

Licensing of Houses in Multiple Occupation (HMO)

Application Guidance

This Guidance is intended to help guide you through the application process. It should be read along with the appropriate Landlords Guide to Licensing of Houses in Multiple Occupation. If you have not already received the Guide to Licensing of Houses in Multiple Occupation please contact us.

The Housing Act 2004 and associated Regulations specify certain information that must be provided within the application. All the information required within the application must be provided and all questions answered as instructed. The relevant Act is the **Housing Act 2004** and the regulation is **The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006**.

It is important that you are aware of the following:-

It is an offence to supply any information that is false or misleading and which you know is false or misleading. The giving of false information may result in prosecution and your licence (on this and other properties) being cancelled.

If the form is filled in **incorrectly** or we feel that it is **incomplete** we will return it to you and you may incur an additional charge.

Application Fee

1. Complete Application Form per property = £350
2. Incomplete = £350 + (additional charge) £150
3. Assisted application form = £350 + (additional charge) £150
4. Where a person is the proposed licence holder for several properties there will be a reduction of £30 for the 2nd and successive applications. (1st application = £350 2nd application etc = £350 - £30 = £320)
5. All licenses will be valid for 5 years and a renewal of the licence will be charged at £350.
6. The licence is not transferable and therefore a new application will be required which will be charged at £350.

The Application fee must be included as part of your application.

Please return the completed application form by 6th July 2006

Application Pack

The application pack is divided into **5 modules**:-

1. Proposed Licence Holder (PLH) details
2. Owners details
3. Managers details
4. Property details
5. Management details

1. Proposed Licence Holder (PLH) details

This must be completed by the person proposed to hold the licence.

This module must be completed in **ALL** cases

1.2 Who should hold the Licence?

- The Council has a duty to award the licence to the person it believes is the most appropriate person to be the licence holder and in the majority of cases this is likely to be the Owner.
- If it is not the owner you have the opportunity to advise us on the application form why you have appointed someone else.

The proposed licence holder is expected to have the power to:

1. Let to and evict tenants and;
2. Access all parts of the premises to the same extent as the owner and;
3. Authorise any expenditure necessary to ensure the health safety and wellbeing of the tenants and others who may be affected by the property (including neighbours, passers-by, visitors etc).

1.2 Ethnicity

Please use the following number to identify:-

1. White British;
2. White Irish;
3. White Other;
4. White and Black Caribbean;
5. White and black African;
6. White and Asian
7. Other Mixed;
8. Asian or Asian British Indian
9. Asian or Asian British Pakistani;
10. Asian or Asian British Bangladeshi;
11. Asian or Asian British Other;
12. Black or Black British Caribbean;
13. Black or Black British African;
14. Black or Black British Other;
15. Chinese;
16. Other

1.5 Other Properties Licensed under Parts 2 and 3 of the Act

We are required to ask you to give details of all other properties you have an interest in which are to be licensed under the Housing Act 2004. This may include properties in other local authority areas and we may contact them.

You may need to contact the local authority (in which your properties are located) to answer this question as they may be considering additional licensing schemes and/or selective licensing schemes.

1.6 Declaration of Application Notification

You are required to notify certain people that you have made this application or give them a copy of it.

They are:-

- any mortgagee of the property to be licensed
- any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you
- any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)
- the proposed licence holder (if that is not you)
- the proposed managing agent (if any) (if that is not you)
- any person who has agreed that he will be bound by any conditions in a licence if it is granted

You must tell each of these people

- your name, address, telephone number and e-mail address or fax number (if any)
- the name, address, telephone number and e-mail address or fax number (if any) of the proposed licence holder (if it will not be you)
- whether this is an application for an HMO licence under Part 2 or for a houses licence under Part 3 of the Housing Act 2004
- the address of the property to which the application relates
- the name and address of the local housing authority to which the application will be made
- the date the application will be submitted

1.7 & 1.11 Fit and Proper Person Check

- The licence holder, owner, any manager and other persons involved in the management of the property must be 'fit and proper' persons.
- The application form asks questions relating to the issues which must be considered in assessing 'fit and proper'. If any of the answers indicate a problem with the 'fit and proper' person check we will seek further information which will enable us to decide whether they are suitable to be involved in the management of the property.

- If you have any 'fit and proper' person's issues, you may wish to appoint someone else to be the licence holder for the property. However please ensure that this person has the power to do what is required and described above.
- You will be signing a declaration at the end of this section to also state that you 'take appropriate steps to ensure that', in the employment of staff and contractors, you ensure that they are 'fit and proper' persons to undertake their respective duties.

1.9 - 1.10 Outstanding statutory notices relating to residential properties

These may include Housing Act, Environmental Protection Act, Building Act, Prevention of Damage by Pest Act and Public Health Act notices.

1.12 Management and Financial resources

We are required to confirm that you have adequate financial and other arrangements in place to allow for the effective management of the property (or properties).

These arrangements need to be sufficient to enable you to:-

- Make repayments in respect of any mortgage or other outstanding charge on the property
- Fund emergency repair as the need for them arises
- Plan and schedule general maintenance and upgrading to the fabric and internal fixtures and fittings
- Meet all your statutory requirements
- Meet any other payments as they become due.

When you tick the yes box you are declaring that your financial resources meet all of these requirements.

2. Owners details

2.2 - 2.4 This module must be completed by the owner(s) of the property

- Owner is the person(s) having control of the living accommodation and has a 'heritable interest' in the property, or proposes to acquire an owner's interest in the dwelling or building, which is capable of being recorded in the Land Registry
- Owner as defined in Housing Act 2004 Section 262(7) and 'Person having estate or interest as defined in Section 262 (8).
- Please refer to the notes in Proposed Licence Holder above as these are relevant to this module.

3. Managers details

3.2 - 3.11 This must be completed by the appointed manager

- Please refer to the notes in Proposed Licence Holder above as these are relevant to this module especially
- Fit and Proper person check and Management and Financial Resources.

4. Property details

- This must be completed by the proposed licence holder
- This module is divided up into Property, Fire Safety, Gas and Electric safety, Furniture Safety, Heating, Property Sketch and Use of accommodation

4.1 - 4.8 Property

- **Storeys** – this includes basements if they are used in connection with the accommodation (including storage, siting of electric/gas meters etc) and attics if they are used in connection with the accommodation (including rooms, storage etc).
- **Unit of accommodation** – this is yet to be defined but will probably mean for example a shared house = 1 unit of accommodation; a bedsit = 1 unit of accommodation;
- **Household** can be: a person living alone; a family (including foster children); a cohabiting couple (including same sex) If you require any further explanation please contact the Private Sector Housing Team.

4.9 - 4.15 Fire safety

Fire Detection systems

Grade A = A fire detection and alarm system which incorporates Control and Indicating equipment with remote back up power supply (usually a panel in the hallway)

Grade D = A system of 240 volts mains powered smoke alarms, each with an integral standby supply that may be a single detector or two or more interlinked detectors.

Grade A & D = A system combining both Grade A and D.

Battery = Stand alone battery operated smoke alarms

If you have difficulty in establishing which system the property has please contact the Private Sector Housing Team.

**If you have a current test certificate for the system please provide the original certificate, which will be copied and returned to you.

***Please note that if you have only **Battery** operated smoke alarms you **may** be required to replace these with either **Grade A or D** during the period of your licence following the Housing Health and Safety Rating System inspection.

4.16 - 4.19 Gas and Electric safety

Gas supply - if you provide any gas appliances you must have an annual inspection carried out by a competent person (an engineer recognised by CORGI as being competent to undertake such testing).

**You must provide the original certificate, which will be copied and returned to you.

Electrical Installation - All electrical installations must be inspected by a competent person (an engineer recognised by the Institute of Electrical Engineers as being competent to undertake such testing) and shown to be safe. The certificate will state when the next inspection is required.

**You should provide an original certificate, which will be copied and returned to you.

Electrical Appliances - If you provide any portable electrical appliances (i.e. Fridge, Freezer, microwave oven, kettle, heater etc) these should be inspected annually by a competent person (an engineer recognised by the Institute of Electrical Engineers as being competent to undertake such testing).

Unless all the appliances are under one year of age, you should provide a current original certificate, which will be copied and returned to you.

4.20 Furniture Safety

- If you provide any furniture to which the **Furniture and Furnishings (Fire) (Safety) Regulations 1988** apply (i.e. beds, sofas, arm chairs, curtains etc) they must comply with the regulations.
- At application stage you will only be asked to confirm this yourself.
- Please find details of how you can find out more about these regulations at the following website www.legislation.hmsso.gov.uk

4.21 Heating

If you have a combination of the types of heating described in the boxes please tick all that apply.

On the tables (Pages 14 and 15) there is a column asking about the type of heating please use the following key:-

Full Gas Central Heating	FGCH
Partial Gas Central Heating	PGCH
Wall Mounted Gas Fire	WMGF
Portable Gas Appliance	PGA
Radiant Electric Fire (Fixed)	REF
Wall mounted electric fire	WMEF
Portable Electric Heater	PEH
Night/Electric Storage Heater	NSH
Other fixed electric heating	O

4.22 - 4.28 Property Sketch and Use of Accommodation

Property Sketch

Please provide a rough sketch of the property identifying each room with a **NUMBER** which can be used in the tables that follow on pages 14-16.

- If your property is already known to us and we have already drawn up a plan we will have provided this with your application pack.
- Please mark the location of any smoke and heat detectors on the plan/sketch. This does not have to be too precise; we need to know which rooms they are in. Please indicate a smoke detector with an **S in a circle** and a heat detector with an **H in a circle**.
- Please number each room as requested above and use the same number in the tables that follow on pages 14-16.
- Please sign the plan to show that it is correct and return it with your application.

Use of Accommodation

There are 5 tables which are set out as follows:-

- Kitchen Facilities Shared
- Washing Facilities Shared
- Kitchen Facilities Not Shared
- Washing Facilities Not Shared
- All other rooms

Please use the number which you have used on the sketch plan to identify each of the rooms, and indicate with either a tick, or Yes/No in the boxes as appropriate.

Please use the key above for the Type of Heating.

You may wish to refer to Schedule 3 of the regulations which describes the 'prescribed standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons'.

5. Management Details

5.1 - 5.11 This must be completed by the proposed licence holder

- Tenancy management refers to the owner's responsibility in respect of the legal rights of his/her tenants and with due regard for the welfare of the tenants and the interests of the neighbours
- As part of a landlord's tenancy management duties he or she must ensure that tenants comply with their lease and conduct themselves in a way that does not interfere with the rights of neighbouring residents to enjoy peaceful occupation of their homes.
- The Council is required to be satisfied that the management arrangements for the HMO are satisfactory.

Checklist

- This is a checklist for you to use to ensure that you have completed all sections of the application form and signed the required declarations.
- It reminds you to include a plan of the property (or return the plan which was enclosed) signed;
- Enclosed the correct fee;
- Enclosed the relevant certificates;

Once completed please return the completed form to East Devon District Council, Housing Private Sector, Environmental Health Service, Knowle, Sidmouth, Devon EX10 8HL

What happens next?

1. You will receive an acknowledgement by letter to say that the application pack has been received and a receipt for the fee enclosed.
2. The council will determine the application as quickly as possible, however depending on the demand this may take a couple of months.
3. Once a decision has been made you will be notified of the decision by letter which will include the 'draft' licence with attached conditions.
4. You will then have 14 days to make any representations regarding the decision and the conditions which will be attached to the licence.
5. If there are no representations made and the decision is to issue the licence then this will be sent out to you.