

Notes

HMO Licence Application

Notes to Part 1

If you are the person filling in this application form, then you are the 'applicant'. As the applicant you are required to complete every part of the application form and sign the declaration at the end of the form, confirming that the information you have provided is correct to the best of your knowledge.

The 'proposed licence holder' is the person whose name will be on the licence (if issued). The proposed licence holder must be the person who is the most appropriate person to hold the licence for the property, and this is likely to be the person who receives the rent for the property.

As the applicant, you are required to provide your:

- Name
- Correspondence address
- Contact details and
- State your relationship to the proposed licence holder and your interest in the licensable property.

Your interest in the licensable property is your connection or involvement with the licensable property, which is usually, but not always, of a legal nature such as:

- Freeholder
- Leaseholder
- Managing Agent

We understand that in some instances, the applicant may have no legal interest in the property, and may simply be completing the form on behalf of a relative or friend for example. If this is the case, please state this in the space provided at the bottom of page 1.

Notes to Part 2

As the applicant, you must provide the proposed licence holders details as follows:

- Type of proposed licence holder
- Name
- Correspondence address
- Contact details

If the proposed licence holder is a company, you must provide the address of the registered office and the names of the company secretary and directors.

If the proposed licence holder is a partnership or trust, you must provide the names of all the partners and trustees.

Notes to Part 3

If the landlord manages the property, or someone else manages it for him in an unpaid capacity, please tick the 'No' box to the first question in Part 3, and then complete section 3.1. You must provide the details of the person responsible for managing the property as follows:

- Name
- Address
- Contact details

If the landlord pays an agent to manage the property on his behalf, please tick the 'Yes' box to the first question in Part 3, and then complete section 3.2. Indicate whether the manager is an individual or a Company or any other body and provide manager details as follows:

- Name
- Address
- Contact details

If a commercial agent is employed to manage the property, please indicate if they are a member of a trade body, which regulates its members through a Code of Management Practice. The main regulatory bodies are the Association of Residential Letting Agents (ARLA); the Association of Residential Managing Agents (ARMA); the Royal Institute of Chartered Surveyors (RICS); the National Association of Estate Agents (NAEA); the National Approved Lettings Scheme (NALS); and the National Landlords Association (NLA).

Notes to Part 4

A *'freeholder'* can be a person (or persons) or a company who is registered as the proprietor of a freehold estate in the land with absolute title.

A *'leaseholder'* is somebody who owns a long lease on their property (usually for a term of more than 21 years), which gives them the right to occupation and use of the property for the term of the lease.

A *'person who collects the rent'* is considered to be anyone who collects rents from the persons who are occupying the property.

A *'person who receives the rent'* is the person who ultimately receives (whether directly or through an agent or trustee) rents or other payments from the persons who are occupying the property.

A *'person bound by a condition of the licence'* could be any person who is involved in the management and/or maintenance of the property. This will also depend on the licence conditions - see the general notes to the application form for a list of mandatory licence conditions.

Notes to Part 5

An *'occupier'* means a person who occupies the property as a residence; this person can be either a tenant, leaseholder, licensee or a person having an estate or interest in the property.

Children and babies are also considered to be occupiers, and should each be counted as one individual regardless of their age.

A *'letting'* is any rented unit of accommodation, this could be a

- Room/bed-sit

- Studio
- Flat
- Floor by floor let etc.
- House

For example, a house let as bed-sits and rented to 5 people would count as five lettings.

A *'household'* for the purposes of the Housing Act 2004 comprises:

- A single person; or
- Co-habiting couples (whether or not of the opposite sex); or
- A family, including parents, grandparents, children (including foster children, step-children and children being cared for), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Half-relatives will be treated as full relatives.

Any domestic staff are also included in the household if they are living in rent-free accommodation provided by the person for whom they are working.

Therefore, three friends sharing together are considered three households because they are not related as family.

If a couple are sharing with a third person that would consist of two households.

If a family rents a property this is a single household. If that family had an au-pair to look after their children that person would be included in their household.

A *'habitable room'* is any room which can be occupied during the day. This includes bedroom, living room, dining room and a large kitchen/diner. It does not include bathrooms, WC's and small kitchens.

When measuring rooms for plans please do not include any floor area, which has a ceiling height below 1.53 m (5ft).

Notes to Part 6

A *'shared house'* is a self-contained premises, which is let to unrelated individuals who occupy their own bedrooms and share a kitchen, bathroom or toilet, but who are an identifiable group such as students, work colleagues or by country of birth.

A *'shared flat'* is a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building. The accommodation is let to unrelated individuals who occupy their own bedrooms and share a kitchen, bathroom or toilet, but who are an identifiable group such as students, work colleagues or by country of birth.

Both *'self contained flats'* and *'studios'* are separate and self-contained premises. All facilities are available behind the front door of the living accommodation.

In premises occupied by the room (e.g. bed-sits), or flatlets, or on a floor-by-floor basis, or any combination of these arrangements, tenants will have a room or number of rooms for their exclusive occupation. There is some sharing of amenities, usually a bathroom and/or toilet. In this type of accommodation each occupancy would be separately rented.

Premises referred to as *'hostels'* include establishments providing medium to long term accommodation for persons for whom the premises is their permanent place of residence. Examples include hostels for homeless people and those being rehabilitated.

A 'self-contained single household' unit is accommodation that is self-contained and occupied by one household only.

'Relevant building regulations' are regulations made under the Building Act 1984.

Notes to Part 7

'Exclusive use' of any amenities or facilities is considered to be those that are singly available to one person or one household, unshared, i.e. to the exclusion of others.

In this respect, exclusive use relates to those facilities available to one unit of accommodation only, e.g. bathrooms/showers, kitchens, WCs and wash hand basins. It does not refer to general communal areas such as staircases, landings and hallways, gardens, etc.

A self-contained unit of accommodation should have a full range of exclusive use amenities within its perimeter. However, remote or separate amenities, such as a kitchen, bath/shower, WC, may still be deemed 'exclusive use' if they are made available to one person or household only, and are not shared by any other person or household within the property.

Notes to Part 8

All HMOs should have a safe escape route in the event of fire and adequate fire precautions, which include fire alarms, smoke and heat detectors, emergency lighting, fire extinguishers and fire blankets. These must be well maintained and adequate for the number of residents and the size of the property.

In Part 8 of the form you are required to provide information of the fire safety provisions there are in the property that needs to be licensed. They include fire detection and emergency lighting systems, and other fire precautions such as fire doors and a protected means of escape (i.e. staircases, landings etc). Please tick the appropriate boxes on the form to indicate what fire safety measures there are in the property.

A '30 minute fire door' is one which must be capable of providing 30 minutes fire resistance in terms of integrity when tested or assessed to BS 476: Part 22: 1987.

An 'emergency lighting system' is designed to automatically illuminate the escape route upon failure of the supply to the normal artificial lighting. Any emergency lighting system installed in the property must comply with BS 5266: Part 1: 1999.

'Fire safety equipment' such as extinguishers and fire blankets, where provided, must be checked periodically and the correct sort of extinguisher must be provided. As a general guide, water extinguishers are required in escape routes, and carbon dioxide extinguishers along with fire blankets are required in shared kitchens.

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 & 1993) set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. Upholstered furniture must have fire resistant filling material and must pass a cigarette resistance test and permanent covers must pass a match resistance test.

Landlords letting residential property will be expected to ensure that any soft furniture complies with these regulations.

'Upholstered furniture' which is covered by the above regulations include: beds, headboards, mattresses, sofa-beds, nursery furniture, garden furniture which can be used indoors, furniture in new caravans, scatter cushions, seat pads and pillows and loose and stretch covers for furniture.

You should be looking for furniture, which is properly labelled as meeting the requirements of the regulations.

'Electrical safety' A regular and appropriate inspection of the electrical wiring installation is required every 5 years to ensure that the health and safety of your tenants is not compromised and in order to comply with The Management of Houses in Multiple Occupation (England) Regulations 2006. However the landlord as a condition of licensing is required to provide certification that any appliances provided by the landlord, have been examined by a competent person, who has confirmed that they are functioning properly and are safe. Only competent electricians should be used under the following schemes will be acceptable for both these inspections and reporting purposes:

Building Research Establishment (BRE) Certification Ltd, Tel. No. 01923 664000

British Standards Institution, Tel. No. 0845 0809000

Electrical Self Assessment (ELECSA) Ltd, Tel. No. 0845 6349043

National Association of Professional Inspectors and Testers (NAPIT) Tel.No. 0870 444 1392

National Inspection Council for Electrical Installation Contracting (NAPIT) Certification Services Ltd, 0870 0130382, and

The Electrical Contractors Association (ECA), Tel. No. 0207 313 4800.

Notes to Part 9

The most common *'gas appliance'* in many properties is the central heating boiler, which provides hot water and/or heating. All associated fittings, including flues, are deemed to be included in the appliance. Wall mounted individual gas heaters need checking, as well as ovens and hobs, and anything else that uses gas as its power source.

Businesses and self-employed people working on gas fittings or appliances are legally required to be registered with Gas Safe. If you need to find a registered installer, or need to check anyone's registration, you can visit the Gas Safe website at www.gassaferegister.co.uk or telephone them on 0800 4085500.

The Gas Safety (Installation & Use) Regulations 1998 specify that it is the duty of landlords of relevant premises to ensure that all gas appliances, fittings and flues provided for tenants are safe. You must arrange safety checks on an annual basis and provide the council with copies - only certificates produced by bona fide Gas Safe Registered Gas Installers will be acceptable.

'Rooms and areas in common use' are essentially rooms and areas that are accessible by everyone occupying the property, and include shared kitchens and bathrooms, staircases, hallways and landings, storage rooms etc.

Examples of *'pests and vermin'* that can affect rented accommodation are: rats, mice, squirrels, foxes, cockroaches, beetles, flies, silverfish, garden ants, pharaoh ants, wasps, bedbugs, fleas and moths.

Notes to Part 10

Please tell us if:

- the tenants are given a written Tenancy Agreement or similar document, which sets out the terms of their contracts with the landlord (10.1);
- whether a written record is made of the furniture, fixtures and fittings in each letting and the condition they are in (an inventory) when tenants move into the property (10.2);
- whether the tenants receive a written record of the rent that has been paid (10.3). Unless records are given regularly to all tenants, please tick the 'No' box;
- whether the tenants are given a written procedure which explains what they should do if they have a complaint. This could be a part of the Tenancy Agreement or a separate document (10.4);
- if the tenants are given a 24-hour telephone number to use in an emergency, please provide us with the telephone number (10.5);
- if tenants are asked to pay a deposit at the beginning of the tenancy;
- if a deposit is requested, whether the tenants are given a written procedure for dealing with any dispute about whether the deposit should be returned in full or in part when the tenancy ends. This procedure could be part of the Tenancy Agreement or a separate document (10.6).

Notes to Part 11

Part 11 aims to collect information on all persons named in Parts 1 to 4 of the form, to enable the council to determine if they (or any associate of those persons) are fit and proper persons (see general notes for definition).

Answering yes to any of the questions in this Part will not necessarily mean that the council will refuse to issue a licence. However, the council reserves the right to reject any person nominated as the proposed licence holder if they are not considered a fit and proper person. Under such circumstances, somebody who is deemed to be a fit and proper person will have to be nominated to hold the HMO licence.

Notes to Part 12

Part 12 gives you an opportunity to demonstrate whether the landlord takes any steps to keep himself informed of good management practices and any changes in the law which could affect his duties as a landlord.

Landlords Association refers to a legally constituted trade body, which regulates the conduct of its members and represents their interests. Other relevant professional or bodies include the Housing Ombudsman Service, and those covering real estate such as property letting or surveying. Industry bodies covering building and construction trades could also be relevant if they evidence skills relating to the management and maintenance of tenants' homes (12.1).

Accreditation is the voluntary compliance by private landlords with good standards in the condition and management of their properties and their relationship with their tenants. Accreditation schemes may be run at a local level by some local Councils, Higher Educational Institutions and their agents and Landlord Associations (12.2).

Notes to Part 13

Please use this section if you require any further space to answer any of the previous questions (please indicate which question your answer relates to). You can also use this area to add any further information that you feel could be relevant to your application.

Notes to Part 14

You must complete Part 14 by using the space provided to list the names, addresses and descriptions (e.g. leaseholder, mortgagee etc) of all persons who need to know that an application for an HMO licence has been made. The full list of persons who must be informed of the application are listed in Part 14 of the form. The details, which the you must provide these people with, are also listed in Part 14 of the form.

If you require more space to complete Part 14, please use the space provided in Part 13, or continue on additional sheets of paper, making sure you clearly number the sheets and attach them securely to the form.

The declaration must be signed and dated by:

- The applicant
- The proposed licence holder (if different to the applicant)
- The manager (if there is a manager)

Initial Licence and Re-Licensing Fees:

A fee must accompany applications for an HMO Licence. Current fees are detailed below, or you may refer to the Council's website.

Initial Licence Fee and Re-Licensing Fee £550

Cheques should be made payable to the 'Reigate and Banstead Borough Council'.

Checklist

"Part 2" of The Act relates to mandatory Licensing of Houses in Multiple Occupation.

"Part 3" of The Act relates to selective licensing of other residential accommodation. N.B. the Council does not propose to operate a selective licensing scheme.

You must ensure that you submit with the application form all the documents that are listed in the checklist section at the end of the form where relevant (for example not all properties will have gas appliances or fire detection systems). You must tick the appropriate boxes to inform the council which documents have been submitted.

The application will be considered incomplete if any of the required documents are not submitted at the same time as the form.