

Licence Application Guide

This guidance on completing the application form is numbered to correspond with the questions numbers on the application form.

House and Licence holder information

1. State the address of the property with the Council tax reference number (if known)

A House in Multiple Occupation (HMO) is defined in the Housing Act 2004 and includes houses occupied by unrelated people who share facilities. An HMO is subject to mandatory licensing if it is of three storeys or more, is occupied by five or more persons, and is occupied by persons living in 2 or more households.

A household usually means related family members and for the purposes of the Housing Act 2004 these are: husband, wife, co-habiting couple, child, step/foster-child, parent, step/foster-parent, grandparent, brother, half-brother, sister, half-sister, aunt, uncle, nephew, cousin, carer, and domestic staff.

An individual living as part of an unrelated group is one household and a group of five unrelated individuals living in a group would be five households (five unrelated students living together as a group is considered to be five households). An individual living on their own would also be considered to be one household.

More information on what is an HMO can be found at www.landlordinfo.co.uk or by contacting your local authority using the contact details on the front of the application form.

You do not have to fill in this form if the above does not apply to the property.

2. Number of persons / households in the property now and number of persons / households you would like the licence to be for.

Give the number of people including children who live in the house now and the number that you anticipate will live there in the future.

Give the number of households who live in the house now and the number you anticipate in the future. See above for definition of household

3. Applicant details.

The applicant may not be the proposed licence holder but both must sign the application.

4. Proposed licence holder details.

The licence holder needs to be the person who can authorise, organise and pay for essential repairs. They also must be available to tenants in case of questions or problems that arise with respect to the property. They must have the means to resolve them where reasonably practicable to standards required by the Housing Acts.

The proposed licence holder will normally be the landlord, but it may be a manager to whom the rent is paid to and has authority from the owner to effectively manage the property. Overall it is the person in control of the property.

A landlord may need to appoint a managing agent to control the property and hold the licence if they are not considered to be a fit and proper person. This licence holder should also have the authority to authorise and pay for works or repairs as they will be liable for any breaches of the licence.

Where managing agents act for the landlord a responsible person would again need to be nominated as licence holder, this would normally be someone in a senior position.

Organisations that are landlords must nominate an appropriate person to be the licence holder. This person will be responsible for ensuring that there are no breaches of the licence and therefore should hold a responsible position in the company (e.g. company secretary). Since a licence cannot be transferred to another person within a company, it is advisable that the nominated person has a permanent position. Alternatively, if a manager is employed, that person could be the licence holder if they have management responsibility and sufficient control of the property.

The following table provides a guide as to who is the most appropriate person to be the licence holder.

Landlord (owner)	Manager	Licence holder
Sole management responsibility.	None	Landlord
Receives rent, undertakes management and maintenance.	Deals with tenancy matters only.	Landlord NB both need to be 'fit and proper'.

Receives rent from manager.	Deals with tenancy matters, general management, repairs and maintenance with ability to authorise works and make payments associated with the management of property.	Either, although landlord preferable in case of change of manager. NB both need to be 'fit and proper' if landlord is licence holder, otherwise managers only.
As above, but resident abroad.	Deals with tenancy matters, general management, repairs and maintenance with ability to authorise works and make payments associated with the management of property.	Manager

Please note:

Licences are issued to a named person; therefore if the licence holder changes in the future a new application must be made for a new licence. This will apply even if the owner of the property remains the same.

5. Persons with a legal interest in the property.

Give the names and addresses of anyone with a legal interest in the property such as freeholders, leaseholders with lease over 3 years. Where the landlord is resident with their family, those named on the property title deeds should be given. This information is required to ensure that the proposed licence holder is the most appropriate person to hold the licence.

6. Management details

All managers must complete the fit and proper person declaration and be considered fit and proper persons by the local authority in the same way as the licence holder. Please name here the manager or managing agents who are involved in the management of the HMO named in the application.

Management Information

7. Accreditation / Registration.

An accredited or registered property means part of an accreditation or registration scheme that is run by one of the West of England Authorities, namely North Somerset, South Gloucestershire, Bristol City Council or Bath and North East Somerset.

8. Qualifications / Experience

Under the Housing Act 2004, the authority must be satisfied that the proposed management arrangements for the HMO are satisfactory before granting a licence. This includes consideration of whether everyone involved in the management of the HMO has a sufficient level of competence and whether the proposed management structures and funding arrangements are satisfactory.

Competence will be considered on an individual basis and is an issue that could result in a licence being refused. If the person concerned simply lacks experience or knowledge then this may be addressed by training. A condition relating to the training of licence holders and managers will be attached to licences.

9. West of England Code of Good Management Practice.

Compliance with the West of England Code of Good Management Practice will help demonstrate satisfactory management arrangements to the local authority.

Please see information under question 15 for full details of the code.

Amongst the practical arrangements that will need to be in place are:

- Regular inspections of the property. Ideally a property should be visited on a monthly basis to check for any maintenance matters, misuse of property and impact on neighbouring properties including maintenance of gardens and storage of refuse. As a minimum a property should be visited on a quarterly basis.
- A contact phone number for tenants to report repairs or other matters, including emergencies at any time. Should the licence holder be unavailable e.g. due to holiday or work commitments, then alternative arrangements must be in place and made known to tenants. Anyone managing the property in the landlord's absence will need to be a Fit and Proper Person.
- Service contracts should be in place to ensure the proper maintenance of gas and electrical installations, the fire alarm and emergency lighting.
- There should be a clear chain of management responsibility.
- Sufficient funds must be available to the licence holder, to deal with any emergencies or issues that may require rectifying during the term of the licence. This may include general repairs or necessary remedial works required by the local authority to satisfy improvement notices or licence conditions. In most cases, where there is a licence holder who is the only person involved in managing the HMO, this should be relatively straightforward. Where a licence holder owns a large number of properties, however, or where there are managing agents or a number of people involved in the management of HMOs then there should be provision whereby remedial actions can be dealt with quickly and effectively.

Licence holders should be able to demonstrate if necessary that such arrangements are in place. If the licence holder is unable to demonstrate satisfactory management arrangements are in place this may have implications for your Fit and Proper person status or in serious cases it may warrant further legal action. Please see www.landlordinfo.co.uk for more information on failure to comply with licence conditions.

9 (a). Local Residence

The Local Authority needs to be satisfied the management arrangements are able to deal with emergencies. If the licence holder is not locally resident there needs to be arrangements to ensure emergencies can be dealt with. For example, the licence holder may have contracts in place with companies to use in the event of an emergency i.e. contract with heating company for servicing and repairs to boilers etc.

10. Written terms and conditions.

A written statement of terms and conditions must be provided to tenants. This is usually a tenancy agreement. A local authority can ask to see a copy of this agreement on demand.

11. Emergency contact details

The name, address and telephone number of a contact for emergency repairs. This is normally the licence holder or managing agent. This person will be named on the licence. You do not need to give names of repair companies.

11 (a). Please state if the emergency contact holds keys to the property. This person will need to complete a fit and proper person check if different from the licence holder or manager.

12. Information about the applicant

This information is required for a local authority to carry out Fit and Proper Person Checks.

12 (a). If you are not resident in the UK, the local authority may decide you can not be the licence holder. The licence holder must be locally resident.

12 (b). The date of birth of the licence holder is required to carry out a Fit and Proper Person check.

Fit and Proper Persons

13. Fit and Proper Person(s)

Please indicate if you have enclosed the signed fit and proper person declarations for the licence holder and any persons involved in the

management of the property. If a person holds keys, they will be required to complete a fit and proper person check.

Before granting a licence under Part 2 the Council must be satisfied that the licence holder, manager and any other person involved in managing the HMO are fit and proper.

The Council must have regard as to whether the proposed licence holder, any person associated with the licence holder and involved in the management of the property, or manager, in any capacity, has committed any of the offences in the fit and proper person test and decide whether this is a relevant issue in determining whether the licence holder or manager are fit and proper.

In making a judgement on whether a person is fit and proper, the Council will have regard to contraventions of any provision of the law relating to housing, environmental health or landlord and tenant law. Contraventions and unspent convictions must be declared to the local authority for the purposes of making this judgement.

An unspent conviction will not necessarily prevent a fit and proper judgement by the local authority. Each offence and any mitigating circumstances will be considered on their relative merits by a panel appointed to achieve consistency across the 4 local authorities mentioned on the front of this form. Other relevant factors such as past history and membership of Council accreditation schemes will also be taken into account.

The fit and proper person test takes into account the relevant history of an associate or former associate.

Councils will carry out only one fit and proper person test on a landlord with more than one property. The applicant should choose a 'home' authority to which the fit and proper person information is provided and mention this on any other applications for HMOs in any other authority's area.

Commitment and adherence to the West of England Code of Good Management Practice will also be considered as part of the Local Authority fit and proper person decision for the licence holder and any manager.

A Local Authority can revoke a licence if it no longer considers a licence holder, or anyone involved in the management of an HMO, to be fit and proper.

14. List here the address of each property for which you are the licence holder.

14 (a). This information is optional.

Good Management Code of Practice

15. Please sign to indicate the licence holder and manager agree to the West of England Code of Good Management.

Signing up to this code provides supporting evidence that the proposed licence holder will have satisfactory management arrangements in place for the property.

Conduct

The landlord agrees to conduct business with regard to the property and the tenancy in a courteous, reasonable and equitable manner and to answer promptly queries and issues raised by the tenant.

Inventories

The landlord agrees to ensure that an inventory is signed by both parties at the beginning of the tenancy (or as soon as practicable afterwards) and to give the tenant the opportunity both to carry out a joint inventory inspection at the outset and to discuss the inventory at the end of the tenancy.

Deposits

The landlord agrees to withhold any deposit only for the purpose for which it was levied, to return deposits as soon as possible after the end of a tenancy (in any event within 4 weeks) and to provide written details and receipts for any deductions which may be made. The landlord agrees to hold deposits in accordance with an authorised Tenancy Deposit Scheme once this legislation is introduced.

Repairs and maintenance

The landlord agrees to carry out repairs within a time period appropriate to the severity of the problem, keeping as far as is practicable to the guide timescales given below*. The landlord agrees to uphold as far as practicable all undertakings given on work to be completed prior to the tenant moving in, to consult the tenant when planning other major maintenance work during the tenancy and to give reasonable notice (except in emergencies) and details of any work, servicing or testing to be carried out. The landlord agrees to set up effective monitoring arrangements to check the condition of the building and installations.

Landlord's access to property and other statutory requirements

The landlord agrees to comply with all statutory obligations under housing and landlord & tenant legislation, associated regulations, Codes of Practice and British Standards including the legal requirement to gain access to the property (for inspection, repairs, monitoring or other reasons) only by prior arrangement with the tenant and having given 24 hours notice (except in emergencies).

Neighbours

The landlord agrees to take reasonable steps to minimise any nuisance, alarm, harassment or distress that may be caused to neighbours by the way the property is used. The landlord agrees to offer occupiers of the immediately neighbouring properties a contact telephone number, address or e-mail address to report any problems, to ensure that "To Let" or "Let" boards are not left up as long-term advertising features, to keep the external appearance of the property in a reasonable condition and to make reasonable arrangements for the storage and disposal of refuse.

***Guide to repair timescales once a fault has been reported**

Emergency repairs - **24 hours** (Affecting health or safety e.g. major electrical fault, blocked WC).

Urgent repairs - **5 working days** (Affecting material comfort e.g. hot water, heating or fridge failure, serious roof leak).

Other non-urgent repairs - **20 working days**

Property Details

16 (a). Please indicate if the property has planning permission for its current use.

16 (b). Please indicate the type of house.

A self contained flat in an HMO contains all accommodation and facilities required by the occupants often behind one access door off a common area.

16 (c). Please indicate the structure of the property.

16 (d). If the house is a hostel please detail if meals are provided and number of people who occupy the hostel as their only and main residence.

16 (e). Please indicate the approximate age of house.

16 (f). Please indicate the approximate date of conversion, if applicable.

Information on storeys (floors)

17 (a). Please complete the table to indicate the use of each storey (floor) in the HMO. Please indicate the use of any storey not within the HMO but within the building e.g. use of commercial floors below the HMO.

Basement level includes any storey that is partly or wholly below street level. The ground level is usually the main entrance street level. The first floor is the first floor above ground level and so on.

Other partial floors or floors attached to the main building may also count as a storey. For example, in some cases a small additional flight of steps can be found at the head of the main stairway to a further room, usually a bedroom

(there are usually mezzanine floors beneath). A room (e.g. kitchen) could be located at lower level at the base of the stairway in a back annexe. In these cases the storey will be counted if this consequently means that any floor is 4.5m above ground level.

17 (b). Please indicate if the basement is in commercial use whether it is also the main entrance to the building.

Basement level includes any storey that is partly or wholly below street level. The ground level is usually the main entrance street level. The first floor is the first floor above ground level and so on.

17 (c). Mezzanine levels

A mezzanine (a floor located between main floors) is to be counted as a storey if this means that one or more floor levels in the building are over 4.5m above ground level, this could be a floor in the main building or a partial floor used as a habitable room (bedroom, living room, dining room, kitchen/diner).

18. Letting Units.

The number of letting units will normally be the number of households (see above). If you let the house as one shared unit i.e. all occupants on one tenancy who live together as a group please indicate "1" letting unit.

18 (a). Please list the location of any occupants who live independently of each other. Living independently means the occupants are not part of a socially interactive group. The property will normally be occupied on individual tenancy agreements.

19. Travel through Rooms (Inner Rooms)

Include the location and use of each room where it is necessary to travel through another room to reach the main fire escape route. It is usually the case that most rooms will open directly onto landings and hallways, but if it is not, please give details of rooms where you must go through another room reach the hallway and landings and staircase out of the property.

If it is necessary to travel through another room to reach the hallway / landing and staircase out of the property extra fire precautions may be required depending on room use / location / escape routes.

20. Information on Rooms

Please describe the use of each room in the property and record the details in the table provided. The rooms should be grouped according to floor location which is to be recorded in the first column. You will need to check the enclosed HMO Licensing Standards for Facilities and enter a tick or a cross in the appropriate column according to whether or not the standard is met.

Fire Protection

21 (a). Fire Precautions.

A licensed HMO must have fire precautions according the licensing standard within 6 months. This will be a licence condition. See HMO standards for details.

If the property is without any fire detection, prior to the installation of the above System, it is strongly recommended that an interlinked system of battery smoke detectors is provided in the common parts and heat detectors in shared kitchens. Self contained flats should be provided with an individual smoke detector and bedsitting rooms with kitchen facilities with an individual heat detector.

If the property does have fire detection, please answer the questions to describe the type of system within the property. This information will assist the local authority in determining if the property has fire precautions in line with the licensing standards.

21 (b). Emergency lighting.

Emergency lighting is part of the licensing standards. Please indicate if the property has emergency lighting. If the property has emergency lighting, please indicate when the system was installed and the location of emergency lights.

21 (c). Inspection and testing of fire precautions within last six months and included with application.

A certificate of inspection of testing of the fire alarm system will be required. Fire alarms should be tested in line with the British Standards, for Grade A systems this is once every six months and for Grade D systems this should be annually. The inspection and testing must be done by a competent person i.e. a person who has been trained in inspection and testing of fire alarm systems.

These tests are on top of weekly and monthly checks which should be done to ensure the fire alarm system is in working order.

If the system has been tested within the last six months please include a copy of the certificate of testing with the application form.

21 (d). Inspection and testing of fire alarm provided within 2 months.

If the fire alarm system has not been inspected and tested within the last six months, please arrange for the fire alarm system to be inspected and tested and send a copy of the certificate within 2 months.

21 (e). Fire safety training

Please indicate whether information on fire exit routes and any other fire safety training has been provided to the occupiers. This is so occupants will know what to do in the case of a fire.

Electrical Safety

The following are required as conditions attached to all HMO licences:

22 (a). A declaration on the safety of electrical appliance supplied by the landlord;

22 (b). An electrical installation periodic inspection and report carried out within the last 5 years. Please note the Management of Houses in Multiple Occupation Regulations state the electrical installation must be inspected and tested once every 5 years.

22 (c). If the Periodic Electrical Inspection report indicates items require urgent attention (code 1 and 2) these items must be remedied. If the items have been remedied, please supply evidence to support this i.e. invoice / minor works certificate.

The following qualifications and membership will be considered as evidence of an electrician's competence to provide a report:

1. **Registration with an approved scheme** enabling them to self certify under Part P Building Regulations, for example NICEIC's Domestic Installer Scheme and ECA's Electrotechnical Assessment Scheme

2. **Membership of one of: -**

ECA

NICEIC

JIB (as Approved Electrician)

3. **Have the following qualifications: -**

City and Guilds 2391(Inspection, Testing and Certification)

AND one of the following

a. If qualification was before publication of BS7671:1992 -
NVQ level 3 (Electrical Installation Work)
Or City and Guilds 2360 Pt 2 (Electrical Installation Competences)
and City and Guilds 2380/81 (16th edition)

b. If qualification was after publication of BS7671:1992 -

NVQ level 3 (Electrical Installation Work)
Or City and Guilds 2360 Pt 2 (Electrical Installation Competences)

c. Those with no formal training –
City and Guilds 2380/81 (16th edition)

Gas Safety

23. Gas Safety Certificate

If gas is supplied to the property then a current (dated within the last 12 months) gas safety certificates for all landlord supplied appliances must be provided by a CORGI (Confederation of Registered Gas Installers) member.

The local authority may request to see a copy of the current gas safety certificate each year once the licence is issued.

Phone CORGI on 01256 372 300 for details of a registered service engineer in your area if you do not have one.

If gas is not supplied to the property, please state so.

Furniture Safety

24. The following types of furniture (if they contain upholstery) are included in the Furniture and Furnishings (Fire)(safety) Regulations 1988:

Settees, chairs, bed bases, mattresses, headboards, children's furniture (inc. prams and pushchairs), stools, dining chairs and sofa beds, cushions, pillows as well as fitted or loose covers for upholstered furniture.

Curtains and bedding **are not** included and furniture made before 1950 is exempt, even if it has been re-upholstered.

All new furniture bought after 1st March 1990 should comply. Most new furniture must have a permanent label attached showing compliance. If it bears the warnings: "Covers are not match resistant" or "Caution – careless use of matches could set fire to this furniture" the furniture **will not comply**. Permanent labels were never required for bed bases or mattresses. However, a blue label indicating compliance with BS7177:1991 should be evidence of fire safety compliance.

Further information is available from the Local Authority Trading Standards section.

Notification of certain persons

25. Notification of persons – this box is for information

The notification of certain persons about the application is a requirement of Housing Act 2004 Regulations. The requirement to licence this property may have a significant affect on these people. The list of people notified in the declaration confirms that this has been done.

26. Please sign the declaration to confirm you have notified the persons as stated in 25.

27. Supply of false / misleading information – this is for information.

Please note it is a criminal offence to supply false or misleading evidence. The licence will be issued on the basis of the information provided in the application form together with any information from an inspection which may be carried out by the local authority.

If the information is subsequently found to be false, the local authority may have to take further action, for example the licence could be revoked.

Declaration

28. Please sign the declaration to state the information in the form is correct and you understand if you supply false / misleading evidence this is an offence.

This must be signed by the applicant and the licence holder (whether the same or different persons).