



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Application for HMO licence

129 Application for HMO licence

- (1) An application to a local authority for an HMO licence may be made only by an owner of the living accommodation concerned.
- (2) The local authority may determine an application for an HMO licence by—
 - (a) granting the HMO licence (with or without conditions), or
 - (b) refusing to grant the HMO licence.
- (3) Schedule 4 makes provision about procedural requirements relating to an application for an HMO licence.

130 Suitability of applicants and agents

- (1) The local authority must refuse to grant an HMO licence if—
 - (a) any of the persons mentioned in subsection (2) is disqualified by an order made under section 157(2), or
 - (b) the authority considers that any of those persons is not a fit and proper person to be authorised to permit persons to occupy any living accommodation as an HMO.
- (2) Those persons are—
 - (a) the applicant,
 - (b) any agent specified in the application, and
 - (c) where the applicant or agent is not an individual, any director, partner or other person concerned in the management of the applicant or agent.
- (3) Section 85 of the Antisocial Behaviour etc. (Scotland) Act 2004 ([asp 8](#)) applies to a local authority in deciding whether a person is a fit and proper person for the purposes

of subsection (1)(b) as it applies to the authority when it is deciding whether a person is a fit and proper person for the purposes of section 84(3) or (4) of that Act.

131 Suitability of living accommodation

- (1) The local authority may grant an HMO licence only if it considers that the living accommodation concerned—
 - (a) is suitable for occupation as an HMO, or
 - (b) can be made so suitable by including conditions in the HMO licence.
- (2) In determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO the local authority must consider—
 - (a) its location,
 - (b) its condition,
 - (c) any amenities it contains,
 - (d) the type and number of persons likely to occupy it,
 - (e) the safety and security of persons likely to occupy it, and
 - (f) the possibility of undue public nuisance.

132 Restriction on applications

- (1) Where a local authority refuses to grant an HMO licence the local authority may not consider a further application for an HMO licence by the same applicant—
 - (a) in relation to the living accommodation concerned, or
 - (b) where the application was refused because of section 130(1)(b), in relation to any living accommodation,within one year of the date on which notice of the refusal is given to the applicant under section 158.
- (2) This section does not prevent the local authority from considering a further application for an HMO licence where it is satisfied that there has been a material change of circumstances.