



South Oxfordshire District Council  
and Vale of White Horse District Council

Private Sector Housing Team:  
HMO Licensing Online Application Form

## **Guidance Notes**

October 2020

HMO Licensing is intended to help improve standards, particularly in larger, high-risk HMO, and to ensure that these properties are managed by "fit and proper persons".

Mandatory licensing of HMOs was extended (on 01 October 2018) so that smaller properties used as HMOs in England which house 5 people or more from 2 or more separate households will in many cases require a licence.

These guidance notes are intended for use while completing the online HMO application form. If you have any further questions, please contact [PSH@southandvale.gov.uk](mailto:PSH@southandvale.gov.uk).

### **Households:**

A single household refers to person who are all members of the same family such as, married and co-habiting couples of the opposite and same sex, and other relationships. A 'relationship' mean parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, cousin, relationship of the half-blood and stepchild.

Additionally a person living with his/her employers family or in accommodation supplied by his/her employer is classed as living in the same household, such as, au pair, carer, gardener or personal assistant.

### **Applicant:**

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.

### **Proposed licence holder:**

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.

## **Beginning the online HMO application process**

- When commencing the online HMO application form, you will be provided with a '**Unique ID**' reference (e.g XDDLFC5FU8NLX9XXN8Q2X). Please make note of this as it will allow you to retrieve a partially completed application at a later stage.
- The online application will timeout after 60minutes of inactivity. You can retrieve any partially completed application by reloading the online form and choose 'Yes'

to retrieving a partially completed application. You will then enter the reference number and it will reload your application.

## NOTES TO PART 1- HMO Details

Type of House for which the application is being made:

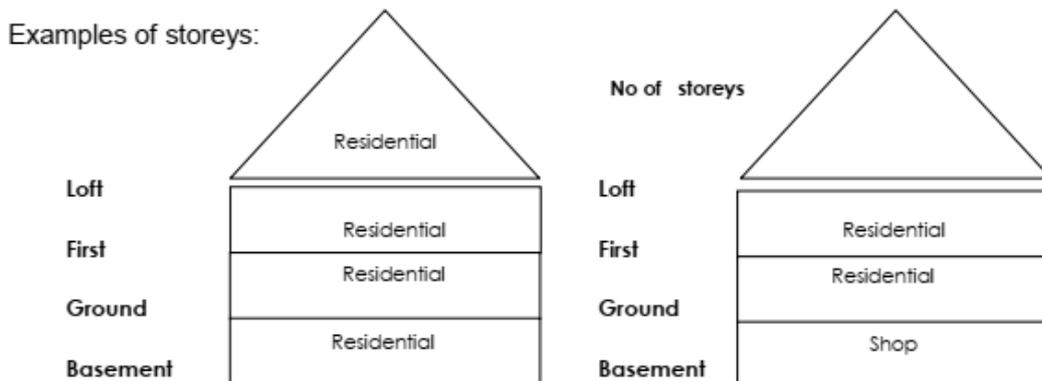
- **Housing in Multiple Occupation (HMO)**- The whole property is operating as a HMO either offering shared facilities or bed-sit type accommodation. This property can either be spread of two stories (e.g ground floor, 1<sup>st</sup> floor or basement, ground floor) or over 3 or more stories (e.g. basement, ground, 1<sup>st</sup> floor or ground, 1<sup>st</sup> or 2<sup>nd</sup> floor)
- **Flat in Multiple Occupation**- Part of the building is operating as a HMO either offering shared facilities or bed-site type accommodation.
- **House converted and comprising only of self-contained flats**- A self-contained flat refers to a dwelling where access is via a single front door from any common area. Such dwellings would contain all the standard amenities with no sharing of amenities with the occupiers of neighbouring dwellings.

### Storeys in the property:

Properties that require a licence must have 2 or more storeys. Two storeys or more can include the following:

- Property with 2 or more floors such as ground floor, first floor and second floor
- 2 story property with attic conversion
- Property with 1 floor above ground and a habitable basement
- Property with 2 or more floors and a shop or other commercial premise on the ground floor and living accommodation above

Please see examples of storeys in the diagram below:



How is the HMO operating:

- **Bed-sits**- A term used to describe sleeping/living arrangements that are not self-contained and where there is shared use of some facilities such as a bath or shower room, sanitary accommodation or kitchen with the other occupiers of the HMO
- **Shared facilities**- Where the cooking and washing/toilet facilities are shared between all members of the HMO but each household has their own sleeping facilities.
- **Live in Landlord with lodgers**- A resident landlord rents out rooms within his/her property. For this type of licensable HMO, there must be 4 or more lodgers plus the landlord.
- **A hostel, B&B, guesthouse, supporting lodgings or other types**- Accommodation for people with no other permanent place or residence who would otherwise be homeless or accommodation for young people who live independently but have assistance of a carer whilst at the property.

## NOTES TO PART 2

### Details of Applicant:

- The applicant must be a named individual. The applicant/proposed licence holder must be a named individual and not a company or business name.
- If a company applies to be a licence holder, they must nominate an appropriate person to hold the licence within that company.
- The Council has a duty to award the licence to the person to be the licence holder.
- In normal circumstances, the Council would expect the applicant to be the owner/landlord of the dwelling and apply to be to be the proposed licence holder.
- The proposed licence holder must have the power to:
  - Collect rental income
  - Let and terminate tenancies
  - Access all parts of the dwelling
  - Authorise repairs and maintenance to the property

If this is the case, please complete all the section regarding 'who is the applicant'.

### Manager/Managing Agent:

If the owner/landlord has nominated a manager or managing agent to be the proposed licence holder, they must have the power to undertake the list conditions such as

collect rental income and authorise repairs, in order for the Council to assume that they are the most appropriate person to hold the licence.

If a commercial agent is employed to manage the property, please state 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); and the National Approved Lettings Scheme (NALS).

### **Control or interest in 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, e.g.

- Freeholder
- Leaseholder
- Managing agent

If the applicant has no legal interest in the property but is completing the form on behalf of a relative or friend, please state this in notes.

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, and can sell their long lease to another person or company.

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

A 'person who receives the rent' is the person who ultimately receives the rent as money or rent equivalent, (whether directly or through an agent or trustee) from those who are occupying the property.

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

### **Applicant accreditation/training:**

While completing your details, you will be given an opportunity to demonstrate whether the landlord has taken any steps to keep informed of good management practices and any changes in the law which could affect their 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.

## **NOTES TO PART 3**

### **Proposed Licence Holder- Fit & Proper person**

In deciding whether an application should be granted, the council must have regard to evidence, which shows that the proposed licence holder and/or manager and any other person associated or formerly associated with them on a person, work or other basis is a fit and property person.

To make sure that the Council can adequately assess whether a licence holder is a fit and proper person a series of questions have been devised. You must answer **Yes** or **No** to all of the questions.

If you answer **Yes** to any of the questions, it will be necessary for the council to undertake a further assessment. You must contact the Council to request the additional fit and proper check. In accordance with the Rehabilitation of Offenders Act 1974, you are required to provide details about previous convictions that are 'spent'.

A conviction becomes 'spent' after a certain length of time, which changes depending on the sentence and your age at the time of the conviction. The periods are halved if the conviction took place when you were aged 17 or less. IF a person is sentenced to more than two and half years in prison, his/her conviction can never become 'spent'. Therefore, all unspent convictions must be declared. Table 1 indicates the period required for the conviction to become spent.

To enable the Council to be satisfied that the information given is correct, please sign the declarations as requested. This also ensure that in certain cases other authorities such as the Police can be consulted during the licensing process. If the declaration is not signed, the application cannot be processed.

If you have any doubts about whether you have to declare a previous conviction, you should contact your local Probation Officer, the Citizens Advice Bureau, or a solicitor. Any information given within this application will be treated as confidential and used only in connection with this HMO application.

**Table 1:**

Sentence	Period of good conduct needed for conviction to be spent
6months to 2.5 years imprisonment	10 years
Less than 6 months' imprisonment	7 years
Borstal Training	7 years
A fine or Community Service Order	5 years
Probation Order, Conditional Discharge or Bind Over	1 year
An absolute Discharge	6 months

## NOTES TO PART 4

An 'occupier' means someone who occupies the property as a residence; this can be 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 they should each be counted as individuals regardless of their age.

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

- Room/bedsit
- Studio
- Flat
- Floor by floor let etc
- House

For example, a house let as bedsits and rented to five people would count as five lettings.

A 'household' for the purpose of the Housing Act 2004 comprises: -

- A single person
- Co-habiting couples (whether or not of the opposite sex)

- 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 are 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 who is employing them. Therefore, three friends sharing together are counted as three households because they are not related as family.

A couple sharing with a third person would count as 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 or kitchen, which is big enough to be used as another room. It does not include bathrooms, toilets or small kitchens. When measuring rooms for plans please do not include any floor area which has a ceiling height below 1.53m (5ft).

### **Applicant/Managing Agents/Interested parties:**

During the completion of the online HMO application form you will be asked to provide the names, addresses and descriptions (e.g. leaseholder, mortgagee etc.) of everybody who needs to know that an application for an HMO licence has been made. The details you must provide to these people will be listed in the form.

## **Supporting Documentation (minimum upload = 3 documents)**

### **Information you need for an application:**

When completed the online HMO application you will need to provide scanned copies of the following documents listed below.

The online application will require you to upload a minimum of three documents from the list below. Please note - the requirements set out below form part of a completed application and we will not be able to process your submitted application until we have received **all** the requested documents.

- Proof of address for the licence holder

- Any building regulations completion certificates and planning consents (if applicable)
- Current fire alarm system commissioning or test certificate (within the last 12 months)
- Current emergency lighting test certificate (within the last 12 months) if applicable
- Service contract for alarm and safety systems
- Current landlord's Gas Safety Certificate (within the last 12 months)
- Current Electrical Installation Condition Report (EICR) (within the last five years)
- Current Portable Appliance Test (PAT) certificate (within the last 12 months)
- Fire safety risk assessment
- A copy of the tenancy agreement provided to tenants
- Energy performance certificate

## **Fire Safety:**

### **Fire Risk Assessment:**

The Regulatory Reform (Fire Safety) Order 2005 imposes a responsibility on a responsible person (as defined by the Order) to carry out a 'suitable and sufficient' assessment of the risks on the premises. We require all landlords of licensable HMO's to submit a Fire risk assessment in accordance with this Order.

The fire risk assessment is a report which provides an assessment of the risk to life from fire in the premises which has been assessed, and where appropriate, to make recommendations to ensure compliance with fire safety legislation. The report does not address the risk to the property or business continuity from fire.

The fire risk assessment must be 'suitable and sufficient', and assistance from an appropriately competent person should be sought as necessary to achieve this.

You are permitted to undertake the risk assessment yourself but should Oxfordshire Fire and Rescue Service decide to audit your property and this assessment, you may be asked to have a professional company undertake a further Fire Risk Assessment or may be subject to enforcement action.

To assist you, further information and guidance on completing a fire risk assessment is available from the Chief Fire Officers Association (<http://www.cfoa.org.uk/19512>) and <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>.

## **General Fire Safety:**

The Regulatory Reform (Fire Safety) Order 2005 provides information and guidance on general fire safety requirements, including Emergency Routes & exits, fire detection, risk assessment, fire safety arrangements and necessary maintenance.

## **Emergency Routes & exits:**

In the event of a fire all HMOs should have a safe escape route and adequate fire precautions. As part of a fire risk assessment you must provide information of the fire safety provisions in the property. These include fire alarms, smoke and heat detectors, emergency lighting systems, fire doors, fire extinguishers, fire blankets and a protected means of escape (i.e. staircases, landings etc).

If you already have any of these fire safety provisions, they must be well maintained and adequate for the number of residents and the size of the property. The maintenance and repair of existing fire safety measures or following their installation is a condition of the HMO licence.

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 when the normal lighting supply fails. Any emergency lighting system installed in the property must comply with BS:5266: Part 1: 1988.

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

The Furnishings (Fire Safety) Amendment Regulations 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 includes: 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.

## **Gas Safety**

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 the Gas Safe Register. 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](http://www.gassaferegister.co.uk) or telephone their Customer Services on 0800 408 5500. The Gas Safety (Installation and Use) Regulations 1998 states that it is the landlord's duty to ensure that all gas appliances, fittings and flues provided for tenants are safe.

You must arrange annual safety checks and provide the Council with copies of certificates. Only certificates from Gas Safe Registered 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.

## **Tenancy Agreement**

Tenants must be given a written tenancy agreement or similar document which sets out the terms of their contracts with the landlord. A copy or copies of each tenancy or joint tenancy agreement must be enclosed with the application form. Please tell us whether a written record is made of the furniture, fixtures and fittings in each letting (an inventory) and the condition they are in when tenants move into the property.

Please state whether the tenants receive a written record of the rent that has been paid. Unless records are given regularly to all tenants, please tick the 'No' box.

Please state 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.

Tenants must be given a 24-hour telephone number to use in an emergency. Please state the emergency telephone number.

Please state if tenants are asked to pay a deposit at the beginning of the tenancy. (Please note that the Tenancy Deposit Scheme comes into effect from April 2007 which will affect all deposits taken by landlords). If a deposit is requested, tell us 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. Please note: This information may be shared with other Council or Government departments.

## **Electrical Inspection Report**

A current valid Domestic Installation Periodic Report (i.e. certified within the past five years) for the whole of the electrical installation must be supplied when applying for the licence.

Electrical installation is defined as fixed electrical cables and wiring or fixed electrical equipment. The report must be provided by a competent person such as an approved contractor (i.e. someone who is currently registered with an approved self-certification scheme. If you have any queries about this, please contact the Private Sector Housing team on 01235 422 436).

## **Submission and payment**

Following the submission of your online new HMO application form and after uploading the supporting documentation, you will be taken through to a payment screen to pay the HMO licence fee (part 1) of £430.50.

For a full breakdown of our licence fees, please visit:

<https://www.southoxon.gov.uk/south-oxfordshire-district-council/licensing/mandatory-licensing-houses-in-multiple-occupation/>