

House in multiple occupation (HMO) guidance for completing your licence application form



Introduction

A lot of information is required when you first make an application, make sure you have the information to hand and give yourself enough time. To be able to issue a licence we have to be sure that the building is safe and suitable for the number of occupants, the management of the property is adequate and that the person having control of the property is fit and proper.

To be a valid application it must be accompanied by the following:

- a current gas safety certificate (if there is gas in the property)
- a current electrical installation condition report
- a current test certificate for the automatic fire detection system (if there is one)
- a current test certificate for the emergency escape lighting system (if there is one)
- a written fire risk assessment carried out by a competent person (if you have one. If you do not currently have one you will be required to produce one within 6 months of your licence being issued)
- an energy performance certificate (EPC).
- a floor plan, showing the room sizes, the fire protection measures and the kitchen, toilet and bathroom facilities
- a blank copy of a tenancy agreement for the property that is given to tenants
- the appropriate fee (see separate fee sheet)

Without all of the above the application is incomplete and will not be processed.

Please note there is a penalty charge for late or incomplete applications.

Section 1. type of application

You will need to tell us here whether this is an application for a new licence or whether you have an existing licence which needs to be renewed. A renewal is where you have been previously issued a licence for this address.

Any individual or organisation can make an application for themselves, or on behalf of any other individuals or organisation.

Section 2. applicant details

Enter your name and contact details.

Are you a business/organisation or an individual? Indicate which and complete any additional information required including legal status of the company if applicable.

If you are applying as a business/organisation, please ensure you **only** complete the relevant business/organisation sections and **not** the individual sections. This applies even if you, as the applicant, are part of that business/organisation.

Section 3. the licence holder

These details are important, as whoever is the named licence holder, whether it be an individual or organisation of any kind, will be legally responsible for the licence and any conditions attached to it. If that person or organisation does not comply with those conditions they may be liable for prosecution or may receive a fixed penalty notice, of up to £30,000 per offence.

The applicant or the owner will often be the licence holder, or the licence holder may be another named individual or individuals (eg joint owners) or organisation of any kind.

These details will be added on to a public register that is published on Spelthorne's website.

Section 4. legal status of licence holder

Indicate status and provide details as requested.

Section 5. ownership and control of property (HMO) to be licensed

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 absolute title. These details are held at the Land Registry.

A **'leaseholder'** is someone who owns a long lease on their property (usually for a term of at least 21 years), which gives them the right of occupation and use of the property for the term of the lease. These details are held at the Land Registry.

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.

You will need to provide details of any mortgage provider for the property in this section.

Section 6. proposed manager of the HMO

Only complete this section if the proposed licence holder is not also going to be managing the HMO. If no separate manager is appointed the owner will also be considered to be the manager.

If appointed, the manager will act under the instructions of the owner and will have powers and duties given to him by the owner. The manager must have at least the following powers:

- to let to tenants and to legally terminate tenancies;
- to have access to all parts of the premises to the same extent as the owner and
- be authorised to approve reasonable expenditure

The manager must be able to travel to the property within a reasonable time unless there are other arrangements in place to cover any eventuality, which might otherwise demand his or her presence.

You are strongly recommended to put in place a management contract which sets out the manager's duties and that adequate financial arrangements are in place to ensure the proper management and maintenance of the property.

Section 7. details of the HMO to be licensed

A separate application is required for each property to be licensed.

The only types of property which currently require a licence in Spelthorne are houses in multiple occupation, covered by the mandatory licensing scheme i.e. a property of three or more storeys occupied by 5 or more people, forming two or more households who share kitchens and/or bathrooms. From October 2018 HMO's with 5 or more people will require a licence.

A converted property is a property where one or more units of accommodation (other than self-contained flats) have been provided since original construction, typically bedsit accommodation or flats with facilities, such as bathrooms and/or kitchens outside the main living accommodation. The property may also contain self-contained flats.

Storeys include; basements, attics and mezzanine floors and in addition any storeys occupied by commercial activities such as takeaways, retail shops, offices and restaurants. For example, a property with a takeaway on the ground floor with two floors above used as an HMO would equal three storeys.

Section 8. occupation of the HMO to be licensed

The licence when issued will set out the numbers of occupants and households that will be permitted to occupy the HMO, which will be calculated by the room sizes, numbers of shared bathrooms and kitchens and size of shared living rooms. These standards can be found in our Landlord's Guide.

In this section, you are required to give details of the property's current occupation and what you consider its proposed maximum.

A household includes the following:

- a person living on their own
- persons living as a social group, who are not defined as a family (see family definition below) eg a group of students or work colleagues
- a family, which includes husband, wife, civil partner, child, step child, foster child, step-parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, cousin
- a family also includes anyone in domestic employment where no rent is paid and adult placement carers

If a self-contained flat/s exist within the HMO and they do not have separate entrances to their accommodation, the persons in them will be included in the calculation.

A single tenancy agreement for a group of unrelated occupants, does not make that group a single household.

Occupant, is a person who occupies a property as a residence either as a tenant, leaseholder, licensee or as person who has an estate or interest in the property.

A **letting** can be a room/bedsit, studio, flat, floor by floor let or whole house.

Examples

Four students on a single tenancy agreement, each with their own bedroom would equal four occupants and four households.

A couple sharing a house with a single person would equal three persons and two households.

In a six-bedroom HMO, with five rooms occupied by single persons and the sixth room occupied by a mother, father and child, would equal eight persons and six households.

Section 9. accommodation details

'Exclusive use', is any kitchen or bathroom amenity that is for the exclusive use of one unit of accommodation and is not shared with anyone else.

'Self-contained' is a flats or bedsit behind a front door with all the basic amenities (bathroom and kitchen) none of which are shared with persons from other units of accommodation.

Single bedrooms under 6.5 square meters and double bedrooms under 10.24 square meters, will not be considered and should not be included in the table.

Any floor area, where the ceiling height is less than 1.5m (5ft) will not be considered.

Section 10. heating and energy efficiency

You are required to provide an Energy Performance Certificate (EPC) with this application.

Section 11. gas and electricity

You are required to provide current Gas and Electrical test certificates with this application.

Under the Gas Safety (Installation and Use) Regulations 1998 you must have an annual check of the gas installation by a Gas Safe Registered Installer, you can check anyone's registration by visiting the Gas Safe website at www.gassaferegister.co.uk or telephone 0800 408 5500.

If you provide any electrical appliances, including white goods such as cookers, fridges freezers, you are legally obliged to provide a Portable Appliance Test (PAT) Certificate.

Section 12. fire precautions

You are required to provide a Fire Risk Assessment (FRA) with this application to meet the requirements of the Regulatory Reform (Fire Safety) Order 2005. The FRA should be carried out by a competent person i.e. with suitable training and experience. The Government has produced guidance which can be obtained from their website at:
www.communities.gov.uk/fire/firesafety/firesafetylaw/aboutguides/

All HMOs should have an Automatic Fire Detection (AFD) system, which is a means of providing early warning in the event of a fire. The minimum standard for system type and coverage are contained within the LACORS Housing – Fire Safety Guide which can be accessed at: www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

Fire blankets where provided must be checked yearly. Fire blankets are required in shared kitchens and those lettings which have their own cooking facilities.

If emergency escape lighting is provided or required to provide illumination to the escape route, it should be checked periodically and comply with BS 5266: Part 1: 1988.

Generally, fire doors will be required on all high-risk rooms such as kitchens, bedrooms, lounges, dining rooms etc. and will be fire resistant for 30 minutes and be fitted with intumescent strips and cold smoke seals, hung on 3 fire resistant hinges, have a self-closing device and be fitted with thumb operated locks which enable egress from the room without the use of a key.

A protected route provides a safe means of escape from fire and smoke and can involve going down stairs and along passage ways and corridors to a final exit door. The walls, floors and ceilings along the route should give a minimum 30 minutes fire resistance.

Landlords will be expected to ensure that all soft furnishing provided at the property complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

Section 13. layout plans

A plan is required, showing the property layout and the location of baths; showers; wash hand basins; toilets; kitchen sinks and work surfaces; fire doors; fire alarms and firefighting equipment. It must also show where windows and doors are.

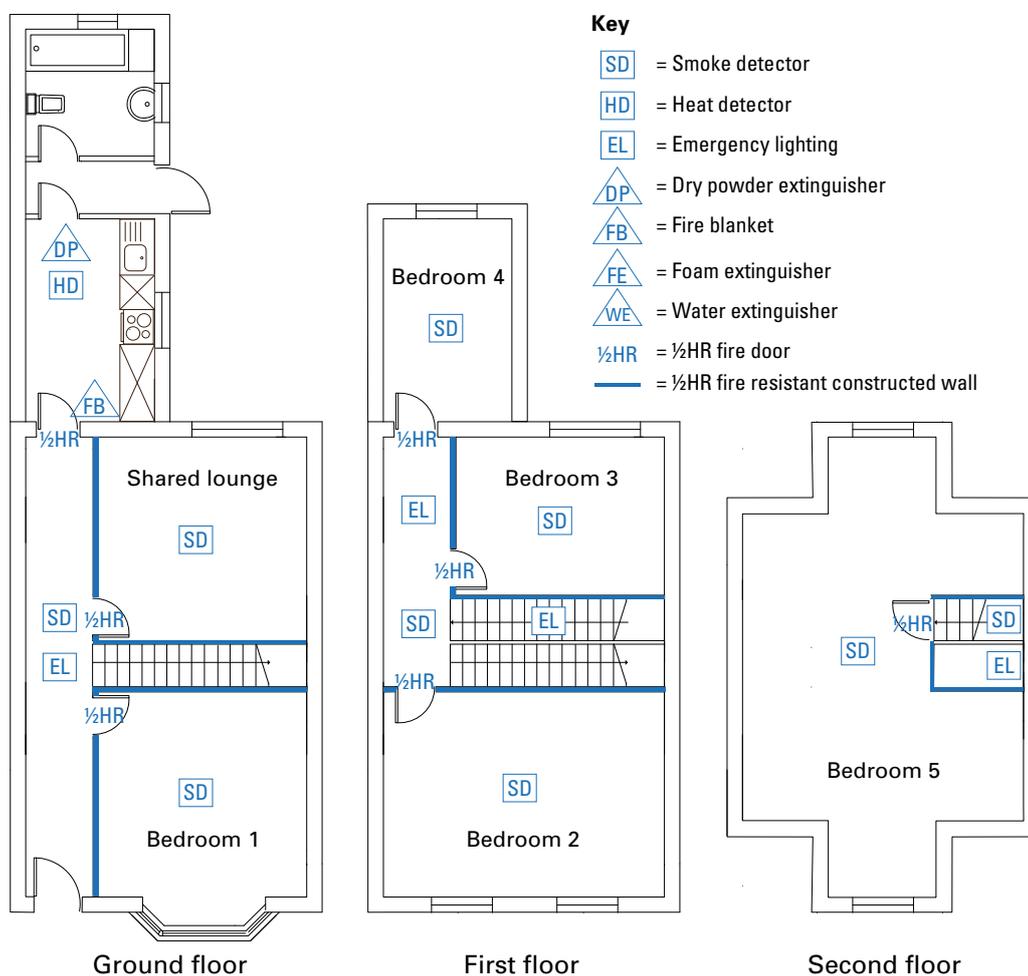
Room sizes should be indicated on the plan or in a table, along with bedroom numbers.

You may submit plans you already hold, employ a surveyor or architect or submit a sketch plan. The sketch plan must be proportionate, preferably to scale, and must detail the room sizes.

Please note that en-suites must not be included in the room size measurements.

If you would prefer to use a computer to produce your plan, there are various software packages available, including ones specific for floor plan and building design. Make sure all the details below are included, if relevant.

An example of a layout plan is shown below:



Front

Room	Dimensions	Floor area
Shared lounge, ground floor rear right	4 x 4m	16m ²
Shared kitchen, ground floor back addition	4 x 2.5m	10m ²
Shared bathroom, ground floor back addition	2.5 x 2.5m	6.25m ²
Bedroom 1, ground floor front right	4 x 4m	16m ²
Bedroom 2, first floor front	4 x 5.5m	22m ²
Bedroom 3, first floor rear right	4 x 3m	12m ²
Bedroom 4, first floor back addition	4 x 2.5m	10m ²
Bedroom 5, second floor	5.5 x 6m	33m ²

Section 14. management of the HMO

Provide copies of any written tenancy agreements with your application, including any procedure for reporting repairs.

Section 15. fit and proper person test

This must be completed for the licence holder and manager (if there is a separate manager)

Spelthorne Borough Council has to be able to verify that the proposed license holder and any proposed manager and/or any person associated with them (e.g. joint business mortgagee, business partner, property manager) are fit and proper persons as defined under Part 2 of the Housing Act 2004.

You do not have to provide details of offences which are 'spent', a conviction becomes spent after a period of time specified in the Rehabilitation of Offenders Act 1974, the periods are halved if the conviction took place when aged 17 or less.

Sentence	Period of good conduct needed for conviction to be spent
Over 2 ½ years imprisonment	Conviction never 'spent'
6 months to 2 ½ years imprisonment	10 years
Less than 6 months' imprisonment	7 years
Borstal training	7 years
A fine or community service order	5 years
Probation, Conditional discharge or bind over	1 year
An absolute discharge	6 months

If you are convicted of any relevant offence(s) during the licence period you must notify the Council immediately.

Answering yes to any of these questions will not necessarily mean that the Council will refuse to issue you a licence, but the Council reserves the right to do so. Under such circumstances another person who is considered to be 'fit and proper' will have to be nominated to hold the licence.

Please note that in some circumstances you may be requested to complete a DBS check. The Council will also check the rogue landlord database for housing related offences.

Section 16. accreditation and qualifications

Membership of specified accredited bodies or organisations or relevant qualifications may result in a reduction of the licensing fees or an extension of the licence period.

Section 17. other properties licensed under the housing act

Completion of this section enables the Council to maintain a clear picture of the housing stock within its area.

Section 18. notifying people about the licence application

The Council as part of the licensing process may consult with all persons who have a legal or financial interest in the property, prior to issuing the licence. You also have a duty to inform those people or organisations which have a legal or financial interest in the property.

Section 19. additional details

This section allows for additional relevant information to be provided, but may be left blank.

Section 20. payment details and declaration

You **must** pay the appropriate fee, otherwise the application will be returned to you.

You **must** sign the declaration, otherwise the application will be returned to you.

In the case of partnerships or trustees, all partners or trustees must sign. In the case of a limited company, the form must be signed by a Director or Company Secretary or other authorised officer, in which case we will require proof of authority

Important note and checklist

Before you return the application, either on-line, in person or by post, please make sure you have included the payment, all the additional documents and a set of plans.

Checklist:

A current gas safety certificate (if there is gas in the property)	✓
A current electrical installation condition report	✓
A current test certificate for the automatic fire detection system (if there is one)	✓
A current test certificate for the emergency escape lighting system (if there is one)	✓
An energy performance certificate (EPC)	✓
A written fire risk assessment carried out by a competent person (if you have one. If you do not currently have one you will be required to produce one within 6 months of your licence being issued)	✓
A floor plan, showing the room sizes, the fire protection measures and the kitchen, toilet and bathroom facilities (see section 13)	✓
A blank copy of a tenancy agreement for the property that is given to tenants	✓
The appropriate fee (see separate fee sheet)	✓