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| http://ts1.mm.bing.net/th?&id=JN.TYIljS43Wnn5NIpXZN6PcQ&w=300&h=300&c=0&pid=1.9&rs=0&p=0&url=http%3A%2F%2Fwww.getitdonecleaning.co.uk%2F6-things-i-learned-from-the-fife-council-website%2F | Houses in Multiple Occupation (HMO)Overprovision |
|  | Policy Statement |

Statement of Policy

This document provides a statement of policy agreed by the Community and Housing Services Committees at the meetings on 30th August 2018 and 11th April 2019 for controlling HMO licences in Fife on the grounds of overprovision under Section 131A of the Housing (Scotland) Act 2006 as introduced by the Private Rented Housing (Scotland) Act 2011. The policy statement summarises only parts of this legislation. Full detail can be found at:

Housing (Scotland) Act 2006 <http://www.legislation.gov.uk/asp/2006/1/contents>

Private Rented Housing (Scotland) Act 2011 <http://www.legislation.gov.uk/asp/2011/14/contents>

Purpose

The purpose of the HMO overprovision policy is to limit the number of new HMOs being created in parts of Fife. Whilst recognising that HMOs play an important role in housing people who want to live and work in Fife, an over-supply can have a detrimental effect and create imbalance in certain housing markets.

Background

In June 2000 a mandatory licensing scheme for Houses in Multiple Occupation (HMOs) was introduced under the Civic Government (Scotland) Act 1982. The licensing scheme sets safety standards for certain types of rented accommodation and ensures that landlords and their agents are ‘fit and proper’ persons to hold a licence. HMOs are now licensed under Part 5 of the Housing (Scotland) Act 2006, an HMO licence being required for accommodation that is:

* Occupied by three or more persons from three or more families;
* Occupied as a sole or main residence; and,
* Providing shared basic amenities.

Section 131A of the Housing (Scotland) Act 2006 (introduced by the Private Rented Housing (Scotland) Act 2011) provides that the Council may refuse to grant an HMO licence where it considers that there is (or, as a result of granting the licence, would be) HMO overprovision in the locality in which the living accommodation concerned is situated.

In considering whether to refuse to grant an HMO licence, the Council must have regard to:

* Whether there is an existing HMO licence in respect of the living accommodation;
* The views (if known) of the applicant/s and, if applicable, any occupant of the living accommodation.

As the legislation does not provide a definition of ‘overprovision’ or ‘locality’, the Council must define their meaning. In considering whether there would be overprovision the Council must have regard to:

* The number and capacity of licensed HMOs in the locality,
* The need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.

Number and Capacity of HMOs

The number of HMOs varies throughout the year as applications are submitted through a three-yearly cycle. Committee was informed by the position in March 2019 when there were 1,219 HMOs in Fife and 1,046 (86%) of these were in St Andrews. Data from the Assessor Service indicated there were 6,861 dwellings in St Andrews and HMOs represented around 15% of housing stock in the area. The 1,046 licensed HMOs had capacity for 6,994 occupants and contained an average of 6.7 persons.

**Number of HMOs by Number of Occupants**

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| **HMOs in St Andrews 07.03.21** |
| **Permitted Occupants** | **Total No. HMOs** | **Estimate of Total Occupants** |
| 3 | 224 | 672 |
| 4 | 288 | 1152 |
| 5 | 442 | 2210 |
| 6 | 44 | 264 |
| 7 | 6 | 42 |
| 8 | 8 | 64 |
| 9 | 7 | 63 |
| 10 | 7 | 70 |
| 14 | 1 | 14 |
| 16 | 1 | 16 |
| 20 | 2 | 40 |
| 21 | 2 | 42 |
| 22 | 1 | 22 |
| 35 | 1 | 35 |
| 52 | 1 | 52 |
| 87 | 1 | 87 |
| 91 | 1 | 91 |
| 111 | 1 | 111 |
| 134 | 1 | 134 |
| 175 | 1 | 175 |
| 184 | 1 | 184 |
| 194 | 1 | 194 |
| 205 | 1 | 205 |
| 242 | 1 | 242 |
| 279 | 1 | 279 |
| 534 | 1 | 534 |
| **Total** | **1,046** | **6,994** |

Fife Council introduced a Fife-wide HMO overprovision policy on 30th August 2018 after considering the level of housing need and demand, the operation of local housing markets, the HMO policy framework and the provision of HMO accommodation across Fife. After detailed consultation with resident households (see ‘Consultation’ below), organisations and students in St Andrews, it was agreed, in April 2019, to implement the HMO overprovision policy within St Andrews based on 0% increase in the number of HMOs, i.e. no further growth.

Locality

The locality area for the purposes of the HMO overprovision policy is the ‘defined settlement envelope of St Andrews’ as mapped in Appendix 1.

Consultation

The Community and Housing Services Committee on the 30th August 2018 agreed to form an elected members’ working group to oversee consultation with residents, stakeholder groups and students in St Andrews – including the Housing Convener, Vice-Convener, Chair of the North-East Fife Area Committee and St Andrews’ Ward members. The Committee stated a preference based on information at that time, for the HMO overprovision policy for Fife to be implemented in St Andrews based on no further growth.

The HMO consultation was intended to collate the views of residents, organisations/groups and students, to allow the Committee to finalise its decision on an HMO overprovision policy. This approach was consistent with wider consultation approaches undertaken by the Council in aiming to gauge the views of a broad cross-section of the community.

Three separate consultations were carried out with St Andrews households, organisations/groups, and students. The consultations took place from the 4th – 28th

February 2019, and included a combination of online and paper-based responses. Respondents were asked to answer the survey question:

An HMO over-provision policy for St Andrews should:

• Option 1: Allow no growth in HMOs (0% or zero additional HMOs)

• Option 2: Allow growth in HMOs (up to 3% or 184 additional HMOs).

From the responses provided, nearly 8 in 10 households in St Andrews favoured Option 1. However, around 8% of the responses for the household survey were aged 16-24, and almost all of them preferred Option 2 allowing some growth in HMOs. Organisations/groups’ responses showed a more mixed picture, with a slightly higher proportion nearly 6 in 10 favouring Option 1. Students’ responses showed an overwhelming 9 in 10 favouring Option 2.

Timescale

The HMO overprovision policy for Fife was implemented on 30th August 2018 and in St Andrews on 11th April 2019. The Council has agreed to monitor the impact of the policy and conduct a review in 2022 after three-years of implementation.

Exemptions

Certain types of specialist accommodation are exempted from HMO licensing requirements under Section 126 of the Housing (Scotland) Act 2006. Further exemptions now apply through HMO overprovision policy as follows:

* HMO applications already received and in the process of assessment at the date of implementation;
* Current licences while continuing to meet HMO licensing conditions;
* Applications for existing HMO licences including where there has been a recent change of ownership as detailed in Section 136 of the Housing (Scotland) Act 2006;
* Death of licence holder as detailed in Section 137 of the Housing (Scotland) Act 2006, and
* Purpose-built student halls and other supported housing dedicated to specific client groups.

Applications

The Council, in implementing the HMO overprovision policy in St Andrews, will consider every new application for an HMO in St Andrews on its own merits irrespective of the overall policy for no further growth in HMOs in that area.

These applications will be considered by a Hearing Panel or a Committee of the Council. Up to date information on the number and capacity of licensed HMOs in the locality will be made available at each meeting.

It is for the application to persuade the Council, that their application should be granted. Where an application falls within the boundaries of the HMO overprovision policy in St Andrews there is a presumption that it should not be granted.

**For further information on the HMO licensing process, see Fife Council’s HMO Guidance document.**

Appendix 1 HMO Overprovision Locality / Defined Settlement Envelope

