

GUIDANCE NOTES ACCOMPANYING NEW APPLICATION TO LICENCE A HOUSE IN MULTIPLE OCCUPATION

Before making an application to licence a House in Multiple Occupation (HMO), it is important that you read fully these guidance notes. If you require any further advice regarding the Licensing Scheme or the relevant standards, please contact the HMO Licensing Department on 01422 288001 or at community-safety@calderdale.gov.uk.

All parts must be completed fully, unless directed otherwise. Incomplete applications may delay the licensing process.

In these notes, "the Act" means the Housing Act 2004, unless otherwise stated, all references to sections etc are to sections of the Act. Part 2 of the Act introduces a mandatory scheme to licence HMOs of a description contained in the regulations.

It applies to HMOs occupied by 5 or more person comprising of two or more households.

Meaning of "HMO"

"HMO" means 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 a 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.

Not all HMOs will be subject to mandatory licensing.

Section 1 – Licence Holder Details

1.1 Details of the proposed holder of the licence should be provided in this section. It is preferable that a single named person applies to become the holder of the licence. It should be noted that an improvement notice under the Housing Act 2004 is served on the licence holder.

1.2/1.3 “Owner” means the person who is entitled to dispose of the house and who holds or is entitled to the rents and profits of the property, or proposes to acquire, an owner's interest in the dwelling or building, which is capable of being recorded in the Land Registry.

Where the property is owned by, for example a company, partnership or trust, the proposed licence holder should be a named person of that entity/body. The representative must have sufficient standing to become the licence holder as they may be deemed by the department to be the person in control and hence subject to any potential action in relation to the property.

1.4 For the purpose of this application an agent is deemed as the manager. Any agent representing the owner must also be a named individual. Where a property management company is involved, the named agent must be the individual with sufficient standing within the company/organisation as they may be deemed by the department to be the person in control and hence be subject to any potential action in relation to the property.

1.5 Where persons have other licensed HMOs either in Calderdale or another Local Authority area, relevant details provided along with the authorisation to contact the relevant Authority would enable the department to process the application more quickly.

Section 2 – Fit and Proper Check

The local authority must be satisfied that the person applying for an HMO licence is a “fit and proper person” to hold a licence. The same test applies to any person managing the premises. The Council may wish to carry out such a test upon other persons associated with the applicant for example directors, partners or trustees, in such circumstances the application process may be delayed until all fit and proper persons checks have been undertaken.

It is only necessary to carry out one fit and proper check for the licence applicants and/or managers with multiple properties. This is satisfied if an application or check has been made within one year to the date of the current application.

The local authority may check with the Criminal Records Bureau or the Police as it deems appropriate to confirm whether the applicant has any relevant convictions. Not all convictions would be relevant to a person's prospective role as an operator of an HMO, for example motoring offences would not be relevant but a conviction for fraud or theft could be since the operator would be in a position of trust.

Conviction means to have been declared guilty by a court of law or admission of guilt in the form of a formal caution.

Note there is no obligation to declare **spent** criminal convictions. The time periods for offences to be regarded as spent are contained in The Rehabilitation of Offenders Act 1974 along with those offences which are exempt from the spent classification. You may wish to browse the homeoffice.gov.uk website for information.

2.1 Where persons have been granted a licence for an HMO, details provided of an valid licence will enable the department to assess for fit and proper purposes using previous applications and you are not required to fill all parts of section 2. However, you must fill in the whole of section 2 where circumstances mentioned in 2.2 – 2.8 have changed since your last application.

2.4 Housing Act relates to the Acts principally dated 2004 or 1985.

2.5 Default means works carried out by the Local Authority to address deficiencies usually resulting from non-compliance with an actual notice.

Section 3 – Management Details

Section 3 concerns the management arrangements for the HMO and will need to be filled by the licence holder and also by any proposed agent and manager. The agent and manager must also sign the declaration in Section 8. It is only necessary to carry out one management check for the proposed licence holder and/or manager with multiple properties. This is enabled if a Section 3 has been completed **one year** to the date of the current application.

3.6 Maintenance refers to works and expenditure to keep the structure, furnishings, facilities and generally those parts of the property which the tenant has no responsibility for, in good working order.

Tenant management relates to the recruitment, handling of queries and dealing with disputes amongst tenants.

Upgrading or additional works relates to works which are required to fulfil standards or statutory requirements which may be enforceable by a Local Authority.

3.10/11 A brief description of the steps that would be taken to deal with tenant complaints or queries should be provided. This may range from reporting of disrepair/defects to complaints of other tenants behaviour. If there is a written procedure to address this please indicate so and provide a copy of the procedure.

Section 4 – Property Details

This part of the form is intended to establish sufficient detail pertaining to the property in order for the department to start processing the licence application. All sections of this part must be completed accurately. This may require further consultation for example with electricians, alarm engineers, or property agents. Incomplete sections or queries may cause delay as it may be necessary for the department to visit and verify matters concerning the property.

4.3 Residential block is a building which has either been purposefully built or converted into self contained flats.

If the HMO is a flat in multiple occupation this should be recorded in the 'other', in addition to recording the type of property.

4.4 Commercial parts means parts which are intended solely for the use of a business.

4.5 Storeys means all floors that are available for occupation for commercial or residential purposes. Mezzanine floors also count as a storey if available for the mentioned use.

4.6 Self contained flats are units, each of which has a kitchen (or cooking area), bathroom and WC for the exclusive use of the household living in the unit of accommodation. If the occupiers have to leave the unit to gain access to any of these amenities, then the unit is not self contained.

Bedsits type are HMO's that contain a number of individual rooms, bedsits or flatlets with incorporated kitchen facilities. Some occupants may share a communal kitchen however the occupiers

share the communal bathroom facilities (unless an ensuite is provided). Tenancies are let to individuals or couples and they typically live independently with little or no communal living.

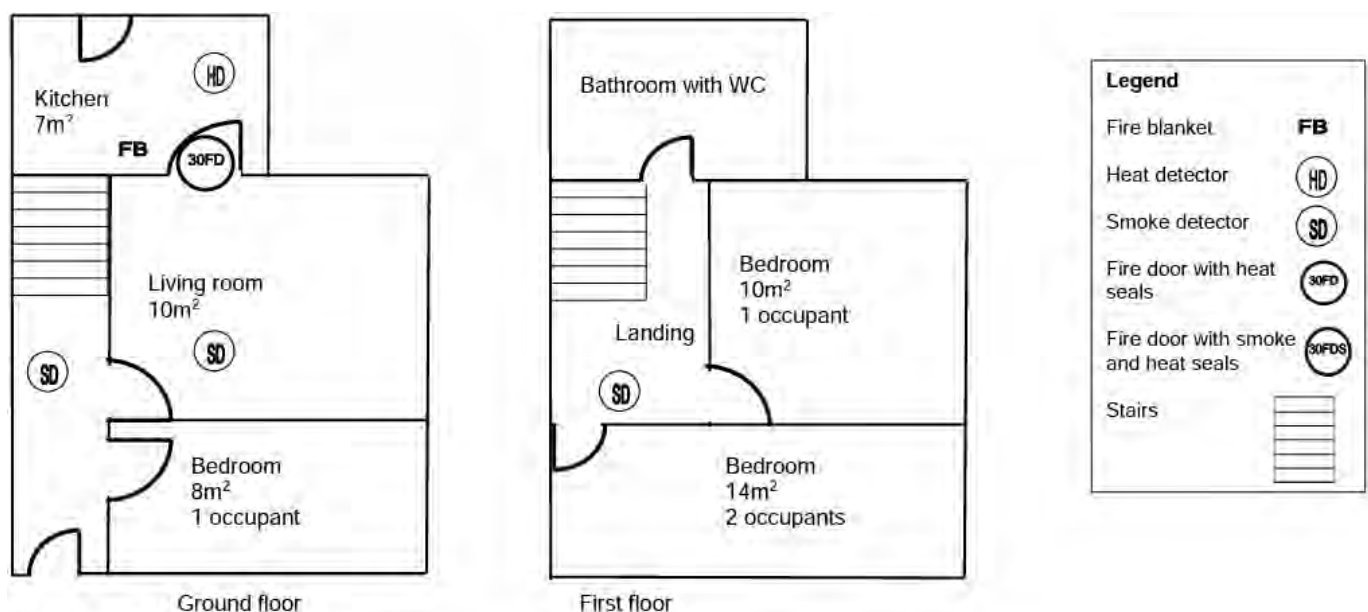
A shared HMO - Houses occupied on a shared basis by 3 or more people who belong to more than one household. These are houses rented to a defined social group commonly students, young professional adults, work colleagues and friends. The occupiers each enjoy exclusive use of a bedroom but would share other facilities such as communal kitchen/dining facilities, bathrooms and WC facilities.

The occupiers of a shared HMO tend to have the characteristics of a single household by living as a cohesive group and often share a living room. The HMO is usually rented out by 1 group and typically but not always on a single joint contract.

Hostels are houses generally referred to as 'hostels', 'bed and breakfast' or guesthouse. These provide accommodation for people with no other permanent place of residence as distinct from hotels.

4.9 You may have professional/architect floor plans in which case you should submit copies of those plans if they reflect the existing floor plan. Otherwise a sketched floor plan should be provided of each floor level showing clearly the room and relative positions of appliances etc.

An example of a simple sketched floor plan would look like the following:



Please note: Poorly sketched floor plans will be rejected and a re-submission will be required which is likely to delay the process.

A summary of the bedroom sizes for the purpose of the application is as follows:

Note: for bedsit type accommodation the kitchen area is not included in the minimum measurements below.

- Single person room with no separate living space in shared HMO 8.5 m²
- Single person room with separate living space in shared HMO 6.51 m²
- Two person room shared HMO with no separate living space 10.22 m²
- Single person bedsit (discounting space for kitchen) 8.5 m²
- Two person bedsit (discounting space for kitchen) 10.22 m²
- Communal living rooms (serving up to 8 persons) 10 m²

A dining kitchen is not to be regarded as separate living space.

4.12 Households - is the number of families or couples living as partners. Persons - is the total number of persons occupying the property.

4.14 Exclusive use refers to the sole use by the occupant/s of a particular flat or unit of accommodation.

Exclusive use of living rooms can only be regarded where a separate room is available within the unit of accommodation or in large 'studio type' accommodation where there is a clearly defined living space (lounge).

Section 5 – Fire Precautions

5.1 A HMO requiring a licence must have adequate means of escape in case of fire for it to be considered safe. Details of the existing measure in place must be provided and the following key should be used to fill in the boxes to this section.

Complete the details for all areas - Including landings, basements, store rooms and the respective location.

Type of detector: S = Smoke, H = Heat, CO = Carbon Monoxide

Mains/battery: M = indicate whether mains wired, B = Battery operated

Interlinked: Y = yes, N = No

Fire door: Is the door to the respective room/area a 30 minute fire door, Y = yes, N = No, N/A = not applicable

For example:

Area/Room	Type of Detector	Mains or Battery	Interlinked	Fire Door	Sounder Device
First floor landing	S	M	Y	N/A	Y
Bedroom	S	M	Y	Y	N
First floor flat 3	S	B	N	Y	N

5.1 Details of all the locations and the type of sounders fitted to the alarm system must be provided.

5.4 Confirmation of the British Standard type and grade of system may need to be obtained from a competent alarm engineer.

Section 6 – Other Matters Concerning the Property

6.3 The electrician will be classed as a competent/qualified person if they are a member of a recognised electrical institution, such as:

NICEIC - The electrician will be called an *Approved Contractor*.

ECA - The electrician will be called a *Registered Member*.

NAPIT - The electrician will be called an *Approved Electrical Inspector*.

6.5 As from the 1st April 2018 there is a requirement for any property rented out in the private rented sector to normally have a minimum energy performance rating of E on an Energy Performance Certificate (EPC). It will be unlawful to rent a property which breaches the requirement for a minimum E rating, unless there is an applicable exemption.

Section 7 – Other Interested Parties

Details of the following persons must be entered in Section 7 of the form.

- Any **mortgagee** of the property
- Any **owner/s** of the property to which the application relates (if it is not you) i.e. the freeholder and any head lessees 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 lease or tenancy is for less than three years (including a periodic tenancy)
- Any person who has agreed that he will be bound by any condition or conditions in a licence if it is granted.

You must tell each of the interested persons:

- Your name, address, telephone number, and e-mail address
- The name, address, telephone number, and e-mail address of the proposed licence holder
- That this is an application made under Part 2 of the Housing Act 2004
- The address of the property to which it relates
- The name and address of the Local Housing Authority to which the application will be made
- The date the application will be submitted

Latest Update November 2023.