

## Cannock Chase District Council

### Houses in Multiple Occupation Application Form Guidance Notes



*Under Part II of the Housing Act 2004, which came into force on 6<sup>th</sup> April 2006, anyone who owns or manages a HMO that must be licensed, will have to apply for a licence from the Local Authority in which the dwelling is situated.*

*The Housing Act 2004 makes licensing compulsory for HMOs that are:*

- *have five or more people in more than one household and*
- *share amenities such as bathrooms, toilets and cooking facilities.*

*In order to assist you in completing your application form further explanation has been provided relating to the different parts of the application forms and for some of the terms which have a particular meaning in relation to HMOs.*

### **Application Form**

The Application Form is in 8 parts for ease of use - please read these notes before you complete the form.

**Part 1: Details of the Owner** - Information relating to the ownership of the property. If you have more than one property to be licensed a separate form will need to be completed for each property.

**Part 2: Details of the Proposed Licence Holder** – Information relating to the person who will hold the HMO Licence. This may be the owner, a manager or any other person nominated by the owner with agreement. In the case of a Company, a nominated individual needs to be identified as the proposed licence holder. The declaration must be signed at the end of this section if the proposed licence holder is not the owner.

**Part 3: Managers Details** - To be completed if a manager is employed. If the owner manages the property this part does not need to be filled in.

**Part 4: Fit and Proper Person** - All parts to be completed by the owner, manager and other nominated person (if applicable). The declaration must be signed at the end of this section.

**Part 5: Details of the Property to be Licensed** – a sketch plan with measurements showing location, size, basic amenities and fire precautions in each room. A different page should be used for each storey. This section also requires a description of the property, nature of occupation and the facilities provided.

**Part 6: Services and Management** – The Council must inspect the property within 5 years of granting the Licence. This section requests details that will

enable the Council to make an assessment of the priority for inspection of the property.

**Part 7: Declaration of the Applicant and Proposed Licence Holder** – This section must be signed by person completing the application form and the proposed licence holder as a declaration that the information provided is true and accurate.

**Part 8: Declaration of Notifications by the Applicant and Proposed Licence Holder** – This section must be signed by the person completing the application form and proposed licence holder as a declaration that all relevant people have been notified of the HMO licence application to the Council.

### **Glossary of Terms**

**AGENT** – Someone appointed by the landlord to carry out some or all of the duties on behalf of the owner. This may be a professional property manager, associate or relation of the owner. The agent may or may not be paid by the owner.

**BUILDING REGULATION APPROVAL** – A document issued by the Local Authority which following the submission of plans and/or specifications indicates that any work to be carried out to the property which requires Building Regulation Approval has been assessed by the Local Authority and approval given for the work to proceed.

**BUILDING REGULATION COMPLETION CERTIFICATE** – A certificate issued by the Local Authority which indicates that specified building work carried out in the property has been completed to a standard compliant with the Building Regulations in force at the time the work was done.

**ELECTRICAL SAFETY INSPECTION** – A regular and appropriate inspection of the electrical wiring system is required to ensure that the health and safety of your tenants is not compromised. The owner is required to provide certification that the electrical system and any fixed appliances provided by the owner have been examined, by a competent person who is registered with an electrical regulatory body, confirming that they are functioning properly and are safe. The electrical examination and certificate must comply to BS 7671. Such examination should be carried out at least once every five years.

**FEE** – The fee charged by Cannock Chase District Council is £590 per property application and reflects the cost to the Council of making a decision on the licensing of the property in accordance with the Housing Act 2006. Payment can be made by cash, cheque or card at the Council offices in Beecroft Road, Cannock, or by cheque posted to the Council offices.

***FIRE DETECTION AND WARNING SYSTEM*** – A system of smoke and/or heat detectors and sounders properly designed and installed to comply with one of the following British Standards;

- BS 5839 Part 1
- BS 5839 Part 6

***FIT AND PROPER PERSON*** – The Local Authority will carry out checks to make sure that the person applying for the licence is a fit and proper person. In deciding whether someone is fit and proper the Local Authority must take into account;

- any previous convictions relating to violence, sexual offences, drugs or fraud
- whether the proposed licence holder has broken any laws relating to housing or landlord and tenant issues
- whether the proposed licence holder has been found guilty of unlawful discrimination
- whether the proposed license holder has previously managed HMOs and has not complied with relevant legislation.

Convictions which are spent under the Rehabilitation of Offenders Act 1974 do not need to be declared.

***GAS SAFETY INSPECTION*** – Under the Gas Safety (Installation and Use) Regulations 1998 the owner must have an annual gas safety check on all gas appliances by a CORGI registered gas installer. A certificate is provided on completion of this inspection.

***HMO*** – A House in Multiple Occupation as defined by sections 254 to 259 Housing Act 2004 and it applies to a wide range of housing types and includes;

- a building or part of a building, which consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- the living accommodation is occupied by persons who do not form a single household;
- where two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities;
- buildings converted into self-contained flats if more than one third of the flats are tenanted and the conversion does not comply with Building Regulations 1991 or subsequent Building Regulations.

***LETTING UNITS*** – The number of units of accommodation you offer in the house. The number should be the same as the maximum number of tenancy

agreements you might have at any one time. This may be different to the number of tenants as some units may be occupied by more than one person.

**LICENCE** – The licence cannot relate to more than one property nor can it be transferred to another person. The licence will clearly state when it comes into force and when it ends, licences cannot last longer than 5 years.

**LIVING ACCOMMODATION** – Rooms in the house which are used for everyday living activities but excludes bedrooms, kitchens, bathrooms, uninhabitable rooms, hallways, landings, stairwells, passages and cupboards. Where a room has a dual function in that it is used as a bedroom and living room, it should be classed as sleeping accommodation.

**MANAGER** – The person or company appointed by the owner expressly for the purpose of managing the house. The manager may be an employee of the owner. The manager will act under the instruction of the owner and will have the powers and duties given to him by the owner. In order for the manager to be eligible to be considered as the licence Holder the manager must have at least the following powers;

- to let to tenants and terminate tenancies in accordance with the law
- to access all parts of the premises to the same extent as the landlord; and
- be authorised to approve expenditure of up to 25% of the yearly rental income of the property for necessary repairs etc.

The manager must be able to travel to the property within a reasonable time unless there are arrangements in place to cover every eventuality which might otherwise demand his presence. If no manager is appointed then the owner will be the manager.

**OWNER** - The person who has the legal right to dispose of the property, this may be by virtue of being the freeholder, the leaseholder with rights to dispose or as a result of some form of agreement with the freeholder.

**PAT (Portable Appliance Test)** – Owners who provide electrical appliances for use by tenants are under an obligation to ensure that they are safe to operate. Portable appliances are generally defined as equipment that has a cable and plug and which is capable of being moved from one place to another. A refrigerator connected to a dedicated socket would be regarded as a portable appliance, whereas a wall-mounted electric heater would be regarded as an installation as it would not normally be moved.

**PERSON(S)** – In respect of the number of people occupying the HMO means persons of all ages including newly born children.

**PERSON HAVING CONTROL** – The person who receives the ‘rack rent’ of the premises.

**PLAN (of property)** – In order to license a HMO the Council has to obtain certain information about the property to assess the type of property it is and what amenities and installations there are – a plan is the most effective way of doing this. The council is not insisting that the plans have to be professionally drawn. Detailed plans such as those required for a Building Regulations application are not required, just sufficient to understand the proportions and layout of the house along with the locations of amenities and fire safety measures.

**PLANNING CONSENT** – A document issued by the Local Authority which, following the submission of plans and/or specifications and/or information, indicates that the building complies or will comply with relevant planning criteria.

**(PROPOSED) LICENCE HOLDER** – The person entitled to apply for, or has been awarded, a licence in respect of a HMO. The owner will normally be the licence holder except where the owner elects for some other person to hold the licence and the Local Authority agrees to this.

**SINGLE HOUSEHOLD** – persons who are all members of the same family. A single household can comprise;

- married or cohabiting couples (includes same sex couples)
- relations - parent grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- a single person

for example a house occupied by;

- Mrs & Mrs Smith, their two children and Mrs Smith’s mother
- Robert Salt – a single person
- Janet Jones and Mary Hughes – a same sex couple
- John Taylor and Erica Cox – an unmarried couple

would contain four households.

A house containing five single but unrelated people would contain five households.

**SLEEPING ACCOMMODATION** – Rooms within the house in which a bed or beds or other furniture for sleeping is provided. (see also **LIVING ACCOMMODATION**)

**STOREY** – The number of floors, including basement floors and attics, in the building which are capable in whole or part of being used for the purposes of habitation. Storeys used wholly for commercial purposes should also be counted. Note that this definition relates only to how storeys are counted for determining whether the HMO is licensable. Storeys may be counted differently for the purpose of determining the type of fire precautions required.