

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)