

LICENSING FOR HOUSES IN MULTIPLE OCCUPATION (HMO) GUIDANCE NOTES: APPLYING FOR A HMO LICENCE



(These notes need to be read in conjunction with the “Amenity Standards for Houses in Multiple Occupancy” and “Lacors Housing - Fire Safety Guidance on fire safety provisions for certain types of existing housing”)

NOTES TO 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 that you have provided is correct to the best of your knowledge.

NOTES TO PART 2

The ‘**proposed licence holder**’ is the person whose name will be on the licence. 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 must provide the proposed licence holders details as follows:

- Type of proposed licence holder
- Name
- Correspondence address
- Contact details

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 the partners and trustees.

NOTES TO PART 3

If the property is managed by the landlord, or someone else manages it for them in an unpaid capacity, please tick the ‘**No**’ box to the first question in Part 3, and then complete section 3.1. You must provide the details of the person responsible for managing the property as follows:

- Name
- Address
- Contact details

If the landlord pays an agent to manage the property on his behalf, please tick the 'Yes' box to the first question in Part 3, and then complete section 3.2.

Indicate whether the manager is an individual or a Company or any other body and provide manager details as follows:

- Name
- Address
- Contact details

If a commercial agent is employed to manage the property, please indicate if they are a member of a trade body which regulates its members through a Code of Management Practice. The main regulatory bodies are the Association of Residential Letting Agents (ARLA); the Association of Residential Managing Agents (ARMA); the Royal Institute of Chartered Surveyors (RICS); the National Association of Estate Agents (NAEA); and the National Approved Lettings Scheme (NALS).

NOTES TO PART 4

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 applied to any person managing the premises and any director or partner in a company or organisation which owns or manages the HMO.

Not all convictions are relevant to a person's prospective role as an operator of an HMO. Please note that failure to declare a relevant conviction will be regarded as more serious than the conviction itself.

Spent Convictions

This is a detailed and comprehensive matter and it is recommended you seek independent legal advice, but as a general guide, under the Rehabilitation of Offenders Act 1974 criminal convictions can become spent or ignored after a rehabilitation period. They do not need to be disclosed. The rehabilitation period varies depending on the sentence or order imposed by the court – not the nature of the offence. Custodial sentences of more than two and a half years can never become spent. All borstal or detention centre sentences are now spent.

The periods from the date of conviction are as follows:

Sentence	Rehabilitation Period
1. Prison sentences of 6 months or less, including suspended sentences and detention in a young offender institution	7 years (3 ½ years if 17 or younger when convicted)
2. Prison sentences of more than 6 months to 2 and a half years, including suspended sentences and detention in a young offender institution	10 years (5 years if 17 or younger)
3. Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years (2 ½ years if 17 or younger)
4. Absolute discharge	6 months

Sentence	Rehabilitation Period
5. Conditional discharge or bind-over, probation(for convictions before 3 February 1995), supervision, care orders	1 year or until the order expires (whichever is longer)
6. Attendance centre orders	1 year after the order expires
7. Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
8. Referral Order	Once the order expires

In making a decision on whether or not to grant a licence on the basis of information given in this section, each case will be considered on its merits. That is minor infringements that happened a long time ago will not necessarily mean that a licence will be refused.

Conversely recent serious infringements relating directly to the business of running and managing a HMO may well imply to the Council that a licence holder or manager is not a fit and proper person.

“Major Housing Act Notice” means a Notice served under one of the following sections of the Housing Act 1985:	
Section 189(1) or 189(1A)	Unfitness
Section 190(1)(a) or 190(1A)(a)	Substantial disrepair
Section 352	Amenities/fire precautions
Section 354/358	Overcrowding (question 1 only)
Section 372	Management deficiencies

NOTES TO PART 5

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.

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 Landlord’s guide and frequently asked questions for a list of mandatory licence conditions.

NOTES TO PART 6

‘Detached’ A single dwelling which is free standing from any other structure except its own outbuildings.

‘Semi detached’ A dwelling which shares a structural party wall with one other dwelling forming a pair which are free standing from any other structure except their own outbuildings.

‘Terraced’ A dwelling forming part of a group of three or more dwellings linked by side party walls in a linear layout, excluding those defined as end terrace. Crescent layouts would be included.

‘End terrace’ A dwelling at the end of a terrace of dwellings which therefore shares a side party wall with one other dwelling only.

‘Back to back terrace’ A dwelling forming part of a group of three or more dwellings linked by side and rear party walls in a linear layout.

‘Purpose built block of flats’ A building that is built solely for flatted accommodation.

‘Grouped Design’ A dwelling which shares a party wall with one or more other dwellings set out in a non linear layout such as a cluster or around a courtyard. Entrances will normally be private.

‘House converted into and comprising of only self contained flats’ A house which was originally built as a single dwelling but converted at some point into self contained units.

‘Mixed residential and commercial’ A dwelling in a block which contains a mix of units designed for both residential and non-residential use.

‘Relevant building regulations’ are regulations made under the Building Act 1984.

NOTES TO PART 7

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 Register (Council for Registered Gas Installers). If you need to find a registered installer, or need to check anyone’s registration, you can visit the Gas Safe Register website at www.gassaferegister.co.uk or telephone their Customer Services on 0800 408 5500.

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 Gas Safe Registered Gas Installers will be acceptable.

The **‘electrical system’** at the property must be maintained to a proper, safe and working order at all times. The latest Test and Report must be supplied from a competent, suitably qualified contractor (e.g. NICEIC registered). The Test and Report is to be in accordance with BS: 7671: 1992.

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 **‘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.

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.

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.

A **‘habitable room’** is any room which can be occupied during the day. This includes bedroom, living room, dining room and a large kitchen where an armchair could be used. It does not include bathrooms, WC’s and small kitchens.

Please tell us if the tenants are given a written Tenancy Agreement or similar document which sets out the terms of their contracts with the landlord.

Please tell us whether a written record is made of the furniture, fixtures and fittings in each letting and the condition they are in (an inventory) when tenants move into the property.

If the tenants are given a 24 hour telephone number to use in an emergency, please indicate this and let us have the telephone number.

Refuse and recycling bins or containers shall be provided in sufficient numbers for the needs of the house, and an acceptable means of disposal provided.

All refuse containers should be located on hard standings with suitable access for cleaning of the area and removal of containers. Such hard standings should be located in an area away from habitable rooms and wherever practicable at the rear of the premises. If the hard standing has to be located at the front of the building or other exposed position it should be provided with a suitable screen where practical. The hard standing shall be positioned so that the bins do not obscure natural lighting from windows below bin height.

NOTES TO PART 8

All HMO's 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 8 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). Please tick the appropriate boxes on the form to indicate what fire safety measures there are in the property.

A '**30 minute fire door**' is one which must be capable of providing 30 minutes fire resistance in terms of integrity when tested or assessed to BS 476: Part 22: 1987.

An '**emergency lighting system**' is designed to automatically illuminate the escape route upon failure of the supply to the normal artificial lighting. Any emergency lighting system installed in the property must comply with BS 5266-8:2004.

'**Fire safety equipment**' such as extinguishers and fire blankets where provided must be checked periodically and the correct sort of extinguisher must be provided.

As a general guide, water extinguishers are required in escape routes, and carbon dioxide extinguishers along with fire blankets are required in shared kitchens.

'**Furnishings (Fire safety) Amendment Regulations 1993**' set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. Upholstered furniture must have fire resistant filling material and must pass a cigarette resistance test and permanent covers must pass a match resistance test.

Landlords letting residential property will be expected to ensure that any soft furniture complies with these regulations.

'**Upholstered furniture**' which is covered by the above regulations include: beds, headboards, mattresses, sofa-beds, nursery furniture, garden furniture which can be used indoors, furniture in new caravans, scatter cushions, seat pads and pillows and loose and stretch covers for furniture.

You should be looking for furniture which is **properly labelled** as meeting the requirements of the regulations.

'The Electrical Equipment (Safety) Regulations 1994' places a duty on landlords and letting agents to ensure that any electrical equipment that is supplied as part of a letting is maintained in a safe condition.

Such equipment may include

- Washing machines
- Kettles, toasters, vacuum cleaners and other small kitchen appliances
- Fridges and freezers
- Ovens
- Microwaves
- Televisions

In order to show that the landlord/letting agent has taken reasonable steps to ensure compliance with these regulations, all such appliances should have a safety check carried out annually or at a change of tenancy, by a competent electrician. This is also known as PAT testing (portable appliance testing).

A record of these safety checks should be made in a logbook and it is good practice for a label to be attached to the appliance. Should the check reveal that there is a safety hazard, the appliance should be removed immediately or repaired on the spot.

An inventory of appliances supplied with the letting is advised. These Regulations are enforced by Trading Standards.

NOTES TO PART 9

Please give complete information for each habitable room on every floor. Please state clearly the location of each room - when looking at the property from the front at street level e.g. ground floor, front right room.

Example floor plans have been included with the application form. Please ensure that the room sizes are shown on the plan with existing facilities and amenities.

When measuring rooms for plans please do not include any floor area which has a ceiling height below 1.53 m (5ft).

NOTES TO PART 10

Shared amenities/facilities are separate bathrooms/shower rooms, kitchens and WCs which are shared by more than one household. This could mean being shared by separate households in either a house or a flat. Do not include facilities which are used exclusively by one household.

Facilities within kitchens – for sizes and number of appliances reference needs to be made to the "Amenity Standards".

NOTES TO PART 11

You must complete Part 11 by using the space provided to list the names, addresses and descriptions (e.g. leaseholder, mortgagee etc) of all persons who need to know that an application for an HMO licence has been made.

The full list of persons who must be notified by Milton Keynes City Council of the application are listed in Part 11 of the form. The details which you must provide about these people are also listed in Part 11 of the form.

If you require more space to complete Part 11, please continue on additional sheets of paper, making sure you clearly number the sheets and attach them securely to the form.

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)

Before deciding whether Milton Keynes City Council will grant or refuse a licence, we are required to consult all relevant parties about the conditions of the licence. You are allowed a period of representation about the licence conditions, during which any concerns can be considered and hopefully resolved. Where agreement cannot be reached the licence will be issued and you will have the opportunity to make an appeal to a Residential Property Tribunal. Your rights of appeal will be detailed with the issue of the licence.

PAYMENT AND SUBMISSION

Payment is to be made online in order to complete and submit the application, or a demand will be sent by invoice if submitting a paper application.

There is no fee for an application to vary or revoke a license.

You must ensure that you submit with the application form all the documents that are listed in the checklist section at the start of the form where relevant (for example 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.

**IF YOU WOULD LIKE TO RECEIVE THE
APPLICATION FORM AND OTHER
INFORMATION IN LARGE PRINT PLEASE
TELEPHONE 01908 252664**