

# Application for a Licence of a House in Multiple Occupation Housing Act 2004

PLEASE READ THESE NOTES CAREFULLY BEFORE COMPLETING  
THE APPLICATION FORM

When completing the form please:

- Write clearly in black ink and block capitals
- Tick or number all the appropriate boxes
- If you do not fill in all the sections of the form that apply to you we will not be able to process your application

## SECTION 1 APPLICANT DETAILS

### **Business status.**

Please state whether you are making this application as an individual, business, organisation or as a limited liability partnership (LLP)

### **Business address**

If you have one, this should be your official address – that is an address required of you by law for receiving communications

## SECTION 2 APPLICATION DETAILS

### **Type of licence: Mandatory HMO licence.**

CPBC does not currently operate additional or selective licencing

### **Type of application**

Please indicate whether you are applying for a new licence, to renew an existing licence or to make a variation.

## SECTION 3 PROPOSED LICENCE HOLDER

### **The person legally responsible**

The licence holder will be legally responsible for the operation of the HMO and must have the power to do the following:

- A. Let to and evict tenants
- B. Access all parts of the premises to the same extent as the owner
- C. Authorise any expenditure necessary to ensure the health and safety of the tenants and others

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. The local authority has a duty to award the licence to the most appropriate person.

**Are you the proposed licence holder?**

If you answer yes to this questions, please complete Section A. If you answered no, please complete section B.

**SECTION 4 PROPOSED LICENCE HOLDER – BUSINESS AND ORGANISATIONS**

**If you have ticked “company”, “partnership” or Charity or trust” you will need to provide details of relevant persons to us.**

Company: company directors and secretary

Partnership: all Partners

Charity or trust: all trustees

**SECTION 5 OWNERSHIP AND CONTROL OF THE PROPERTY TO BE LICENCED**

**Ownership of the property**

In this section you must confirm who the owner of the property is and if this person will have control of the property. They may not necessarily be the same person.

**Does anyone else have a legal interest in the property?**

If you answer yes to this section, please provide their details. Continue on an additional sheet if necessary.

**SECTION 6 DETAILS OF THE PROPERTY TO BE LICENCED**

**Multiple occupation.** This is where the occupants are not all part of the same family. This is only relevant for HMO licence applications

**Flats.** If the building was a house which has been converted entirely into self-contained flats the conversion will be regarded as an HMO if it does not comply with the standards of the 1991 Building Regulations

**How many storeys does the HMO have?** You need to include the ground floor, basements, attics and mezzanines

**How many storeys does the whole building have?** Including the ground floor, below ground and above ground

**Are any parts of the building used for non-residential purposes?** For example, the ground floor might be a commercial premises or storage unit

## SECTION 7 OCCUPATION OF THE PROPERTY TO BE LICENCED

**A household** consists of family members or a cohabiting couple.

**Occupants** you need to list all occupants, including a live-in landlord and their family if applicable

## SECTION 8 ACCOMMODATION DETAILS

**It is important that you provide adequate facilities for your tenants. In this section you are required to state the number amenities available and whether or not these are shared between lettings or if tenants have exclusive use.**

**Amenity standards.** Many authorities across Essex use the same guidance document on what they believe would be adequate dependant on the number of occupants of an HMO. If you would like a copy of this guidance, please contact Environmental Health.

## SECTION 9 HEATING AND ENERGY EFFICIENCY

### **Damp and mould.**

The most common complaints of housing disrepair that we investigate are of damp and mould. We therefore want to make sure that the HMO can be adequately heated and ventilated which is why you are required to provide details of the type of heating system and the methods of ventilation for the kitchen(s) and bathroom(s). You also need to confirm whether or not tenants can control heating in their own unit.

### **Energy Performance Certificates (EPC).**

An EPC is required for properties when constructed, sold or let. The EPC provides detail on the emergency performance of the property and what you can do to improve it.

### **Portable Appliance Testing (PAT).**

This is the checking of the safety of portable electrical appliances (as opposed to fixed). Whilst the word 'portable' is used, this isn't just for small items like a kettle, but includes large items which remain stationary like fridges and freezers. For fixed appliances, these must be tested at intervals not exceeding 5 years. This must be done by a competent person and a certificate must be obtained and kept.

*There is no legal obligation for PAT testing for HMOs. However, it is strongly recommended that you undertake testing.*

## SECTION 10 FIRE SAFETY

**One of the biggest risks in an HMO is that of fire. It is therefore important that fire safety equipment is up to date and a risk assessment is undertaken.**

In this section you must provide details of the type of alarm system you have in place. For example, are the smoke alarms battery operated or is there a hardwired system? You are also required to list

the location of any equipment such as fire extinguishers and fire blankets and detail the testing regime that is in place for ensuring it is safe to use.

For further advice on fire safety in HMOs you may wish to consult the guidance published by LACoRS

#### **Submitting a plan.**

Please submit a layout plan for each storey of the HMO with each room clearly labelled and include dimensions.

On each plan you must include the locations of the following:

Smoke / heat alarms

Fire alarms, extinguishers and blankets

Bathrooms and WCs

Cooking facilities

White goods (fridge, freezer, washing machines etc.)

Heating: Radiators / Fires

## **SECTION 11 TENANCY TERMS OF THE PREMISES TO BE LICENSED**

### **Tenancy agreements**

A written tenancy agreement is important as it will set exactly the obligations of the landlord and what is required by the tenant.

### **Tenancy deposits**

Deposits must be protected under one of the government approved tenancy deposit schemes (TDP):

- Deposit Protection Service
- MyDeposits
- Tenancy Deposit Scheme.

*More information on these schemes can be found on the .Gov.uk site.*

Money must be placed in a scheme within 30 days of receiving it and you must give the name of the scheme used to your tenant.

## **SECTION 12 CHECKING OF PROSPECTIVE TENANTS**

### **How to check prospective tenants**

This isn't just about obtaining references to see if the tenant is who they say they are but also to see if they have the right to legally rent in England. It is an offence under the Immigration Act 2014 to rent to anyone who is disqualified as a result of their immigration status from occupying a premises under a residential tenancy agreement. *The offence applies in relation to residential tenancy agreements entered into before or after 1<sup>st</sup> December 2016 (section 35(5) IA 2014, as amended by section 39(3) of the IA 2016.*

## SECTION 13 MAINTAINING CONDITION OF PROPERTY

**In this section you need to give details to on how you intend to keep the property to a safe and habitable standard.**

**Ensuring the property is clean and safe before each new tenancy**

Detail how will you plan to check this? *For example carry out an inspection*

**Agree an inventory with each tenant detailing items provided**

Will you do this in list form? Taken photos? Will each party retain a copy?

**Review the general condition of the property (interior and exterior) including the garden**

Please state how you intend to do this and the frequency of the checks. You need to consider if you need to give notice to your tenants to carry out these inspections.

**State how you will deal with any repairs or complaints raised by a tenant**

This process of reporting a repair is usually written in the tenancy agreement.

## SECTION 14 FIT AND PROPER PERSONS TEST

**To hold an HMO licence a person must be considered as a 'fit and proper person'.**

When processing an application the Council must be satisfied that the proposed licence holder is 'a fit and proper person'. It is important that those responsible for the HMO are of good character and do not pose a risk to the safety or welfare of the persons occupying the property.

Under section 66(6) of the Housing Act 2004 the Council must consider whether:

- a) A person involved in the management of the house has sufficient level of competence
- b) Any other person involved is fit and proper, and
- c) Management structures and funding arrangements are suitable

Please be aware the Council may revoke a licence if it is felt that the person is no longer a fit and proper person to be the licence holder of where the management of the HMO is being carried out by persons who are no longer fit and proper persons to be involved in its management.

## SECTION 15 ACCREDITATION AND QUALIFICATIONS

**In this section, please give any details of any landlords' association or accreditation scheme you are a member of.**

If you are a member of any property accreditation scheme or association, please give us details.

## SECTION 16 OTHER RELEVANT INFORMATION

**Is there anything else you think we should know?**

If you feel there is any other information you would like to provide us, please do so in this section. Please continue on a separate sheet if necessary

## SECTION 17 PAYMENT AND DECLARATION

### **Ways to pay**

The fee for an HMO with up to 5 lettings is £800.00 for a five year license. Each additional unit is £51.00. In the 'fee amount' box, please enter the total amount you are paying.

**Cheque:** Please make cheques payable to *Castle Point Borough Council*

**Debit / Credit card:** Please telephone 01268 882200 option 5 and give finance code 130-641-0178

**PLEASE READ THE DECLARATION CAREFULLY BEFORE SIGNING**