

HOUSING ACT 2004

House in Multiple Occupation (HMO)

LICENSING APPLICATION GUIDANCE NOTES

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GUIDANCE NOTES

Before completing an application form for a new House in Multiple Occupation (HMO) License, or to renew an existing HMO Licence please ensure that you have read these guidance notes.

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

HMO Licensing Fee

Please note all payments are made online through the HMO licencing portal. You must pay the HMO licence application fee in full before your licence can be issued.

The payment process:

Two thirds of the total HMO licencing fee is to be paid upon submission of your application and the final third is to be paid once the council has made the decision to grant you your licence. The status on the online portal will change and notify you when the final payment is to be made.

Obtaining discounts:

- Accreditation certificates should be uploaded on the payment page by the applicant
- There is a 50% discount for charity organisations.
- HMO licence renewals will be charged at an approximate rate of 62.28%

Examples of organisations that would attract the membership/accreditation discount:

- a) London Landlord Accreditation Scheme (LLAS)
- b) National Residential Landlords Association (NRLA)
- c) Southern Landlords Association (SLA)
- d) The Guild of Residential Landlords
- e) Association of Residential Letting Agents (ARLA)
- f) National Approved Lettings Scheme (NALS)
- g) Royal Institution of Chartered Surveyors (RICS)
- h) UK Association of Letting Agents (UKALA)
- i) UK Landlord Accreditation Partnership (UKLAP)
- j) British Landlords Association (BLA)

Should the licence holder believe they have an appropriate membership/accreditation which is not listed, they will have the opportunity to submit a case to be included.

The Council may refuse to grant an HMO licence should there be a prolonged failure on the applicant's part to pay the 'second part' of the two-part HMO licence application fee. This is because the Council is unable to determine an HMO licence application until full payment has been received. This will be assessed case by case. Where the HMO licence application is refused in this instance, the 'first part' payment may not be returned. Where a refusal is proposed by the Council, relevant persons will have the chance to appeal.

Accreditation discounts will not be available to landlords where it appears that a timely application has not been made to the council.

The council will inspect all properties either prior to the issuing of the licence or anytime during the decided licenced period. We are required to consult all relevant parties prior to issuing the licence. You are allowed a period for representation to be made concerning the licence conditions whereby concerns, if any, can be considered and hopefully resolved. Where agreement cannot be reached the licence will **not** be issued and you will have the opportunity to make an appeal to a Residential Property Tribunal. You will be advised of your rights of appeal.

We have tried our best to ensure the application process is as easy as possible to understand, however, If you do not understand how to answer a question, please refer to these guidance notes. If after reading the notes provided you still need further advice, please contact the Private Sector Housing Environmental Health Team at HMOLicensing@lambeth.gov.uk.

Planning Permission

In planning terms, there are two types of HMOs.

- Small HMOs housing 3 to 6 unrelated people who share amenities. This type of HMO will not require planning permission.
- Larger HMOs defined as having more than 6 unrelated people sharing amenities, planning permission **is required**.

HMO licensing does not grant exemption from the need to obtain planning permission. If you have any questions about the guidance relating to HMOs and planning, please contact the Private Sector Enforcement team at: HMOLicensing@lambeth.gov.uk, or the Planning enforcement team with the contact details below.

Planning
Enforcement
London Borough
of Lambeth
PO Box 734
Winchester
SO23 5DG
Email: planning@lambeth.gov.uk

Data Protection and Public Register Information

All of the information provided in the application form will be handled in accordance with the provisions of the Data Protection Act 1998.

We are obliged to publish information in respect of each HMO licence granted under Part 2 of The Housing Act 2004. Some of the information you provide will be entered into a public register but only to the extent required by law.

This means that a licence holder's name and address cannot be withheld from a register of licences, on Data Protection Act grounds because it is required in law under the Housing Act 2004 and is therefore not included in the non-disclosure provisions included in the Data Protection Act. Licence holders who officially operate their business from an address other than their home address, can choose to use their business address so that their home address does not appear on the register.

For further information you can view our HMO licensing privacy notice on the Lambeth website: [HMO licensing privacy notice | Lambeth Council](#)

A copy of the HMO register can be viewed on the Lambeth website <http://www.lambeth.gov.uk/Services/HousingPlanning/PrivateHousing/AdviceForLandlords/HMORegister.htm>

Type of Application

Please confirm whether the application is a new application, a renewal of an existing licence or an application for change of licence holder. If your application is a renewal application, please include the licence reference number of your previous licence (this is set out at the top of your licence).

Part 1: Applicant Details

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.

As the applicant, you are required to provide your:

- Name
- Correspondence address
- Contact details
- Date of birth 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.

Part 2: Proposed Licence Holder Details

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.

You must provide the proposed licence holder's details as follows:

- Type of proposed licence holder
- Name
- Correspondence address (the proposed licence holder should be based in the UK as being bound by the conditions of the HMO licence, it is necessary for a correspondence address to allow for legal notices to be duly served in relation to the condition of the HMO.
- Contact details
- Date of birth (if the proposed licence holder is an individual).

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.

Part 3: Manager Details

- 3.1 If the property is managed by the landlord, 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 3.1.

You must provide the details of the person responsible for managing the property as follows:

- Name
- Address
- Contact details

- 3.2 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 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 Royal Institute of Chartered Surveyors (RICS); the National Association of Estate Agents (NAEA); and the National Approved Lettings Scheme (NALS).

Part 4: Ownership Details of the Property to be Licensed

- 4.1 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.
- 4.2 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.
- 4.3 A **'mortgagee'** is the person or financial institution who has granted a loan secured on the property.

If the Council has to serve a notice on the person having control of a property, there is often an obligation for the Council to advise other people who have an interest in the property that a notice has been served. Please give the address of the branch of the organisation you obtained your mortgage from. Your account number is also required as many organisations have difficulty in identifying the exact mortgage account and customer without one.

- 4.4 A **'person who collects the rent'** is considered to be anyone who collects rents from the occupants of the property.
- 4.5 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 occupants of the property.
- 4.6 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.

Part 5: Property Information

5.1 A **'shared house'** is a self contained premise, which is let to individuals who occupy their own bedrooms and share a kitchen, bathroom or toilet. the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants under one single joint tenancy.

5.2 A **'shared flat'** is a separate and self contained premise constructed or adapted for use for residential purposes and forming part of a building. The accommodation is let to individuals who are a group of sharers such as students, work colleagues or friends as joint tenants under one single joint tenancy whilst occupying their own bedrooms and sharing a kitchen, bathroom or toilet.

Both **'self contained flats'** and **'studios'** are separate and self contained premises. A self contained unit is one which has inside it a kitchen (or cooking area), bathroom and toilet for exclusive use of the household living in the unit.

If the occupier needs to leave the unit to gain access to any one of these amenities, that unit is not self contained.

Bedsits are units of accommodation where there is normally some exclusive occupation and some sharing of amenities, usually bathroom and/or toilet. Each bedsit or letting will be let to separate individuals.

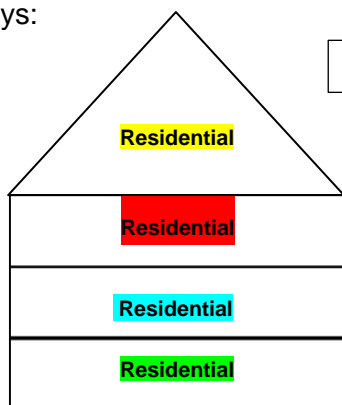
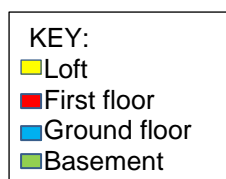
Premises referred to as **'hostels'** includes establishments providing medium to long term accommodation for people with no other permanent place of residence as distinct from hotels.

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

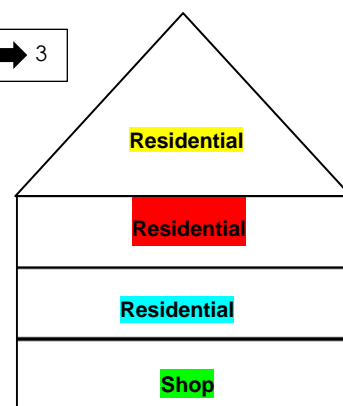
5.3 For the purposes of licensing, storeys include:

- Basements, attics and lofts if they are occupied or if they have been converted for occupation by residents or if they are used in connection with the occupation of the HMO by residents, e.g. gas or electric meter position, storage or laundry facilities.
- Mezzanine floors, that is, a floor at a different level that is not used solely as a means of access between adjoining floors

Examples of storeys:



4 ← No of storeys → 3



5.4 If you do not have an exact answer to this question just provide any information you

have e.g. *"It was already an HMO when I bought it in 1994"*.

5.5 **Buildings Regulation approval** is a document issued by the Council's Building Control Officers. When you decide to carry out work which needs Building Regulations approval, you or your chosen contractor should apply for approval by submitting plans and specifications to Building Control. If the Building Control Officer can see that the work you propose will result in compliance with the standards enforced at the time then a Building Regulations approval notice will be issued.

Building Control Officers may also issue completion certificates when the work has been completed and found on inspection to comply with the Building Regulations. Works which needs Building Regulation approval include: any structural work, new or amended drainage and fire precaution work. The Council is looking for information about the sort of work which has previously been carried out. Only brief details are required such as *"May 1990, New bathroom to first floor"* or *"November 1992 Ground floor extension to enlarge kitchen & provide additional let"*.

Not being able to provide such documents will not stop the Council from issuing a licence.

5.6 **Planning Consent** is issued by your local Council, in a similar fashion to Building Regulations approval. Anyone wishing to extend or change the nature of a building must check with the Council's Planning Officers whether Planning Permission is required. Examples of work which might need planning consent include extensions above 20% of the property's original size, extensions between the front of the original building and the road and changes in use. The Council sometimes attaches conditions to approvals such as providing certain levels of car-parking. If you know of such a consent please give brief details such as *"May 2002 - Conversion of detached garage to a self contained dwelling"*.

Please enclose copies of any supporting documents such as planning approval and conditions. Not being able to provide such documents will not stop the Council from issuing a licence.

If you would like further information on planning and building control matters that may relate to your HMO, please visit website below:

[Lambeth Council Planning and Building Control Team](#)

Part 6: Occupier Information

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.

- 6.1 Children and babies are also considered to be occupiers and should each be counted as one individual regardless of their age.
- 6.2 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, stepchildren and children being cared for), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Half-relatives will be treated as full relatives.

Therefore, three friends sharing together are considered three households because they

are not related. If a couple are sharing with a third person that would consist of two households.

Please refer to the Housing Act 2004 with this direct link for further information:

[Housing Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/31/section/1/section-1)

6.3 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.

- 6.4 Please state here if the proposed licence holder, owner or manager lives on the premises. This can affect the property's eligibility for licensing. It is also helpful to know if someone with more responsibility, such as an employee or relative lives on the premises.
- 6.5 A **'habitable room'** is any room, which can be used for everyday activities. Such rooms would include all bedrooms/sleeping accommodation, living room and dining room. It does not include kitchens, bathrooms, conservatories and unconverted basements.

When describing room location, first state which floor the room is on e.g. basement, ground floor, etc. Next state its position described as if you were standing in the street facing the property. Examples would be 'ground floor front room', 'first floor back addition back room', 'second floor front left room', etc.

To assist you further, please refer to the example sketch plans in Part 12 of these notes.

Part 7: Accommodation & Amenities

- 7.1 **Sleeping accommodation** means rooms within the house in which a bed or other furniture for sleeping are provided.

Living accommodation means rooms in the house which are used for everyday living activities, such as living rooms, dining rooms, studies, games rooms & sports rooms. 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.

Living accommodation excludes bedrooms, kitchens, bathrooms, uninhabitable rooms, hallways, landings, stairwells, passages and cupboards.

- 7.2 Flats in this question means a room or a set of rooms within the property which provide most or all of the essential elements of a home. The essential elements being: sleeping accommodation, living accommodation, bathroom and kitchen facilities. These elements will normally be located "behind one door". Flats will be regarded as self contained if they contain all four elements "behind one door". If they share a bathroom or kitchen with another flat they will be regarded as not self contained.

- 7.3 **'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.

- 7.4 **Suitable** means heating, and any ancillary equipment, which is safe to be used in a damp environment and is capable of raising the temperature of the room to a comfortable level within a reasonable period. Heaters in shared bathrooms must not be coin-operated. Running costs must be met out of general rental income.

There are good reasons to ensure that your property is as well insulated and draught proofed as possible. However for the purposes of this application the Council just wants to know how well insulated the roof void immediately above the living accommodation is.

To meet current Building Regulations you need 270mm of mineral wool insulation. 100mm between the ceiling joists and 170mm laid over the joists.

- 7.5

Include any piped gas supply from mains gas. 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.

“**Landlord’s Gas Safety Record**” is known to most landlords as a “**Gas Safe Certificate**”. Landlords, licence holders or managing agents must arrange Gas Safety checks on an annual basis and provide the Council with copies. Only certificates by Gas Safe Registered Gas Installers will be acceptable. Failure to produce such a certificate may be grounds for refusing to grant a licence.

- 7.6 Under the Electrical Equipment (Safety) Regulations 1994 there is a requirement that all electrical appliances supplied or provided in the course of a business are safe. Whilst there is no absolute requirement in law to have annual testing in domestic properties, the Council can ask you at any time to demonstrate that all the electrical appliances are safe.

It is good management practice to have all of your portable appliances tested on an annual basis by a competent electrician. Written records of findings should be kept along with notes of any action taken as a result of the report. It is good practice to attach a label to each appliance when it is tested with the date, the tester’s name and whether the appliance has passed the safety test. Your insurer may wish to see evidence of such good practice in the event of a claim.

All portable appliances **provided by the landlord, licence holder or managing agent** need to be included. For example, refrigerators, washing machines, microwave ovens, kettles, irons and TVs. Appliances abandoned by previous tenants and not removed by the landlord will be regarded as belonging to the landlord.

The rules do not extend to items brought in to the property by tenants. However landlords should consider asking tenants to have their electrical appliances tested for the benefit of everyone’s safety.

- 7.7 To ensure that the property is maintained in a safe condition, the landlord, licence holder or managing agent must demonstrate that the electrical installation and accessories (e.g. socket outlets, switches etc.) are regularly tested and that any deficiencies are remedied.

An electrical safety certificate is a requirement of licensing, further to this the management regulations of houses in multiple occupation states that the manager must ensure that electrical installations are inspected and tested at intervals not exceeding five years by a person registered and qualified to undertake such inspection and testing.

Part 8: Fire Safety

- 8.1 A fire risk assessment will be required by law under the Regulatory Reform (Fire Safety) Order 2005. Landlords of all HMOs are required to produce an assessment of the risk to fire safety in their properties. This would apply to everyone who may be in the HMO (residents, staff and visitors) and should take adequate account of what changes need to be made. A risk assessment should be enclosed with your application.
- 8.2 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 and type of HMO.
- 8.3 In this section of the form you are required to provide information of the fire safety provisions there are in the licensable property. 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.
- 8.4 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 or BSEN 1634-1:2000. Where a fire doors are required in the property, the licence holder shall carry out a full inspection of any fire doors installed in the HMO or employ a reputable and qualified contractor to carry out he inspection. The licence holder shall ensure that:
- The door is sound and in good repair.
 - Any glazing in the door is in good repair and at least 6mm minimum thick wired cast glass.
 - The door been fitted with 100mm butt hinges that are securely fixed.
 - The intumescent strips and cold smoke seals are in place and in good repair.
 - The self-closer fitted to the door operates correctly, closing the door without intervention.
 - The gap between the frame and the door is no more than 3m
- 8.5 An **'emergency lighting system'** is designed to automatically illuminate the escape route upon failure of the supply to the normal artificial lighting. Any emergency lightingsystem installed in the property must comply with BS 5266: Part 1: 1988 or BS EN 50172:2004. Further information can be found: Part C: general principals of fire risk reduction - 23. Lighting of escape route [guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf \(cieh.org\)](#)
- 8.6 **'Fire safety'** Provide fire precaution facilities and equipment at the property, as deemed necessary by the London Borough of Lambeth. Information on necessary fire precautions and equipment for the property will be provided to the licence holder as the level of fire safety is dependent on the type of HMO in operation. Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Lambeth on demand as evidence of such maintenance. Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g., resetting) and are aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire. In larger HMOs or any HMO where there is a regular turnover of residents fire escape signs are required in order to provide clear, unambiguous information to enable persons to safely leave the building in an emergency. Escape signs must comply with the provisions of the Health and Safety (Safety Signs and Signals) Regulations 1996 and, generally, be positioned that a person escaping will always have the next escape sign in sight.

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, multipurpose extinguishers are required in escape routes, and carbon dioxide extinguishers along with fire blankets required for shared kitchens.

8.7 **Smoke Alarms**

Ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation in the HMO. A bathroom or lavatory is treated as a room used as living accommodation. A heat detector/ alarm is to be installed in kitchens and kitchen areas. A declaration as to the positioning of smoke and heat alarms must be supplied to the London Borough of Lambeth. Note: This requirement will be satisfied where an appropriate fire detection and alarm system is provided as recommended in BS 5839 part 6 2019. Ensure that all smoke alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the London Borough of Lambeth on-demand. Note: This requirement will be satisfied where appropriate certifications of the fire detection and alarm system have been given as recommended in BS 5839 part 6 2019. Note: Further requirements for fire standards may be set out under the discretionary conditions.

8.8 **Carbon Monoxide**

Ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. A declaration as to the positioning of such alarms must be supplied to the Local Authority on demand. Note: 'Room' includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation. The licence holder must ensure that the carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the London Borough of Lambeth on demand

8.9 All upholstered furniture provided with rented accommodation must comply with the **Fire and Furnishings (Fire) (Safety Amended) Regulations 1988**. This means that all furnishings provided within the tenancy must have passed cigarette and match ignition tests and the filling materials have passed the flammability tests. If the furniture complies it should have a label attached permanently with the lining giving details as appropriate.

8.10 **'Upholstered furniture'** which is covered by the above regulations include: beds, headboards, mattresses, sofa-beds, nursery furniture, garden furniture which can be used indoors, scatter cushions, seat pads and pillows and loose and stretch covers for furniture. Licence holder/ owner/ managing agent Must keep all furniture made available by you in the house in a safe condition. Supply to London Borough of Lambeth, with a declaration by you as to the safety of the furniture, when required to do so.

Further information can be found:

Appendix 5. Conditions for HMO Licensing - [Appendix 1 - 2021 LBS HMO Designation Report Final.pdf](#)
[guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf](#)

Part 9 and 10: Property & Tenancy Management

Operating an HMO is a business and needs to be treated as such. In these two sections you need to demonstrate that you have thought carefully about the management of the property and

that you have procedures in place to deal with all likely events.

- 9.1 **‘Anti-social behaviour’** The licence holder shall take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the flat/ house and to this end shall: Report all incidences of anti-social behaviour to the appropriate authority, for example the police or the Council and where necessary, seek legal advice on the options available to you with managing your tenants anti-social behaviour. Ensure adequate security arrangements are in place to prevent unauthorised access to the premises.
- 9.2 **‘Tenancy agreement’** The licence holder shall enter into an assured shorthold tenancy agreement with each new tenant of the dwelling for which he/ she is the person having control. (unless an alternative arrangement is reasonably more appropriate, this must be discussed with processing officer). The tenancy agreement will include provisions relating to forfeiture of the property in the event of a breach of the tenancy agreement terms in the following circumstances: "That the tenant or someone living in, or visiting the premises has been guilty of conduct which is, or is likely to cause a nuisance or annoyance to neighbours; or, that a person residing or visiting the premises has been convicted of using the premises, or allowing it to be used for immoral or illegal purposes or has committed an arrestable offence in, or in the locality of the licensed premises." The Government have produced a model template for an Assured Shorthold Tenancy which can be found here - <https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>
- 9.3 **‘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.
- 9.4 **‘Asbestos’** The Council refers you to the control and safety guides issued by the Asbestos Research Council and to the requirements of the Asbestos Regulations and the Control of Asbestos at Work Regulations 2002.
- The owner of the property is also advised that they may have a duty under the above regulations to manage any asbestos found in the property. This duty requires you to identify any asbestos, record the amount of asbestos, its location and its condition, and make this information available to relevant parties, eg: users of the building, tenants, contractors, etc. The duty will also require you to assess the risks from asbestos, prepare & implement a management plan, monitor & review the plan.
- The owner of the property is also advised when carrying out works to the property they will have a responsibility to comply with the Construction Design and Management (CDM) Regulations 2007. The aim of the CDM regulations is to improve Health & Safety Management in construction projects and place responsibilities on parties involved in construction projects (all construction works need to comply with CDM).
- 9.5 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

Part 11: Fit & Proper Person Details

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 below).

Fit and Proper Person Notes

In granting a licence the Council must be satisfied that the proposed licence holder, manager, and any person involved in the management of the property are fit and proper persons. We will have regard to relevant guidance and the legislative requirements in applying the 'fit and proper' test.

A person's 'fit and proper' status may be reviewed at any time. Removal of the status may lead to a refusal and/or revocation of licence(s).

The criteria (not an exhaustive list and each case will be considered on its merits) considered when assessing a persons or an organisations ability to be a licence holder or manager are as follows:

- 1 Whether there is a conviction of any criminal offence including, where relevant, any spent convictions excepted under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Particular consideration will be given to offences of dishonesty, fraud, violence, harassment, drug trafficking, human trafficking, Page 183 of 217 money laundering or offences of a sexual nature or of offences relating to child exploitation or abuse, whether or not these offences were in the United Kingdom, and Housing Act 2004 offences or any breaches of provisions of housing or landlord and tenant law.

2. Whether there are current relevant criminal proceedings.

3. Whether the party has been subject to any adverse finding or any settlement in civil proceedings.

4. Whether the party has practiced unlawful discrimination on the grounds of sex, colour, race, ethnic or national origin, disability, sexual orientation or religious belief in connection with carrying out business.

5. Whether a spouse, business associate or controlling partner in the business, director of the company or any person with a controlling interest in the business has been convicted of any criminal offence including, where relevant, any spent convictions excepted under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Particular consideration will be given to offences of dishonesty, fraud, violence, drug trafficking, human trafficking, money laundering or offences of a sexual nature or of offences relating to child exploitation or abuse, whether or not these offences were in the United Kingdom, and Housing Act 2004 offences or any breaches of provisions of housing or landlord and tenant law.

6. Whether a spouse, business associate or controlling partner in the business, director of the company or any person with a controlling interest in the business is currently the subject of any criminal proceedings.

7. Whether a spouse, business associate or controlling partner in the business, director of the company or any person with a controlling interest in the business has been subject to any adverse finding or any settlement in civil proceedings.

8. Whether a spouse, business associate or controlling partner in the business, director of the company or any person with a controlling interest in the business has practiced unlawful discrimination on the grounds of sex, colour, race, ethnic or national origin, disability, sexual orientation or religious belief in connection with carrying out business.

9. Other convictions/enforcement action relating to: a. Environmental Health convictions b. Financial Penalty issued c. Rent Repayment Order made d. Banning Order made e. Inclusion on the National Rogue Landlord or Property Agent Database or the Greater London Assembly Rogue Landlord or Agent Checker f. Convictions for Illegal eviction/harassment g. Environmental Health - Enforcement Action, e.g. the making of Prohibition Order, failing to comply with an Improvement Notice, etc. h. Waste Enforcement i. ASB Enforcement j. Planning Enforcement

10. Whether a person residing abroad can effectively manage the property or has in place a UK based Manager/Licence Holder that can properly manage the property, which includes access to funds to carry out management, repairs, maintenance and deal with emergencies, etc. and agrees to be bound by the licence conditions.

11. Whether a person is in prison for a term of more than 2 months.

12. Type of property being licensed.

13. Size of the property being licensed.

14. The level of risk to health and/or safety associated with the property. Appropriate investigations will be undertaken to establish the fit and proper status of an individual or the directors of a company or the partners of a partnership

We must be satisfied that the person applying for an HMO licence is a "fit and proper person" to hold a licence. The test is applied to any person managing the premises and any director or partner in a company or organisation, which owns or manages the HMO. Not all convictions are relevant to a person's prospective role as an operator of an HMO. Please note that failure to declare a relevant conviction will be regarded, with the conviction, as more serious than the conviction itself.

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, someone who is deemed to be a fit and proper person will have to be nominated to hold the HMO licence.

The law says that the proposed licence holder must disclose details of all licensed HMOs which he or she controls. Technically you only need to list other HMOs which have actually been granted a licence at the date your application is submitted. However, it would be helpful if you could list all licensable properties you control but where appropriate, mark them as “application pending” instead.

Additional Information

This section gives you an opportunity to demonstrate whether the landlord, licence holder or managing agent 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.

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 are run at a local level by local councils, higher educational institutions and their agents and landlord associations

Part 12: Plan of Property

You are required to submit a floor plan with your completed licence application. The floor plan should indicate all rooms, communal areas, stairways etc and how they relate to each other. The floor plan must clearly indicate the use of each room and its approximate dimensions. The plan should also indicate location of fire doors, details of the fire alarm system and emergency lighting.

We ask that landlords, licence holders or property managers review the information in Appendix 6. ‘Amenity and Space Standards’ of the designation report. This will facilitate to inform you of the required space and amenity standards. Should you have further questions, please contact us via email.

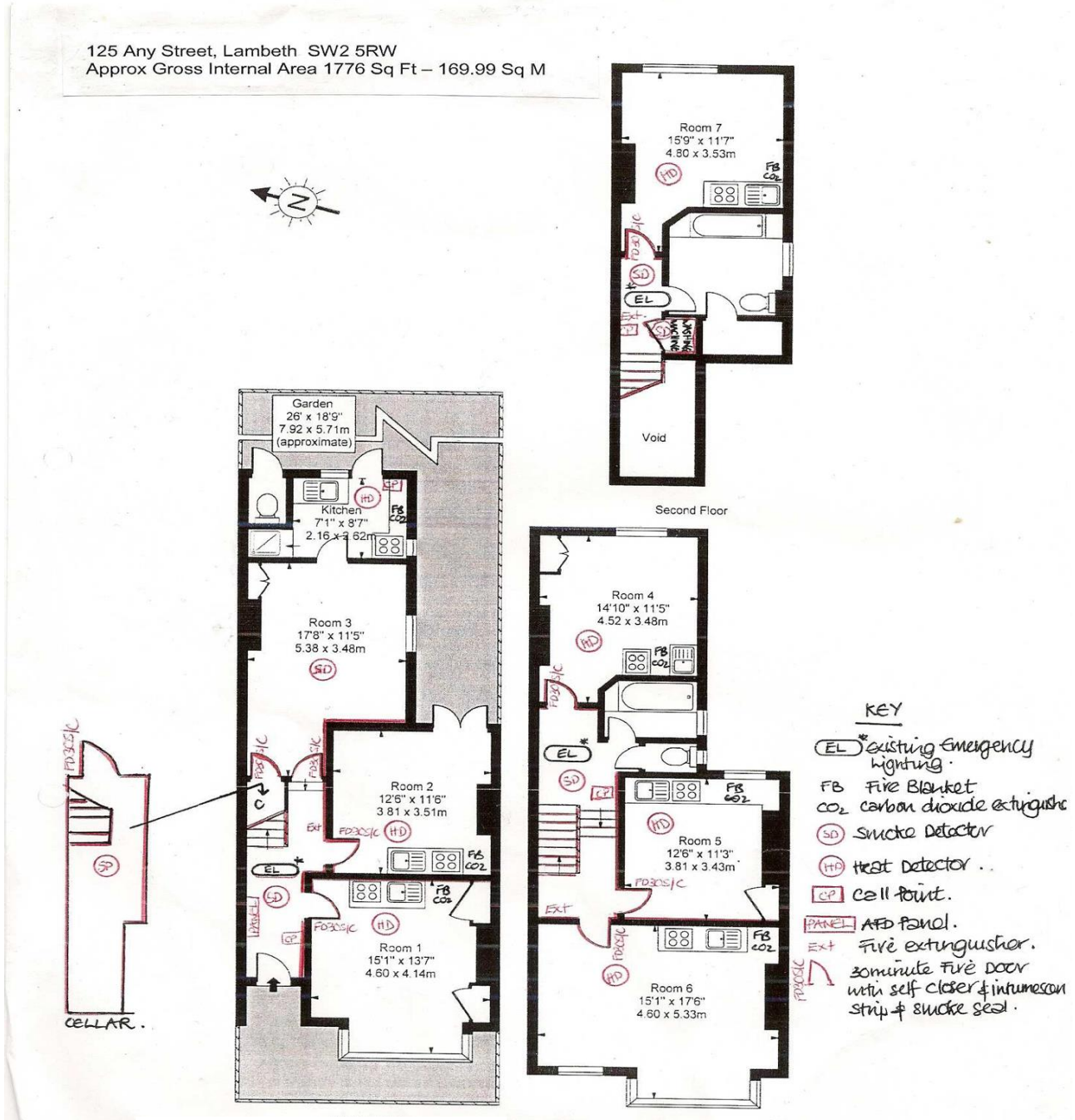
Listed below are the most common symbols used in floor plan

B	Bath	AS	Alarm sounder	FD60	Fire door 60 minute
SH	Shower	CP	Call Point	HD	Heat detector
WC	Toilet	CO ₂	Carbon dioxide extinguisher	IP	Indicator panel
WHB	Wash hand basin	DP	Dry powder extinguisher	SD	Smoke detector
		EL	Emergency lighting	WE	Water extinguisher
C	Cooker	E	Exit sign		
F	Fridge	FB	Fire blanket		
S	Sink	FD	Fire door		
		FD30	Fire door 30 minute		

Example Floor Plans

Below are example floor plans for your HMO licence applications. It is to show existing facilities, room sizes and annotated locations of fire safety precautions such as fire doors and smoke detectors. Please note that sample 2 is incomplete as there are no room sizes displayed.

Sample 1



Part 13: Advising Others of your Application

You must complete Part 13 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 13 of the form. The details which you must provide these people with are also listed in Part 13 of the form.

Part 14: Checklist of Enclosures & Declaration

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 application form where relevant. 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 application which may lead to your application being refused or delayed.

You may upload a note explaining the situation with the missing documents, although, depending on the nature of the documents missing from the application, the processing officer may request for these to be submitted within a given time frame and attach this request as a condition on the HMO licence. If there were to be a breach of this licence condition, this may lead to legal proceedings against you for failing to comply with a licence condition, but not limited to as breaches may also be identified under further legislations relating to HMO standards.

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).

Part 15: FAQ – Frequently Asked Questions

Q1: How long is the license valid for?

A1: Five years. A reduced duration can be applied where the HMO does not meet required HMO standards or have complete documentation.

Q2: Do I need to apply?

A2: As of 09 December 2021, the requirement for mandatory HMOs to be licensed remains and should there be 3 or more occupiers (forming 2 or more households) and sharing a facility (Kitchen, WC, bath/shower room) then the property will require an additional HMO licence.

Q3: What is a household?

A3: A household is defined as:

- a single person living alone
- a married couple
- a couple in a relationship
- a family group living together.

Q4: Are there any discounts available?

A4: There is a 50% discount for charity organisations.

HMO licence renewals will be charged at an approximate rate of 62.28%.

There is a 20% discount for landlords/agents who have current membership of a recognised accreditation scheme and/or members of a recognised professional body.

Note:

** The discount will only be valid when the accredited landlord or agent acts as the licence holder.

** Discounts cannot be combined.

Examples of organisations that would attract the membership/accreditation discount:

- a) London Landlord Accreditation Scheme (LLAS)
- b) Southern Landlords Association (SLA)
- c) National Residential Landlords Association (NRLA)
- d) The Guild of Residential Landlords
- e) Association of Residential Letting Agents (ARLA)
- f) National Approved Lettings Scheme (NALS)
- g) Royal Institution of Chartered Surveyors (RICS)
- h) UK Association of Letting Agents (UKALA)
- i) UK Landlord Accreditation Partnership (UKLAP)
- j) British Landlords Association (BLA)

Should the licence holder believe they have an appropriate membership/accreditation which is not listed, they will have the opportunity to submit a case to be included.

Q5: When can I get the printed version of the license?

A5: Processing times are approximately 20 weeks from the submission date. You will be able to print the licence once the complete HMO licence fee has been paid.

Q6: I want to apply, does any officer come to the property for an inspection?

A6: We are currently not operating advisory visits. We ask that landlords/property managers etc. review the information on our HMO standards page. Should you have further/specific queries, please contact us via email (or arranged telephone call). It would help if you included photos and floor plans. We are usually able to advise as to requirements following this

Q7: How do I upload my accreditation certificate?

A7: You will be asked to upload this during the payment process.

Q8: Q: Where are the fire doors required for a property with 3 or 4 tenants?

A8: the location of the fire doors will depend on the type of HMO in operation. If the 3 or 4 individuals are non-related in a bedsit type HMO then a fire door is required for the bedrooms, kitchen, and shared lounge area complete with strips, seals and self-closing mechanism.

If 3 or 4 unrelated individuals are in a shared house type HMO with up to 2 floors and living under one tenancy agreement as an identified group such as students, there is no requirement for fire doors, but the doors will need to be of sound construction and locks on bedroom doors will not be permitted.

Where there is a shared house type of HMO with 3 or more floors, there is a requirement for fire doors to be installed for the bedrooms, kitchen, and shared lounge area.

Q9: Do the questions on the application relate to my property or the building?

A9: The questions relate to only your property.

Q10: Who do I contact if I am encountering technical issues with my application?

A10: Please send details including screenshots and videos if any, and your application reference number with the email linked to your account to: HMOLicensing@lambeth.gov.uk

Q11: What documents will I need to upload to be able to submit an HMO application?

A11: To process an HMO application, the following documents may be requested, where applicable:

- Gas safe certificate
- Automatic Fire detection certificate
- Accreditation membership
- Emergency Lighting certificate
- Floor plan
- Tenancy/Management Agreement(s)
- PAT testing
- Electrical Installation condition report (or equivalent)
- Fire Risk Assessment
- Land Registry title (dated within 28 days of application)
- Property insurance
- Asbestos survey
- Planning Permission (if property is occupied by 7 or more occupants).

The list is not exhaustive, and it is possible that specific additional documentation might be requested depending on the case e.g., if there is a misting/sprinkler system, documentation for this will be requested.

Q12: Q: I have 3 tenants in a 3-bedroom flat and the kitchen is just below the standard requirement. Are the kitchen size requirements mandatory?

A12: Please have a look at the table on page 158 of [Appendix 1 - 2021 LBS HMO Designation Report Final.pdf](#) there are some recommended sizes for kitchens that are not mandatory. However, I would advise you to submit the application when and if you decide to make the property licensable, the processing officer will review the kitchen size and make further comment on the layout and safety of it should the kitchen appear to be unreasonably sized for use in an HMO.

Q13: Q: I understand that being a live-in landlord, we do not need an HMO additional licence, is this correct?

A13: A live-in landlord is allowed a maximum of 2 lodgers to remain exempt from HMO licensing. Should the live-in landlord have 3 or more lodgers, an HMO licence will be required.

Q14: Is this correct an Additional HMO licence would not be needed if we move out before this year ends?

A14: A licence would be needed as soon as you decide to make the property licensable, regardless of if it is before the end of this year or later.

Q15: Please may I arrange a telephone call?

A15: Unfortunately, we are not operating a telephone service now. It will be more efficient to send emails to HMOLicensing@lambeth.gov.uk and we will get back to you. Please let us know what you would like to know regarding the HMO license.

Q16: How do I apply for a Temporary Exemption Notice (TEN)

A16: Please email HMOLicensing@lambeth.gov.uk and ask for a TEN

Q17: How do I pay?

A17: Unfortunately, we only accept payments through the online portal during the HMO application process.

Q18: How do I access the HMO register?

A18: The updated register can be found: [HMO register | Lambeth Council](#)

Q19: Does this scheme have a designation report?

A19: [Appendix 1 - 2021 LBS HMO Designation Report Final.pdf](#)

Q20: We have a lot of properties; can you invoice us or pay with another method?

A20: I understand the challenge here, unfortunately, each application must be paid for separately by card.

We are working with landlords/managers with larger portfolios so that a bit more time is given to submit all applications. We kindly ask that you provide a list of affected properties and the reasonable timeframe you would find desirable to complete all applications.

These Q&A were created by Maris, Valentina, and Douglas.