

# HMO licence application – Guidance notes

## Misrepresentation

An application for a House in Multiple Occupation (HMO) licence is a serious matter and should be regarded in the same manner as applications for other licences such those required for the sale of alcohol, provision of entertainment or to operate a hackney carriage.

Please note that it is a criminal offence to knowingly supply information which is false or misleading for the purpose of obtaining an HMO Licence. Evidence to support any statements or information made in the HMO Licence application may be required at a later date. If the Council subsequently discovers something which is relevant and which you should have disclosed or which is incorrectly or imprecisely stated or described, the licence may be cancelled or other action taken. This may affect other HMO licences with which you have any connection.

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## 1. Address of HMO

Enter the postcode of the HMO or street name and select the address of the HMO.

In the rare instance that you cannot find the required address (usually buildings converted into flats). This would suggest that the property has not been correctly registered. It is an official function of the Council to register street or property naming and numbering. Royal Mail do not have any jurisdiction over addresses and is only responsible for the allocation of postcodes. For more information please visit our website [here](#).

## 2. Applicant's details

As the person completing the application, please select which statement applies to you.

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

We would however advise that the proposed licence holder(s) apply, due to the requirement of DBS checks and Fit and Proper declarations being submitted for the proposed licence holder(s) with **every** application, regardless of whether another application has been submitted. As well as information on all property owners, including any mortgages including roll numbers, any freeholders, any leaseholders and details of the property.

If a third party is completing the application, we will contact the proposed licence holder to confirm that all information provided is correct and the application will remain invalid until confirmation is received in writing from them.

## 3. Registered address v Trading address

The registered address is the official contact address for a company as listed with Companies House, it serves as the official contact address for delivering official documents.

The trading address may be different and is the address of the premises the company/business operates from.

## 4. Proposed Licence Holder details

Select one of the options listed that best describes the proposed licence holder, complete the subsequent questions relating to the proposed licence holder(s) details.

## Details of the person(s) to be named on the licence (Proposed Licence Holder) ?

*\* Indicates a mandatory field*

Type of Licence Holder \*

- An Individual / Joint Individual
- Unincorporated Business Owner (Operating under a trade name)
- A Limited Company
- A Partnership (Operating under a trade name)
- A Trust
- A Charity
- A Managing Agent
- Other

This section does not appear if the applicant has previously selected that the statement 'I am the Proposed Licence Holder – The Sole Applicant....'

### 5. Details of the Property Manager

(this section does not appear if the applicant has previously selected that the statement 'I am the Proposed Licence Holder – The Sole Applicant....')

#### Details of the Property Manager ?

*\* Indicates a mandatory field*

Who will manage the property? \*

- The Proposed Licence Holder will manage the property
- The person filling out the form will manage the property
- Another Individual has been employed to manage the property e.g. An employee of the person with control of the property
- Another Non Individual / company has been employed to manage the property

Enter the details of the manager including their registered address.

If a separate manager is employed, are they a member of a regulatory body and if yes, which regulatory body?

### 6. 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.

We require a separate signed **fit and proper person (F&PP) declaration** and a **basic Disclosure and Barring Service (DBS) certificate** from all proposed licence holders and managers (including managing agents) to assist us in making this judgement. The DBS check must be dated within 3 years of being received by Housing Services. To obtain a basic DBS check, go to: <https://www.gov.uk/request-copy-criminal-record>

Fit and proper person declarations can be downloaded from here - click on the link: [Individual](#) or [companies](#).

Proposed licence holders will need to complete the fit and proper person declaration. When signing, you are doing so on behalf of all individuals involved in the management of the HMO.

If you apply for other licences, we will ask you to sign a declaration to confirm that you have not committed any offences in the meantime

If at a future date, you or an associate involved in the management of the HMO have committed any offences, you will need to declare this. In this circumstance, please contact us as we will need to reconsider your 'fit and proper person' status.

If we decide you are no longer a 'fit and proper person' we will remove this status, and we will tell you how you can challenge this decision.

If a proposed licence holder lives abroad, they should have a local manager who would be responsible to day-to-day management of the HMO. The proposed licence holder would need to submit this manager's DBS check. The manager's details would also need to be updated each time when a new manager is appointed and a new DBS check would be required.

The proposed licence holder will need to check the DBS equivalent for their country of residence here - <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

### **Businesses and organisations**

Where a business or organisation is to be the licence holder, we will require a DBS check from the director(s) of the company, or where directors have specific roles, the director with management control of the HMO.

We also require a fit and proper person declaration, which should be signed by the director or other responsible person on behalf of the company, charity or trust.

Any employee who is involved with the management of the HMO can be regarded as an 'associate'. 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 a DBS check.

The rules about offences outlined above also apply to businesses.

### **Managing agents**

If your application includes details of a managing agent, they will also have to meet the 'fit and proper person' test.

If you are a managing agent, a person of suitable authority such as the Director, Company Secretary or owner will need to sign the fit and proper person declaration on behalf of all employees that are involved in the licensable HMO.

## **7. Legal interest**

List all details of all owners, freeholders, leaseholders and mortgage companies including mortgage number and any charges that may be on the property.

## **8. Property management**

The Council must be satisfied that there are suitable management arrangements in place, especially when the licence holder is not local to the property. Satisfactory arrangements could include employing a local manager to deal with repairs and tenancy issues.

Tenants must have a 24 hour emergency contact name and telephone number in case of emergency or antisocial behaviour. This will be a licence condition.

**Are there arrangements in place to ensure that the common parts (e.g. shared kitchens, stairwells, bathrooms) are kept clean and in good order?**

The answer could be NO if no arrangements made.

If YES, the arrangements could include regular inspections of the HMO by the licence holder or manager.

**Please give details of any arrangements in place to ensure that the common parts (e.g. shared kitchens, stairwells, bathrooms) are kept clean and in good order.**

This could be a cleaning rota by the tenants.

**Do you have arrangements in place to cover the cost of repair work (e.g. a central heating boiler) if it became necessary? Please provide details of any arrangements that are in place to cover the cost of major emergency repair work (e.g. a central heating boiler) if it became necessary.**

There should be sufficient funds or arrangements in place to cover the cost of any works including major works such as replacing a defective boiler.

**Storage of refuse and recycling**

Sufficient containers must be provided for household recycling and rubbish within the unit of accommodation and outside in an appropriate area. Additional recycling containers can be provided by contacting Council Connect on 01225 39 40 41 or councilconnect@bathnes.gov.uk. This will be a condition on your licence.

**External area of property**

All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a reasonable condition and free from litter. Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must be allocated appropriate storage. This will be a condition on your licence.

**9. The West of England's Code of Good Management Practice**

By agreeing to follow this code provides supporting evidence that the proposed licence holder will have satisfactory management arrangements in place for the property. Persistent failures to abide by the code can lead to a licence being revoked.

**Conduct**

The licence holder agrees to: conduct business with regard to the property and the tenancy in a reasonable and equitable manner and; to answer reasonable queries and issues raised by the tenants in a timely manner (in any event to respond within 5 working days of the query or issue being raised, emergencies should be replied to within 24 hours).

**Inventories**

Licence holders 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 Licence holder must comply with all statutory obligations regarding tenancy deposit protection if a deposit is taken.

**Repairs and maintenance** The Licence holder must carry out repairs within a time period appropriate to the severity of the problem, keeping as far as is reasonably practicable to the following timescales:

- *Emergency repairs: 24 hours* (Affecting health or safety e.g. dangerous electrical fault, blocked WC, no hot water, etc.)
- *Urgent repairs: 5 working days* (Affecting material comfort e.g. no heating or fridge failure, serious roof leak, etc.)
- *Other non-urgent repairs: 20 working days.*

### **Landlord and tenant matters**

The licence holder must comply with all statutory obligations under housing and landlord & tenant legislation, in particular the landlord shall not harass or threaten a tenant. Any eviction process must be carried out in accordance with legal requirements.

Access to the property (for inspection, repairs, monitoring or other reasons) should only be by prior arrangement with the tenant and on having given 24 hours' notice (except in emergencies).

### **Property Management**

The licence holder must ensure that they comply with current statutory requirements relating to the safe management of the property including duties relating any asbestos containing materials, *Legionella* risks and to carry out a Fire Risk Assessment on the common parts of the property. Further information on minimum requirements are contained in the West of England Rental Standard [www.westofenglandrentalstandard.co.uk/standard](http://www.westofenglandrentalstandard.co.uk/standard)

### **Pest Control**

Where there is an infestation of pests in a licensed house in multiple occupation the licence holder must employ a competent pest control contractor to carry out appropriate treatments to eradicate any recognised pest species infesting the property.

### **Neighbours**

The Licence holder must 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 licence holder will provide occupiers of the immediately neighbouring properties a contact telephone number, address or e-mail address to report any problems and will ensure that "To Let" or "Let" boards are not left up as long-term advertising features (over 28 days); and to keep the external appearance of the property in a condition taking into account its age of the property, character and locality.

## **10. Details of the property**

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.

## **11. Further details of Property**

### **Individual lettings**

A group of 5 tenants on 1 tenancy agreement is 1 individual letting. Whereas 7 tenants on 7 separate tenancy agreements has 7 individual lettings.

### **Self-contained unit**

A self-contained unit is a dwelling or a part of a dwelling which has been constructed or adapted for use as separate living accommodation. Self-containment is where all the rooms (including kitchen, bathroom and toilet) in the living accommodation are behind a single door. There will be no sharing of facilities between units.

Therefore a property which contains 2 self-contained flats and the HMO, would be classed as has having 3 self-contained units.

A terraced house with 5 individuals, sharing all facilities would be classed as 1 self-contained unit.

### **Number of households**

A household consists of family members/co-habiting couple. Where a couple is sharing with 3 unrelated individuals, the property comprises 5 individuals and 4 households.

### **Number of occupiers in the property**

All occupants should be counted including children.

### **Facilities within HMO**

Enter the number of each facility where requested.

Sinks – where there is 1½ sinks in the kitchen, enter 1.5.

Fridges and Freezers - enter the number of work top height fridges or freezers in the property. Where there is a full height fridge then this will count as 2 fridges, alternatively if there is a full height fridge/freezer this will count as 1 fridge and 1 freezer.

## **12. Furniture and Furnishings (Fire)(Safety) Regulations 1988**

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 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.

### 13. Fire precautions

#### Fire/smoke alarms

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.

Identifying the type of detection that is fitted:

**Battery operated only** - there are two types of these alarms: sealed battery alarms (it says on the head that there is a 10 year battery inside) and changeable battery alarms.

**Mains wired** – this is an interlinked fire detection system – press the button on one to test and all other smoke alarms should sound as well – you might need two people to check.

**Mains wired standalone** - when you press the test button, no other alarms would sound.

**Mains panel controlled** – there should be a panel showing different zones. This system is usually wired but sometimes the wireless detectors are connected to a mains wired panel.

#### Note:

Where there is a mixture of battery and mains alarms only enter the details of the mains alarms.

#### Fire Risk Assessment

The [Fire Risk Assessment](#) must be undertaken by a competent person. For more information, please visit the Avon Fire & Rescue website [here](#).

#### Fire Doors

A Fire Door (30FDS) with a self-closer is required to the kitchen or a living room (depending on the layout) in properties with 5 or more tenants. A solid, well-constructed, close fitting door will be acceptable in an HMO with 3 or 4 tenants.

#### Door locks

Locks on final exit door and bedrooms (where required) must be openable without the use of a key i.e. thumb lock.



## 14. Supporting files

This is your opportunity to upload supporting documents such as fit and proper declarations, DBS checks, floor plans, gas and electrical safety certs etc. and anything else that you think appropriate.

The screenshot shows a web interface for file uploads. On the left, under 'Supporting files', there is a 'Browse...' button and a note: 'Any files which may be relevant to your submission'. On the right, under 'Attached files', there is a list of four files with their names and sizes, and a 'Used: 182 / 7200 KB' indicator. Each file has a trash icon to its right.

| File Name                                    | Size      |
|--|-----------|
| 3_or_more_licence_holders.docx               | 32,006 KB |
| 2018_Floor_plan_example.pdf                  | 48,329 KB |
| F_PP_declaration_-_Individuals.docx          | 57,829 KB |
| F_PP_declaration_-_Registered_Companies.docx | 48,274 KB |

## 15. Supporting documents

This is a list of documents we require to process your application. Please confirm how we will receive them.

- Fit and proper declarations for all proposed licence holders must be completed and submitted with each application, regardless of whether it has been previously provided.

The **N/A tick box** only applies where the applicant has previously selected the statement 'I am the Proposed Licence Holder – The Sole Applicant....', as the F&PP is incorporated into their application.

- A DBS check dated within 3 years of application must be provided for all licence holders. Unlike the fit and proper declaration, proposed licence holders do not need to submit another DBS check as long as the one previously submitted to Housing Services is still dated within 3 years. Please ensure this is the case, as it may affect any discount, if Housing Services have to request a new one.
- At the time of application, please ensure that any manager you employ has submitted to Housing Services a fit and proper declaration within the last 6 months and a DBS check dated within 3 years, as this will invalidate your application, if not held and in date.
- **Floor plans: please check what should be included (fire detectors, fire blanket etc.)**  
See Appendix 1.

Housing Services are unable to provide any floor plans that have been previously submitted by another applicant.

- **Safety certificates**

Gas Safety Certificate

Domestic Electrical Certificate of testing and inspection, this should be satisfactory and dated within 5 years. **Please ensure the certificate shows that the fixed wiring has been tested and inspected and not that for example a consumer unit has been installed. Evidence must be provided that any defects shown have been resolved.**

Energy Performance Certificate - EPC

## 16. Notification Requirements

It is important that a copy of the licence application including any floorplans is served on proposed licence holders where they are not the applicant.

- The applicant should also notify any owners of the property (if that is not you) i.e the freeholder and any head lessor who are known to you;
- the proposed manager/managing agent (if that is not you);
- mortgage companies;
- any person who is a tenant or long leaseholder;
- any person who has agreed that he will be bound by any conditions in a licence if it is granted;
- Any person who is a key holder (including trades person and additional family members)

You must tell each of these people (or organisations):

- Your name, address, telephone number and email address or fax number (if any)
- The name, address, telephone number and email address or fax number (if any) of the proposed licence holder (if it will not be you)
- That this is an application for an HMO licence under Part 2 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

**Note:**

Date declaration made – this is the date you make the declaration i.e. today.

## **17. Payment of licence fee**

You will be asked to pay the licence fee when you submit your application online. You can either pay the balance in full or in two parts.

If you choose to pay in two parts, you will be requested to pay the balance prior to your HMO licence being issued.

Follow the online instructions when making your payments.

Payment can be made using most credit and debit cards. Unfortunately, we are not able to accept American Express.

If you are having difficulty making payment online, please contact your card provider.

## **18. Confirmation of submission**

The applicant will receive an email from 'noreply@idoxds.com' confirming submission; it will also have a copy of the application attached. Please check your junk email if not received. Save the PDF copy of your application. This is your evidence of submission and you should keep it in a safe place; and we will contact you in due course. You do not need to contact B&NES HMO Licensing to check that we have received it.

**If you have not received this confirmation email, then you have not submitted an application and you should check your IDOX account and draft submissions.**

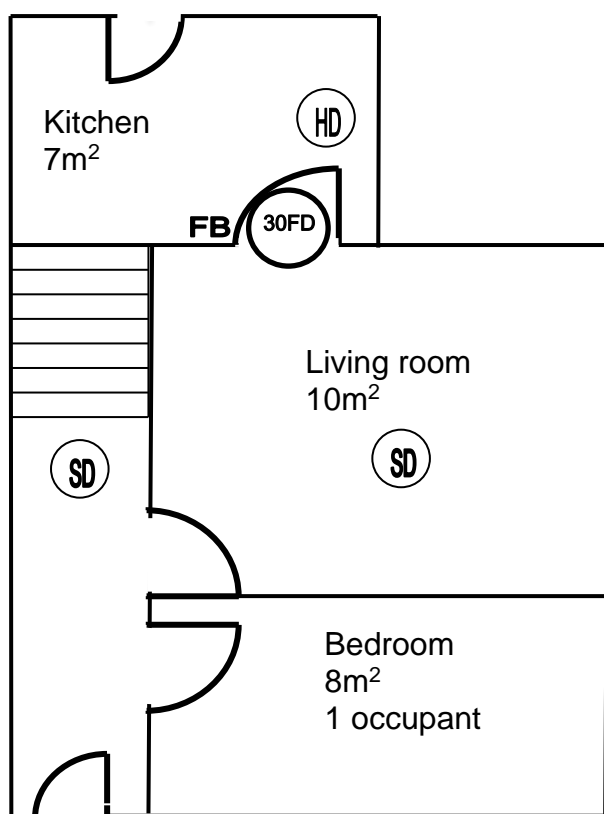
Submissions and draft applications will be deleted from your IDOX account after 30 days. You will receive an email from Idox prior to deletion.

## Appendix 1 – floor plans

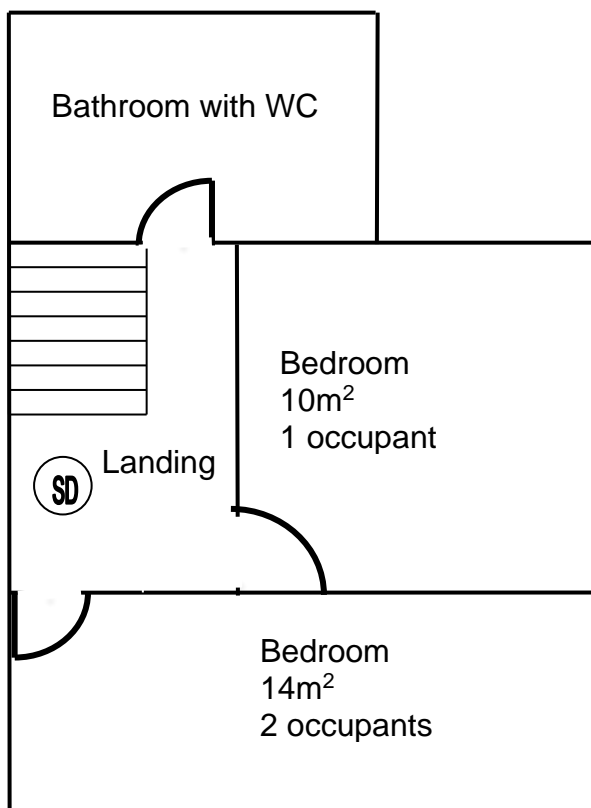
This is an example plan that will be acceptable as part of your HMO licence applications. It is to show the existing layout and how the rooms are used, it can be drawn by hand and does not have to be drawn to scale, it does need to be clear, legible and roughly in proportion.

Items that **MUST** be included on your floorplan (your application will be invalid without the following information):

- Address of property;
- Floor level i.e ground, first, second;
- All rooms along with their use i.e kitchen, bedroom, WC;
- Location of stairs;
- All fire precautions currently within the property i.e fire blanket, heat and smoke detectors, fire doors. If you feel you would like to add anything else to your plan, particular in terms of fire precautions/safety, please do.
- Size of rooms (m<sup>2</sup>), not including hallways, WCs and bathrooms;
- Number of occupants per bedroom.



Ground floor



First floor

