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**HMO License Application Guidance Notes**

If you make any mistakes, or do not complete all the relevant sections, it may delay the processing of the application form and incur further charges. If additional information is supplied on a separate sheet/s, please make sure that they are securely attached to the application form. Please read the guidance notes carefully to assist you in:

* Completing the form correctly
* Enclosing all the relevant documents

**NOTE 1 - Type of house for which the application is being made.**

**House in multiple occupation**

This means an entire house/building or part of a building let as an HMO (see definition) which consists of one or more units of living accommodation not consisting of a self-contained flat or flats (e.g., a terraced, semi-detached, or detached house). It can also include a house which has been converted to bed sits or other non-self-contained accommodation where the occupiers share one or more amenities. To be licensable under this scheme the house/building/part of the building would have to have at least 5 or more occupiers from 2 or more households.

**Converted building /house in multiple occupation.**

This means a converted building that contains one or more units of accommodation that do not consist of a self-contained flat or flats (whether or not there also self-contained flats in the building). E.g., a house/building physically converted to flats at least one of which is not self-contained (i.e., the flat does not contain within it a kitchen, bathroom and toilet and the occupiers therefore need to leave the unit to gain access to any one of these amenities.) To be licensable under this scheme the building has/would have to have at least 5 or more occupiers from 2 or more households.

**Flat in multiple occupation**

This means a separate set of premises occupied as an HMO (see definition) which forms part of a building and either the whole or a material part of it lies above or below some other part of the building. To be licensable under this scheme the flat would need to be spread over at least three levels and have at least 5 occupiers or have at least 5 occupiers and be situated in a part of a building above or below business premises.

**NOTE 2 - How is the HMO operating.**

**Bed–sits.**

This type of accommodation will usually be a house/building that has been physically split into smaller units of accommodation. There is likely to be some exclusive use of facilities or amenities but there is still an element of sharing (e.g., kitchens, bathrooms, toilets).

**Shared house or flat**

This type of accommodation will not usually have been physically altered and the original amenities and facilities are being shared by a group of people.

**Household with lodgers**

A resident landlord rents out rooms within the property. (Note: For this type of property to be a HMO, there must be 3 or more lodgers residing at the property at any one time.)

**Hostel / Bed & Breakfast / hotel**

These are houses generally known as ‘hostels’, ‘guest houses’ and ‘bed and breakfast accommodation’. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to the area. This category would include establishments used by local authorities to house homeless families pending permanent placement and similar establishments which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis, and hotels housing a mixture of homeless households and visitors.

**NOTE 3 - Details of applicant/proposed licence holder.**

The applicant/proposed licence holder must be a named individual.

The applicant/proposed licence holder must be a named individual. If a limited company / partnership etc is in control of an HMO rather than an individual then they must nominate an appropriate person to hold the licence within that organisation (e.g., Senior Manager, Senior Partner, Director, or Trustee). The Council must issue the licence to the person it considers the most appropriate person to be the licence holder. In normal circumstances, the Council would expect the applicant to be the owner/landlord of the HMO and apply to be the proposed licence holder. The proposed licence holder must have the power to:

* Collect rent.
* Let and terminate tenancies.
* Access all parts of the dwelling.
* Authorise repairs and maintenance to the property.

If this is the case, complete all of section one, following the instructions given. If the owner/landlord has nominated a manager or managing agent to be the proposed licence holder, they must have the power to undertake the above in order for the Council to regard them as the most appropriate person to hold the licence. NOT

**NOTE 4 - Permanent residential or business address.**

Please provide details of the permanent residential or business address of the applicant and/or proposed licence holder.

The full permanent residential address is required together with evidence acceptable to the Council as proof of address. This includes one of the following:

* Current driving licence
* Recent bank or building society statement – dated within the last three months.
* Recent utility bill –dated within the last three 3 months.
* Recent tax correspondence

Supporting documents to confirm the business address includes one of the following:

* Recent utility bill – dated within the last three 3 months.
* Business rates
* Recent tax correspondence

The Council has a duty to maintain a public register and make sure that the contents of the register are available at the authority’s head office for inspection by members of the public at all reasonable times.

**NOTE 5 - Control of the property.**

A person having control of the property in normal circumstances is the legal owner/freeholder of the property. In circumstances where the owner/freeholder has leased the property to another person or company, the leaseholder will become the person having control of the property.

**NOTE 6 - Fit and proper person.**

In deciding whether a licence should be granted, the Council must have regard to any evidence, which shows that the proposed licence holder and/or manager and any other person associated or formerly associated with them on a personal work or other basis is a fit and proper person.

To ensure that the Council can adequately assess whether a licence holder is a fit and proper person a series of questions have been asked. You must answer ‘yes’ or ‘no’ to all the questions in this section. If you answer ‘yes’ to any of the questions, it will be necessary for the Council to undertake a further assessment. In these circumstances you must contact the Council to request the additional fit and proper person check. In accordance with the Rehabilitation of Offenders Act 1974, you are not required to provide details about previous convictions that are ‘spent’. A conviction becomes ‘spent’ after a certain length of time, which changes depending on the sentence and your age at the time of the conviction. The periods are halved if the conviction took place when you were aged 17 or below.

If a person is sentenced to more than 4 years in prison, his/her conviction can never become ‘spent’.

All unspent convictions must be declared.

If you have any doubts about whether you must declare a previous conviction, you should contact your local Probation Office, the Citizens' Advice Bureau, or a Solicitor.

**NOTE 7 - Levels on which the storeys are situated.**

The storeys on which the living accommodation exists do not need to be on the first three floors.

Commercial units can be counted, as can habitable basements.

Ground level

Habitable basement

Ground floor

First floor

Second floor

Third floor

Attic (fourth floor)

This diagram illustrates how you should describe each storey on the application form.

**NOTE 8 - Households.**

A single household refers to persons who are all members of the same family. Co-habiting couples of the opposite and same sex are considered to members of the same family. A ‘relationship’ means parent, grandparent, child, grandchild, brother, sister, uncle, nephew, niece, cousin, relationship of the half-blood and stepchild. Additionally, a person living with his/her employer’s family or in accommodation supplied by his/her employer is classed as living in the same household, e.g., au pair, carer, gardener, or personal assistant.

A single household can also mean one person, living alone in a unit of accommodation within the HMO e.g., a student.

**NOTE 9 - Declaration of applicant and proposed licence holder.**

Please complete all the necessary declarations at the end of each section. The final declaration indicating that all the information contained within the application form is true and correct requires signatures by all persons who have completed Part 1. If the applicant is also the proposed licence holder, please sign both the applicant and proposed licence holder sections as indicated in Part 3.

It is a criminal offence to knowingly supply information that is false or misleading for the purposes of obtaining a licence. Under Section 238 of the Housing Act 2004, a person who commits an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.