



HOUSE IN MULTIPLE OCCUPATION LICENSING SCHEME

APPLICATION GUIDANCE NOTES

IMPORTANT NOTE TO APPLICANT : REQUIREMENT TO NOTIFY OTHER PERSONS OF THE LICENCE APPLICATION.

You (the applicant) must let certain persons know, in writing, that you have made this application or give them a copy of it. You can do this by completing the attached licence form. The persons who need to know about it are:

- Any mortgagee of the property
- Any owner of the property to which the application relates (if this is not you) i.e. the freeholder, and 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 periodic tenancy).
- The proposed licence holder (if this is not you)
- The proposed managing agent (if any) (if that is not you)
- Any person who has agreed that they will be bound by any condition or conditions in a licence if it is granted.

You must tell each of these persons:

- Your name, address, telephone number and email address
- The address of the property to which the application relates.
- The name and address of the local housing authority (i.e. the council) to which the application will be made.
- The date the application will be submitted.

The following advice notes refer to sections in the application form. Please read these note carefully before you complete the application form.

SECTION 1 & 2 – APPLICANT and PROPOSED LICENCE HOLDER DETAILS

- The person completing the form, i.e. the applicant, will normally be the proposed licence holder, but in some cases the applicant may have arranged for another person to be the licence holder, with their agreement.
- In determining a licence application the Council has a duty to award the HMO Licence to the most appropriate person. This is the 'Person Having Control' of the property and they will be responsible for ensuring compliance with the licence conditions.

The 'person having control' of the property will be the person who:

1. Receives the rack rent of the premises whether on his own account, or as agent or trustee of another person; or who would receive it, if the premises were let at a rack rent;
2. Can let and terminate tenancies; Has the power to access all parts of the premises to the same extent as the owner.
3. Can authorise, organize and pay for essential repairs.
4. Must be reasonably available for tenants to contact and reside within a reasonable proximity of the property so they can regularly attend the property, oversee its management; and respond to

problems that may arise. They must have the means (including adequate funding) and the authority to resolve issues that may arise.

The proposed licence holder may often be the landlord, or a managing agent to whom the rent is paid and who has authority from the owner to effectively manage the property. The licence holder is the person who is in overall control of the property.

If the landlord is not considered to be a fit and proper person, he/she may appoint an agent to control the property and hold the licence. The licence holder should have authority to authorise and pay for works or repairs, and he/she will be liable for any breaches of the licence.

SECTION 3 – MANAGER DETAILS

- Details should be given for the person or company appointed to manage the house, if applicable.

Where a manager is appointed they shall be an agent or employee of the person having control of the property. If no manager is appointed then the proposed licence holder will also be the manager.

A manager will act under the instruction of the proposed licence holder and will have authority and duties invested in him. The manager must have at least the following powers:

1. To let to tenants and terminate tenancies in accordance with the law;
2. To access all parts of the premises to the same extent as the landlord.
3. To be authorised to approve expenditure for necessary repairs, etc.
(Note: the manager is not expected to authorise such expenditure, but they should have the authority to do so, if there is a reasonable need).
4. The manager must be able to travel to the property within a reasonable time.

SECTION 4 – OWNERSHIP DETAILS OF THE HOUSE TO BE LICENCED

- You are required to give details of the property owner along with mortgage details.

SECTION 5 – FIT AND PROPER PERSON

- The local authority must have regard (among other things) to evidence which shows that a person, or any person associated whether personally or on a work basis with the property, is fit and proper.
- To do this we must have regard to matters laid down in legislation (Housing Act 2004, Section 66). Questions in this section are asked in order to enable us to satisfy this legal requirement.
- In addition to completing these questions the proposed licence holder and proposed manager **MUST** also provide a 'Subject Access Request' certificate, obtained from the ACRO Criminal Records Office within six months of the date of application.

Instructions on how to obtain a Subject Access Request can be found at: www.acro.police.uk/home.aspx

- In making a decision on whether or not to grant a licence on the basis of the information given in this section, each case will be considered on its own merits. Minor infringements, that happened a long time ago, may not necessarily mean that a licence will be refused. Conversely, recent serious infringements relating directly to the business of running and managing a HMO may well imply to the council that the proposed licence holder, or manager, is not a fit and proper person.

In addition, please note:

1. The questions should be answered in the name of the individual, or company, who will be licence holder or manager.
2. In the case of a limited company or partnership, offences attributed to both the company and directors or partners must be included.
3. In answering questions concerning previous convictions details should be given in respect of all properties owned, or managed, by the proposed licence holder and manager whether in Trafford or in another local authority area.

Please note:

It is a criminal offence to knowingly supply information, which is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application with regard to the property concerned may be required at a later date. If we subsequently discover something which is relevant and which you should have disclosed or which has been incorrectly stated or described your licence may be cancelled or other action taken.

SECTION 6 – PROPERTY INFORMATION

In this section details are required on the property with regards to its age, structure and that it meets the standards for a house in multiple occupation.

Please give details of what precautions are in place for the safety of residents and the items available to them as this is used to determine if the property meets the prescribed standards.

- Occupancy details
- Letting Rooms, Facilities and Amenities
- Fire Precautions
- Heating and insulation
- Gas Supply
- Electrical Appliances and Furniture
- Property Management
- Floor Plans

Part 1 - OCCUPANCY DETAILS:

A house in multiple occupation is a house, or flat, that is occupied, as a main residence, by more than one household and the occupiers share facilities such as kitchens, bathrooms and WCs. This would include, for example, houses containing bedsits, a combination of bedsits and self-contained flats, shared houses and hostels.

'Household' is defined as: members of the same family i.e.;

1. Married or living together (whether as single sex relationship or otherwise)
2. Related – parents, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or cousin; or
3. Related to one member of a couple; and
4. Includes foster children or domestic employees (nannies, maid's etc.)

'Storey' is defined as: floors in a building that are capable, in whole or in part, of being used for the purposes of habitation. For the purposes of licensing storeys include:

- Basements used wholly or partly as living accommodation; has been constructed, converted or adapted for use wholly or partly as living accommodation; is being used in connection with, and as an integral part of, the HMO; or it is the only or principal entry into the HMO from the street.
- Attics/lofts used wholly or partly as living accommodation; has been constructed, converted or adapted for use wholly or partly as living accommodation; or it is being used in connection with, and as an integral part of, the HMO.

- Mezzanine floor used wholly or partly for living accommodation or being used as an integral part of the HMO. The law in this matter is not clear. The Council takes the view that a few steps between the front and rear of a house, for example, will not constitute an additional or mezzanine storey.
- Where the living accommodation is situated in a part of a building above or below business premises, each storey comprising the business premises.

Note that this definition relates only to how storeys are counted for determining if the HMO is licensable. Storeys may be counted differently for the purpose of determining the type of fire precautions required.

SECTION 7 - DECLARATION

This section is to be completed by you and any person associated with your on the application form that is mentioned in sections 1, 2 and 3.

SECTION 9 - CHECKLIST

- You can provide either scale or sketch floor plans.
(In the case of licence renewals new floor plans may not be required if the floor plans previously provided show the room sizes and the building's layout has not changed).
- The Licence Holder and proposed Manager must provide a 'Subject Access Request' certificate obtained from the ACRO Criminal Records Office. Certificates obtained in the last 6 months only are valid
- Copies of recent inspection and test certificates for the electrical installation within the property. Certificates obtained in the last 5 years only are valid.
- Landlord gas safety test certificates completed and provided by a Gas Safe registered gas installer/engineer. Certificates obtained in the last 12 months only are valid.
- Inspection and Test Certificates for automatic fire detection and emergency lighting must be provided by a competent installer/contractor. Certificates obtained in the last 12 months only are valid.
- Where fire extinguishers are provided then a service certificate must be provided. Certificates obtained in the last 12 months only are valid.
- A copy of the tenancy agreement used at the property.
- Correct Licence Fee. Fees are intended to offset the cost to the Council of administering the licensing scheme. Please refer to the council's website for details on the current fee:
<http://www.trafford.gov.uk/residents/housing/housing-standards/houses-in-multiple-occupation-licensing.aspx>