

HOW TO FILL IN AN APPLICATION FOR [VARIATION OF] A HOUSE IN MULTIPLE OCCUPATION LICENCE

If you make any mistakes, or do not complete all the relevant sections, it may delay the processing of the application form and incur further charges. If additional information is supplied on a separate sheet/s, please make sure that they are securely attached to the application form. Please read the guidance notes carefully to assist you in:

- deciding if the property requires a licence
- applying for the correct licence
- completing the form correctly
- enclosing all the relevant documents

From the 6 April 2006, anyone who owns or manages a House in Multiple Occupation – HMO – that requires a licence will have to apply for a Licence from the Local Housing Authority – LHA – in which the property is situated. An application for a HMO Licence has to be made under Part 2 of the Housing Act 2004 which has made it compulsory for local authorities to licence larger, high risk HMOs. Properties that are operating without a licence will be subject to an offence that is liable to a fine not exceeding £20,000.

The Act defines a House in Multiple Occupation as a building or part of a building such as a flat that is:

1. occupied by more than one household and where more than one household shares – or lacks – an amenity, such as bathroom, toilet or cooking facilities, or
2. a converted building – but not entire self-contained flats – whether or not some amenities are shared, or
3. converted self-contained flats, that do not meet the 1991 Building Regulations, and at least one third of the flats are occupied under short tenancies

Please note that there are two definitions concerning HMOs. The definition above is a general HMO definition and is separate from the definition below which is used to determine if a HMO requires a licence. If a HMO meets both definitions, please complete a mandatory HMO licensing application form. If a HMO only meets the above definition, the HMO will not need a licence but will still be subject to The Management of Houses in Multiple Occupation (England) Regulations 2006 and may require a Health and Safety Risk Assessment.

To make sure that the most vulnerable tenants living in the highest risk properties are protected, the following definition as set out in The Housing Act 2004 makes it compulsory for certain HMOs to be licensed if:

1. the HMO or any part of it is three storeys or more; and
2. it is occupied by five or more persons comprising more than one household; and
3. the tenants are living in the dwelling as their main or only residence.

A **single household** refers to persons who are all members of the same family. A person is a member of the same family if they are married to each other, live together as husband and wife including same sex couples, and other relationships. A 'relationship' means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin. A relationship of the half-blood shall be treated as a relationship of the whole blood and a stepchild shall be treated as his/her child. A person who lives in accommodation supplied by his/her employer or by a member of his/her employer's family, is classed as living in the same household, for example, au pair, nanny, nurse, carer, governess, servants, chauffeur, gardener, secretary or personal assistant.

Properties that have three or more storeys will include properties with habitable basements and attics as part of the three storeys but uninhabitable cellars should be ignored. Properties that incorporate commercial premises within the three or more storeys will also require a licence if the other criteria are met. For further information please refer to guidance notes 7 and 8.

Living accommodation occupied by persons as their main or only residence includes persons undertaking a full-time course of further or higher education, migrant and/or seasonal workers and asylum seekers or his/her dependents, who have been provided with accommodation under section 95 of the Immigration and Asylum Act 1999(a) and the accommodation is provided under contract to, or on behalf of, the National Asylum Support Service. It also includes HMOs that are operated as a refuge.

If the property falls into all of the above categories, it is a HMO that will require licensing under the new national, mandatory HMO licensing scheme, introduced by the Housing Act 2004. There are different types of licensing schemes that local authorities may operate in the area where your HMO is situated. However, the application form relating to these guidance notes is for the mandatory scheme. Please make sure that you are completing the correct application form.

NOTE 1

TYPE OF HOUSE FOR WHICH THE APPLICATION IS BEING MADE

House in multiple occupation – The whole property is operating as a HMO either offering shared facilities or bed-sit type accommodation – see below for definition, or as a combination of self-contained flats and bed-sits.

Flat in multiple occupation – Part of the building is operating as a HMO either offering shared facilities or bed-sit type accommodation – see below for definition, or as a combination of self-combination flats and bed-sits.

House converted and comprising only of self contained flats – A self-contained flat refers to a dwelling where access is via a single front door from any common area. Such dwellings would contain all the standard amenities with no sharing of amenities with the occupiers of neighbouring dwellings. IF THE PROPERTY FALLS INTO THIS CATEGORY, IT WILL NOT REQUIRE A LICENCE. PLEASE SIGN THE DECLARATION OF PAGE TWO AND RETURN THE FORM TO THE COUNCIL.

NOTE 2

HOW IS THE HMO OPERATING

Bed-sits – A term used to describe sleeping/living arrangements that are not self-contained and where there is shared use of some facilities such as a bath or shower room, sanitary accommodation or kitchen with the other occupiers of the HMO.

Shared facilities – Where the cooking and washing/toilet facilities are shared between all members of the HMO but each household has their own sleeping facilities.

Household with lodgers – A resident landlord rents out rooms within the property. For this type of property to be a HMO, there must be 3 or more lodgers able to reside at the property at any one time.

Hostel, B & B, guesthouse – Accommodation for people with no other permanent place of residence who would otherwise be homeless.

Supported lodgings – Accommodation for young people who live independently but have the assistance of a carer whilst at the property.

NOTE 3

DETAILS OF APPLICANT

The applicant must be a named individual

The applicant/proposed licence holder must be a named individual and not a company. If a company applies to be a licence holder, they must nominate

an appropriate person to hold the licence within that company. The Council has a duty to award the licence to the person it thinks is the most appropriate person to be the licence holder. In normal circumstances, the Council would expect the applicant to be the owner/landlord of the dwelling and apply to be the proposed licence holder. The proposed licence holder must have the power to:

- collect rental income
- let and terminate tenancies
- access all parts of the dwelling
- authorise repairs and maintenance to the property

If this is the case, please complete all of section one, following the instruction given within the section. If the owner/landlord has nominated a manager or managing agent to be the proposed licence holder, they must have the power to undertake the listed conditions such as collect rental income and authorise repairs, in order for the Council to assume that they are the most appropriate person to hold the licence.

NOTE 4

RESIDENTIAL/BUSINESS ADDRESS

Please provide details of permanent residential or business address of the applicant and/or proposed licence holders – not the address of the HMO to be licensed.

The full permanent residential address is required together with the necessary supporting documents to confirm the address. Evidence that will be accepted by the Council as proof of address will include one of the following:

- current driver's licence
- recent bank or building society statement – from the last three months
- recent utility bill – from the last three 3 months
- recent tax correspondence

The supporting documents to confirm the business address will include one of the following:

- recent utility bill – from the last three 3 months
- business rates
- recent tax correspondence

Photocopies of the above documents are not accepted. Original documents must be sent with the application form or alternative arrangements made with the Council for original documents to be verified. The Council has a duty to maintain a public register and make sure that the contents of the register are available at the authority's head office for inspection by members of the public at all reasonable times. The permanent residential/business address will be the address used on the public register. If you would prefer an alternative

address to be used on the public register, please complete section 2.4 in full in addition to providing residential/business address.

NOTE 5

CONTROL OF THE PROPERTY

A person having control of the property in normal circumstances is the legal owner/freeholder of the property who received the 'rack-rent' of the premises. The 'rack-rent', means a rent which is not less than two-thirds of the full net annual value of the premises. In circumstances where the owner/freeholder has leased the property to another person or company, the leaseholder will become the person having control of the property.

NOTE 6

FIT AND PROPER PERSON

In deciding whether an application should be granted, the Council must have regard to evidence, which shows that the proposed licence holder and/or manager and any other person associated or formerly associated with them on a personal, work or other basis is a fit and proper person.

To make sure that the Council can adequately assess whether a licence holder is a fit and proper person a series of questions have been devised. You must answer 'yes' or 'no' to all of the questions in this section. If you answer 'yes' to any of the questions, it will be necessary for the Council to undertake a further assessment. You **must** contact the Council to request the additional fit and proper person check. In accordance with the Rehabilitation of Offenders Act 1974, you are not required to provide details about previous convictions that are 'spent'.

A conviction becomes 'spent' after a certain length of time, which changes depending on the sentence and your age at the time of the conviction. The periods are halved if the conviction took place when you were aged 17 or less. If a person is sentenced to more than two and a half years in prison, his/her conviction can never become 'spent'.

FIGURE 1

Sentence	Period of good conduct needed for conviction to be spent
6 months to 2½ years imprisonment	10 years
Less than 6 months' imprisonment	7 years
Borstal Training	7 years
A fine or Community Services Order	5 years
Probation Order, Conditional Discharge, or Bind Over	1 year
An Absolute Discharge	6 months

Therefore, all unspent convictions must be declared. Figure 1 indicates the period required for the conviction to become spent.

To enable the Council to be satisfied that the information given is correct, please sign the declarations as requested. This also ensures that in certain cases other authorities such as the Police Authority can be consulted during the licensing process. If the declaration is not signed, the application cannot be processed.

If you have any doubts about whether you have to declare a previous conviction, you should contact your local Probation Office, the Citizens' Advice Bureau, or a Solicitor.

Any information given will be treated as confidential and used only in connection with this application.

NOTE 7

STOREYS IN THE PROPERTY

Properties that require a licence must have three storeys or more, Three storeys or more include the following:

- property with 3 or more floors such as ground floor, first floor and second floor
- 2 – storey property with attic conversion
- property with 2 floors above ground and a habitable basement
- property with 3 or more floors and a shop or other commercial premise on the ground floor and living accommodation above
- property with 3 or more floors and a commercial premises above the living accommodation on the first 2 floors
- house on a sloping site with 2 floors at the front and 3 at the back

HMOs that will **not** be included in the classification are:

- 2 – storey property with an unconverted cellar
- 2 – storey property with a commercial premise in the basement

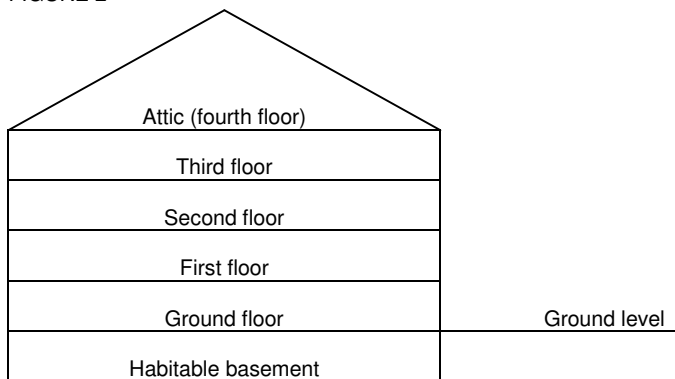
NOTE 8

LEVELS ON WHICH THE STOREYS ARE SITUATED

For a HMO to require a licence it must have three storeys or more. However, the three storeys do not

necessarily need to be the first three floors, such as ground, first and second floors. There could be commercial activity in the premise or basements could be in use for habitable purpose. Please use Figure 2 as a guide to indicate on the application form over which storeys the HMO is situated.

FIGURE 2



NOTE 9

HOUSEHOLDS

A **single household** refers to persons who are all members of the same family such as, married and co-habiting couples of the opposite and same sex, and other relationships. A 'relationship' means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, cousin, relationship of the half-blood and stepchild. Additionally, a person living with his/her employers family or in accommodation supplied by his/her employer is classed as living in the same household, such as, au pair, carer, gardener or personal assistant.

NOTE 10

FACILITIES AVAILABLE FOR EACH INDIVIDUAL LETTING

The table for facilities in Part 2 has been designed to allow information to be given for shared and self-contained properties. It is a 'tick box' table to make sure that for each individual letting they have access to certain facilities. If any of the listed facilities are not contained within the property, please leave the box blank. Using the example opposite (Figure 3) please complete the table in Part 2.

NOTE 11

DECLARATION OF APPLICANT AND PROPOSED LICENCE HOLDER

Please complete all the necessary declarations at the end of each relevant section. The final declaration indicating that all the information contained within the application form is true and correct requires signatures by all persons who have

completed Part 1. If the applicant is also the proposed licence holder, please sign both the applicant and proposed licence holder sections as indicated in Part 3.

It is a criminal offence to **knowingly** supply information that is false or misleading for the purposes of obtaining a licence. Under Section 238 of the Housing Act 2004, a person who commits an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale (up to £5,000).

FIGURE 3

FACILITIES	LETTING UNIT						TOTAL
	1	2	3	4	5	6	
Number of people sharing unit	1	1	1	1	1		5
Number of bedrooms	1	1	1	1	1		5
Wash basin in property – if shared property	0	0	1	0	1		2
Shared living room	√	√	√	√	√		1
Exclusive living room							
Dining room							
Shared kitchen/s	√	√	√	√	√	√	1
Exclusive kitchen							
4-hob cooker, oven and grill		√		√	√		1
Microwave	√	√	√	√	√		1
Dedicated cooker point	√	√	√	√	√		1
Sink with drainer and base unit	√	√	√	√	√		1
Refrigerator/s with freezer compartments	√	√	√	√	√		1
Freezer	√	√	√	√	√		1
Shared bathroom/s with WC and WHB	√	√	√	√	√		1
Shared shower room – separate							
Exclusive bathroom with WC and WHB							
Fixed heating such as gas central heating	√	√	√	√	√		
Electric storage heating							
Other heating, non-portable – please specify							
