

HOUSING ACT 2004, PART 2 SECTION 63

LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMO)-

APPLICATION FOR RENEWING AN HMO LICENCE

Use this form to renew an HMO (House in Multiple Occupation) Licence. For an initial application or when there has been a change in ownership please use the initial application form.

You can also apply online at www.eastbourne.gov.uk

You are legally required to license your property, if it meets all of the following criteria;

- 1.** It is a building in which two or more families/individuals share basic amenities
Or; It is a converted building which contains one or more units of accommodation that are not self-contained (a self-contained unit is one which has access to all amenities behind one front door, for exclusive use by one household).
And
- 2.** It is three or more storeys (this includes basements and attics). Commercial storeys of the property are included in this storey count.
- 3.** It has five or more people living there and they five people make up more than one household (family unit).

Exemptions to HMO licensing are detailed in the final section of the notes attached to this form. If you are unsure if your property need a license then please call Customer First on 01323 410000.

If you have more than one HMO you will need to complete a separate application form for each property.

If you require more space to answer any questions, please use the space provided in part 6 or continue on additional sheets specifying which question your answers relates to.

Please note that it is a criminal offence to knowingly supply information which is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application with regard to the property concerned may be required at a later date. If we subsequently discover something which is relevant and which you should have disclosed, or which has been incorrectly stated or described, your licence may be cancelled or other action taken.

ADDRESS OF PROPERTY TO BE LICENSED

Full address of the property which the licence applies to:

Post code

PART 1 - APPLICANT(S) AND MANAGER(S) INFORMATION

a) Name & Address of applicant(s) and manager(s)

Please complete the following details - draw a line through any rows that do not apply.

| Interest | Name | Address | Phone | e-mail |
|---|-------------|----------------|--------------|---------------|
| Applicant | | | | |
| <i>Please state the applicants legal interest in the property, or relationship to license holder;</i> | | | | |
| Owner | | | | |
| Proposed licence holder | | | | |
| Manager | | | | |
| Person having control | | | | |
| Anyone else bound by a licence condition Eg. mortgagee/leaseholder/freholder | | | | |

**** Please see Part7 for declaration to be made in relation to these interested**

parties.

b) If any of the above is a company, partnership, or trust, please indicate their business name and complete the following:

i. Company/partnership/trust information including registered address or principal trading address where appropriate;

Tel: _____ email: _____

ii. Names and addresses of all directors, partners or trustees (please continue on a separate sheet if necessary)

Tel: _____ email: _____

iii. Name and address of Company Secretary

Tel: _____ email: _____

iv. Please give us the **address** of your registered office or an address for service of legal documents.

v. . Please provide **signatures** of all directors, partners or trustees (on a separate sheet, if nessecary).

c) If you have a person or agent managing the property on your

**behalf please indicate which redress scheme they are a member of,
along their membership number:**

Ombudsman Property Service

Number: _____

Property Redress Scheme

Number: _____

The Property Ombudsman

Number: _____

PART 2: FIT AND PROPER PERSON - CONFIDENTIAL INFORMATION

All information in this part will be treated as confidential and used only in connection with this application. The Council has a legal obligation to ask the following questions and you must disclose information that you think may be relevant to your application.

The council may choose to undertake further checks with internal departments and external agencies to verify that those involved with this license application are deemed "fit and proper".

Under the Rehabilitation of Offenders Act 1974 you are not required to provide details about previous convictions which are "spent". A conviction becomes spent after a certain length of time depending upon the sentence and your age at the time of conviction.

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

For Part (a), subject to the provisions of the Rehabilitation of Offenders Act 1974, please state the particulars of any relevant issues recorded against any person named in Parts 1, or any person associated or formerly associated on a personal or work basis with those named in Parts 1.

Relevant issues: Criminal Convictions in respect of:

- *Fraud, Dishonesty, Violence, Drugs, Schedule 3 of the Sexual Offences Act 2003*
- *Finding by a Court or Tribunal:*
- *Practiced unlawful discrimination of grounds of sex, colour, race ethnic or national origin or disability in connection with a business.*
- *Contravened any provision of Housing, or Landlord & Tenant law.*

These include but are not limited to:

- *Control Order under the Housing Act 1985*
- *Proceedings by a local authority including taking enforcement action to remedy a category 1 hazard.*
- *The local authority carrying out Works in Default*
- *Interim or Final Management Order under the Housing Act 2004.*
- *Harassment or illegal eviction*
- *Acted in contravention of any Approved Code of Practice (ACoP) in relation to the management of HMOs.*
- *Any criminal offence, contravention, or subject to any other proceedings brought by a local authority or other Regulatory Body (for example breaches of the Environmental Protection Act 1990, public health, planning control, or compulsory purchase proceedings or fire safety requirements).*

a)

| Name | Date | Court | Offence | Sentence |
|--|------|-------|---------|----------|
| Applicant | | | | |
| Owner | | | | |
| Proposed licence holder | | | | |
| Manager | | | | |
| Person having control | | | | |
| Anyone else bound by a licence condition Eg. mortgagee/leaseholder/freeholder | | | | |

(Continue on a separate sheet if necessary.)

b) Has any person named in Parts 1, of this form previously held or do they currently hold a licence for another house in multiple occupation?

Yes No

i) If **Yes**, please provide the addresses of these properties, along with details of the local authority that issued the licence.

c) . Has any person named in Parts 1 of this form ever applied for and been refused a house in multiple occupation licence?

Yes No

c) i) If **Yes**, which authority refused the licence?

c) ii) When was it refused?

d). Has any person named in Parts 1 of this form ever breached any condition of a licence issued under Parts 2 and/or 3 of the Housing Act 2004?

Yes

No

i) If **Yes**, please provide details of the licence condition(s) breached/licence revoked and the local authority area in which they were breached/licence revoked.

e) Is the proposed licence holder a member of any landlords association, other professional body (e.g a redress scheme, accreditation scheme)?

Yes

No

e) i) If Yes, please state which:

f) . Please list in the space below any training courses the proposed licence holder has undertaken or conferences attended in the last three years:

PART 3 – PROPERTY DETAILS

a) Have any changes been made to the property layout or structure since the last licence was issued?

Yes

No

i) If yes, please provide details;

b) What are the maximum occupancy levels for the property;

Households _____

Individuals _____

c) How are tenancy agreements issued?

One tenancy for the whole property

One tenancy for each room/letting unit

Other, please state _____

PART 4 – PROPERTY MANAGEMENT

Services

a) Gas installations

You **must** supply, with this application, a copy of the current gas safety certificate(s) covering all gas appliances in the property. (You are required to have all appliances etc. checked annually by a Gas Safe registered engineer).

b) Electrical installations

You **must** supply, with this application, a copy of an electrical test report for the property, completed by a competent electrical engineer that was carried out within the last 5 years. It must confirm that the installation is safe and satisfactory.

c) Electrical appliances

You **must** provide electrical safety test certificates for all appliances provided in the property. For example a) Cooker b) Microwave c) Washing machine d) Portable electric heaters etc. Please note only those appliances provided by the landlord need to be checked.

Management Regulations

i) Ongoing management of all licensable HMOs must be in accordance with the Management of Houses in Multiple Occupation (England) Regulations 2006. A copy if these is available at www.eastbourne.gov.uk/privatehousing/hmo

Furniture

h) Where the property is let as furnished, you **must** also supply details that show that the furniture meets the current standards set out in the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1993).

PART 5 – FEE

Please see enclosed fee structure. If you are unsure about the correct fee to pay, please telephone: **01323 410000**

The application will not be considered until correct payment has been received. Please tick your preferred payment option

- Cheque.** Please enclose a cheque made payable to "Eastbourne Borough Council" with your application form. The cheque must be clearly marked on the back with "HMO Licence Fee" and the address of the property.

- Card.** Card payment can be taken over the phone. A caseworker will contact you on the number provided in Part 2 to take payment once your application form has been processed.

Please state amount of fee paid £ _____

£

PART 6 – OTHER INFO

a) Please provide an additional information that you think is relevant to your application.

PART 7 – DECLARATION

As the applicant, you must let certain persons **know in writing** that you have made this application or give them a copy of it.

The persons who need to know about it 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 3 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 persons:

- Your name, address, telephone number and email address or fax number (if any);
- The name, address, telephone number and email address or fax number (if any) of the proposed licence holder (if it will not be you)
- Whether this application is for an HMO licence under Part 2 or for a house 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.

Note to applicants: *it is a criminal offence to knowingly supply information which is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application with regard to the property may be required at a later date. We may approach other authorities, such as the Police, Fire and Rescue Service, Office of Fair Trading etc. and tenants for additional information and verification. Signing of this application will be taken as your agreement to any such action. If we subsequently discover something which is relevant and which you should have disclosed, or which has been incorrectly stated or described, your licence may be cancelled or further action taken.*

I/we declare that I/we have served a notice of this application on the following persons who are the only persons known to me/us that are required to be informed that I/we have made this application.

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/we commit an offence if I/we supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or am/are reckless as to whether it is false or misleading.

Name of applicant (print):

Signature_____Date_____

Name of proposed licence holder (if different from applicant) (print):

Signature_____Date_____

Name of manager (print):

Signature_____Date_____

Name of owner (print):

Signature_____Date_____

Name (if different from applicant):

Signature_____Date_____

Note: in the case of partnerships or trustees, all partners or trustees must sign. For limited companies, the application must be signed by the Company Secretary, Director or another authorised officer (proof of authority required).

Checklist for submitting an application

Please enclose the following are enclosed with your application form:

- You must provide an A4 sized sketch plan of the layout of each floor. You must identify the use of each room; location of bathrooms, kitchens, toilets; room number of each unit of accommodation; approx. size of rooms; location of heat/smoke detectors, break glass points, control panel, emergency lighting.
- A Full Inspection Report from a competent electrician for the electrical installation. Testing 100% of circuits and 10% of fixtures and fittings.
- Recent Portable Electrical Equipment test reports.
- A gas safety certificate(s) for all gas appliances.
- BS5839 test reports relating to the fire detection system.
- BS5266 test reports relating to the emergency lighting system (if applicable).
- Licence Fee.
- Furniture safety declaration (if applicable).
- Planning/building control information.
- Signatures where required in Part 7.

Please send completed application forms, payment and copies of any necessary documentation to:

Customer First, Eastbourne Borough Council, 1 Grove Road, Eastbourne, East Sussex BN21 4UG.

HMO Renewal Form - Guidance Notes

PART 1

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, confirming that the information you have provided is correct to the best of your knowledge.

The '*proposed licence holder*' is the person whose name will be on the licence (if issued). The proposed licence holder must be the person who is the most appropriate person to hold the licence for the property, and this is likely to be the person who receives the rent for the property.

As the applicant, you are required to provide your: Name, Correspondence address, Contact details; and state your relationship to the proposed licence holder and your interest in the licensable property.

Your interest in the licensable property is your connection or involvement with the licensable property, which is usually of a legal nature such as:

- Freeholder
- Leaseholder
- Managing Agent

We understand that, in some instances, the applicant may have no legal interest in the property, and may simply be completing the form on behalf of a relative or friend for example. If this is the case under the question 'what is your relationship to the proposed licence holder?', please state the appropriate relationship.

As the applicant, you must provide details of all those with a legal interest in the property. These are listed in the table in part (a).

If any of these are a company, you must provide the address of the registered office and the names of the company secretary and directors in section (b).

It is a legal requirement for any person or company managing a property to be a member of one of three government approved redress schemes. The three schemes are listed in section (b), and ensure that this section is completed with the relevant details.

A '**freeholder**' can be a person (or persons) or a company who is registered as the proprietor of a freehold estate in

the land with title absolute.

A '**leaseholder**' is somebody who owns a long lease on their property (usually for a term of more than 21 years),

which gives them the right to occupation and use of the property for the term of the lease.

A '**person who collects the rent**' is considered to be anyone who collects rents from the persons who are occupying

the property.

A '**person who receives the rent**' is the person who ultimately receives (whether directly or through an agent or

trustee) rents or other payments from the persons who are occupying the property.

A '**person bound by a condition of the licence**' could be any person who is involved in the management and/or maintenance of the property. This will also depend on the licence conditions – see the general notes to the application form for a list of mandatory licence conditions.

PART 2

Part 5 aims to collect information on all persons named in Parts 1 to 4 of the form, to enable the council to determine if they (or any associate of those persons) are fit and proper persons (see general notes for definition). 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. Under such circumstances, somebody who is deemed to be a fit and proper person will have to be nominated to hold the HMO licence.

'Landlords Association' refers to a legally constituted trade body which regulates the conduct of its members and represents their interests. Other relevant professional bodies which can include the Housing Ombudsman Service, and those covering real estate such as property letting or surveying. Industry bodies covering building and construction trades could also be relevant if they evidence skills relating to the management and maintenance of tenants' homes.

PART 3

An '**occupier**' means a person who occupies the property as a residence; this person can be either a tenant, leaseholder, licensee or a person having an estate or interest in the property. Children and babies are also considered to be occupiers, and should each be counted as one individual regardless of their age.

A '**household**' for the purposes of the Housing Act 2004 comprises:

- A single person; or
- Co-habiting couples (whether or not of the opposite sex); or
- A family, including parents, grandparents, children (including foster children, step-children and children being cared for), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Half-relatives will be treated as full relatives. Any domestic staff are also included in the household if they are living in rent-free accommodation provided by the person for whom they are working.

A '**letting**' is any rented unit of accommodation, this could be a:

- Room/bedsit

- Studio
- Flat
- Floor by floor let etc.
- House

For example, a house let as bedsits and rented to 5 people would count as five lettings.

Therefore, three friends sharing together are considered three households because they are not related as family.

If a couple are sharing with a third person that would consist of two households.

If a family rents a property this is a single household. If that family had an au-pair to look after their children that person would be included in their household.

PART 4

The most common '**gas appliance**' in many properties is the central heating boiler, which provides hot water and/or heating. All associated fittings, including flues, are deemed to be included in the appliance. Wall mounted individual gas heaters need checking, as well as ovens and hobs, and anything else that uses gas as its power source.

Businesses and self-employed people working on gas fittings or appliances are legally required to be registered with GAS Safe. If you need to find a registered installer, or need to check anyone's registration, you can visit the Gas Safe register website at <http://www.gassaferegister.co.uk/>

The Gas Safety (Installation & Use) Regulations 1998 specify that it is the duty of landlords of relevant premises to ensure that all gas appliances, fittings and flues provided for tenants are safe. You must arrange safety checks on an annual basis and provide the council with copies – only certificates produced by bona fide Gas Safe Registered Gas Installers will be acceptable.

PART 5

Please refer to separate fee structure sheet.

PART 6

Please use this section if you require any further space to answer any of the previous questions (please indicate which question your answer relates to). You can also use this area to add any further information that you feel could be relevant to your application, for example training, courses etc.

PART 7

The declaration must be signed and dated by:

- The applicant
- The proposed licence holder (if different to the applicant)
- The manager (if there is a manager)
- Any others with a legal interest in the property.

CHECKLIST

You must ensure that you submit with the application form all the documents that are listed in the checklist section at the end of the form where relevant (e.g. not all properties will have gas appliances or fire detection systems).

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

EXEMPTIONS

Schedule 14: Buildings which are not HMOs for the purposes of the Housing Act 2004 (excluding Part 1)

A building where the person managing or having control of it is-

- a local housing authority,
- a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
- a police authority established under section 3 of the Police Act 1996 (c. 16),
- the Metropolitan Police Authority established under section 5B of that Act,
- a fire and rescue authority, or
- a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990 (c. 19).

Buildings occupied by students: any building which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational

establishment or at an educational establishment of a specified description, and where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

Buildings occupied by religious communities: any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

Buildings which are not HMOs (excluding Part 1)

Schedule 1 Statutory Instrument 2006 No. 373

Buildings where its occupation is regulated by:

- Sections 87, 87A, 87B, 87C and 87D of the Children Act 1989;
- Section 43(4) of the Prison Act 1952;
- Section 34 of the Nationality, Immigration and Asylum Act 2002;
- The Secure Training Centre Rules 1998;
- The Prison Rules 1999;
- The Young Offender Institute Rules 2000;
- The Detention Centre Rules 2001;
- The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001;
- The Care Homes Regulations 2001;
- The Children's Homes Regulations 2001; and
- The Residential Family Centres Regulations 2002;

Adult placement schemes

Where a person who is receiving care and his/her carer occupy living accommodation in the same building or part of a building, they are to be regarded as forming a single household for the purposes of section 254 of the Act if the carer is an adult placement carer approved under the Adult Placement Schemes (England) Regulations 2004; and the carer provides care in that living accommodation for not more than three service users under the terms of a scheme permitted by those Regulations. Please contact us if this section applies to your property.