671) is carried out every three years by a qualified person. Following any remedial works required following that inspection, the licence-holder shall obtain, from the qualified person who undertook that inspection or any subsequent inspection, a satisfactory Periodic Inspection Report for an Electrical Installation (as prescribed in IEE Guidance Note 3, Inspection and Testing. (Note: Report forms are available from <http://www.iee.org.uk/technical/free-services.htm>).

13.3 For the purposes of this condition a qualified person shall be either:

- a) a professionally qualified electrical engineer; or
- b) a member of the Electrical Contractors' Association; or
- c) a member of the Electrical Contractors' Association of Scotland (SELECT); or
- d) a certificate holder of the National Inspection Council for Electrical Installation Contracting; or
- e) a qualified person acting on behalf of one of these (when it should be stated for whom he or she is acting)]

13.4 The licence-holder shall ensure that a routine check/inspection is carried out by a competent person at least once every three years on all electrical appliances provided by the licence-holder and shall obtain a certificate from that person which (a) details the appliances checked and/or repaired or replaced and (b) which confirms that, following checks, all remaining appliances are functioning properly and safely.

14. Frequency of Inspection

14.1 Any annual certificate of inspection required in terms of these Conditions shall require to be provided no later than 12 months from the date of any previous certificate of inspection.

15.1 Repairs following Inspections

15.2 Any repairs or works found necessary during the course of any annual inspection of an electrical, solid-fuel, oil-fired or gas-fired installation or appliance shall be carried out immediately where such repair is required to ensure the safety or health of any person.

16. Maintenance of Common Areas and Refuse collection and disposal

16.1 The Licence-holder shall ensure that adequate facilities, to the satisfaction of the Comhairle, are provided for the storage, collection and disposal of all rubbish and shall ensure that all common areas of the premises and all common external areas within the curtilage of the premises are kept in a clean, tidy and well-maintained condition to the satisfaction of the Comhairle.

16.2 The licence holder shall be responsible for advising residents of the refuse collection day and for making arrangements for the presentation of wheeled bins for collection at the appropriate time and day.

17. Prevention of Vermin

17.1 The Licence-holder shall ensure that the premises are maintained in such a manner and state of repair as to prevent infestation by vermin and shall be responsible for the treatment of any infestation that arises from or within any common area of the premises.

18. Prevention of Nuisance and Disturbance

18.1 The Licence holder shall be responsible for the day-to-day running of the premises and shall ensure as far as reasonably practicable that no disturbance or nuisance arise within or from the premises.

19. Other Matters

19.1 The licence-holder shall be required to deal without delay with any other matter which in the opinion of an authorised person renders the premises to be unsuitable for use as an HMO or which presents an unacceptable risk to any residents.

20. Public Liability Insurance

20.1 The licence-holder shall during the period of the licence hold third party liability insurance giving a minimum level of indemnity of FIVE MILLION POUNDS (£5,000,000) in respect of the premises and the licensed activity.

21. Requirement to produce on demand any policy, certificate etc.

21.1 The licence holder shall require to produce on demand to any authorised person any policy, certificate, document, record, certificate of inspection or safety, licence or plan required by or issued in terms of or pursuant to any condition of this licence.

Requirement to retain records

22.1 The licence holder shall require to retain any record, document or certificate required in terms of this licence for a period of three years following the date of the expiry of that document or certificate or following the date of the last entry in any record.

23. Display of Licence etc

23.1 The licence-holder shall at all times display within the premises in a prominent and in a position accessible to all residents:

- b) a copy of the licence;
- d) a copy of the licence conditions;
- f) a copy of the Comhairle's Standards for Houses in Multiple Occupation; and
- h) a copy of any current safety certificate, fire-certificate, insurance certificate, or policy required by any condition of this licence, or by statute, or in terms of The Comhairle's Standards for Houses in Multiple Occupation.

24. Tenancy/Occupancy Agreements

24.1 The Licence-holder shall require to comply with his/her contractual obligations in terms of the tenancy/occupancy agreement approved by the Comhairle in terms of the Comhairle's "Standards for Houses in Multiple Occupation".

24.2 All tenants must be provided with written tenancy/occupancy agreements which meet the approval of the Comhairle. A tenancy/occupancy agreement which has been approved by the Comhairle must not be altered unless the licence-holder has received the prior written approval of the Comhairle for any such alteration.

25. Records of Residents

25.1 The Licence holder shall keep adequate and up-to date records in accordance with Section 3 "The Tenancy/Occupancy Agreements" of the Comhairle's Standards for Houses in Multiple Occupation. These records may be kept in a paper or electronic form.

26. Rent Receipts

26.1 The Licence-holder or his or her agent shall require to record, date and sign all payments of rent in a rent-book which shall be provided to and retained by the resident, or shall issue a signed and dated receipt to any resident who makes a rental payment.

27. Rental Deposits

27.1 The Licence-holder shall issue signed and dated, written receipts for any rental deposit received and shall refund to the resident within 14 days of any agreed tenancy/occupancy termination date any rental deposit of part thereof due to the tenant. The Licence-holder shall provide within 14 days written confirmation of any agreement made by him/her regarding a tenancy/occupancy termination date on being requested to do so in writing by any tenant.

28. Emergency Telephone

28.1 Unless there is an adequate mobile phone signal throughout the property the Licence-holder shall ensure that a telephone in working order is available at all times and suitably located on the premises in an accessible position for the use of the tenants to call the emergency services at any time,

29. Compliance with Statutory Requirements

29.1 The licence-holder shall comply with any statutory requirements (including, but not exclusively, those in terms of the Building (Scotland) and Planning, Food Safety, and Health and Safety Acts) which apply to the premises, its contents or services provided there, including the requirements of any statutory requirement governing his/her role as a landlord. Failure to comply with any statutory requirement shall not be regarded as a breach of this condition unless the Comhairle or the Firemaster are satisfied that such breach affects or is likely to affect the health, safety, welfare or rights of the residents or others, or unless such breach otherwise contravenes any other condition of this licence.

Informative Note (this is not a licence condition)

The Fire (Scotland) Act 2005 introduced a new fire safety regime for the majority of non-domestic premises; however it includes all Licensed Premises in Scotland. Fire safety measures are not controlled through licensing, responsibility for enforcement of general fire safety lies with the local fire and rescue authority. The Act requires any person having control of premises which fall within the scope of the new legislation to carry out a fire safety risk assessment, and take appropriate fire safety measures. Further information is available from the following website

<http://www.infoscotland.com/firelaw>.

If you have any questions or concerns regarding fire safety please contact the local Fire Office on 01851-705855.

The local Fire Office have issued the following standard information

“It should be noted that the responsible person (duty holder) for the above premises are required under the Fire (Scotland) Act 2005 to undertake Fire Safety Risk Assessments and produce an emergency evacuation strategy. The process of Fire Safety Risk Assessment should be ongoing and the duty holder is required to ensure that the premises are fit for purpose for the proposed use.”