



Licensing of Houses in Multiple Occupation  
application cover sheet

Property Address

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Post code \_\_\_\_\_

Licence applicant's full name \_\_\_\_\_

Day time telephone number \_\_\_\_\_

Licence fee (please refer to the attached Licence fee calculator guidance)

Number of households \_\_\_\_\_

Landlord or agents association name and membership number

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**Licence fee total** £ \_\_\_\_\_

**Licence fee calculator (fees are VAT- exempt)**

**FEES FOR LICENSING 1 APRIL 2011 – 31 MARCH 2012**

This form explains the fee structure for making a licence application and will guide you through calculating the fee you should enclose with your application. An application will not be valid unless it is accompanied by the appropriate fee.

Fees are calculated by combining two elements: the number of units of accommodation and the carrying out of a Fit and Proper Person check. Properties up to five units per building attract a standard fee of £500 and an additional charge is made for additional units at the rate of £30 per unit. Each person involved with the management of the property, will require only one Fit and Proper Person check, so if you are licensing more than one property you only need to pay the £33 fee on the initial property.

First 5 units of accommodation =  (A)

Fit and Proper Person Check = £33   
 or Ref #:  (B)

No of additional accommodation units x £30 =  (C)

No of additional Fit & Proper Person x £33 =  (D)  
 checks

Additional charge for failure to declare licensable HMO? + £100 (E)

**TOTAL FEE PAYABLE**

## **How To Pay**

### **Step 1      The Standard Fee**

This has been assessed as being the cost of processing a basic licence application and therefore has been set at £500.

### **Step 2      Identify the number of households in the property.**

The number of households in a property will be equal to the;

- number of bedrooms in a shared house
- number of bedsitting rooms in a property split up into bedsits
- number of self contained units combined with the number of bedrooms/bedsits in any shared part of the property (where there is a mix of accomodation types).

### **Step 3      Do you need to pay the ‘fit and proper person’ (F&PP) charge?**

You do not have to pay a F&PP charge where you already have a HMO licence from Bristol City Council, Bath and North East Somerset Council, North Somerset Council or South Gloucestershire Council. This applies where the licence was issued within the last 5 years and you have no new unspent convictions.

If you are making multiple licence applications only include the cost of an F&PP check once. If there are people who will be managing the property other than the Licence holder they will also need a fit and proper person check. Each extra fit and proper person check will cost an additional £33 up until March 2012, which must be added to the licence fee.

### **Step 4      Paying the fee**

Make out a cheque payable to “South Gloucestershire Council” for the total HMO licence fee amount. Please **do not** send cash.

Fill in the HMO licence application cover sheet and attach the cheque. Then send the cover sheet and cheque with the completed application form to:

**Private Sector Housing,  
South Gloucestershire Council,  
PO Box 2083  
Council Offices  
Castle Street  
Thornbury  
BS35 9BR**

## **Charging Policy**

Licences are non transferable and relate to a named person and property. No refund of the licence fee will be given after the licence is issued. A licence will not be issued until a complete application and payment have been received by the Council.

**West of England Local Authorities**  
**Application for a Mandatory House in Multiple Occupation (HMO) Licence**  
**(Housing Act 2004 Part 2)**

*Please complete in black ink and block capitals*

<b>1</b>	<b>Section 1 of 17</b>							
	<b>APPLICATION DETAILS</b>							
1.1	Type of application (please tick)	New licence		Renewal of licence		Unlicensed HMO		
	NB Planning permission may be required before using the property as an HMO							
	<b>HMO To Be Licensed</b>							
1.2	Address (including postcode)							

<b>2</b>	<b>Section 2 of 17</b>	
	<b>APPLICANT DETAILS</b>	
2.1	Full name	
2.2	E mail address	
2.3	Main telephone number	
2.4	Other telephone number	
2.5	Your address (including postcode)	
2.6	Date of birth	

<b>3</b>	<b>Section 3 of 17</b>	
	<b>PROPOSED LICENCE HOLDER</b>	
	<p>The licence holder will be legally responsible for the operation of the HMO or house to be licensed and must have the power to:</p> <ul style="list-style-type: none"> <li>a) Let to and evict tenants</li> <li>b) Access all parts of the premises to the same extent as the owner (if different)</li> <li>c) Authorise any expenditure necessary to ensure the health and safety of the tenants and others</li> </ul> <p>The proposed licence holder should normally be the “person having control” of the property (the person legally entitled to receive the rental income from the property), usually the owner of the property. However, there may be a good reason why this should not be the case (e.g. if the owner is ill or lives abroad). The “person having control” may be the leaseholder rather than freeholder. Where the landlord is a company, a limited liability partnership, or a board of trustees, the licence should be granted to it. The local authority has a duty to award the licence to the most appropriate person.</p>	
3.1	If not the owner explain why you think the proposed licence holder should be the licence holder (e.g. the owner is ill or living abroad, or the proposed licence holder has a long lease on	

	the property), including evidence that they have the necessary powers	
3.2	Are you the proposed licence holder or a proposed joint licence holder? Yes / No	If yes, go to 3.3 and then omit 3.4 to 3.10 If the proposed licence holder is a business or organisation, go to 4.1 (this does not apply to an individual or sole trader), if no for other reasons go to 3.3.
3.3	Your interest in the property	e.g. owner (freeholder), leaseholder, none.
Details of proposed licence holder if applicant is not proposed licence holder.		
3.4	Interest in property	e.g. owner (freeholder), leaseholder, agent
3.5	Full name	
3.6	Address (including postcode)	
3.7	Email address	
3.8	Main telephone number	
3.9	Other telephone number	
3.10	Date of birth	
If joint owners are the proposed licence holder, provide the following details for each owner whose details have not been provided above, continue on a separate sheet if necessary.		
3.11	Full name	
3.12	Address (including postcode)	
3.13	Email address	
3.14	Main telephone number	
3.15	Other telephone number	
3.16	Date of birth	
<b>4</b>	<b>Section 4 of 17</b>	
	<b>PROPOSED LICENCE HOLDER – BUSINESSES AND ORGANISATIONS ONLY</b>	

4.1	Legal status of the proposed licence holder: <input type="checkbox"/> Individual or sole trader <input type="checkbox"/> Company (Ltd or PLC) <input type="checkbox"/> Partnership <input type="checkbox"/> Charity or trust <input type="checkbox"/> Other	If individual or sole trader go to 5.1 If 'other', go to 4.2 Any other response go to 4.3
4.2	Provide details if other	
<b>Company, Partnership, Charity or Trust</b>		
4.3	Business/organisation name	If registered, use the registered name
4.4	Charity no. (if appropriate)	
If unincorporated business (operating under a trading name) provide the following details for each owner, continue on a separate sheet if needed		
4.5	Name	
4.6	Address	
4.7	Email address	
4.8	Main telephone number	
4.9	Other telephone number	
4.10	Name (2)	
4.11	Address	
4.12	Email address	
4.13	Main telephone number	
4.14	Other telephone number	

<b>5</b>	<b>Section 5 of 17</b>	
	<b>LEGAL INTEREST</b>	
5.1	Does anybody else have a legal interest in the property (e.g. as freeholder, leaseholder, mortgage provider)? Yes / No	If yes, provide the following details about each one If no, go to 6.1
5.2	Interest in the property	e.g. owner (freeholder), leaseholder, mortgage provider
5.3	Full name	
5.4	Organisation (if	

	applicable)	
5.5	Mortgage acc no (if applicable)	
5.6	Address	If an organisation, give the registered office or other official address
5.7	Email address	
5.8	Main telephone number	
5.9	Other telephone number	
	If necessary provide details of other persons on the continuation sheet (A) at the end of the application form.	

<b>6</b>	<b>Section 6 of 17</b>	
	<b>PROPOSED MANAGER</b>	
6.1	Will the proposed licence holder(s) be the manager(s) of the HMO? Yes / No	If yes, go to 7.1 If no, go to 6.2
	<b>Provide details about the manager</b>	
6.2	Full name	
6.3	Organisation (if applicable)	If an organisation, give the registered office or other official address
6.4	Address (including post code)	
6.5	Email address	
6.6	Main telephone number	
6.7	Other telephone number	
6.8	Date of birth	

<b>7</b>	<b>Section 7 of 17</b>	
	<b>DETAILS OF THE HMO</b>	
7.1	Has the HMO been licensed before?	If yes, go to 7.2 If no, go to 7.3
7.2	Have structural alterations been carried out in the term of the previous licence that have altered the number of storeys of the HMO or any non-residential parts of the building	If yes, go to 7.3 If no, go to 8.1

7.3	Type of property <input type="checkbox"/> House in multiple occupation <input type="checkbox"/> Flat in multiple occupation <input type="checkbox"/> Other (give details)		Multiple occupation - occupants are not all part of the same family .
7.4	How many storeys does the HMO have?		State how many storeys are used in connection and integral with the HMO (includes basements, mezzanines and unused attic rooms)
7.5	Which levels are these storeys located on?		Give the levels the HMO is on eg basement, ground floor.
7.6	Are any parts of the building used for non - residential purposes? Yes / No		If yes, go to 7.7 If no, go to 7.8
7.7	Describe which part(s) and how they are used.		e.g. ground floor used for storage, shop, restaurant, office
7.8	When was the building originally built? <input type="checkbox"/> Before 1919 <input type="checkbox"/> 1919 - 1945 <input type="checkbox"/> 1946 - 1964 <input type="checkbox"/> 1965 - 1980 <input type="checkbox"/> After 1980		

<b>8</b>	<b>Section 8 of 17</b>		
	<b>OCCUPATION OF THE HMO</b>		
8.1	Has the HMO been licensed before?  Yes / No		If yes, go to 8.2 If no, go to 8.3
8.2	Are you applying for the permitted number of the previous licence to remain the same?  Yes / No		The permitted number is the number of households and individuals stated on the previous licence. If yes, go to 8.7 If no, go to 8.3
8.3	Give the number of households and occupants in the property	At the time of application	Proposed maximum
8.4	Households		A household consists of family members / cohabiting couple. A group of 4 friends is 4 separate households

8.5	Occupants		Account for all occupants (where applicable include any children, the landlord and family)
8.6	Number of separate letting units in the property		Rooms or units let on separate tenancy contracts or to separate households
<b>Catering arrangements</b>			
8.7	Is board provided	Yes / No	If yes, go to 8.8 If no, go to 9.1
8.8	How many meals per person per day are provided?		

<b>9</b>	<b>Section 9 of 17</b>		
	<b>ACCOMMODATION DETAILS</b>		
	<b>Provide the number of</b>		
9.1	Habitable rooms		Bedrooms, living rooms, dining rooms - exclude kitchens
9.2	Kitchens		Include kitchen-dining rooms and kitchens in bedsits
9.3	Sinks		Exclude wash hand basins
9.4	Shower/bathrooms		
9.5	Toilets in shower/bathrooms with wash hand basins		
9.6	Separate toilets with wash hand basins		Exclude external toilets
9.7	Has the HMO been licensed before?  Yes / No		If yes, go to 9.8 If no, complete the facilities table (B) at the end of the application form and go to 10.1.
9.8	Is the layout the same as indicated in schedule 2 of the most recent licence?  Yes / No		If yes, go to 10.1 If no, complete the facilities table (B) at the end of the application form and go to 10.1.

<b>10</b>	<b>Section 10 of 17</b>		
	<b>GAS AND FURNITURE</b>		
10.1	Does the property have a gas supply? Yes / No		If yes, go to 10.2 If no, go to 10.4
10.2	Do all provided gas appliances meet all safety requirements? Yes / No		The licence will be refused if the answer is 'no'.

10.3	Gas safety certificates are included with the application as evidence. Yes / No / Previously provided within the last 12 months	Gas safety certificates must be provided on annual basis to the local authority. It is not a requirement to include these with the application.
10.4	Does all furniture provided meet all safety requirements? Yes / No	See The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended), The licence will be refused if the answer is 'no'.

<b>11</b>	<b>Section 11 of 17</b>	
	<b>FIRE PRECAUTIONS</b>	
11.1	Has the HMO been licensed before?  Yes / No	If yes, go to 11.2  If no, go to 11.3
11.2	Do the fire precautions meet the licensing standard?  Yes / No	If yes, go to 12.1  If no, go to 11.3
11.3	Are smoke and/or heat alarms (or detectors) provided in the property? Yes / No	
11.4	Type of alarms or detectors <input type="checkbox"/> Battery operated only <input type="checkbox"/> Mains electricity – standalone <input type="checkbox"/> Mains electricity – interlinked <input type="checkbox"/> Mains electricity – panel controlled	
11.5	Give the location of each smoke and heat detector e.g. ground floor hall, first floor kitchen	
	<b>Other fire equipment and precautions</b>	
11.6	Is the following equipment provided in the property? <input type="checkbox"/> Fire blankets in each shared kitchen <input type="checkbox"/> Emergency lighting <input type="checkbox"/> Fire door to each shared kitchen <input type="checkbox"/> Fire doors to other rooms. Please state which rooms: <input type="checkbox"/> None of the above	
11.7	Is there a clear fire escape route(s) from the property? Yes / No	

11.8	Has fire safety information or training been provided to the occupiers of the property? Yes / No	
<b>12</b>	<b>Section 12 of 17</b>	
	<b>MANAGEMENT ARRANGEMENTS</b>	
12.1	Are occupants given a tenancy agreement (or other written statement of terms of occupancy)? Yes / No	This is a mandatory licence condition.
12.2	Will the West of England's Code of Good Management Practice be followed at all times?  Yes / No	See notes that accompany the application form. Any person involved in the management of the HMO could lose their 'fit and proper person' status if the Code is not followed.
12.3	If no local manager is appointed, what arrangements are in place to deal with emergencies?	Local is within 25 miles of the property.
12.4	If no local manager is appointed, what arrangements are in place to manage the HMO whilst the licence holder is not available eg when on holiday?	Local is within 25 miles of the property.
12.5	Provide a telephone no. in case of emergencies.	
12.6	Will regular inspections (at least quarterly) be carried out to check occupation in accordance with licence conditions and to assess the need for maintenance? Yes / No	The licence will be refused if the answer is 'no'.

12.7	If a manager has been appointed, are there sufficient funds for all their management obligations to be met? Yes / No	The licence will be refused if the answer is 'no'.
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<b>13</b>	<b>Section 13 of 17</b>	
	<b>FIT AND PROPER PERSON TEST</b>	
13.1	Is the proposed licence holder a company, partnership, charity or trust? Yes / No	If yes, go to 13.2 If no, go to 13.3
13.2	A 'fit and proper person' declaration signed by the company secretary or other responsible person is included on behalf of the company, partnership, charity or trust.  Yes	A declaration must be provided, go to 13.5. The fit and proper person declaration is at the end of application form (C)
13.3	A 'fit and proper person' declaration for each licence holder is included with this application.  Yes	If more than one person is proposed to be the licence holder each person must submit a declaration. This includes joint owners. A declaration must be provided, go to 13.4.
13.4	List the names and addresses of any other persons other than the manager in section 6 who are involved with the management of the property or who are key holders.	
13.5	A 'fit and proper person' declaration is included for the manager and all other persons named in 13.4  Yes / Not applicable	Manager is as stated in Section 6. Where the manager is a company or partnership, the company secretary or other responsible person on behalf of the company or partnership should sign the declaration. A declaration must be provided if there is a manager who is not also the licence holder, go to 14.1 'Not applicable' is where the licence holder is also the manager.

<b>14</b>	<b>Section 14 of 17</b>	
	<b>OTHER PROPERTIES LICENSABLE UNDER THE HOUSING ACT 2004</b>	
14.1	Is the proposed licence holder a licence holder for other properties which require a licence under the Housing Act 2004? Yes / No	If yes, go to 14.2 If no, go to 15.1

14.2	Address(es)
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<b>15</b>	<b>Section 15 of 17</b>
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	<b>NOTIFYING PEOPLE ABOUT THE LICENCE APPLICATION</b>
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	<p>You must let certain people know in writing that you have made this application or give them a copy of it.</p>
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	<p>The people who need to know about it are:</p> <ul style="list-style-type: none"> <li>Any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you</li> <li>Any mortgage provider for the property to be licensed</li> <li>Any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you. This is other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)</li> <li>The proposed licence holder (if that is not you)</li> <li>The proposed managing agent (if any) (if that is not you)</li> <li>Any person who has agreed that he will be bound by any conditions in a licence if it is granted</li> </ul>
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	<p>You must tell each of these people (or organisations):</p> <ul style="list-style-type: none"> <li>Your name, address, telephone number and email address or fax number (if any)</li> <li>The name, address, telephone number and email address or fax number (if any) of the proposed licence holder (if it will not be you)</li> <li>That this is an application for an HMO licence under Part 2 of the Housing Act 2004</li> <li>The address of the property to which the application relates</li> <li>The name and address of the local housing authority to which the application will be made</li> <li>The date the application will be submitted</li> </ul>
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	<b>Provide details of notifying these people about the licence application</b>
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15.1	Name of person / organisation notified	Interest	Date of notification

<b>16</b>	<b>Section 16 of 17</b>		
	<b>ADDITIONAL DETAILS</b>		
16.1	Please provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)		

<b>17</b>	<b>Section 17 of 17</b>		
	<b>DECLARATION</b>		
	<p>I declare that the information contained in this application is correct to the best of my/our knowledge. I understand that I commit an offence if I supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of the Housing Act 2004 that is false or misleading and which I know is false or misleading or am/are reckless as to whether it is false or misleading.</p> <p>I declare that I have served a notice of the application on the people listed in Section 17 above and that these are the only people known to me/us that are required to be informed that I have made this application.</p>		
17.1	Full name (applicant)		
17.2	Signature		
17.3	Date		
17.4	Full name (proposed licence holder if different)		
17.5	Signature		
17.6	Date		

17.7 Other joint applicants to sign, print name and date:

**A. LEGAL INTEREST - CONTINUATION SHEET**

Interest in the property	
Full name	
Organisation (if applicable)	
Mortgage acc no (if applicable)	
Address	
Email address	
Main telephone number	
Other telephone number	

Interest in the property	
Full name	
Organisation (if applicable)	
Mortgage acc no (if applicable)	
Address	
Email address	
Main telephone number	

Other telephone number	
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Interest in the property	
Full name	
Organisation (if applicable)	
Mortgage acc no (if applicable)	
Address	
Email address	
Main telephone number	
Other telephone number	



**C. Declaration in respect of a fit and proper person - see Section 13 (a separate declaration will be needed for each person)**

Full name	
Address	
1	In connection with the application for an HMO licence in respect of (address)
Date of application	
	<p>I hereby declare that I am (delete as appropriate):</p> <p>(i) the proposed licence holder</p> <p>(ii) the manager of the property (if different to (i) above)</p> <p>(iii) someone who is otherwise engaged in the management of the property</p> <p>(iv) key holder</p> <p>(v) other person, please specify:</p>
2	<p>In support of the above declaration I confirm that I :-</p> <ul style="list-style-type: none"> <li>do not have any unspent convictions particularly in respect of any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);</li> <li>have not been found guilty by any court or tribunal of practising unlawful discrimination on grounds of sex, colour, race ethnic or national origins or disability in, or in connection with, the carrying on of any business;</li> <li>have not had any judgements (whether civil or criminal) against me under housing, environmental health, public health or landlord and tenant law;</li> <li>have not acted otherwise than in accordance with any applicable code of practice approved under section 233 of the Housing Act 2004.</li> </ul> <p>And to the best of my knowledge (i) to (iv) above do not apply to anyone who is associated with me whether on a personal, work or other basis (includes husband, wife, colleague, business partner and employees).</p>

3	<p>Also please indicate and give details if you have:</p> <ol style="list-style-type: none"> <li>1. Been in control of any property subject to a Control Order under S379 of the Housing Act 1985 or Demolition Order in the last 5 years;</li> <li>2. Been in control of a property that has been subject to the service of an Improvement Notice, a Prohibition Order, a Hazard Awareness Notice, or Emergency Remedial Action under the Housing Act 2004;</li> <li>3. Been refused a licence or had a licence revoked for any property in relation to an HMO under the Housing Act 2004 (includes additional and selective licensing schemes);</li> <li>4. Been found to have breached a condition of a licence for an HMO under the Housing Act 2004 (includes additional and selective licensing schemes);</li> <li>5. Been in control of any property, which has subsequently been the subject the subject of an Interim or Final Management Order or Special Interim Management Order under the Housing Act 2004.</li> </ol> <p>Provide details:</p>	
4	<p>Have you ever been refused fit and proper status by a local authority? Yes/No</p>	<p>If yes, state which local authority and date:</p>
<p>I accept that in connection with the checking of the accuracy of this declaration that the local authority will share this information with other statutory bodies, particularly other local authorities and the Police.</p> <p>Please note that it is a criminal offence to knowingly supply information which is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application with regard to the property concerned may be required at a later date. If we subsequently discover something which is relevant and which you have not disclosed, or which has been incorrectly stated or described, your licence may be revoked or other action taken.</p> <p>Signed: _____ Name: _____</p> <p>Date: _____</p>		
<p>If you are unable to sign the above declaration you should give brief details here:</p>		

## **HMO licence application – form guidance**

This guidance is in addition to guidance contained in the application form and corresponds to the section numbers on the form.

### **Sections 1 and 2 – application details**

A House in Multiple Occupation (HMO) is defined in the Housing Act 2004; basically it is a house or flat occupied by three or more 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, for the purposes of the Housing Act 2004 this includes 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.privatehousinginformation.co.uk](http://www.privatehousinginformation.co.uk), or by contacting your local authority using the contact details on the front of the application form.

The applicant in most cases will be the proposed licence holder. However, other persons may be the applicant; they will have to sign the application form and declare that all the information is correct.

### **Sections 3 and 4 – proposed licence holder**

The proposed licence holder will normally be the landlord (owner) unless there is evidence that they are not the most suitable person to hold the licence. If the landlord lives outside the jurisdiction of the British courts an alternative licence holder must be found.

The licence holder will often also be the manager, this would not be the case where the licence holder lives a considerable distance from the property so as not to be able to effectively manage it. The licence holder may also wish to appoint a manager to take on management functions, whilst retaining control of the HMO.

Where two or more individuals are the joint landlords all of those persons should be joint licence holders (each would be jointly and severally liable) unless those persons have agreed that only one (or more of them) should hold the licence.

Where the landlord is a company, a limited liability partnership, or a board of trustees, the licence should be granted to it. An employee, director or officer of these legal entities should not normally be the licence holder as it is the entity that is liable. In the case of an unincorporated business (operating under a trading name) it will be the individual owners of the business who should jointly hold the licence, unless the local authority agrees that one or more of the owners will do so.

If the local authority is of the opinion that the proposed licence holder or manager is not suitable for that role they may agree another person to hold the licence or be the manager if that other person agrees.

### **Section 7 – details of the HMO**

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

A basement counts as a storey if it is used as part of the HMO; this includes storage or if it is used as the main entrance. If a basement has been constructed, converted or adapted for use as living accommodation it counts as a storey even though it might not be occupied. If the basement only contains service meters it will not count as a storey as long as it is not also used for storage and is kept locked.

A basement used wholly for business purposes is not counted as a storey, but any other business storeys are counted.

A mezzanine is a floor located between the main floors of a building; it may be used as a bedroom, bathroom, toilet or other. It will be counted as a storey if it means that one or more floor levels in the building are over 4.5m above the adjacent ground level.

Other partial floors 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 or a room could be located at lower level at the base of the stairway in a back annexe, usually a kitchen. In these cases the storey will be counted if this consequently means that the uppermost floor is 4.5m above the adjacent ground level.

Attic rooms that are capable of being used as living accommodation count as a storey, even if they are not occupied. Otherwise, attics used solely for storage are not counted.

### **Section 10 – gas and furniture**

The following types of furniture (if they contain upholstery) are included in the Furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended):

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 1<sup>st</sup> 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.

## **Section 11 – fire precautions**

It is not necessary to have all fire precautions in place before a licence is granted. However, you are strongly advised, in the meantime to have as a minimum, interlinked battery smoke detectors throughout the common parts and interlinked heat detectors in shared kitchens and any bedsitting rooms with kitchen facilities; any self-contained flat should be linked into the system with a smoke detector. If the licensing standard is not met it will be a condition of the licence that the standard is met and this will involve a hard-wired system as battery detectors are not acceptable.

## **Section 12 – management arrangements**

The West of England’s Code of Good Management Practice can be found at the end of this guidance. Signing up to this code provides supporting evidence that the proposed licence holder will have satisfactory management arrangements in place for the property. In Bristol and North Somerset a points system for non-compliance operates in a similar way to a driving licence. Persistent failures to abide by the code can lead to a licence being revoked.

## **Section 13 – fit and proper person test**

Before granting a licence the local authority must be satisfied that the licence holder, manager and any other person involved in managing the HMO is fit and proper. The local authority will also consider the fit and proper person status of any key holders as potentially they could carry out misdemeanours at the property.

The local authority must have regard to any evidence that a person has committed any of the matters listed in the declaration that is contained in the application pack. Where a person declares that they are fit and proper the local authority may decide to request further evidence, for example using the Disclosure Scotland procedure to identify any unspent convictions. Those signing the declaration should note that any offences etc committed by an associate are also relevant.

An unspent conviction will not necessarily prevent a fit and proper judgement by the local authority. The local authority will consider each offence and any mitigating circumstances on their relative merits.

Local authorities will carry out only one fit and proper person test on a person involved with more than one property. A fit and proper person number provided by one of the West of England local authorities is valid in all four authorities. However, a declaration regarding convictions etc. will be needed for each application.

Where a business or organisation is to be the licence holder or manager a 'fit and proper person' declaration signed by the company secretary or other responsible person is needed on behalf of the company, partnership, charity or trust. Any employee who is involved with the management of the HMO can be regarded as an 'associate'. Consequently, in signing the declaration the responsible people should be satisfied that these employees would be able to sign the declaration themselves, for example by requesting CRB or Disclosure Scotland checks.

Commitment and adherence to the West of England Code of Good Management Practice will also be considered as part of the local authority's decision on a person's fit and proper status. To establish this the Council will consult with other teams in the local authority and with the other West of England authorities

A local authority can revoke a licence if it no longer considers a licence holder to be fit and proper. Similarly, the fit and proper person status can be removed from managers and anyone else involved in the management of the property or key holders. It would then be a breach of a licence condition if that person continues in that capacity.

4/1/11

## **West of England Good Management Code of Practice**

### **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.

### **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**

## **The West of England (WoE) local authorities' standards for licensed Houses in Multiple Occupation (HMOs) under Part 2 Housing Act 2004 (1 Sep 2010)**

### Contents:

6. Amenity standards for HMOs or parts of HMOs either occupied by a socially interactive group (shared houses or shared flats normally subject to a joint tenancy) or by individual households living independently who either share facilities (bedsits) or have exclusive use of facilities (self contained flats).
7. Room size standards for properties occupied as above and including specific standards for HMOs where some board is provided, these properties are referred to as 'hostels'.

### Notes:

8. The amenity standards include those prescribed by The Licensing and Management of Houses in Multiple Occupation and Other (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006 No. 373).
9. The additional amenity standards indicate how the WoE local authorities will regard how the 'Tests as to suitability for multiple occupation' can be met under Section 65 Housing Act 2004.
10. The room size standards indicate how the WoE local authorities will decide on the maximum occupation of the property under Section 64 Housing Act 2004; this is known as the 'permitted number'.
11. The above standards need not necessarily be met on the date a licence becomes operative. Where this is not the case the licence will be issued with conditions requiring compliance with the standards within a required time period.
12. The standards do not apply to non licensable HMOs. Instead, the housing health and safety rating system under Part 1 Housing Act 2004 will be used to assess the suitability of amenity standards and living space.
13. All licensed HMOs will be subject to an assessment using the housing health and safety rating system under Part 1 Housing Act 2004. As result, it is possible that there will be additional requirements to be met.

### Application:

14. Where reasonably practicable all HMO licensing standards must be complied with. However, every case must be considered on its own merits as Councils cannot apply a blanket set of standards for all HMOs in its district taking no account of the individual circumstances of the HMO in question. This will particularly be in respect of those standards that are not prescribed by legislation.

### The landlord

- Provides current gas and electrical safety certificates, and if there is a mains powered fire alarm, a current fire alarm certificate.
- Signs up to the West of England Good Management Code.
- Confirms that they have no unspent convictions for relevant offences.

### The property

- Meets the government's Decent Homes Standard (ie reasonable repair, heating and thermal efficiency, modern kitchen & bathroom facilities).
- Meets any legal requirements that apply to the type of property, for example:
  - Is free of major hazards (bands A - D of the government's Housing Health & Safety Rating System)
  - All HMOs must comply with the Regulatory Reform (Fire Safety) Order fire standards and the HMO Management Regulations
  - All licensable HMOs must comply with the HMO licensing standards
  - All properties let after 1<sup>st</sup> October 2008 must have an Energy Performance Certificate carried out
- If a non-licensable HMO, has good facilities and room sizes (HMO licensing standards used as a guide)
- Meets the standards referred to in the 'Accreditation Standard' column in the following table. Properties that meet the optional higher 'Accreditation Plus Standard' will have this recognised in their accreditation certificate.

	<b>Accreditation standard</b>	<b>Accreditation Plus standard</b>
<b>Energy efficiency</b>	<ul style="list-style-type: none"> <li>• 100mm loft insulation*</li> <li>• 80mm tank insulation</li> <li>• Cavity wall insulation (where feasible)</li> <li>• At least four low energy light bulbs</li> </ul> <p>*where the property has night storage heaters – 200mm loft insulation needed</p>	<ul style="list-style-type: none"> <li>• 200mm loft insulation</li> <li>• 80mm tank insulation</li> <li>• Cavity wall insulation (where feasible)</li> <li>• At least 80% light bulbs low energy</li> <li>• Draught proofing</li> <li>• 'A'-rated condensing boiler</li> </ul>
<b>Security</b>	<ul style="list-style-type: none"> <li>• For non multipoint style uPVC doors only: Front doors: - Rim Lock - 5-lever mortice / Euro / Oval cylinder lock Rear doors: - 5-lever mortice / Euro / Oval cylinder lock - top and bottom slide bolts</li> <li>• Internal thumb turn on all front doors</li> <li>• Locks on all accessible windows</li> <li>• Letter box cowl</li> </ul>	<ul style="list-style-type: none"> <li>• Specific recommendations made by Avon &amp; Somerset Police following inspection of property – may include front door chains and spyholes, external lighting, improved external surveillance, burglar alarm etc.</li> </ul>
<b>Fire safety in single family houses</b>	<ul style="list-style-type: none"> <li>• 10-year sealed battery smoke detector to ground and top floors (interlinked if three storeys or more)</li> <li>• Fire blanket in kitchen</li> </ul>	<ul style="list-style-type: none"> <li>• Interlinked mains powered fire detectors on each floor</li> <li>• Fire blanket in kitchen</li> </ul>