

NB: We may also approach other authorities such as the Police Authority, Fire and Rescue Service, Office of Fair Trading etc and your tenants for additional information and verification. Signing of this application will be taken as your agreement to any such action.

- The Housing Act 2004 places a duty on the Local Authority to licence private rented accommodation that falls into certain categories from 6th April 2006.
- If an HMO is required by law to be licensed, from 3rd July 2006 it will be a criminal offence to operate such an HMO without a licence. In addition, any rent paid on an unlicensed property may be recoverable through legal action.
- Licensing is by application to the Local Authority where the property is located.

What is an HMO?

“HMO” stands for House in Multiple Occupation. It can be a building or a part of a building which is

- Used for living accommodation
- By more than two people
- Who are not part of the same family
- Who share one or more basic amenities (bath/shower, wc or kitchen)
- And pay rent.

Which HMOs need to be licensed?

In general, licences will be needed for old style bedsit properties and share housing that it:

- Three storeys or more, and
- Occupied by five people or more, in
- Two or more “households”

Properties consisting solely of self contained flats do not require a licence

Further copies of this booklet, application forms and advice are available on our website at: **www.eastbourne.gov.uk/privatehousing**
For further advice please telephone 01323 410000

Making an application

- The first step is to fill in the application form. Much of the information required is quite formal, but we are restricted by government regulations. Please get in touch if you are having difficulties. As the fee must accompany the application and original signatures are required, you must submit your application as a hard copy even if you obtain the forms from the council website. Fees will vary according to the type and size of the property.
- As well as providing the statutory information, the application is the applicant's **opportunity to provide enough information to satisfy the council that a licence should be granted**; the council would prefer to grant rather than refuse licences.
- The questions seek information about
 - ✓ the applicants' and managers' expertise and competency,
 - ✓ whether they are "fit and proper" persons (or have committed relevant offences e.g. for fraud, violence or under housing legislation),
 - ✓ and about the property itself.

Why does the council need all this information to process your application?

The information you give will also help us to process applications quickly and to prioritise inspections for the future. The law says that we have to answer certain questions, such as

1. are you and the people connected with you "fit and proper persons" to operate an HMO?
2. does the property meet "prescribed standards"?
3. that you are a competent manager
4. the appropriate number of occupiers for the property

We are required to make comprehensive returns to the ODPM (Office of the Deputy Prime Minister).

Filling in the Forms

The application consists of a total of six parts.

Please make sure that the property address is clearly indicated on each page, and on any enclosures or attachments that you send in.

1. Checklist

This lists the forms you will need to complete and will remind you to include the relevant attachments.

2. Fee

Your application is not complete unless the fee is enclosed, and this varies according to the size and type of property. We therefore attach a "**Fee Calculator**".

3. Declarations

Two declarations are required by law:

Firstly, you need to declare you have advised the relevant people that an application has been made (we also enclose a draft notification to those interested parties). If there are no relevant parties, please indicate accordingly.

Secondly, we need a declaration that the application is truthful. These are both essential.

4. Details of Applicant(s) and Manager(s)

We need to know the names, addresses and other details of the applicant and any manager/other employee, including company and other details of incorporation where appropriate. By law, we also need information so that we can assess whether all those involved are "fit and proper persons". This is a long and complicated section, but we would ask you to do your best to respond as accurately as possible.

We have designed this form so that applicants and agents making multiple applications will only need to complete the form once and can then photocopy it. We do need original signatures where appropriate for limited companies, partnerships and trusts. Please insert the property address to which the application refers.

Again, this form is essential.

5. Property Details and Standards

This section requires information about the individual property, most of which is required by law. We are required to ask about the property, fire precautions, furniture provided, and gas and electrical safety. We then need to assess, on the basis of the information that you give us, whether your property appears to be well managed and is substantially free of hazards which might put the occupiers at risk.

We therefore need as much information from you as possible to help us to process your application quickly, and to determine our schedule of inspections. Answering "No" or "don't know" to an individual question will not mean a licence will be refused, so please answer as truthfully and accurately as possible. Answers will be assessed overall.

Please note that reasonable fire precautions may vary considerably between different types of property.

6. Property Description

We need a description of the property so that we can determine:

- Whether the property needs to be licensed
- Whether there are enough facilities for the number of people for which you want a license

We have devised tables which we hope will assist you. Please note that one table refers to shared houses; one to mixed lettings which could include bedsits, non-self contained flats and self-contained flats; and one to hostel/dormitory type accommodation.

We need to have information about the number of floors, the number and location of baths/showers and WCs, bedrooms or bedsits, and common rooms including shared kitchens, and the number of occupants. We will then

assess the number of occupiers or households for which the property should be licensed.

If you prefer you may provide scale drawings. These are acceptable as long as they are annotated to provide the same information. When providing these, please indicate the use of rooms and occupancy (eg "bedsit, 2 people" or "kitchen, shared".)

You may indicate how many occupiers/households you would like a licence for, using the maximum number that you feel the property and its facilities can comfortably accommodate, rather than the existing number of occupiers. You may, for example, have rooms which are occupied by one person, but could be used by a couple. This will help you avoid the need to reapply if occupancy increases.

What about documentary evidence?

Depending on the size of your portfolio, we may require the following:

List of additional licensed/licensable properties in this area
List of licensed/licensable properties in other authority areas

For particular properties if appropriate, we may also require

Planned maintenance programme
Planning consents, building regulations approval as appropriate
Gas safety certificate (if applicable)
Electrical safety certificate
Tenancy agreement (if available)
Any further documentation

We are trying to minimise the amount of supporting documentation you have to give us with your application. We may, however, require proof of anything you tell us at a later date if we feel it necessary. We will also expect to see documentary evidence if we inspect your property. Some properties will be inspected before licences are granted: others may already be well known to us and we may decide that inspection is not necessary at this time. We do not have to inspect a property before we give a licence.

There is no reference to room sizes in the application form. However, if when we inspect we find that rooms are used in such a way that they cause a hazard to the occupier or create statutory over-crowding, we will take appropriate action which might include variation of the licence and/or service of notices under Part 1 of the Housing Act 2004.

For example, in a bedsitting room containing cooking facilities, there should be sufficient space to contain the occupier's possessions, room for a bed and room to get into and out of it, a table and chair(s) for eating, a source of heating that does not cause a risk of burns or fire when it is in use, and room to safely use the cooking facilities.

You must submit a valid application to the council in order to legally continue to let out a property until a decision is made to grant a licence and what conditions should apply. Incomplete applications are invalid and will be returned.

When you are sure you have completed the form correctly, please send it, **together with the appropriate fee, to:**

Eastbourne Borough Council
Environmental Health
Private Sector Housing Team
1 Grove Road
Eastbourne East Sussex BN21 4TW

Sources of help and other information

Southern Residential Property Tribunal Service

Deals with all appeals against Local Authority decisions under HMO Licensing and HHSRS enforcement

1st Floor
1 Market Avenue
Chichester PO19 1JU

Tel: 0845 100 2617 or 01243 779334 Fax: 01243 778389

Eastbourne Borough Council
01323 410000
email: **environmentalhealth@eastbourne.gov.uk**
website: **www.eastbourne.gov.uk/privatehousing**

SPLA (Southern Private Landlords Association)
0845 456 9313
info@spla.co.uk
Website: **www.spla.co.uk**

ODPM (Office of the Deputy Prime Minister)
Email: **licensing@odpm.gsi.gov.uk**
Website: **www.propertylicence.gov.uk**