

HMO Consultation Survey

1. Do you agree with the introduction of a HMO Overprovision Policy as set out above.

Yes No

2. Please use the space below for any comments on the draft policy as a whole.

3. Please advise if you are responding as :

- An individual
- A current HMO licence holder/applicant
- Landlord
- Letting Agent
- Student
- HMO neighbour
- Other (please specify below)

Please supply your contact details.

Name

Address
.....
.....
.....

Email Address

Please send completed paper replies to:

HMO Consultation
Business Hub 11
Second Floor West
Marischal College
Aberdeen City Council
Broad Street
Aberdeen
AB10 1AB

Or alternatively email to: HMOConsultations@aberdeencity.gov.uk

HMO Overprovision Consultation

Background

On 24th January 2017 the Communities, Housing and Infrastructure Committee gave instructions for a public consultation on the proposed introduction of a HMO overprovision policy for the **Froghall, Powis & Sunnybank; Old Aberdeen & Garthdee** neighbourhoods.

The draft HMO Overprovision policy is now the subject of this consultation:

Aim

To prevent excessive concentrations of Houses in Multiple Occupation (HMOs) in the city.

Applicability and Threshold

This policy applies to Froghall, Powis & Sunnybank, Old Aberdeen and Garthdee neighbourhoods.

The overprovision threshold will be measured on Census Output Areas (COA) within the above Neighbourhoods and applies if there is a concentration of HMOs in any one particular COA in excess of 10% of qualifying residential properties in that COA.

The Licensing Committee may refuse granting of HMO licences in Census Output Areas where HMOs exceed 10% of qualifying residential properties.

The provision level will be verified fourteen days prior to the Licensing Committee meeting at which an application will be considered and it is on the basis of this information that the Committee will make their determination.

The Council will not refuse to accept an application for a licence on the basis of overprovision. It will be for the applicant to determine whether they wish to submit an application and where necessary to seek to convince the Licensing Committee that there are exceptional circumstances in their case which would justify the policy not being applied.

Exemptions from the Policy

1. New-build, purpose built HMO accommodation such as student residences and developments covered by Section 75 agreements under the Town & Country Planning (Scotland) Act 1997 which restricts their use to HMO accommodation.
2. Non mainstream accommodation.
3. Competent renewals of existing license.
4. Existing licensed properties which change ownership and have a competent application lodged within one month of the change in ownership.

Neighbourhoods

Neighbourhoods are localities defined by Community Planning Aberdeen, a community planning partnership under the terms of the Community Empowerment (Scotland) Act 2015.

Licensing Committee

Where more than one application for a licence in the same COA is being considered at the same meeting of the Licensing Committee, they will be considered in the order in which the applications were lodged. Applications will be submitted to Committee for determination once the subject premises are compliant with the required standards for HMOs.

Note

Census Output Areas

COAs are boundaries defined by the General Register Office for Scotland and are one of the basic geographic areas used in producing statistics from the national census. The 2011 COAs were created as groups of postcodes nesting as well as possible into the following areas: Council Area (CA), and 2010 locality.

There are 1,992 COAs in Aberdeen with an average size of 57.7 dwellings.

Aberdeen City currently has 1,294 licensed HMOs throughout the city with a further 138 applications pending. Of the 1,992 COAs, 481 contain at least 1 HMO.

Start of Consultation: 10th May 2017

Close of Consultation: 7th June 2017

Houses in Multiple Occupation

HMO licensing is governed by Part 5, Housing (Scotland) Act 2006, as amended.

Every house in multiple occupation (HMO) must be licensed by the local authority unless it is exempt from the licensing regime. The definition of an HMO is living accommodation which is:

- *occupied by 3 or more unrelated persons; and*
- *occupied by them as their only or main residence; and*
- *they share kitchen and/or bathroom facilities.*

A local authority must determine an HMO licence application either by granting the HMO licence (with or without conditions), or by refusing to grant the HMO licence. When considering an application for an HMO licence, a local authority must satisfy itself:

- *that the licence-applicant, and any agent, is a fit and proper person to operate an HMO; and*
- *that the property is suitable, or can be made suitable for occupation as an HMO.*

On 31st January 2012 new powers were introduced which allow HMO licensing authorities (Councils) to refuse to grant a HMO licence where it considers that there is overprovision in an area.

These new powers were included in the Private Rented Housing (Scotland) Act 2011. The section from the Act for these powers is attached as Appendix 1.

Appendix 1

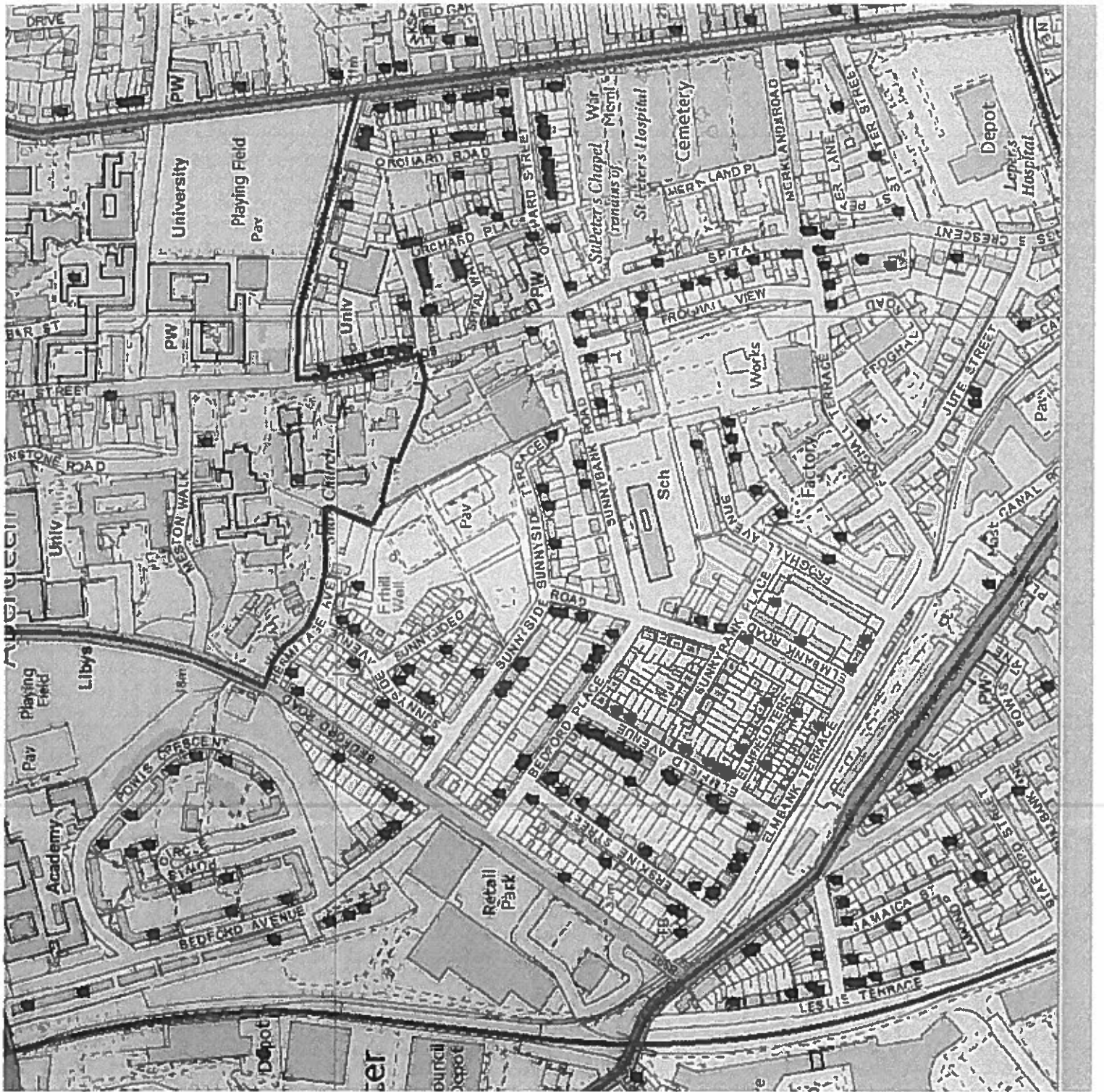
Private Rented Housing (Scotland) Act 2011

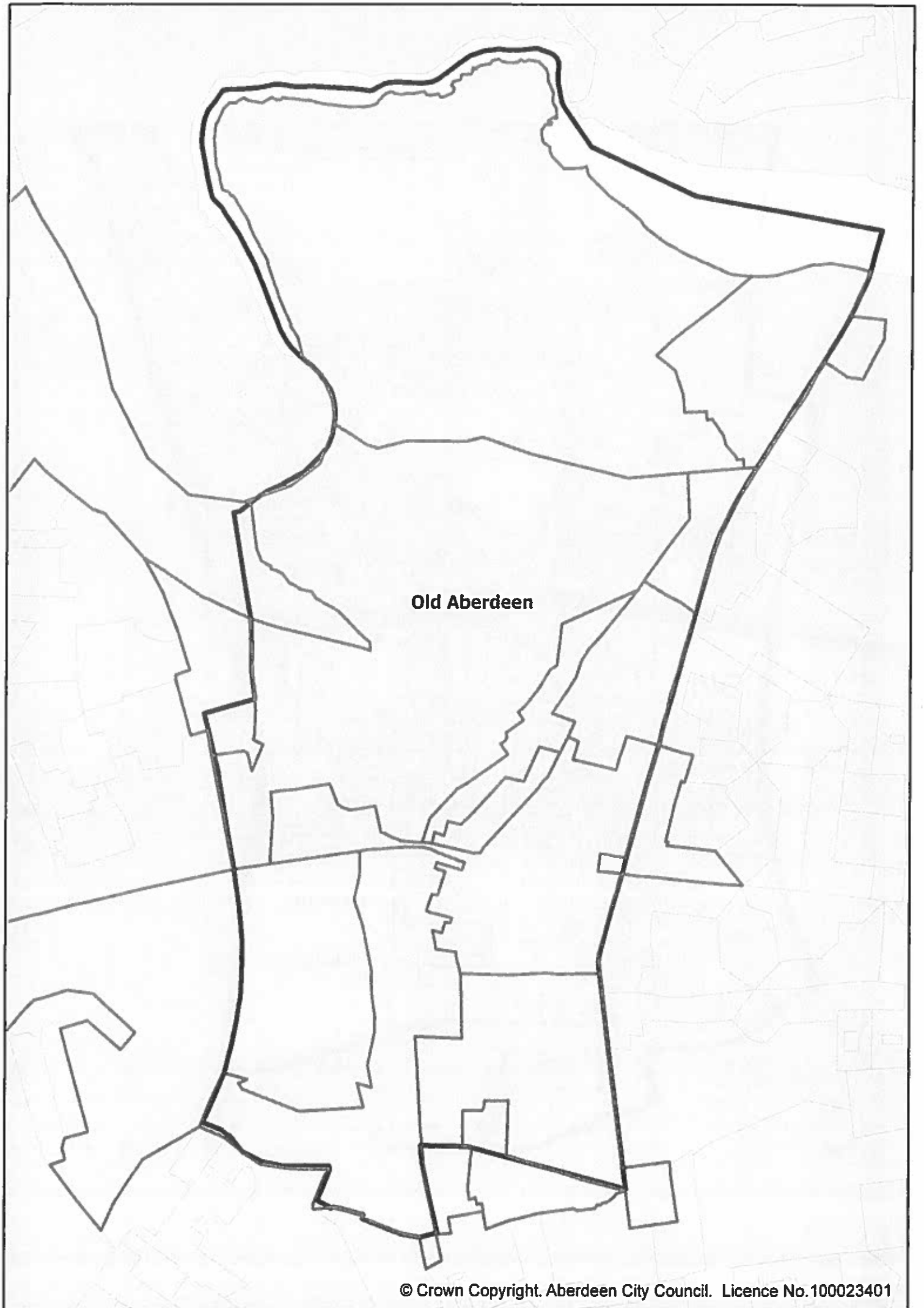
131A Overprovision

- (1) The local authority may refuse to grant an HMO licence if it considers that there is (or, as a result of granting the licence, would be) overprovision of HMOs in the locality in which the living accommodation concerned is situated.
- (2) In considering whether to refuse to grant an HMO licence under subsection (1), the local authority must have regard to—
 - a) whether there is an existing HMO licence in effect in respect of the living accommodation,
 - b) the views (if known) of—
 - i. the applicant, and
 - ii. if applicable, any occupant of the living accommodation,
 - c) such other matters as the Scottish Ministers may by order specify.
- (3) It is for the local authority to determine the localities within its area for the purpose of this section.
- (4) In considering whether there is or would be overprovision for the purposes of subsection (1) in any locality, the local authority must have regard to—
 - a) the number and capacity of licensed HMOs in the locality,
 - b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need,
 - c) such other matters as the Scottish Ministers may by order specify.
- (5) Before making an order under subsection (2)(c) or (4)(c), the Scottish Ministers must consult—
 - a) local authorities,
 - b) such persons or bodies as appear to them to be representative of the interests of—
 - i. landlords,
 - ii. occupiers of houses, and
 - c) such other persons or bodies (if any) as they consider appropriate (which may include landlords or occupiers of houses)".



Froghall, Powis & Sunnybank





Old Aberdeen

