

## Licensing of Houses in Multiple Occupation

### Application Guidance

This Guidance is intended to help guide you through the application process. It should be read along with the appropriate Landlords Guide to Licensing of Houses in Multiple Occupation. If you have not already received the Guide to Licensing of Houses in Multiple Occupation please contact us.

The Housing Act 2004 and associated Regulations specify certain information that must be provided within the application. All the information required within the application must be provided and all questions answered as instructed.

The relevant Act is the Housing Act 2004 and the Regulations are The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006.

It is important that you are aware of the following:-

It is an offence to supply any information that is false or misleading and which you know is false or misleading. The giving of false information may result in prosecution and your licence (on this and other properties) being cancelled.

If the form is filled in incorrectly or we feel that it is deliberately incomplete we will return it to you and you may incur an additional charge.

### Application Fee

Fully completed Application Form received on or before the 31<sup>st</sup> May 2006 - £450 per property

Fully completed Application Form received at any time after 31<sup>st</sup> May 2006- £530 per property

All licenses will be valid for 5 years.

The licence is not transferable

The full Application Fee must be included as part of your application.

## Application Pack

The application pack is divided into 5 sections:-

Details of proposed Licence Holder (PLH)  
Details of Owner/s  
Details of Manager  
Property details  
Management details

### **Section 1 - Proposed Licence Holder (PLH)**

**The person who is proposing to be the licence holder must complete this Section for all applications.**

#### **1.2 Who should hold the Licence?**

The Council has a duty to licence the person it believes to be the most appropriate person to be the licence holder. In the majority of cases this will be the owner or ONE of the owners if the property is in joint ownership.

If the person completing this section is not the owner the owner must advise us on the application form why.

The proposed licence holder must live in the UK and is expected to have the power to:

- Let to and evict tenants and;
- Access all parts of the premises to the same extent as the owner and;
- Authorise any expenditure necessary to ensure the health safety and wellbeing of the tenants and others who may be affected by the property (including neighbours, passers-by, visitors etc).

#### **1.2 Ethnicity [required for Central Government Monitoring]**

Please use the following number to identify:-

1. White British;
2. White Irish;
3. White Other;
4. White and Black Caribbean;
5. White and black African;
6. White and Asian
7. Other Mixed;
8. Asian or Asian British Indian

9. Asian or Asian British Pakistani;
10. Asian or Asian British Bangladeshi;
11. Asian or Asian British Other;
12. Black or Black British Caribbean;
13. Black or Black British African;
14. Black or Black British Other;
15. Chinese;
16. Other

### **1.5 Other Properties Licensed or otherwise**

We are required to ask you to give details of all other properties you have an interest in. Please provide the addresses for licensable properties but you need only provide the details of the Local Authority area in which you have non licensable properties – The Local Authority may be contacted.

You may need to contact the local authority in which your properties are located to answer this question, as they may be considering additional licensing schemes and/or selective licensing schemes.

### **1.6 Declaration that the Applicant has notified others of the application**

You are required to notify certain people that you have made this application or to give them a copy of it. They are:-

- Any mortgagee of the property to be licensed
- 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
- 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 other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)
- The proposed managing agent (if any) (if that is not you)

You must tell each of these people

- Your name, address, telephone number, e-mail address and fax number (if any)
- Whether this is an application for an HMO licence under Part 2 or for a houses licence under Part 3 of the Housing Act 2004
- The address of the property to which the application relates
- The name and address of the Local Housing Authority to which the application will be made
- The date the application will be submitted

## **1.7 and 1.11 Fit and Proper Person Check**

The licence holder, owner, any manager and other persons involved in the management of the property must be 'fit and proper' persons.

The application form asks questions relating to the issues that must be considered in assessing 'fit and proper'. If any of the answers indicate a problem with the 'fit and proper' person check we will seek further information which will enable us to decide whether they are suitable to be involved in the management of the property.

If you have any 'fit and proper person' issues, you may wish to appoint someone else to be the licence holder for the property. However please ensure that this person has the power to do what is required and described above. You will be signing a declaration at the end of this section to also state that you 'take appropriate steps to ensure that', in the employment of staff and contractors, you ensure that they are 'fit and proper' persons to undertake their respective duties.

PLEASE BE AWARE THAT MID DEVON DISTRICT COUNCIL WILL CROSS CHECK A PROPORTION OF APPLICATIONS UNDERTAKING APPROPRIATE ENQUIRIES WITH LOCAL AUTHORITIES AND THE CRIMINAL RECORDS OFFICE – IF YOU HAVE HAD A CRB CHECK [WHICH YOU WOULD IF, FOR EXAMPLE, YOU WORK OR DO VOLUNTARY WORK WITH CHILDREN, IT WOULD BE WORTH ENCLOSING YOUR CERTIFICATE WITH YOUR APPLICATION]

IF YOU ARE PROPOSING TO BE A LICENCE HOLDER FOR MORE THAN ONE PROPERTY IN MID DEVON YOU ONLY NEED TO COMPLETE THE 'FIT AND PROPER' PERSON CHECK ON ONE APPLICATION, PROVIDING A LIST OF THE PROPERTIES YOU ALSO PROPOSE TO LICENSE

## **1.9 - 1.10 Outstanding statutory notices relating to residential properties**

These may include Housing Act, Environmental Protection Act, Building Act, Prevention of Damage by Pest Act and Public Health Act notices – If Mid Devon District Council served these notices it will not, in most cases, effect your status as a 'fit and proper' person.

## **1.12 Management and Financial resources**

We are required to confirm that you have adequate financial and other arrangements in place to allow for the effective management of the property (or properties).

These arrangements need to be sufficient to enable you to:-

- Make repayments in respect of any mortgage or other outstanding charge on the property
- Fund emergency repair as the need for them arises
- Plan and schedule general maintenance and upgrading to the fabric and internal fixtures and fittings
- Meet all your statutory requirements
- Meet any other payments as they become due.

When you tick the yes box you are declaring that your financial resources meet all of these requirements.

## **Section 2 – Owner’s details**

**The owner or all the joint owners of the property must complete this Section for all applications**

Owner is the person(s) having control of the living accommodation and has a ‘heritable interest’ in the property, or proposes to acquire and owner’s interest in the dwelling or building, which is capable of being recorded in the Land Registry

Owner as defined in Housing Act 2004 Section 262(7) and ‘Person having estate or interest as defined in Section 262 (8)’.

Please refer to the notes in Proposed Licence Holder above, as these are relevant to this module.

## **Section 3 – Manager’s details**

**This Section need only be completed in cases where the manager of the property is neither the Licensee or an Owner – for example if the property is managed on the Licensee’s behalf by a managing agent.**

If a company or partnership manages the property a named employee/ partner responsible for the management will be required to satisfy the ‘fit and proper’ person check

### **3.1 - 3.11 Must be completed by the appointed manager**

Please refer to the notes in Proposed Licence Holder above as these are relevant to this section especially, Fit and Proper person check and Management and Financial Resources.

IF THE NAMED INDIVIDUAL IS THE MANAGER FOR MORE THAN ONE PROPERTY IN EXETER THE MANAGER ONLY NEEDS TO COMPLETE THE 'FIT AND PROPER' PERSON CHECK ON ONE APPLICATION AS LONG AS A LIST OF THE OTHER PROPERTIES WITHIN HIS/HER MANAGEMENT PORTFOLIO IS PROVIDED WITH THE FORM

## **Section 4 - Property details**

**This Section must be completed for all applications** and is divided up into

- Property
- Fire Safety
- Gas and Electric safety
- Furniture Safety
- Heating
- Property Sketch
- Use of accommodation

### **4.1 - 4.8 Property**

**Storeys** – this includes basements and attic conversions if they are used in connection with the accommodation.

**Unit of accommodation** – this is yet to be defined but for the purposes of this application the following constitute 1 unit of accommodation

- A shared house
- A flat within a converted building where the facilities, although not shared, are not behind the front door of the flat [a non self contained flat]
- A bedsitting room where either the cooking or washing facilities are shared

**Household** can be:

- A person living alone or with a group of unrelated sharers
- A family (including foster children)
- A cohabiting couple (including same sex)

In the case of a shared house, e.g. a student house, each of the individual occupants is a household.

If you require any further explanation please contact the Environment Team on 01884 244601.

#### **4.9 - 4.15 Fire safety**

Fire Detection systems

Grade A = A 'full' fire detection and alarm system which incorporates Control and Indicating equipment with remote back up power supply (usually a panel in the hallway) complying to BS 5839 Part 1 2002

Grade D = A system of 240 volts mains powered smoke alarms, each with an integral standby supply that may be a single detector or two or more interlinked detectors complying with BS 5839 Part 6 2004

Grade A & D = A system combining both Grade A and D.

Battery = Stand alone battery operated smoke alarms

If you have difficulty in establishing which system the property has please contact the Private Sector Housing Team.

\*\*If you have a current test certificate for the system please provide the original certificate, which will be copied and returned to you.

\*\*\*Please note that if you have only Battery operated smoke alarms you may be required to replace these with either Grade A or D during the period of your licence following the Housing Health and Safety Rating System inspection.

#### **4.16 - 4.19 Gas and Electric safety**

**Gas supply** - If you provide any gas appliances you must have an annual inspection carried out by a competent person (an engineer recognised by CORGI as being competent to undertake such testing) and you must enclose a current, original certificate, which will be copied and returned to you – the Gas Safety (Installation and Use) Regulations 1998.

**Electrical Installation** - All electrical installations must be inspected by a competent person (e.g. an engineer recognised by the Institute of Electrical Engineers as being competent to undertake such testing) and shown to be safe. The certificate will state when the next inspection is required.

If you have had an inspection undertaken you should enclose the original certificate with your application, which will be copied and returned to you. If you have not you must be aware that at any time during the life of the license you may be asked to produce a current certificate and it will be an offence if you fail to do so

**Electrical Appliances** - If you provide any 'portable' electrical appliances (i.e. fridge, freezer, microwave oven, kettle, heater etc) these should be inspected annually by a competent person (e.g. an engineer recognised by the Institute of Electrical Engineers as being competent to undertake such testing) unless all the appliances are under one year of age.

If you have had the appliances tested you should enclose the original certificates with your application, which will be copied and returned to you. If you have not you must be aware that at any time during the life of the licence you may be asked to produce current certificates and it will be an offence if you fail to do so

#### **4.20 Furniture Safety**

If you provide any furniture to which the Furniture and Furnishings (Fire) (Safety) Regulations 1988 apply (i.e. beds, sofas, arm chairs, curtains etc) they must comply with the Regulations.

At application stage you will only be asked to confirm this yourself. Please find details of how you can find out more about these regulations at the following website [www.legislation.hmsso.gov.uk](http://www.legislation.hmsso.gov.uk)

#### **4.21 Heating**

If you have a combination of the types of heating described in the boxes please tick all that apply.

There are columns in the tables 4.24 – 4.27 asking about the type of heating please use the following key:-

|                               |      |
|-------------------------------|------|
| Full Gas Central Heating      | FGCH |
| Partial Gas Central Heating   | PGCH |
| Wall Mounted Gas Fire         | WMGF |
| Portable Gas Appliance        | PGA  |
| Radiant Electric Fire (Fixed) | REF  |
| Wall mounted electric fire    | WMEF |
| Portable Electric Heater      | PEH  |
| Night/Electric Storage Heater | NSH  |
| Other fixed electric heating  | O    |

#### **4.22 - 4.28 Property Sketch and Use of Accommodation**

##### **Property Sketch**



If you do not have technical drawings of the property please provide a rough [but clear] sketch of the property. NUMBER each of the rooms so that their use can be identified on tables 4.24 – 4.27.

If your property is already known to us and we have already drawn up a plan we will have provided this with your application pack. If you have undertaken any changes to the property since the plan was drawn please amend as appropriate.

Please mark the location of any smoke and heat detectors on the plan/sketch. This does not have to be too precise; we need to know which rooms they are in. Please indicate a smoke detector with an S in a circle and a heat detector with an H in a circle.

Please sign the plan to show that it is correct and return it with your application.

### **Use of Accommodation**

There are 5 tables that are set out as follows:-

Kitchen Facilities Shared  
Washing Facilities Shared  
Kitchen Facilities Not Shared  
Washing Facilities Not Shared  
All other rooms

Please use the number that you have used on the sketch plan to identify each of the rooms, and indicate with either a tick, or Yes/No in the boxes as appropriate.

Please use the key above for the Type of Heating.

## **Section 5 - Management Details**

### **5.1 - 5.11 This must be completed by the proposed licence holder**

Tenancy management refers to the owner's responsibility in respect of the legal rights of his/her tenants and with due regard for the welfare of the tenants and the interests of the neighbours

As part of a landlord's tenancy management duties he or she must ensure that tenants comply with their lease and conduct themselves in a way that does not interfere with the rights of neighbouring residents to enjoy peaceful occupation of their homes.

The Council is required to be satisfied that the management arrangements for the HMO are satisfactory.

## **Checklist**

This is a checklist for you to use to ensure that you have completed all sections of the application form and signed the required declarations.

It reminds you to

Include a plan of the property (or return the plan which was enclosed) signed;  
Enclosed the correct fee;  
Enclosed the relevant certificates;

Once completed please return the completed form to

Mid Devon District Council  
Environmental Health Services  
Phoenix House  
Phoenix Lane  
Tiverton  
Devon  
EX16 6PP

## **What happens next?**

The proposed licensee will receive an acknowledgement by letter to say that the application pack has been received enclosing a receipt for the fee and any original certificates produced in support of the application.

The council will determine the application as quickly as possible. However, depending on the demand this may take a couple of months. During this period you will not be committing an offence by continuing to let the property

Once a decision has been made the proposed licensee will be notified of the decision in writing.

If the decision is to issue a license a 'draft' licence and a copy of the conditions the Council intends to attach will be sent to the proposed licensee who will have 14 days to make any representations regarding either the decision or the conditions.

If no representations are made the licence will be issued after 14 days.

If the decision is to refuse the Licence you will be advised accordingly.