

HMO LICENCE APPLICATION GUIDANCE NOTES AND GLOSSARY OF TERMS

Before completing an application form for a new House in Multiple Occupation (HMO) Licence, or to renew an existing HMO Licence, please ensure that you have read these guidance notes.

Certain parts of the application form may contain technical, or legal terms. Further clarification of these terms can be found in the glossary.

All parts and associated questions within the application form **must** be completed fully, unless directed otherwise. Incomplete applications may delay the licensing process.

Data Protection and Public Register Information

All of the information provided in the application form will be handled and stored in accordance with the provisions of The Data Protection Act 2018.

We are required to collect this information to meet our legal obligations under the Housing Act 2004.

We may also get information about you from certain third parties, or give information to them, to check the accuracy of information; to prevent or detect crime; ensure safety; and to protect public funds in other ways, as permitted by law.

We are obliged to publish information in respect of each HMO licence granted under Part 2 of the Housing Act 2004. Some of the information you provide will be entered into a Public Register, but only to the extent required by the law.

Further details of how we use your information can be found at www.shropshire.gov.uk/privacy/

PART 1: PERSONAL INFORMATION

- 1.3 If you are the person filling in this application form, then you are the **'applicant'**. As the applicant, you are required to complete every part of the application form and sign the declaration at the end of the form.
- 1.4 The **'proposed licence holder'** is the person whose name will be on the licence (if issued).

If the proposed licence holder is a company, you must provide the address of the registered office and the names of the company secretary and directors.

If the proposed licence holder is a partnership, or trust, you must provide the names of all of the partners and trustees.
- 1.5 Please provide details of the **'property manager'** if an agent or manager has been employed to manage the property.

PART 2: PROPERTY DETAILS

2.1 'Habitable storeys' include:

- Basements, attics and lofts if they are occupied, or if they have been converted for occupation by residents;
- Mezzanine floors, that is, a floor at a different level, which is not used solely as a means of access between adjoining floors.

Please give details of all **self-contained flats**, within the HMO, which have their own kitchens, bathrooms and WCs.

- 2.2 In this section of the form, you are required to provide information of the fire safety provisions that are in the licensable property. They include fire detection and emergency lighting systems, and other fire precautions, such as fire doors and a protective means of escape (i.e. staircases, landings, etc.). Please tick the appropriate boxes on the form to indicate what fire safety measures are in the property.
- 2.3 An audible Carbon Monoxide Alarm shall be installed in any room where there is a gas, liquid, or solid-fuel burning combustion appliance.
- 2.5 All upholstered furniture that complies with the **Fire and Furnishings (Fire) (Safety Amended) Regulations 1988** will have a label permanently attached.
- 2.6 As a condition of the licence you are required, as landlord, to comply with the local authority's waste scheme. Please provide details of the provisions you have in place for the disposal of waste.
- 2.7 The property plan may be a drawing or sketch, but should indicate all rooms, communal areas, stairways etc. and how they relate to each other. The plan must clearly indicate the use of each room and its approximate dimensions. Please tick the boxes to confirm all of the features are included within the plan.
- 2.8 Operating an HMO is a business and needs to be treated as such. In this section, you need to demonstrate that you have thought carefully about the management of the property and that you have procedures in place to deal with all likely events.

PART 3: DECLARATIONS

- 3.1 We must be satisfied that the person applying for an HMO Licence is a '**Fit and Proper Person**' to hold a licence. The test is also applied to the Manager. Answering 'yes' to any of the questions in this part will not necessarily mean that the Council will refuse to issue a Licence. However, the Council reserves the right to reject any person nominated as the proposed licence holder, if they are not considered a Fit and Proper person.

Please ensure that you fully read the declaration before signing. The proposed licence holder and the manager's signatures **MUST NOT** be signed by a third party. Where the applicant is not the proposed licence holder, or manager, the form must be sent to them to check and confirm that accuracy of the information, before it is submitted.

- 3.2 This section requests details of any other properties, both inside and outside of the Shropshire Council area. We may contact the other Licensing Authorities that you list in this section, if we feel it necessary as part of the Fit and Proper person background check.
- 3.3 You must let certain persons know, in writing, that you have made an application for a House in Multiple Occupation Licence under Part 2 of the Housing Act 2004. These are:
- Any mortgagee of the property;
 - Any owner of the property, if that is not you;
 - Any other person who is a tenant, or a long leaseholder of the property, or any part of it, 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 that is not you;
 - Any person who has agreed to be bound by any conditions in the licence, if granted

You must inform each of these persons, in writing, that you are applying for a licence for a House in Multiple Occupation and include the following information:

- Your name, address, telephone number and email address;
- The contact details for the applicant/proposed licence holder;
- The address of the House in Multiple Occupation;
- The name and address of the Local Housing Authority to which the application is to be made; and
- The date the application will be submitted.

You can do this by sending them the attached form from **Appendix 1**, or alternatively, you could send or give them a copy of the completed application form.

Complete the table on the application form to confirm who has been notified.

- 3.4 Please ensure that you fully read the declaration before signing.

PART 4: FEES

You must pay the HMO Licence fee, in full, before your licence can be issued. There is no provision to pay the fee by instalments.

PART 5: SUPPORTING DOCUMENTATION

You must ensure that you submit with the application form, all of the documents that that are listed in the checklist section. You must tick the appropriate boxes to inform the Council which documents have been submitted.

The application will be considered incomplete if any of the required documents are not submitted at the same time as the form.

- 5.1 If there is a gas supply to the property, you must provide a copy of the most recent Landlord's Gas Safety Certificate issued by a Gas Safe Registered Contractor. It must be dated within the last 12 months.
- 5.2 To ensure that the property is maintained in a safe condition, the Landlord must demonstrate that the electrical installation and accessories (socket outlets, switches etc) are regularly tested and that any deficiencies are remedied. Please provide a copy of the latest inspection report provided by an approved electrician in accordance with BS7671. It must be dated within the last 5 years.

- 5.3 Please provide a copy of the latest Fire Alarm Test Certificate issued by an approved electrician, or a specialist fire alarm contractor. It must not be more than 12 months old. If the fire alarm system was installed less than 12 months ago, a copy of the Installation Certificate will be required.
- 5.4 Please provide PAT Testing certificates if electrical appliances are provided as part of the tenancy. The PAT Certificates must be dated within the last 12 months.
- 5.6 A photocopy of a Photo card driving licence, or passport, along with proof of address (bank statement, utility statement, Council Tax bill within the last 3 months) will be accepted.
- 5.8 Disclosure Scotland provide a basic disclosure for the whole of the UK that contains details of unspent convictions personal to an applicant. This can be obtained for a fee from www.disclosurescotland.co.uk

We are happy to accept an existing DBS Declaration, providing that it is less than 3 years old.

GLOSSARY OF TERMS

APPLICANT-The person filling in the form.

AGENT – Someone appointed by the landlord to carry out some or all of the duties on behalf of the owner. This may be a professional property manager, associate or relation of the owner. The agent may or may not be paid by the owner.

BEDSITS – are units of accommodation where there is normally some exclusive occupation and some sharing of amenities, usually bathroom and/or toilet.

DBS BASIC CERTIFICATE- As part of your HMO Licence application, you are requested to complete a BASIC DBS check. We can only accept basic checks and Not “Standard” or “Enhanced” DBS.

To complete a basic DBS check please Request a basic DBS check through this link:

<https://www.gov.uk/request-copy-criminal-record>

ELECTRICAL SAFETY INSPECTION – A regular and appropriate inspection of the electrical wiring system is required to ensure that the health and safety of your tenants is not compromised. The owner is required to provide certification that the electrical system and any fixed appliances provided by the owner have been examined, by a competent person who is registered with an electrical regulatory body, confirming that they are functioning properly and are safe. The electrical examination and certificate must comply to BS 7671. Such examination should be carried out at least once every five years.

EMERGENCY LIGHTING – is a system designed to automatically illuminate the escape route upon failure of the supply to the normal artificial lighting.

FEE – Local Authorities can charge a licence fee which will have regard to the administration of the licensing scheme. Local Authorities will establish a coherent and transparent fee structure, which will operate within and in accordance with the Chartered Institute of Public Finance & Accountancy framework. An audit process will be used to ensure that fee levels remain proportionate.

FIRE SAFETY EQUIPMENT – includes extinguishers and fire blankets. These must be checked periodically and the correct sort of extinguisher should be provided.

FIRE AND FURNISHINGS (FIRE) (SAFETY AMENDED) REGULATIONS 1988 - All upholstered furniture provided with rented accommodation must comply with this legislation. This means that all furnishings provided must have passed cigarette and match ignition tests and the filling materials have passed the flammable tests. If the furniture complies it should have a label attached permanently. Curtains and bedding are not included.

FIT AND PROPER PERSON – When a landlord or proposed manager makes an application to licence an HMO, we are required to carry out checks to make sure that the person applying for the licence is a fit and proper person. In deciding whether someone is fit and proper, the Local Authority must take into account:

- Any previous convictions relating to violence, sexual offences, drugs or fraud;
- Whether the proposed licence holder has broken any laws relating to housing or landlord and tenant issues;
- Whether the proposed licence holder has been found guilty of unlawful discrimination;
- Whether the proposed license holder has previously managed HMOs and has not complied with relevant legislation;

Convictions which are spent under the Rehabilitation of Offenders Act 1974 do not need to be declared.

FREEHOLDER – means the same as owner i.e the person entitled to sell the property.

GAS SAFETY CERTIFICATE – Landlords must arrange safety checks on an annual basis and provide the Council with copies. Only certificates by Gas Safe Registered Gas Installers will be acceptable.

HMO – A House in Multiple Occupation as defined by sections 254 to 259 Housing Act 2004 and it applies to a wide range of housing types and includes:

- A building or part of a building, which consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- The living accommodation is occupied by persons who do not form a single household;
- Where two or more of the households who occupy the living accommodation share one or more basic amenities, or the living accommodation is lacking in one or more basic amenities;
- Buildings converted into self-contained flats if more than one third of the flats are tenanted and the conversion does not comply with Building Regulations 1991 or subsequent Building Regulations.

HOUSEHOLD – The following are 'Households' for the purposes of the Housing Act 2004:

- a single person or members of the same family living together
- couples married to each other, or living together as husband and wife, or in an equivalent relationship in the case of persons of the same sex
- relatives living together, including parents, grandparents, children, step-children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins.

Half-relatives will be treated as full relatives.

A foster child living with his foster parent is treated as living in the same household as his / her foster parent.

Domestic staff are included in the household if they are living rent-free in accommodation provided by the person for whom they are working.

- Three friends sharing together are considered three households.
- If a couple are sharing with a third person, that would comprise two households.
- If a family rents a property, that is a single household.

- If a family have an au-pair to look after their children, that person would be included in their household.

LEASEHOLDER – is somebody whom owns a long lease on their property, which gives them the right to occupation and use of the property for the term of the lease.

LETTING UNITS – The number of units of accommodation you offer in the house. The number should be the same as the maximum number of tenancy agreements you might have at any one time. This may be different to the number of tenants as some units may be occupied by more than one person.

LIVING ACCOMMODATION – Rooms in the house which are used for everyday living activities but excludes bedrooms, kitchens, bathrooms, uninhabitable rooms, hallways, landings, stairwells, passages and cupboards. Where a room has a dual function in that it is used as a bedroom and living room, it should be classed as sleeping accommodation.

MANAGER – The person or company appointed by the owner expressly for the purpose of managing the house. The manager may be an employee of the owner. The manager will act under the instruction of the owner and will have the powers and duties given to him by the owner. In order for the manager to be eligible to be considered as the licence Holder the manager must have at least the following powers:

- to let to tenants and terminate tenancies in accordance with the law
- to access all parts of the premises to the same extent as the landlord; and
- be authorised to approve expenditure of up to 25% of the yearly rental income of the property for necessary repairs etc.

The manager must be able to travel to the property within a reasonable time unless there are arrangements in place to cover every eventuality which might otherwise demand his presence. If no manager is appointed then the owner will be the manager.

MORTGAGEE – is the person or financial institution who has granted a loan secured on the property.

OWNER - The person who has the legal right to dispose of the property, this may be by virtue of being the freeholder, the leaseholder with rights to dispose or as a result of some form of agreement with the freeholder.

OTHER RELEVANT PERSONS - This includes other persons with an interest in the property, such as mortgagees, trustees and other leaseholders or tenants in occupation with an unexpired lease of more than three years. Also, if any person has agreed to be bound by a condition of the licence, if granted.

PAT (Portable Appliance Test) – Owners who provide electrical appliances for use by tenants are under an obligation to ensure that they are safe to operate. Portable appliances are generally defined as equipment that has a cable and plug and which is capable of being moved from one place to another. A refrigerator connected to a dedicated socket would be regarded as a portable appliance, whereas a wall-mounted electric heater would be regarded as an installation as it would not normally be moved.

PERSON(S) – In respect of the number of people occupying the HMO means persons of all ages including new-born children.

PERSON HAVING CONTROL – The person who receives the 'rack rent' of the premises.

PLAN (of property) – In order to license a HMO the Council has to obtain certain information about the property to assess the type of property it is and what amenities and installations there are – a plan is the most effective way of doing this. The council is not insisting that the plans have to be professionally drawn. Detailed plans such as those required for a Building Regulations application are not required, just sufficient to understand the proportions and layout of the house along with the locations of amenities and fire safety measures. (See back page for example plan)

(PROPOSED) LICENCE HOLDER – The person entitled to apply for, or has been awarded, a licence in respect of a HMO. The owner will normally be the licence holder except where the owner elects for some other person to hold the licence and the Local Authority agrees to this.

SELF CONTAINED FLATS – are separate and self-contained premises. A self-contained unit is one which has inside it a kitchen (or cooking area), bathroom and toilet for exclusive use of the household living in the unit.

SLEEPING ACCOMMODATION – Rooms within the house in which a bed or beds or other furniture for sleeping is provided. (see also **LIVING ACCOMMODATION**)

STOREY – The number of floors, including basement floors and attics, in the building which are capable in whole or part of being used for the purposes of habitation. Storeys used wholly for commercial purposes should also be counted. Note that this definition relates only to how storeys are counted for determining whether the HMO is licensable. Storeys may be counted differently for the purpose of determining the type of fire precautions required.

Example Plan

Address:

1, Example Avenue, Shrewsbury, Shropshire SY1 1EX

Date:

20.07.2018

