



ADUR & WORTHING  
COUNCILS

### HOUSING ACT 2004

## HOUSE IN MULTIPLE OCCUPATION (HMO) LICENCE APPLICATION GUIDANCE NOTES

**The following notes refer to sections in the application form and are included to assist you with completing the form. Please ensure that you read them carefully.**

### **Section 1: Ownership and management details**

- 1.1 The person completing the application form i.e. the applicant, will normally be the licence holder, but in some cases arrangements may have been made for another person to be the licence holder, with their agreement. The Council will be particularly looking for the licence holder to be the person who has the authority to ensure compliance with the licence conditions.
- 1.2 You only need to complete this section if another person (other than the applicant) will be the licence holder.
- 1.5 This is the person or company who will be managing the HMO on a day to day basis.
- 1.5.3 Example of landlord association would be the 'National Landlords Association', any relevant qualifications should also be provided.
- 1.6 You must provide the information of any lender who has a financial interest in the property to be licensed.
- 1.8 'Other relevant persons' refers to anyone not already declared who you think has an interest in the property, e.g. any person who has agreed to be bound by condition (s) in the licence, if granted.
- 1.9 You must declare any properties that need to be licenced under Parts 2 (Mandatory Licensing) or Part 3 (Selective Licensing) of the Housing Act 2004 either within the area Adur & Worthing or any other Council area.

### **Fit and proper person assessment**

- 1.10 This information is required by Section 66 of the Act and Regulation 7 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

Where relevant, the local authority 'must have regard' (among other things) to evidence which shows that any person associated or formerly associated with the property (whether personally or on a work basis) is 'fit and proper'.

We may require your co-operation in obtaining Disclosure and Barring Service information.

We may also take up references with any organisation to which you say you belong or on whose lists you state you appear. Making this application will be taken as your agreement to any such action.

1.10.1 The following information must therefore be supplied in relation to any person that the applicant proposes will be involved in the management of the house:

Details of any **unspent convictions** that may be relevant to the proposed licence holder's fitness to hold a licence, or the proposed manager's fitness to manage the HMO or house and in particular any such conviction in respect of any offence involving:

- fraud or other dishonesty violence or drugs
- any offence listed in Schedule 3 to the Sexual Offences Act 2003

Details of any finding by a court or tribunal against the proposed licence holder or manager that they have practised **unlawful discrimination** in, or in connection with, the carrying on of any business, on grounds of: sex, colour, race, ethnic or national origin or disability.

Details of any contravention on the part of the proposed licence holder or manager of any provision of any enactment relating to **housing, public health, environmental health or of landlord and tenant law** which led to civil or criminal proceedings resulting in a judgement being made against them.

1.10.2 Information about any HMO or house that the proposed licence holder or manager owns or manages (or has owned or managed) which has been the **subject of a control order** under section 379 of the Housing Act 1985 in the five years preceding the date of the application,

or

- any appropriate enforcement action described in section 5(2) of the Housing Act 2004
- service of an improvement notice (s.11 )
- making a prohibition order(s.20)
- serving a hazard awareness notice( s.28)
- taking emergency remedial action (s.40)
- making an emergency prohibition order (s.43)
- making a demolition order (Housing Act 1985, s.265(1) or
- declare a clearance area (Housing Act 1985, s.289(2))

1.10.3 Information about any HMO or house the proposed licence holder or manager owns or manages (or has owned or managed) that has been the subject of an interim or final management order under the Act. Include refusals by ANY authority not just Adur and Worthing Councils.

If any of the above apply to you or anyone involved in the management of the property,

please tell us which, the address involved and the date when the offence occurred or the adverse finding made in the civil jurisdiction, and any measures you have taken to ensure that the situation is remedied where possible.

- 1.10.4 Information about any HMO or house the proposed licence holder or manager owns or manages (or has owned or managed) for which a local housing authority has **refused a licence** under Parts 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of his licence. Include refusals by ANY authority not just Adur and Worthing Councils.

## Section 2: Property details

- 2.5 A converted building is where the building was originally one property and it has been separated into self-contained flats.
- 2.7 'Storey' includes any basement or accessible attic rooms and any part of the building that is used as a business premises (whether above or below the living accommodation).
- 2.8 A shared house is when the occupants share the kitchen/ bathroom and WC facilities and just have their own room. Some of the rooms may contain en suite washing/WC facilities.

A bedsit is a room with kitchen facilities provided within the room. Bathroom/ WC facilities are communal and shared with other occupants.

A self-contained (including studio) flat is where the kitchen/ bathroom/ WC facilities provided are for the exclusive use of the occupiers of the flat and access to the flat from the common parts is via a single door.

A hostel is temporary, basic accommodation where at least one meal a day is normally provided. The rooms will be furnished but typically have shared facilities. Hostels will normally have staff on site at all times.

- 2.10 Some HMOs require planning permission for their use. If your property does not have the necessary consent then the licence period may be reduced until the necessary permission has been obtained.
- 2.11 Room location – 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'. Locations should be given as viewed from the front of the property.

Room sizes are to be given in square meters. When calculating the size of a room, exclude any chimney breast, en-suite bathroom/ shower rooms, any floor area where the floor-to-ceiling height is less than 1.5 metres, and any lobby, narrow entrance corridor or other unusable area, but include any area covered by a fitted wardrobe.

When calculating the size of a flat, add together the sizes of all the habitable rooms and separate kitchens. Exclude bath/shower rooms, any floor area where the floor-to-ceiling height is less than 1.5 metres, and any lobby, narrow entrance corridor or other unusable

area, but include any area covered by a fitted wardrobe.

Habitable rooms include bedrooms, living rooms, kitchen/diners and bed/living rooms, but not separate kitchens, bath/shower rooms or WC rooms.

- 2.13 'Included in the rent' means the landlord pays the utilities bills directly and the tenants do not make any additional payment towards the bills.

'Individual electricity supply and meter' means the letting unit has its own supply separate from the landlords supply. The tenants deal directly with the utilities companies and they have control over the contract.

'Coin or card sub meter controlled' means there is an electricity sub meter in the letting room/ unit. The tenant pays for electricity by coin or card (purchased from the landlord). The landlord has the control over the electricity supply and pays the utilities bill directly.

- 2.14 If gas appliances are provided, test certificates must be provided by a recognised engineer, i.e. one approved under the Gas Safety (installation and use) Regulations 1998.

Carbon monoxide (CO) detectors should only be included if they have an audible alarm.

An acceptable report would be an Electrical Installation Condition Report for the whole of the property carried out by an approved contractor (i.e. NAPIT or NICEIC). The report should be less than 5 years old.

- 2.15 'Appliances' means cookers, ovens, white goods, kettles and microwaves

'Furniture' must comply with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989, 1993 and 2010) set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery.

- 2.16 'Occupiers' includes:

- An individual
- Persons who are married or co-habiting (including single-sex relationships)
- Persons who are married or co-habiting (including single sex relationships) and their relatives (child, parent, grandparent, brother, sister, uncle, aunt, nephew, niece or cousin), foster children or domestic employees (maids, nannies, au-pairs) or staff from a business in the same building as the HMO.

When counting the number of persons include all occupiers, including babies and children and any friend, partner, relative who has moved in with a tenant since the commencement of a tenancy.

### **Section 3: Fire Safety**

- 3.3 The 'fire alarm system' in the property to be inspected, tested and serviced in accordance with BS 5839 part 6:2013 (or any British Standard which subsequently replaces this) by

a competent person. **NB.** BS 5839 part 1:2017 required as well for any commercial areas.

'Emergency lighting' inspection should be completed by a competent person and the certificate should confirm that the emergency lighting complies with BS 5266 and will maintain the required duration of 3 hours.

The Regulatory Reform (Fire Safety) Order 2005 requires the responsible person to carry out 'suitable and sufficient' assessment of the risk from fire wherever there is a communal space. For HMOs this will be a 'type 3' fire risk assessment.

A type 3 assessment is a non-destructive inspection of the common parts of a building and the flats and considers:-

- Completion of the nulogic PAS79+ fire risk assessment template
- Consideration of the external materials of the building
- Consideration of compartmentation between common areas and the flats
- Inspection of a sample of service risers on all floors
- Inspection above a sample of readily accessible demountable false ceilings if present
- Inspection of a sample of flat front doors
- Comprehensive assessment report to include the significant findings, issues identified and actions required
- Consideration of compartmentation between flats
- Consideration of the fire resistance of doors between rooms
- Consideration of the means of escape from the flat
- Consideration of the means of fire detection in the flat
- Testing of the smoke alarm (where present) in the flat

3.4 A fire door and door set is a fire resisting door having an integrity of 30 minutes (FD30 or FD30s) and hung on 3 x 100 mm steel butt hinges with either intumescent strips or the combined intumescent strip and cold smoke seal depending on the location of the door. The doors must be lockable from the outside but must also be openable from the inside without the need for a key i.e. Yale lock. The door frames should have a minimum depth of rebate of 12.5mm which can either be formed from the solid or built up. Door stops must be a minimum of 12.5mm x 35mm.

The door frames must not have substantial cracks or gaps. The gap around the top and side edges of the door must not exceed 3mm.

All door furniture must comply with the relevant British Standard related to fire doors. Self-closer devices must comply with BS EN 1154: 1997. Please be aware that chain closers will not comply with this requirement.

3.5 A fire blanket complying with BS EN1869 is to be supplied in rooms containing a hob. The fire blanket container should be positioned so as to allow the blanket to be withdrawn quickly and easily. In this respect the base of the container is to be positioned not less than 1.5 metres from floor level. Fire blankets are to be located in the vicinity of the fire hazard they are to be used on, but in a position that can be safely accessed in the event of a fire i.e. not above the hob.

## **Section 5: Notifications and Declarations**

- 5.1 If there are no people who need to be informed please mark N/A in box 5.1.
- 5.3 The Council is required by law to maintain a Public Register of Licensed HMOs and make this available to the public. A copy of the Public Register is available on request.
- 5.4 Please provide a copy of each type of tenancy agreement you may have at the property.

## **Section 6: Fee Calculation**

- 6.1 '5 letting units' means any property formed of 5 rooms/bedsits or self-contained flats or a mixture of these letting types where 5 households live in the 5 units.
- 6.2 'Extra units of accommodation' means for every unit over 5 letting units you pay an additional £55
- 6.3 'Fee on application' is that proportion of the licence fee that must accompany the application if it is to be considered valid. i.e.

7 bed shared house:  $£785 + (2 \times £55) = £895$  total fee to be paid.

8 bedsit property with shared bathrooms:  $£785 + (3 \times £55) = £950$  total fee to be paid.

5 bedsits with shared shower rooms and 6 self-contained flats:  $£785 + (6 \times £55) = £1115$  total fee to be paid.

- 6.4 'Assisted Application' - If you require assistance completing the application form and/or drawing of floorplans the Council offers an assisted application service for an additional fee of £100. Please note if you do not provide acceptable plans as part of your application you will be charged the additional £100, and the Council will complete the plans for you as part of the application process. These plans are for the Council's use in determining compliance with the standards and consultation with relevant bodies, such as the Fire and Rescue Service.
- 6.5 'Fee on grant of licence' is that proportion of the licence fee that must be paid within 1 month of the application being approved and is set at £470 per licensed property. On occasion this fee may be amended to reflect any incorrect fee on application paid.
- 6.6 The 'fee on application' is not refundable in any circumstances.

*Prices from 1st April 2024 to 31st March 2025. Prices are subject to an annual increase in April, prices correct as at 1st April 2024*