

Guidance Notes – HMO Initial Application

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

All HMOs should have a safe escape route in the event of fire and adequate fire precautions, which include fire alarms, smoke and heat detectors, emergency lighting, fire extinguishers and fire blankets. These must be well maintained and adequate for the number of residents and the size of the property.

In Part 4 of the form you are required to provide information of the fire safety provisions there are in the property that needs to be licensed. They include fire detection and emergency lighting systems, and other fire precautions such as fire doors and a protected means of escape (i.e. staircases, landings etc).

PART 5

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 6

Please refer to separate fee structure sheet.

PART 7

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 8

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.