

Housing (Scotland) Act 2006

Consultation on future policy development for the Licensing of Houses in Multiple Occupation

A consultation to gather views on the licensing of Houses in Multiple Occupation (HMOs) in Glasgow to inform the development of a future policy on overprovision and to consider the relationship between licensing and planning policy for HMOs.



February 2018

www.glasgow.gov.uk/licensing

INTRODUCTION: LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Statutory Duty

- 1.1 In June 2000, a mandatory licensing scheme was introduced for Houses in Multiple Occupation (commonly referred to as HMOs). The licensing scheme was introduced in order to improve safety standards for this type of rented living accommodation and to ensure that landlords, and their agents, are fit and proper persons to hold a licence.
- 1.2 Glasgow City Council is responsible for the licensing and regulation of HMOs in Glasgow. The Housing (Scotland) Act 2006 sets out the licensing scheme for living accommodation used as HMOs and provides the Council with a range of statutory powers in relation to dealing with licensed and unlicensed HMOs.
- 1.3 The responsibility for determining HMO licencing policy and applications is delegated to the Council's Licensing and Regulatory Committee. Further information on the Committee, including its membership and terms of reference, is available online:
<https://www.glasgow.gov.uk/councillorsandcommittees/>
- 1.4 There are currently 3754 HMO licences issued in Glasgow. A summary and analysis of HMO licences in Glasgow is provided in Appendix A.

What is a HMO?

- 2.1 A HMO licence under the Housing (Scotland) Act 2006 is required for living accommodation where:-
 - It is occupied by three or more unrelated persons from three or more different families;
 - It is occupied by them as their only or main residence; and
 - It is either a house, premises or group of premises owned by the same person and provides shared sanitary and cooking facilities.
- 2.2 The living accommodation can comprise a house, a flat, purpose built student accommodation, a hostel and any other type of accommodation which falls within the definition of a HMO under the 2006 Act, unless there is a specific exemption for that type of accommodation, for example accommodation for the armed forces, prisons and other similar institutions.
- 2.3 Only the owner of the living accommodation can apply for a HMO licence, which can include a private individual, a registered social landlord or a corporate body.
- 2.4 It is a criminal offence to operate living accommodation as a HMO without the required licence.

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What is the purpose of licensing HMOs?

- 3.1** The main purpose of licensing HMOs is to ensure that:-
- (i) the applicant for the licence and any agent responsible for the day to day management of the living accommodation is a fit and proper person to hold a licence; and
 - (ii) the living accommodation is suitable for use as a HMO.
- 3.2** In determining the suitability of the living accommodation, regard must be given to:-
- the location of the accommodation;
 - the condition of the accommodation;
 - any amenities the accommodation contains;
 - the type and number of persons likely to occupy the accommodation;
 - whether any rooms have been sub-divided;
 - whether any rooms have been adapted resulting in an alteration of the situation of the water and drainage pipes within the accommodation;
 - the safety and security of persons likely to occupy the accommodation; and
 - the possibility of undue public nuisance.
- 3.3** The licensing process for HMOs allows for an inspection of the living accommodation to be carried out in order to ensure that it meets, or continues to meet, the required standards. Further information on the standards to be met to obtain a HMO licence are set out in the Scottish Government's statutory

guidance for local authorities. A copy of the guidance can be found at:-

<https://beta.gov.scot/publications/licensing-multiple-occupied-housing-statutory-guidance-for-scottish-local-authorities/>

- 3.4** In considering the suitability of the living accommodation in terms of the condition of the accommodation and the safety and security of those people likely to occupy it, regard should also be given to the level of fire safety within the accommodation and the applicant's compliance with the requirements of the Fire (Scotland) Act 2005. Scottish Fire and Rescue are a statutory consultee on all HMO licence applications.

Regulation of HMOs

- 4.1** Where a HMO licence is granted, the licence holder will be subject to a number of conditions under the licence in relation to the health, safety and welfare of the tenants living in the premises.
- 4.2** These conditions include:
- Controlling the number of tenants who can occupy the living accommodation;
 - Requiring that the living accommodation is maintained to the Council's standards for HMOs;

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- Ensuring that the living accommodation, including the structure, furniture and fittings are properly maintained and any deficiencies rectified;
- Requiring that all electrical and gas installations in the living accommodation are properly maintained and serviced, with certification capable of being produced to Council officers on request;
- Ensuring that the means of escape from the living accommodation are capable of being safely and effectively used at all times;
- Requiring that the licence holder is able to produce the Tenants Information Pack, Tenancy Management Agreement and Buildings Insurance to Council officers on request;
- Requiring that the licence holder acts reasonably in relation to the management of the living accommodation and in all dealings with the tenants;
- Requiring participation in any communal repairs and maintenance;
- Requiring the licence holder to take all reasonable steps to prevent and deal with any antisocial behaviour, noise or other nuisance occurring within the living accommodation or common parts of the property as a result of the actions or omissions of the tenants or their visitors;
- Requiring the licence holder to provide and maintain adequate facilities for the storage and disposal of refuse at the rear of the living accommodation and to take all reasonable steps to ensure that refuse facilities are properly used at all times by tenants and that refuse is disposed of appropriately.

Enforcement Powers for HMOs

- 5.1** The Housing (Scotland) Act 2006 provides a range of enforcement powers to tackle and address poorly managed licensed HMOs. Enforcement activity is led by the HMO Unit based within the Council's Housing Intervention and Support Team in Development and Regeneration Services.
- 5.2** Officers from the HMO Unit carry out investigations in response to complaints and concerns raised regarding the management or operation of licensed HMOs. While most complaints are capable of being resolved informally following an approach to the licence holder or agent of the HMO, a range of statutory powers are available in the event that informal intervention does not resolve the matter.
- 5.3** Where there has been a breach of a licence condition, officers from the HMO Unit can serve a notice on the licence holder outlining the remedial action requiring to be taken and the timescale for doing so. Failure to comply with such a notice is a criminal offence.

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- 5.4** Where defects in the living accommodation have been identified, officers from the HMO Unit can serve an Amenity Notice on the licence holder requiring that work is undertaken to make it fit for occupation. If the licence holder fails to comply with the Amenity Notice, the Council may carry out the works in default and recover the monies through the recording of a re-payment charge.
- 5.5** Officers from the HMO Unit are also authorised under the Housing (Scotland) Act 2006 to enter licensed HMOs for the purposes of carrying out a survey and examination of the living accommodation in order to determine whether a licence condition has been breached and to ensure that standards within the living accommodation are being maintained.
- 5.6** Where the living accommodation is found to be no longer suitable for occupation as a HMO, or the licence holder has breached one or more of the licence conditions, a report may be submitted to the Licensing and Regulatory Committee which could lead to the revocation of the HMO licence.
- 5.7** In addition to the enforcement powers used in relation to licensed HMOs, officers from the HMO Unit also proactively identify suspected unlicensed HMOs, using a range of resources and records from other parts of the Council including Private Landlord Registration and Council Tax. Where unlicensed HMOs have been identified, this has led to the submission of HMO licence applications to provide for the proper regulation of the living accommodation. Powers are also available to report unlicensed landlords to the Procurator Fiscal and/or to serve Suspension of Rent Orders.

Seeking Your Views

- 6.1** The Licensing and Regulatory Committee is keen to ensure that future HMO policy is aligned to the needs of our local communities – providing safe and suitable living accommodation to tenants whilst ensuring that the operation of such accommodation does not negatively impact local residents.
- 6.2** The Licensing and Regulatory Committee has instructed that a consultation and evidence gathering process is undertaken to seek views on the licensing and regulation of HMOs.
- 6.3** In particular, the Committee is seeking views on whether:
- a policy on the overprovision of HMOs should be developed; and
 - whether a link should be made between licensing policy and planning policy for HMOs.
- 6.4** This consultation is an important first stage in the development of any future policy and is essential for establishing the evidential basis of any policy, particularly on the key issue of overprovision of HMOs.
- 6.5** The Licensing and Regulatory Committee is therefore seeking your views on a range of issues associated with the licensing, regulation and provision of HMOs, including whether to establish a link between licensing and planning policy. It is particularly keen to hear about the impact HMOs have on different neighbourhoods throughout the city, particularly in areas where there are already high numbers of licensed HMOs.
- 6.6** The Committee is also keen to hear views as to the impact that the growing number of purpose built student complexes have on local neighbourhoods and on the city more generally.
- 6.7** The Committee is also keen to establish whether the negative issues commonly associated with HMOs, for example antisocial behaviour of tenants, poor maintenance of properties, landlords unwilling to contribute to common repairs and accumulation of higher levels of household waste and bulk items in common areas, can be directly attributed to higher concentrations of HMOs as opposed to other tenanted properties, owner-occupied properties or tenemental properties more generally.
- 6.8** The Committee will also be looking at evidence of the continuing need for HMO accommodation in the city, especially in areas in and around the West End where there are already high numbers of HMOs in tenement properties and in and around Yorkhill and the City Centre where there has been substantial growth in the number of purpose built student accommodation complexes.

SEEKING YOUR VIEWS

How to Respond

- 7.1** Appendix B sets out further information on the Committee's discretionary powers to develop an overprovision policy. Appendix C sets out further information on the potential for establishing a link between licensing and planning policy. Each section provides a suggested list of issues to consider in responding to the consultation.
- 7.2** You can respond to as many or as few of the issues as you choose depending upon your particular area of interest or experience. Where possible, please try to explain why you have a certain view, providing any evidence you have in support of that view.
- 7.3** In addition to the issues set out in the appendices, the Committee is keen to hear your views about other aspects of the licensing of HMOs and future policy development. Equally, if you have suggestions as to how we can improve the consultation and evidence gathering process, please include these in your response.
- 7.4** Your response should be sent either:

By Post: Legal Manager (Licensing)
Licensing Section
Glasgow City Council
City Chambers
George Square
Glasgow G2 1DU

By Email: LicensingEnquiries@glasgow.gov.uk

- 7.5** Please indicate in your response the capacity in which you are responding, for example, a member of the public, elected member, Community Council, HMO Licence Holder, letting agent etc.
- 7.6** Your response should be received by no later than **Friday 18 May 2018** in order to ensure that your views are considered as part of the consultation exercise.

Next Steps

- 8.1** Once this consultation exercise has been completed, the Licensing and Regulatory Committee intends to hold evidence sessions with a cross section of those who have taken part in order to further explore the views expressed and to assess the evidence available to support the development of a new policy on HMOs.
- 8.2** Following the consultation and evidence gathering process, the Licensing and Regulatory Committee will consider the views and evidence provided to it. If considered appropriate, draft policies on overprovision and/or linking HMO licensing with planning policy will be prepared. Any draft policy will be issued for further consultation allowing everyone an opportunity to submit their comments.
- 8.3** All of the feedback received will be reviewed and evaluated before the final version of any potential new policies are prepared and published.

Further Information

- 9.1** If you would like further information on the consultation exercise or to discuss any other aspect of the approach to HMO Licensing, please contact:

Mairi Millar, Legal Manager (Licensing)

Email: mairi.millar@glasgow.gov.uk
Phone: 0141 287 5509

Confidentiality & Data Protection

- 10.1** The Licensing Authority will process any personal data you provide in your response appropriately in accordance with the Data Protection Act 1998.
- 10.2** The Licensing Authority intends to publish a summary of responses received to the consultation exercise – this will include your name if you submit a response.
- 10.3** The Freedom of Information (Scotland) Act 2002 gives the public a right of access to information held by the Licensing Authority; this includes any responses we receive to the consultation exercise.
- 10.4** The Licensing Authority may disclose your response to third parties on request. In disclosing responses the Licensing Authority will take appropriate steps to redact personal data subject to the relevant provisions of the 1998 and 2002 Acts.
- 10.5** The Licensing Authority will hold your response for a period of 5 years from the date it is received. At the end of this period your response will be destroyed unless there are exceptional circumstances that require the response to be retained for a longer period.

A

Appendix A: Summary of HMO Licence provision within the City

Types of HMO Accommodation

- A.1** To provide context to HMO provision across the City, the following categories of HMO are used:
- General Use (Flat)** A flat within a larger residential unit (e.g. a tenement) that is used as a general use HMO
 - General Use (Main Door)** A property that is used as a general use HMO which has main door access to the street, and includes Main Door flats.
 - Housing Association and Social Care** A HMO property operated for Housing Association or Social Care purposes.
 - Dedicated Student Accommodation** A HMO property operated solely as student accommodation. This includes purpose built accommodation, halls of residence and University operated apartments
- A.2** The term “General Use HMO” is used to describe a property within a residential area that provides general multiple occupancy accommodation to the public.
- A.3** Other types of HMO properties are operated for specific dedicated purposes – for example dedicated student accommodation. Typically the property will be constructed

solely for its intended purpose and will not form part of any larger residential unit.

Provision within the City

- A.4** As of February 2018, there are currently **3754** HMO Licences in force across the City.
- A.5** It is important to stress that this number does not correlate to 3754 individual properties being used for HMO purposes. A single dedicated student accommodation complex comprises multiple HMO licences as each individual unit within the complex requires a separate HMO licence. In total, 2280 current HMO Licences relate to 48 dedicated student accommodation complexes within the City.
- A.6** The following table summarises licence provision across the City:

| Category | No. of Licences | Max. Occupancy |
|---------------------------------|------------------------|----------------|
| General Use (Flat) | 1238 | 5121 |
| General Use (Main Door) | 159 | 1029 |
| Housing Assoc. & Social Care | 77 | 594 |
| Dedicated Student Accommodation | 2280 (48 Complexes) | 13468 |
| TOTAL | 3754 | 20212 |

- A.7** The term “Max. Occupancy” refers to the total number of persons that HMO properties are licensed to accommodate.

HMO Provision within Wards

A.8 The following table summarises HMO provision across the City's 23 wards. For ease of reference, wards with in excess of 1% of the total citywide HMO provision are highlighted.

| Ward | General Use (Flat) | General Use (Main Door) | Housing Assoc. & Social Care | Dedicated Student Accommodation | Maximum Occupancy | % of Citywide HMO Provision |
|-------------------------------|--------------------|-------------------------|------------------------------|---------------------------------|-------------------|-----------------------------|
| 1 Linn | - | 2 | 3 | - | 23 | 0.13% |
| 2 Newlands / Auldburn | - | 1 | 5 | - | 24 | 0.16% |
| 3 Greater Pollok | - | - | 4 | - | 13 | 0.11% |
| 4 Cardonald | - | - | 3 | - | 13 | 0.08% |
| 5 Govan | 12 | 2 | 5 | - | 131 | 0.51% |
| 6 Pollokshields | 7 | 6 | 6 | - | 143 | 0.51% |
| 7 Langside | 6 | 4 | 2 | 1 | 135 | 0.35% |
| 8 Southside Central | 8 | 5 | 8 | 78 | 540 | 2.64% |
| 9 Calton | 14 | 4 | 11 | 272 | 1628 | 8.02% |
| 10 Anderston/City/Yorkhill | 360 | 23 | 1 | 1310 | 9314 | 45.13% |
| 11 Hillhead | 562 | 63 | 3 | 47 | 2936 | 17.98% |
| 12 Victoria Park | 28 | 4 | 1 | - | 113 | 0.88% |
| 13 Garscadden / Scotstounhill | 2 | - | 1 | - | 16 | 0.08% |
| 14 Drumchapel/Anniesland | 7 | 3 | 4 | - | 48 | 0.37% |
| 15 Maryhill | 24 | 8 | 2 | 2 | 423 | 0.96% |
| 16 Canal | 1 | 2 | 3 | 238 | 1610 | 6.50% |
| 17 Springburn / Robroyston | 5 | - | - | - | 19 | 0.13% |
| 18 East Centre | - | 2 | 3 | - | 27 | 0.13% |
| 19 Shettleston | - | - | 5 | - | 26 | 0.13% |
| 20 Baillieston | - | - | 2 | - | 6 | 0.05% |
| 21 North East | - | - | 1 | - | 3 | 0.03% |
| 22 Dennistoun | 13 | 9 | - | - | 126 | 0.59% |
| 23 Partick East/Kelvindale | 189 | 21 | 4 | 332 | 2895 | 14.54% |

HMO Provision within Community Council Boundaries

A.9 The following table summarises HMO provision across the City's Community Council boundaries. For ease of reference, Community Council boundaries with in excess of 1% of the total citywide HMO provision are highlighted. Community Councils with no HMOs within their area have been omitted from the table.

| Community Council | General Use (Flat) | General Use (Main Door) | Housing Assoc. & Social Care | Dedicated Student Accommod. | Maximum Occupancy | % of Citywide HMO Provision |
|--|--------------------|-------------------------|------------------------------|-----------------------------|-------------------|-----------------------------|
| Anderston | 50 | 4 | - | - | 270 | 1.44% |
| Baillieston | - | - | - | - | 3 | 0.03% |
| Blythswood & Broomielaw | 56 | - | - | 78 | 729 | 3.57% |
| Bridgeton & Dalmarnock | 1 | 1 | 3 | - | 17 | 0.13% |
| Broomhill | 5 | - | - | - | 15 | 0.13% |
| Calton | 5 | 2 | - | 275 | 1398 | 7.51% |
| Camlachie | - | - | 1 | - | 160 | 0.03% |
| Carmunnock | - | 1 | - | - | 4 | 0.03% |
| Castlemilk | - | - | 2 | - | 6 | 0.05% |
| Cathcart & District | - | 1 | 3 | - | 19 | 0.11% |
| Central Maryhill | 1 | - | - | - | 3 | 0.03% |
| Croftfoot & Menock | - | - | 1 | - | 3 | 0.03% |
| Crosshill/Govanhill | 3 | 5 | 4 | - | 90 | 0.32% |
| Darnley & Southpark Village | - | - | 1 | 1 | 8 | 0.05% |
| Dennistoun | 21 | 9 | - | - | 151 | 0.80% |
| Dowanhill Hyndland & Kelvinside | 88 | 12 | - | 109 | 1005 | 5.57% |
| Drumchapel | - | 1 | 4 | - | 17 | 0.13% |
| Drumoyne | - | - | 1 | - | 6 | 0.03% |
| Dumbreck | - | - | 1 | - | 4 | 0.03% |
| Dundasvale | 2 | - | 1 | 200 | 1175 | 5.41% |
| Easterhouse Central | - | - | 1 | - | 3 | 0.03% |
| Fullarton | - | - | 1 | - | 10 | 0.03% |
| Garnethill | 39 | 8 | - | 18 | 377 | 1.73% |
| Gartcraig | - | - | 3 | - | 13 | 0.08% |
| Govan | - | - | 1 | - | 14 | 0.03% |

| | | | | | | |
|----------------------------------|------------|-----------|----------|------------|-------------|---------------|
| Govan East | - | 1 | 1 | - | 13 | 0.05% |
| High Knightswood & Anniesland | 2 | 2 | - | - | 14 | 0.11% |
| Hillhead | 319 | 41 | - | 165 | 2431 | 13.99% |
| Hillington/NO Cardonald/Penilee | - | - | 2 | - | 8 | 0.05% |
| Hurlet & Brockburn | - | - | 1 | - | 3 | 0.03% |
| Hutchesontown | 2 | - | 1 | 78 | 426 | 2.16% |
| Ibrox Cessnock | 4 | 1 | 1 | - | 45 | 0.16% |
| Jordanhill | - | 1 | - | - | 4 | 0.03% |
| Kelvindale | 1 | 4 | - | - | 21 | 0.13% |
| Kinning Park | 10 | - | 1 | - | 65 | 0.29% |
| Knightswood | 3 | - | - | - | 11 | 0.08% |
| Knightswood/N Templar | 2 | - | - | - | 6 | 0.05% |
| Langside, Battlefield & Camphill | 4 | 2 | - | 1 | 88 | 0.19% |
| Laurieston | - | - | 4 | - | 15 | 0.11% |
| Levern & District | - | - | 1 | - | 4 | 0.03% |
| Levern District | - | - | 1 | - | 3 | 0.03% |
| Mansewood & Hillpark | - | 1 | 2 | - | 11 | 0.08% |
| Maryhill and Summerston | 2 | 3 | 1 | 2 | 272 | 0.21% |
| Merchant City & Trongate | 5 | - | - | 1 | 205 | 0.16% |
| Milton | - | 1 | 2 | - | 11 | 0.08% |
| Mosspark & Corkehill | - | - | 1 | - | 5 | 0.03% |
| Mount Florida | 1 | 1 | - | - | 13 | 0.05% |
| Mount Vernon | - | - | 2 | - | 8 | 0.05% |
| Newlands/Auldhouse | - | - | 1 | 2 | 19 | 0.08% |
| North Kelvin | 46 | 9 | 3 | 236 | 1856 | 7.83% |
| Parkhead | - | 1 | 7 | - | 43 | 0.21% |
| Partick | 104 | 4 | 4 | 221 | 1857 | 8.87% |
| Petershill | 4 | - | - | - | 16 | 0.11% |
| Pollok | - | - | - | 1 | 21 | 0.03% |
| Pollokshields | 5 | 2 | 5 | - | 77 | 0.32% |
| Possilpark | - | 1 | - | - | 27 | 0.03% |
| Shawlands & Strathbungo | 6 | 5 | - | - | 102 | 0.29% |

| | | | | | | |
|-----------------------------------|------------|-----------|----------|------------|-------------|---------------|
| Shettleston | - | - | 2 | - | 8 | 0.05% |
| Springboig | - | 2 | - | - | 14 | 0.05% |
| Springburn Central | 1 | - | - | - | 3 | 0.03% |
| Thornwood | 20 | 3 | 1 | - | 80 | 0.64% |
| Townhead & Ladywell | 71 | 1 | - | 406 | 2629 | 12.73% |
| Wallacewell | - | - | - | 1 | 8 | 0.03% |
| Wellhouse & Queenslie | - | - | 1 | - | 3 | 0.03% |
| Woodlands & Park | 185 | 14 | - | 11 | 826 | 5.59% |
| Woodside | 32 | 5 | 2 | - | 164 | 1.04% |
| Wyndford & District | 1 | - | - | - | 3 | 0.03% |
| Yoker | - | - | 1 | 2 | 14 | 0.08% |
| Yorkhill & Kelvingrove | 137 | 10 | - | 472 | 3260 | 16.49% |

B

Appendix B: Developing a policy on the Overprovision of HMOs

Discretionary Powers

- B.1** In January 2012 new discretionary powers were introduced under the Private Rented Housing (Scotland) Act 2011 to allow the Council to refuse to grant a HMO licence where it considers that there is an overprovision of HMOs in the area.
- B.2** The legislation provides that in considering whether there is an overprovision of HMOs, the council must have regard to:-
- Whether there is an existing HMO licence in effect in respect of the living accommodation;
 - The views of the applicant and any person living in the accommodation;
 - The number and capacity of licensed HMOs in the locality; and
 - The need for housing accommodation in the locality and the extent to which HMOs are required to meet that need.
- B.3** The Licensing and Regulatory Committee carried out an extensive consultation and evidence gathering process in 2013 to determine whether or not to adopt a policy on the overprovision of HMOs in the city.
- B.4** Following the conclusion of that process, the Committee determined not to make use of the discretionary power to develop a policy on overprovision at that time, but agreed to keep the position under review.

Potential Impact

- B.5** If a policy on the overprovision of HMOs is introduced, this could mean that there would be a presumption against the grant of a HMO licence in certain localities in the city, or even the city as a whole, although each licence application would require to be considered on its own individual merits having regard to the criteria set out above.
- B.6** An overprovision policy could also allow for certain exemptions, for example new HMO licence applications which have been submitted in respect of an existing licensed HMO as a result of a change of ownership or in relation to HMOs used for social care purposes.
- B.7** There would continue to be a statutory right of appeal against any decision taken by the Licensing and Regulatory Committee to grant or refuse a HMO licence application.

Issues for Consideration

B.8 The Committee is seeking views on whether an overprovision policy on the granting of HMO licences is required. Please consider the following issues in your response:

- What impact has HMO licensing had on the standards of living accommodation used in multiple occupancy?
- What impact has the licensing of HMOs had on particular localities in the city?
- Is there a continuing need for HMOs in particular localities, or in the city as a whole, which is currently unmet?
- Is an overprovision policy required? If so, should it be applied city wide or only in certain localities? What localities should be included in an overprovision policy and why?
- Should certain types of living accommodation be excluded from an overprovision policy on HMOs?
- What impact, if any, would an overprovision policy have on the supply of HMO accommodation in the city and in meeting the city's housing needs?
- Do you have any other suggestions as to how the licensing of HMOs can be better regulated?

Appendix C: Linking Licensing and Planning Policy on HMOs

Discretionary Powers

- C.1** The Private Rented Housing (Scotland) Act 2011 also provided Councils with a discretionary power to refuse to consider an application for a HMO licence if it considers that there would be a breach of planning control. In 2013 the Committee determined to await the outcome of the new City Development Plan with a view to developing a more closely aligned approach between licensing and planning policy with regard to HMOs.
- C.2** As such, applicants for HMO licences are not currently required to provide evidence of the planning status of the premises in relation to their use as a HMO. However all applicants for a HMO licence are advised of the need to establish that the appropriate planning permission or certificate of lawful use is in place for the premises or that the premises do not require such consent to operate as a HMO.

City Development Plan

- C.3** The new City Development Plan was adopted by the Council on 27 March 2017. It sets out the Council's land use policy and provides the basis for assessing planning applications. Supplementary guidance has been developed to set out further information and detail on planning policies, which includes SG10: Meeting Housing Needs.

<https://www.glasgow.gov.uk/index.aspx?articleid=20795>

- C.4** In relation to HMOs, SG10 provides that planning permission is required for the following:-
- Dwellinghouses containing more than five unrelated residents living together, including a household where care is provided for the residents;
 - Dwellinghouses let out in "bed-sits";
 - Flats where three or more unrelated persons live. (Planning permission is deemed not to be required where one lodger is accommodated in addition to one resident family.)
- C.5** SG10 also sets out the key locational criteria and design and amenity space criteria for considering planning applications for HMOs. In relation to locational criteria, SG10 states that high concentrations of flats used as HMOs within a particular neighbourhood have the potential to change the dynamics of the community and undermine its stability. It also provides that the high turnover of residents, along with the potential for lack of routine maintenance of properties in some areas, can discourage owner-occupation and detract from residential amenity.
- C.6** Historically, HMOs have tended to be concentrated within parts of the West End, close to Glasgow University and with easy access to other universities and colleges in the city. SG10 provides that the density of flats with a HMO licence in Hillhead and Woodlands has now reached such a level that further

development would undermine residential amenity within these areas.

C.7 SG10 sets out the following locational criteria to be applied in considering planning applications for HMOs:-

- In Hillhead and Woodlands, no further planning applications for HMOs will be supported;
- In all other locations, the proportion of HMOs should not exceed 5% of the total number of dwellings comprising that unit within a street or block, or other readily identifiable unit;
- The potential impact on on-street parking will be taken into account in determining the acceptability of the proposal.

C.8 SG10 also sets out the following design and amenity space criteria to be applied in considering planning applications for HMOs:-

- There must be individual access to a lit street. This will include main door flats and undivided dwellinghouses, but will exclude most properties served by a tenement close and/or communal stairs and properties which have already been subdivided;
- There must be direct access to amenity space, a refuse store and a drying area to the rear of the building. Recycling space should also be provided.

C.9 SG10 also seeks to ensure the provision of high quality student accommodation in appropriate locations whilst also protecting the character and amenity of existing areas. SG10 recognises the significant contribution universities and their students make to the economy and to the social mix, vitality and vibrancy of an area. For planning purposes, student accommodation is defined as a managed primary residence for students in further and higher education. SG10 states that unlike mainstream residential flats, there is a greater degree of interaction between residents and a greater reliance on communal facilities and social space.

C.10 SG10 provides that the Council will generally support purpose built student accommodation in locations with good access to university and college facilities by active travel routes and/or public transport and where the development:-

- Will not result in an unacceptable concentration of student accommodation in the locality that would be harmful to the maintenance of a balanced community;
- Will have no adverse impact on the character and amenity of the surrounding area;
- Has good access to shops, services, healthcare, leisure and community facilities; and
- Will not place unsustainable pressure on local amenities and facilities.

C.11 SG10 also sets out a number of specific design and amenity space criteria aimed at ensuring that the design of student accommodation meets the needs of its users.

Potential Impact

C.12 If the Council's Licensing and Regulatory Committee decide to require evidence that the use of the premises as a HMO would not constitute a breach of planning control, then this would mean that an application for a HMO licence would not be accepted unless the appropriate planning permission or certificate of lawful use is in place for the premises, or evidence is provided that the premises do not require planning permission to operate as a HMO.

Issues for Consideration

C.13 The Committee is seeking views as to whether a link between Licensing and Planning policy should be developed. Please consider the following issues in your response:-

- What would be the potential benefits or disadvantages of linking licensing policy with planning policy on HMOs?
- Should evidence that the grant of a HMO licence would not constitute a breach of planning control be required in relation to all HMO licence applications, including existing licensed HMOs, or only in relation to new HMO licence applications?
- Should any particular types of HMOs be excluded from this requirement?
- What impact would linking licensing policy and planning policy for HMOs have on the supply of HMO accommodation in the city and meeting the city's housing needs?
- Do you have any other comments to make in relation to linking licensing policy and planning policy for HMOs?