

## Licensing of Houses in Multiple Occupation (HMO)

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### **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 (or visit [www.propertylicence.gov.uk](http://www.propertylicence.gov.uk)). If you have not already received the Guide to Licensing of Houses in Multiple Occupation please contact us.

**The Council would expect that the owner is the proposed licence holder for a licence unless he can demonstrate that he has entered into an arrangement whereby the manager has full control over the property.**

The Housing Act 2004 and associated Regulations require that the information requested 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.**

### **DATA PROTECTION**

The Council requires you to provide the information in order to:

- Identify the persons involved in the management of the HMO and to facilitate legal proceedings in the event of any offence connected with the licensing of the HMO.
- Obtain information needed to address the fitness and competence persons involved in the management of the HMO
- Link properties and persons involved in the management of the HMO.
- Obtain information concerning the suitability of the property involved to be licensed as an HMO.

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- Prioritise inspection of the HMO to assess compliance with licensing standards and the Housing Health and Safety Rating System (HHSRS)

**Please note: the Council will audit a proportion of self-assessments, by carrying out a full criminal records investigation. This will be at the Council's cost.**

### APPLICATION FEE

**Standard Fee        £450**

1. All applications must be accompanied by the fee of £450.
2. There will be no further charge for applications which are fully complete on first submission or who respond within 7 days to a telephone enquiry regarding missing information. A checklist of the documents that must be submitted with the application is provided at the back of the application form. Your application cannot be deemed complete until all information is received.
3. The standard fee of £450 will be charged where the Council has to make a written request to provide missing information.
4. The standard fee of £450 plus an additional £100 will be charged where the applicant requests a **visit** from a Council officer to assist with the preparation of plans or with the completion of the application form. However telephone advice will be available at no cost.

**The Application fee must be included as part of your application.**

### Application Pack

The application pack is divided into **5 modules**:

- 1. Proposed Licence Holders (PLH) details**
- 2. Owners details**
- 3. Managers details**
- 4. Property details**
- 5. Management details**

#### **1. Proposed Licence Holder (PLH) details**

This must be completed and signed by the person proposed to hold the licence. Signing the form indicates that all the information contained in the application is correct to the best of your knowledge.

This module must be completed in **ALL** cases

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

Housing Standards/HMO Licensing  
Last revised April 2011/IIB

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- The Council has a duty to award the licence to the person it believes is the most appropriate person to be the licence holder and in the majority of cases this is likely to be the Owner.
- If it is not the owner you have the opportunity to advise us on the application form why you have appointed someone else.

The proposed licence holder is expected to have the authority to:

1. Let to and evict tenants and;
2. Access all parts of the premises to the same extent as the owner and;
3. Expend any necessary funds 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

Please use the following numbers to identify:

- |                                  |   |
|----------------------------------|---|
| 1. White British;                | 9. Asian or Asian British Pakistani;    |
| 2. White Irish;                  | 10. Asian or Asian British Bangladeshi; |
| 3. White Other;                  | 11. Asian or Asian British Other;       |
| 4. White and Black Caribbean;    | 12. Black or Black British Caribbean;   |
| 5. White and black African;      | 13. Black or Black British African;     |
| 6. White and Asian               | 14. Black or Black British Other;       |
| 7. Other Mixed;                  | 15. Chinese;                            |
| 8. Asian or Asian British Indian | 16. Other                               |

### 1.5 Other Properties Licensed under Parts 2 and 3 of the Act

You are required to give details of all other properties you have an interest in which are to be licensed under the Housing Act 2004. This may include properties in other local authority areas, who we may contact for information.

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

### 1.6 Notification to other persons

You are required to notify certain people that you have made this application or 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

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- lease or tenancy is for less than three years (including a periodic tenancy),
- the proposed licence holder (if that is not you),
  - the proposed managing agent (if any) (if that is not you),
  - any person who has agreed that he will be bound by any conditions in a licence if it is granted.

You must provide each of these people with the following information:

- your name, address, telephone number and e-mail address or fax number (if any),
- the name, address, telephone number and e-mail 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.

### **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 which 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's 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 as 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.

### **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.

### **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,

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- 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.

### 2. Owners details

#### 2.2 - 2.4

This module must be completed by the owner(s) of the property, who is defined as:

- 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 is 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.

### 3. Managers details

#### 3.2 - 3.10

This must be signed and dated by the appointed manager:

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

### 4. Property details

This module is divided up into Property, Fire Safety, Gas and Electric safety, Furniture Safety, Heating, Property Sketch and Use of accommodation.

#### 4.1 - 4.6 Property

- **Storeys** – includes: 1. Basements and attics if they are used in connection with the accommodation (including storage, siting of electric/gas meters etc), and 2. Storeys on the ground or first floor used for commercial purposes (where there is living accommodation above);
- **Unit of accommodation** – this is yet to be defined but will probably mean, for example: a shared house = 1 unit of accommodation; a bedsit = 1 unit of accommodation;

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- **Household** – this can be: a person living alone; a family (including foster children); a cohabiting couple (including same sex) If you require any further explanation please contact the Private Sector Housing Team.

### 4.7 - 4.13 Fire safety

Fire Detection systems:

**Grade A** = A fire detection and alarm system which incorporates Control and Indicating equipment with remote back up power supply (usually to a panel in the hallway).

**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.

**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 an inspection of the property.

### 4.14 - 4.17 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).

\*\*You must provide the original certificate, which will be copied and returned to you.

**Electrical Installation** – All electrical installations must be inspected by a competent electrical engineer, who can certify that the installation complies with the current Institute of Electrical Engineers Regulations. The certificate will state when the next inspection is required.

\*\*You should provide an original certificate, which will be copied and returned to you.

**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 (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, you should provide a current original certificate, which will be copied and returned to you.

### 4.18 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

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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)

### 4.19 Heating

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

**On the tables (Pages 14 and 15) there is a column asking about the type of heating. Please use the following key:**

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

### 4.20 - 4.22 Property Sketch and Use of Accommodation

#### Property Sketch

Please provide a sketch of the property adequate to show the layout of each floor and identifying each room with a **number** which can be used in the tables that follow on pages 14-16.

- 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.
- 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 number each room as requested above and use the same number in the tables that follow on pages 14-16.
- Please sign the plan to show that it is correct and return it with your application.
- Please provide as much detail as possible in the 4 tables concerning the use of rooms in the property

## **5. Management Details**

### **5.1 - 5.10**

- 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 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.
- Enclose the correct fee.
- Enclose the relevant certificates.

### **Once completed please return the completed form to:**

Torbay Council ~ Community Safety, Housing Standards  
1<sup>st</sup> Floor, Roebuck House, Abbey Road, Torquay TQ2 5EJ

### **What happens next?**

1. You will receive an acknowledgement by letter to say that the application pack has been received with a receipt for the fee enclosed.
2. The council will determine the application as quickly as possible,
3. Once a decision has been made you will be notified of the decision by letter which will include the 'draft' licence with attached conditions.
4. You will then have 14 days to make any representations regarding the decision and the conditions which will be attached to the licence.
5. If there are no representations made and the decision is to issue the licence then this will be sent out to you.
6. If you do not submit a completed application we will request the missing information from you once. If there is any further need to request any further information a further fee of £100 will be charged.