

# **HOUSING ACT 2004**

## **House in Multiple Occupation (HMO)**

**LICENSING APPLICATION GUIDANCE NOTES**

## GUIDANCE NOTES

Before completing an application form for a new House in Multiple Occupation (HMO) Licence, 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 do not enclose any payment with your application. You will be invoiced after you have submitted your application form.** You must pay the HMO licence application fee in full before your licence can be issued. There is no provision to pay the fee by instalments. If you fail to pay the invoice on time you may incur additional late fee charges. Where the council has to spend time and resources recovering fees or documents, the suitability of the proposed licence holder will be taken into consideration.

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 prior to the issuing of the licence. We are required to consult all relevant parties prior to issuing the licence. You are allowed a period of representation about the licence conditions, during which any concerns, 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.

Whilst the procedures required to issue a licence are fairly lengthy, we have tried to make the application process as easy as possible to understand. If you do not understand how to answer a question, please refer to these guidance notes. If after reading these notes, you still need further advice, please contact the Private Sector Housing Environmental Health Team on 020 7926 4444 or 020 7926 4247.

### Planning Permission

In planning terms, there are now two different types of HMO. Small HMOs housing 3 to 6 unrelated people who share amenities will not require planning permission. However, larger HMOs defined as having more than 6 unrelated people sharing amenities, are regarded as having a “*Sui Generis*” (of its own kind) use and planning permission is required.

HMO licensing does not grant exemption from the need to obtain planning permission. If you have any questions about the changes and guidance, relating to HMOs and planning please contact Private Sector Housing or Planning on

Lambeth Planning  
Phoenix House  
10 Wandsworth Road  
London  
SW8 2LL  
Tel: 020 7926 1180  
Fax: 020 7926 1171  
Email: [planning@lambeth.gov.uk](mailto: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.

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
- 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

- 5.3 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.

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 occupy their own bedrooms and share 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.

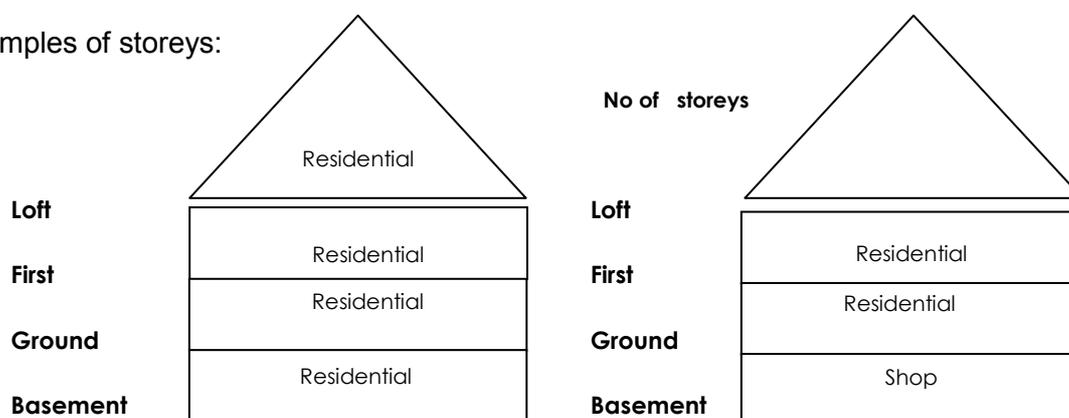
Premises referred to as **'hostels'** includes establishments providing medium to long term accommodation for people with no other permanent place of residence as distinct from hotels.

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

- 5.4 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:



- 5.6.1 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"*.

- 5.6.2 **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.

- 5.6.3 **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.

## 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 treated as family. If a couple are sharing with a third person that would consist of two households.

- 6.4 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.

- 6.5 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.
- 6.6 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.

7.3.5 **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.

7.4.2 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.

7.5.1 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 must arrange safety checks on an annual basis and provide the Council with copies, only certificates by Gas Safe Registered Gas Installers will be acceptable. If you cannot provide a valid certificate, the Council will contact you fairly quickly to find out why. Failure to produce such a certificate may be grounds for refusing to grant a licence.

7.5.2 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** 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.

7.5.3 To ensure that the property is maintained in a safe condition, the landlord 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 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.

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.

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 BS EN 1634-1:2000.

An '**emergency lighting system**' is designed to automatically illuminate the escape route upon failure of the supply to the normal artificial lighting. Any emergency lighting system installed in the property must comply with BS 5266: Part 1: 1988 or BS EN 50172:2004.

'**Fire safety 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, multi purpose extinguishers are required in escape routes, and carbon dioxide extinguishers along with fire blankets are required for shared kitchens.

- 8.4 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.

'**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.

## Part 9 and 10: Property & Tenancy Management

Operating a 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.

- 9.4 '**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.
- 9.5 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).

- 9.7 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 for definition).

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.

- 11.3 The law says that the proposed licence holder must disclose details of all licensed HMOs  
11.4 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 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.

- 11.6 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.

- 11.7 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 may be a drawing or sketch but 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.

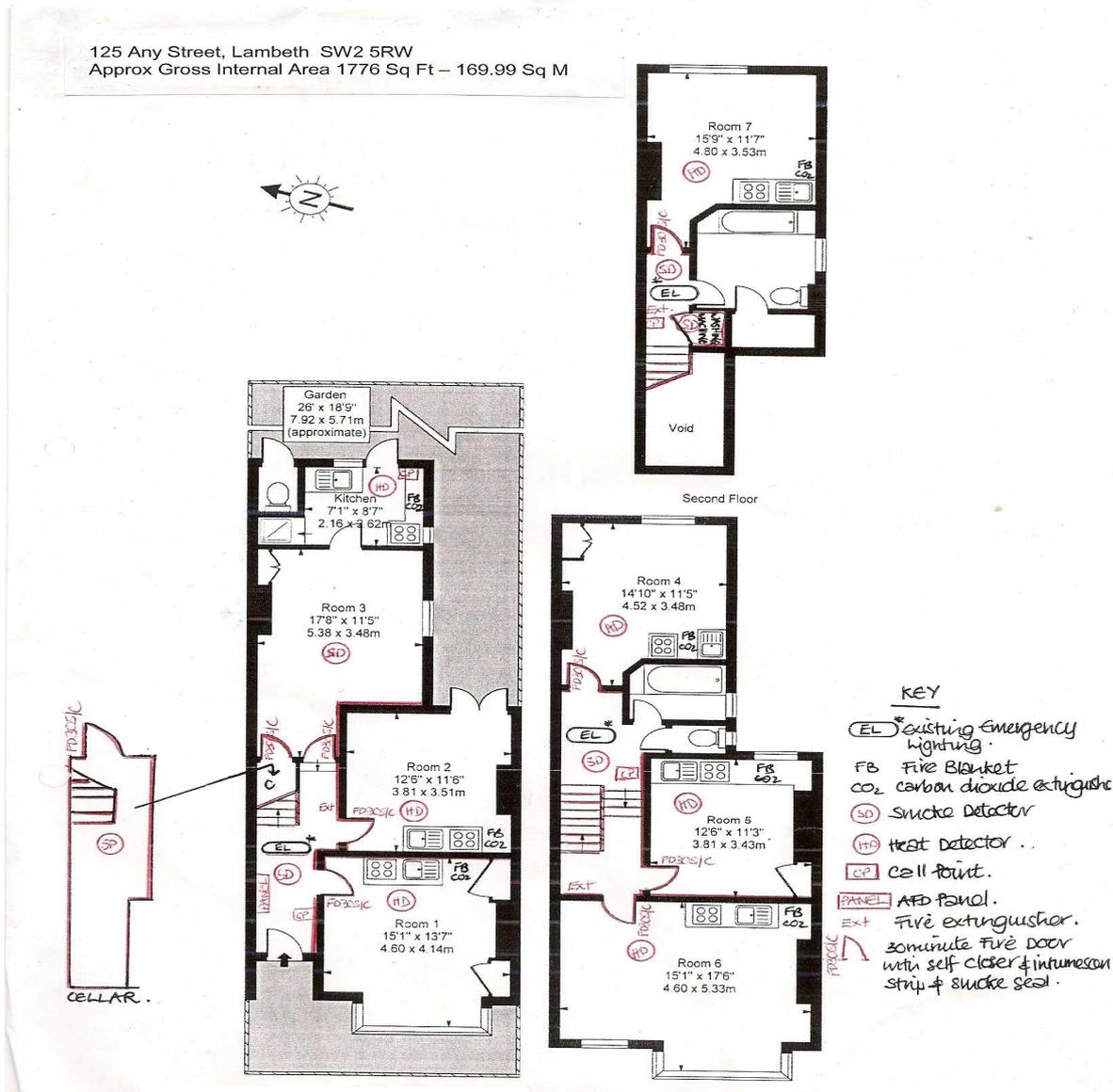
Listed below are the most common symbols used in sketch plan

B	Bath	AS	Alarm sounder	FD60	Fire door 60 minute
SH	Shower	CP	Call Point	HD	Heat detector
WC	Toilet	CO <sub>2</sub>	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		

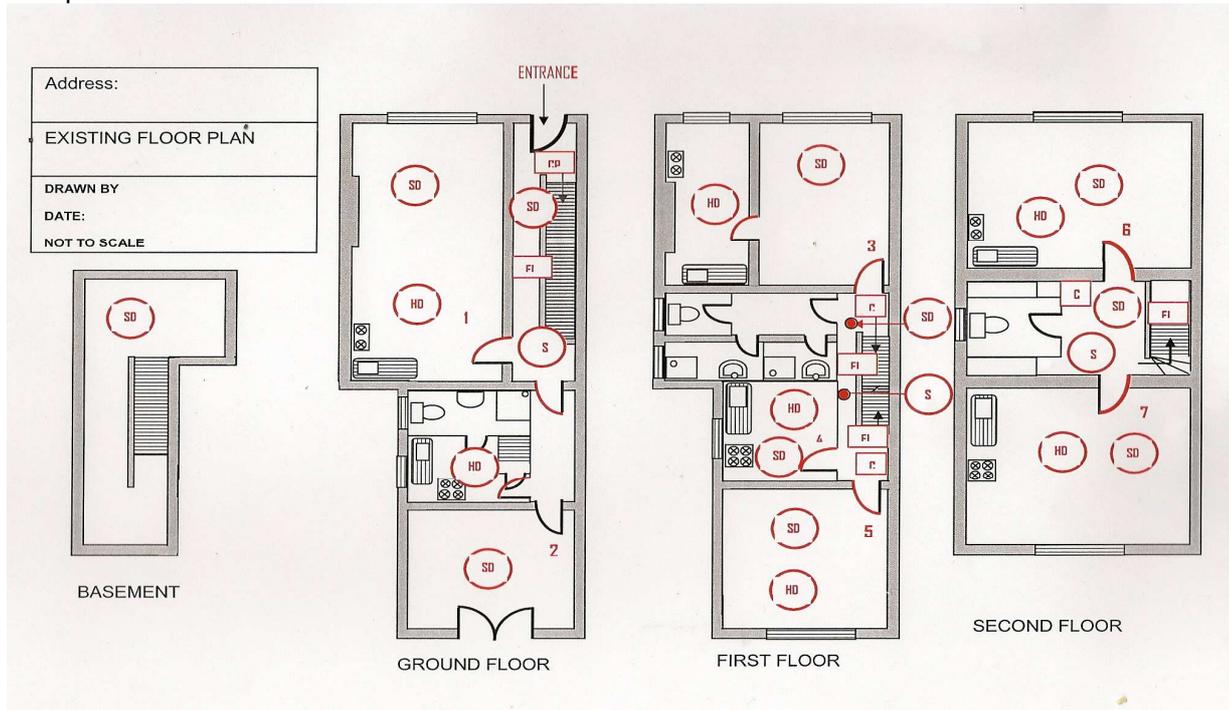
## Example Plans

Below are example plans which will be acceptable for HMO licence applications. It is to show existing facilities only.

### Sample 1



## Sample 2



## 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.

If you require more space to complete Part 13, please continue on additional sheets of paper, making sure you clearly number the sheets and attach them securely to 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.

Any original certificates or reports you supply will be photocopied and returned to you.

**The application will be considered incomplete if any of the required documents are not submitted at the same time as the form.**

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).