

## Licensing of Houses in Multiple Occupation

### 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 within 4 weeks of receipt**

### **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

### **Section 1 - Proposed Licence Holder (PLH) details**

The person who is proposing to be the licence holder must complete this Section for all applications.

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 must live in the UK and 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 (required for Central Government Monitoring)**

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 that the Applicant has notified others of this application**

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 and 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.
- If you wish to complete a CRB check and enclose this with your application EDDC's advice is that applicants go to CRB Scotland [HTTP://WWW.DISCLOSURESCOTLAND.CO.UK/](http://www.disclosurescotland.co.uk/) where an application for a basic check can be made online at a cost of about £15. Please note that the 'Basic CRB' equivalent is called a 'Basic Disclosure application' in Scotland.

Please be aware that cross checks will be carried out on a proportion of applications and enquiries will be made with other local authorities and the Criminal Records Bureau. If you have already completed a CRB check for some other reason (for example working with children) it may be worth enclosing your certificate with this application.

If you are proposing to be a licence holder for more than one property in the East Devon area you will need to complete only one Fit and Proper person check on one application form – as long as you provide a list of the other properties.

**Remember to complete all the other sections for all of the properties.**

### **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**

You 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.

## **Section 2 - Owners details**

**2.2 - 2.4** This module must be completed by the owner or all the joint owners 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.

## **Section 3 - Managers details**

**This section need only be completed in cases where the manager of the property is neither the Licensee or an Owner – for example if the property is managed on the Licensee’s behalf by a managing agent.**

If a company or partnership manages the property a named employee/partner responsible for the management will be required to satisfy the ‘fit and proper’ person check.

**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.

If the named individual is the manager for more than one property in East Devon the manager only needs to complete the ‘Fit and Proper’ person check on one application as long as a list of the other properties within his/her management portfolio is provided with the form.

#### **Section 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,
- Facilities/Use of accommodation and Property Sketch

#### **4.1 - 4.8 Property**

- 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

**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 by the ODPM, but for the purposes of this application the following constitute 1 unit of accommodation:-

- A shared house
- A bedsit
- A flat within a converted building where the facilities, although not shared, are not behind the front door of the flat (a non self contained flat)

**Household** can be:

- a person living alone or with a group of unrelated sharers;
- a family (including foster children);
- a cohabiting couple (including same sex)

In the case of a shared house eg a student house, each individual occupant is a household.

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 – the Gas Safety (Installation and Use) Regulations 1998.

**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.

\*\*If you have had an inspection undertaken you should provide the original certificate with your application, which will be copied and returned to you. If you have not you must be aware that at any time during the life of the licence you may be asked to produce a current certificate and it will be an offence if you fail to do so.

**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.

\*\*If you have had the appliances tested you should enclose the original certificates with your application, which will be copied and returned to you. If you have not you must be aware that at any time during the life of your licence you may be asked to produce current certificates and it will be an offence if you fail to do so.

#### 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.hmso.gov.uk](http://www.legislation.hmso.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	<b>FGCH</b>
Partial Gas Central Heating	<b>PGCH</b>
Wall Mounted Gas Fire	<b>WMGF</b>
Portable Gas Appliance	<b>PGA</b>
Radiant Electric Fire (Fixed)	<b>REF</b>
Wall mounted electric fire	<b>WMEF</b>
Portable Electric Heater	<b>PEH</b>
Night/Electric Storage Heater	<b>NSH</b>
Other fixed electric heating	<b>O</b>

#### 4.22 - 4.23 Facilities/Use of accommodation and Property Sketch

**39. Living Rooms** - The total number of habitable rooms including reception rooms, dining rooms, studios, and box rooms but **excluding** kitchen dining rooms, bedrooms, bathrooms, toilets, storerooms, pantries, cellars, garages and any other rooms not designed for living. Dormitory accommodation should be **excluded** and bedsits **included** each being counted as 1.

**40. Sleeping rooms** - Total number of rooms providing sleeping accommodation. Both dormitory accommodation and bed sits should be **excluded**.

**41. Bath/shower rooms** - **Total** number of bathrooms or shower rooms in the property

**45. Shared bath/shower rooms** - **Total** number of bathrooms or shower rooms in the property which are shared.

**42. Toilets with wash basins** - Total number of toilets with wash basins in the property. Toilets located within the bathrooms or shower rooms should each be counted. Toilets with no hand basin available within the same room must not be counted.

**46. Shared toilets with wash basins** - Total number of toilets with wash basins in the property which are shared.

**43. Kitchens** - Total number of kitchens in the property. Kitchen dining rooms should be counted here as one. Large Kitchens even with double facilities should still only be counted as one.

**47. Shared kitchens** - Total number of kitchens in the property which are shared.

**44. Sinks** - Total number of full size sinks (not wash hand basins) in the property. Sinks in the kitchens should be included here and where there is more than one sink in a kitchen each one should be counted.

**48. Shared sinks** - Total number of sinks in the property which are shared.

**49. Self contained units** - Total number of flats in the property which are self contained.

**50. Non self contained units** - Total number of flats in the property which are NOT self contained.

**51. Dormitories** - A dormitory is accommodation where the occupant has no space which is for their exclusive use. It is a room for sleeping in with several beds typically designed to house students. This means that while having their own tenancy or licence the occupant is sharing sleeping space with at least one other having a separate tenancy or licence.

#### 4.23 Providing a plan of your property

##### Property Sketch

- Please see separate enclosed guidance on providing an accurate scaled plan of your property
- 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 sign the plan to show that it is correct and return it with your application.

#### 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;
- Enclose the correct fee;
- Enclose the relevant certificates;

**Once completed please return the completed form to  
East Devon District Council,  
Environmental Health Service,  
Private Sector Housing,  
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. During this period you will not be committing an offence by continuing to let the property.
3. Once a decision has been made you will be notified of the decision by letter.
4. If the decision is to issue the a licence a 'draft' licence with a copy of the conditions the Council intends to attach will be sent to you.
5. You will then have 14 days to make any representations regarding the decision and the conditions
6. If there are no representations made the licence will be issued after 14 days
7. If the decision is to refuse the Licence you will be advised accordingly.

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