

## TENDRING DISTRICT COUNCIL

### INFORMATION AND GUIDANCE TO ASSIST IN SUBMITTING AN APPLICATION FOR A HOUSE IN MULTIPLE OCCUPATION (HMO) LICENCE UNDER THE HOUSING ACT 2004



Office Use only-Property Ref.-

#### Data Protection

The information collected on this form will be stored on a computer system.

We may also get information about you and any other persons mentioned within the application, from certain third parties, or give information to them, to check the accuracy of information in order to prevent or detect crime as permitted by law. These third parties include other government departments, local authorities and other public authorities.

Signing of this application will be taken as your agreement to any such action.

#### Instructions

- This is the form to use if you are making an application under Part 2 of the Housing Act 2004 (The Act) for a House in Multiple Occupation Licence.
- Please complete this form in **blue or black ink** and write clearly.
- When you have completed this form please send it together with the required information as detailed on the final page checklist in the enclosed envelope to:-

Residential Health Team  
Environmental Services  
Tendring District Council  
Council Offices  
Thorpe Road, Weeley  
Clacton-on-Sea, Essex.  
CO16 9AJ.

**Please remember** to attach adequate postage

- If you need any advice or assistance on completing this form please see the guidance below or you may wish to look on the ODPM website [www.odpm.gov.uk](http://www.odpm.gov.uk). If you still require assistance, please contact-

Residential Health Team Administration Officer Tel-01255 686744.

#### Guidance

**Q.** Is my property required to be licensed?

**A.** Not all properties require the owner to obtain a licence. You will only need to apply if the property in question is a House in Multiple Occupation, consists of 3 storeys or more, is occupied by 5 or more persons who live in 2 or more households and where there is some element of sharing of facilities. (i.e. The property does not consist solely of self-contained flats.)

**Q** What is an HMO?

**A** The definition of an HMO is contained within the Housing Act 2004. A building or part of a building is an HMO if it meets any one of the 5 prescribed tests and does not fall within one of the exemptions-

(1) **The standard test.** A building, or part of a building, is an HMO if the answer to all of the following questions is yes and it does not fall within one of the exemptions listed below.

- i The building or part of the building in question consists of one or more units of living accommodation not consisting of a self-contained flat or flats (*definition 3 (vi)*)
- ii The living accommodation is occupied by persons who do not form a single household (*definition 3 (i)*)
- iii The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (*definition 3 (ii)*)
- iv The occupation of the living accommodation constitutes the only use of that accommodation (*definition 3 (iii)*)
- v Rents are payable or other consideration is to be provided in respect of at least one of those persons occupation of the living accommodation
- vi Two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation lacks one or more basic amenities (*definition 3(iv)*)

(2) **The self-contained flat test** (flat in multiple occupation) A flat is a flat in multiple occupation if the answer to all of the following questions is yes and it does not fall within one of the exemptions listed below.

- i The building or part of the building in question consists of a single self-contained flat (*see definition 3(vi)*)
- ii The flat is occupied by persons who do not form a single household (*see definition 3(i)*)
- iii The flat is occupied by those persons as their only or main residence or they are to be treated as so occupying it (*see definition 3(ii)*)
- iv Their occupation of the flat constitutes the only use of that accommodation (*see definition 3(iii)*)
- v Rents are payable or other consideration is to be provided in respect of at least one of those persons occupation of the flat
- vi Two or more of the households who occupy the flat share one or more basic amenities or the flat lacks one or more basic amenities (*see definition 3 (iv)*)

(3) **The converted building test.** A building, or part of a building, is an HMO if the answer to all of the following questions is yes and it does not fall within one of the exemptions listed below.

- i The building or part of the building in question is a converted building (*see definition 3 (v)*)
- ii It contains one or more units of living accommodation that do not consist of a self contained flat or flats (although it can also contain such flat(s)) (*see definition 3(vi)*)
- iii The living accommodation is occupied by persons who do not form a single household (*see definition 3(i)*)
- iv The living accommodation is occupied by those persons as their only or main residence, or they are to be treated as so occupying it (*see definition 3(ii)*)
- v Their occupation of the living accommodation constitutes as the only use of that accommodation (*see definition 3(iii)*)
- vi Rents are payable or other consideration is to be provided in respect of one of those persons occupation of the living accommodation

**(4) The Local Authority has made an HMO declaration in respect of it under Section 255.**

**(5) It is a converted block of flats to which Section 257 applies.** A building, or part of a building, is an HMO if the answer to question (i) below is yes but either of the answers(whichever applies) to question ii or iii is no and it does not fall within one of the exemptions listed below. (If the answer to question (i) is yes but the answer to either of questions ii or iii is yes, then the property is not an HMO)

- i Has the building or part of building in question been converted into and does it consist of self-contained flats (*see definition 3(vi)*)
- ii If the building work undertaken in connection with the conversion was completed before 1<sup>st</sup> June 1992, and would not have been exempt under Building Regulations 1991, did it comply with those Building Regulations as at 1991?
- iii If the building work undertaken in connection with the conversion was completed at any other time did it comply with the Building Regulations in force at the time of the building works?

#### Exemptions.

Properties, which meet any of the tests described above, can not be considered to be houses in multiple occupation if :-

The building or part of a building is managed or controlled by:-

- a local housing authority
- a registered social landlord
- a police authority
- the Metropolitan Police Authority
- a Fire & Rescue Authority
- a Health Service body

The building or part of a building is regulated by other Acts, including:-

- The Children Act 1989
- The Prison Act 1952
- Nationality, Immigration and Asylum Act 2002
- The Secure Training Centre Rules 1998
- The Prison Rules 1999
- The Young Offender Institute Rules 2000
- The Detention Centre Rules 2001
- The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001
- The Care Homes Regulations 2001
- The Children's Homes Regulations 2001
- The Residential Family Centres Regulations 2002

The building or part of a building is occupied solely or principally by students *and managed by the Educational Establishment.*

The building or part of a building is occupied by religious communities whose principal occupation is Prayer, Contemplation, Education or the Relief of Suffering, (this exemption does not apply to converted block of flats – Section 257)

The building or part of a building is occupied predominantly by owner-occupiers, including resident landlords where the owner-occupier (and members of his family) occupies the building/part of the building with no more than 2 other persons.

The building is occupied by only 2 persons who form two households

## Definitions

(i) “persons not forming a single household”

(a) A single household includes one which consists of all members of the same family, which includes, married couples, couples living as husband and wife, same sex couples, a person who is a relative or another (and relative means ‘parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin, including half blood and step relationships)

(b) A single household includes one where a person lives in accommodation supplied by his employer or by a member of his employer’s family if the accommodation is included in his work contract, his employer or a member of his employer’s family occupies the building or the same part of the building, he does not pay any rent for the living accommodation and he is employed to carry out work of an exclusively domestic nature such as au pair, nanny, nurse etc

(C) A single household includes one, which includes a carer approved under regulations

(d) A single household includes foster families

(ii) “persons treated as occupying premises as their only or main residence.”

(a) a person is considered to be occupying a building if it is occupied by the person

(i) as the person’s home for the purpose of higher education

(ii) as a refuge from physical violence or mental abuse or threats of such from a husband/wife/partner

(iii) migrant workers or seasonal workers whose occupation of the premises is linked to employment and provided by or on behalf of his/her employer

(iv) an asylum seeker or his dependent who has been provided with accommodation under the Immigration and Asylum Act 1999, and that accommodation is provided by a private landlord on behalf of National Asylum Support Services.

(iii) Presumption that sole use condition or significant use condition is met

It shall be presumed, unless the contrary is shown, that the sole use condition or significant use condition is met

(iv) “basic amenities” means –

(a) a toilet,

(b) personal washing facilities, or

(c) cooking facilities

(v) “converted building” means –

(a) a building or part of a building consisting living accommodation in which one or more units of such accommodation have been created since the building or part was constructed

(vi) “self-contained flats” means -

(a) a separate set of premises (whether or not on the same floor) which forms part of a building, either the whole or a material part of which lies above or below some other part of the building and in which all three basic amenities are available for the exclusive use of its occupants

(vii) The following storeys shall be taken into account when considering whether an HMO or any part if it comprises 3 storeys or more-

(a) any basement (*see definition of basement below*) if -

(i) it is used wholly or partly as living accommodation

(ii) it has been constructed, converted or adapted for use wholly or partly as living accommodation,

(iii) it is being used in connection with, and as an integral part of, the HMO, or

(iv) it is the only or principal entry into the HMO from the street.

- (b) any attic if –
  - (i) it is used wholly or partly as living accommodation
  - (ii) it has been constructed, converted or adapted for use wholly or partly as living accommodation
  - (iii) it is being used in connection with, and as an integral part of, the HMO, or
- (c) where the living accommodation is situated in a part of a building above business premises, each storey comprising the business premises, (*see definition of business premises below*)
- (d) where the living accommodation is situated in a part of a building below business premises, each storey comprising the business premises
- (e) any mezzanine floor which is used wholly or mainly as, or in connection with, living accommodation, and,
- (f) any other storey that is used wholly or partly as living accommodation or in connection with, or an integral part of, the HMO
- (viii) “Basement” means a storey that is below the ground floor
- (ix) “Business premises” means premises, or any part of premises, which are not, or are not used in connection with, or as an integral part of, living accommodation

**Q.** How much is the licence fee?

**A.** £520 per property licence.

**Q.** How long does the licence last?

**A.** The licence fee lasts for a five-year period unless there is a change in circumstances during the five-year period, which requires a new application and a new fee to be paid. The fee is to be reviewed by the Council on a regular basis and may be increased. The licence is personal to the person(s) or organisation stated on the document. If, for any reason, the name stated on the licence ceases to be valid, for example through death, divorce or sale, the licence ceases also and a new application will be required and a new fee will be payable. If the licensee sells the property and it continues to be an HMO requiring a licence, the licence will cease and the new owner must apply for a new licence. If circumstances remain the same for the five-year licence period, the licence holder will need to apply for a new licence before the current one expires at the end of the five-year period.

**Q.** I own more than one property for which I need to apply for a licence, can I pay one fee to cover all of the applications?

**A.** No-the fee is payable per property and a separate application will have to be submitted for each property.

**Q.** How do I pay the fee?

**A.** Please make a cheque payable to Tendring District Council and return it with your application form and other documents as detailed on the final page check list.

**Q.** Can the Council refuse to licence my property?

**A.** Yes, if the property does not meet the conditions required and/or the landlord or manager is not a fit and proper person.

**Q.** What happens if the Council refuse to issue a licence?

**A.** It is an offence to operate a licensable HMO without the required licence. If you cannot bring the property up to the required standard or meet the fit and proper person criteria, the Council can issue an Interim Management Order (IMO) which allows the Council to step in and manage the property. You would keep your rights as owner. This order can last for up to a year until suitable arrangements can be made, if the IMO expire and there is no prospect of issuing a licence, the Council can issue a Final Management Order which lasts for up to 5 years and can be renewed.

**Q.** What if I disagree with the Council's decisions?

**A.** You may appeal to the Residential Property Tribunal if the Council refuse to issue a licence, grant a licence with conditions, revoke a licence or vary a licence or refuse to vary a licence.

**Q.** I intend to reduce the number of occupiers to less than 5 or take other steps so that the property will no longer be required to be licensed. Do I still have to apply for a licence?

**A.** No. If you intend to stop operating the property as a licensable HMO and can give clear evidence of this then you can apply for a Temporary Exemption Notice. (TEN) This lasts for a maximum of 3 months and if the situation is not resolved within that period it can be renewed. When this runs out the property must be licensed or become the subject of an IMO unless it has ceased to be a licensable HMO.

**Q.** What if I refuse to apply for a licence?

**A.** It is an offence to fail to apply for a licence for a licensable property, or, to allow the property to be occupied by more persons than permitted in the licence. A fine of up to £20,000 may be imposed and breaking a licence condition can result in a fine of up to £5,000. In addition, tenants in unlicensed HMOs can apply to the Residential Property Tribunal to claim back any rent they have paid during the period when the property was unlicensed (up to a 12 months period) and the Council can reclaim Housing Benefit payments made during the same period.

What can you expect from the Council?

Processing the Application

Once you have submitted your application, we will-

- Acknowledge receipt of your application by letter.
- Check the content of your application form and the supporting documents and contact you if anything is missing or requires clarification.
- Check our own property files and records for the property to verify the details given in the application.
- Make a fit and proper person assessment that will include making any further necessary checks with other Local Authorities, other internal and external Agencies such as the Criminal Records Bureau of Office of Fair Trading.
- Make a brief visit to the property to verify details.(A full inspection is not required before a licence is issued but must be made within 5 years of the issue of the licence-in reality most licensable properties will be inspected on an annual basis.)
- Either grant a licence, advise if a licence is not required and return the fee paid, or, refuse to issue the licence.
- 

We aim to complete this process within 12 weeks of receipt of a valid application but due to external agencies being involved this may not always be possible.

## Granting the Licence

If the Council considers that an application shows that you and the persons connected with you are fit and proper persons to operate an HMO and the property meets the prescribed standards and you are a competent manager and there is sufficient information to decide on the appropriate number of occupiers for the property, a licence will be granted.

The licence will be issued for the number of occupiers that you request, or we may change this number on the basis of the information which you have given to what we consider to be appropriate.

The Council must then serve a notice on you as the applicant and all relevant persons stating-

- The reasons for proposing to give the licence
- The main terms of the licence
- The end of the consultation period during which it will consider representations
- The period of the licence (this is to be 5 years)

We will then consider any representations made within 28 days and repeat the consultation period if the draft licence has been modified.

After this period the licence will be issued and those persons affected have the right of appeal to the Residential Property Tribunal.

All licences issued will contain certain conditions requiring the property to be properly maintained and managed. These will include the mandatory conditions, which the legislation requires and can include discretionary conditions, which the Council can choose to include.

## Obligations on the licence holder

- A copy of the licence must be available at the property.
- The licence holder must comply with the conditions in the licence.

## Revocation / Cancellation of the Licence.

The Council may decide to revoke (cancel) the licence for a number of reasons-

- By agreement with the licence holder
- For a serious breach of conditions
- For repeated breaches of conditions
- If the licence holder is no longer a fit and proper person
- If the manager is no longer a fit and proper person
- If serious problems are discovered with the structural condition of the building.

**Part I. Application for [Variation of] HMO Licence**

**Note to proposed licence holder**  
Please note that it is a criminal offence to knowingly supply information, which is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application with regard to the property concerned may be required at a later date. If we subsequently discover something which is relevant and which you should have disclosed, or which has been incorrectly stated or described, your licence may be cancelled or other action taken. Operating an HMO, which should be licensed without a licence, is an offence liable to a fine not exceeding £20,000. In addition, a Residential Property Tribunal may make a rent repayment order requiring you to repay any rents due during the period for which the property was unlicensed

I wish to apply for a licence / variation of an existing licence (please delete as appropriate) for..... Occupiers in ..... households at  
.....  
.....  
.....full property address

1. Title, Full Name and Address of the **Proposed Licence holder**  
.....  
.....  
Tel No :.....e-mail:.....  
Date of birth (if under 21) .....

**2. Proof of Address**  
Driving Licence  Bank Statement  Utility Bill   
Other .....

**3. If the proposed licence holder is a company, partnership, or trust, please indicate which and complete the following:**

3.1 Company/partnership/trust information: including Registered address or principal trading address where appropriate  
.....  
.....  
Tel No :.....e-mail:.....

3.2 Names & Addresses of all Directors/Partners/Trustees (please use separate sheet if necessary)  
.....  
.....

3.3 Name & Address of Company Secretary

.....  
.....

Tel No : ..... e-mail:.....

3.4 Please confirm by signature of all partners/trustees with an address for correspondence

.....  
.....

Signed.....Name.....Director/Partner/Trustee?)

Signed.....Name.....Director/Partner/Trustee?)

Signed.....Name.....Director/Partner/Trustee?)

Signed.....Name.....Director/Partner/Trustee?)

3.5 Please list any other properties which you own, which are not in the Tendring area, and which Local Authority District they are in.

.....  
.....  
.....

3.6 Please list any other properties in the Tendring District which are licensed or for which you have recently submitted a licence application under Part 2 of the Housing Act 2004

.....  
.....  
.....

**4 PART II will need to be completed if the applicant employs a manager, or rent collector**

4.1 Name & Address of manager/rent collector (please indicate)

.....  
.....

Tel No : ..... e-mail:.....

4.2 I consent to being named as the proposed licence holder of the above named property

Name .....  
(please print)

Signature .....

Date .....

4.3 I, as the person having control of the property, hereby give my consent to the above named being licence holder

Name .....  
(please print)

Signature .....

Date .....

**5. Fit and proper person**

The local authority must consider evidence whether the proposed licence holder, **and any person associated or formally associated with them**, whether on a personal, work or other basis is a fit and proper person.

5.1 Has the **proposed licence holder**, or anyone associated with the proposed licence holder, ever accepted a simple caution, previously known as a formal caution, from the Police or been convicted of an offence being subject to the Rehabilitation of Offenders Act 1974 involving any of the following:

	<b>Proposed Licence holder</b>	<b>Associate</b>
	Y / N	Y / N
Fraud	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Dishonesty	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Violence	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Drugs	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Sexual Offences Act Schedule 3	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

5.2 Has the **proposed licence holder**, or anyone **associated** with the proposed licence holder, ever been subject to unlawful discrimination proceedings relating to their business, being subject to the Rehabilitation of Offenders Act 1974 involving any of the following:

	<b>Proposed Licence holder</b>	<b>Associate</b>
	Y / N	Y / N
Sex	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Colour	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Race	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Ethnic or national origin	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Disability	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

5.3 Has the **proposed licence holder**, or anyone **associated** with the proposed licence holder, ever accepted a simple caution, been convicted of an offence or been served with Statutory Notices under any of the following?

	<b>Proposed Licence holder</b>	<b>Associate</b>
	Y / N	Y / N
Housing Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Landlord and Tenant Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Environmental Protection Act 1990	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Public Health Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Health and Safety Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Building Regulation or Planning Laws	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

5.4 Has the **proposed licence holder**, or anyone **associated** with the proposed licence holder, ever been convicted for non-compliance of a Statutory Notice under any of the following?

	<b>Proposed Licence holder</b>	<b>Associate</b>
	Y / N	Y / N
Housing Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Landlord and Tenant Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Environmental Protection Act 1990	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Public Health Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Health and Safety Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Building Regulation or Planning Laws	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

5.5 Has the **proposed licence holder**, or anyone **associated** with the proposed licence holder, ever been in control of a property:

	<b>Proposed Licence holder</b>	<b>Associate</b>
	Y / N	Y / N
Subject to a Control Order or Management Order?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Where works were carried out in default?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Been refused a licence or registration certificate?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Breached conditions of a licence or registration certificate?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

5.6 A Licence holder must have the financial arrangements necessary to ensure the property is properly managed and maintained. Please answer the following questions

**Proposed Licence holder**

Y / N

- (a) Do you have the authority to repair and maintain the property and have financial arrangements necessary to repair the property?
- (b) Are you an un-discharged bankrupt?
- (c) Are there any County Court judgements against you or any company of which you are a director or secretary?

If you have answered 'yes to (b) or (c) above, it is necessary for the Council to undertake a further 'fit and proper person' check on the Proposed Licence Holder and anyone associated with them.

**STATUTORY DECLARATION FOR RELEASE OF INFORMATION**

To be completed by Proposed Licence Holder

All information provided will be treated in confidence and in accordance with the Data Protection Act 1998. It will only be used to progress your application

**As part of our duty under the Housing Act 2004 we may have to share and/or check your information with the other agencies including the Police, Fire and Rescue Service, office of Fair trading, other local authorities and other relevant departments within this Council, for example Council Tax, Revenues and Benefits, and Debtors.**

Please sign and date the declaration below in order for us to progress your application.

**I, as the proposed licence holder, hereby authorise any statutory body holding information about me, which falls within the categories above, to provide information on request by the Council**

Name .....  
(please print)

Signature .....

Date .....

**6 Background Information**

6.1 Are you a member of any landlords association or other professional body? Please indicate which and date of joining.....

6.2 Are you an accredited landlord in another authority? Please indicate which and date of accreditation.....

6.3 Are you, as a landlord on the lists for any academic or other organisation/institution? Please state which and indicate by initialling your entry that we may contact them for a reference.

.....  
.....Initials.....

6.4 Please list any training courses you have undertaken or conferences attended in the last 3 years, which you feel, make you a better landlord.

.....  
.....

6.5 Please give us any further information, which may help us decide if the person managing is a fit and proper person. You may do this on a separate sheet.

**7 IMPORTANT NOTE**

7.1 You must let certain persons know in writing that you have made this application or give them a copy of it. The persons who need to know about it are:-

- Any mortgagee of the property
- Any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessees who are known to you
- Any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years(including a periodic tenancy)
- The proposed licence holder (if that is not you)
- The proposed managing agent (if any) (if that is not you)
- Any person who has agreed that he will be bound by any condition or conditions in a licence if it is granted.

You must tell each of these persons-

Your name, address, telephone number, and email address

The name, address, telephone number and email address of the proposed licence holder (if it will not be you)

That this is an application under Part 2 of the Housing Act 2004

The address of the property to which it relates

The name and address of the Local Authority to which the application will be made

The date the application will be submitted.

I/we declare that I/we have served a notice of this application on the following persons who are the only persons known to me/us that are required to be informed that I/we have made this application

<b>Name:</b>
Address: ..... ..... .....
Post Code:
E-mail address:
Interest in the property or the application:
Date of service of Notice:

<b>Name:</b>
Address: ..... ..... .....
Post Code:
E-mail address:
Interest in the property or the application:
Date of service of Notice:

<b>Name:</b>
Address: ..... ..... .....
Post Code:
E-mail address:
Interest in the property or the application:
Date of service of Notice:

<b>Declaration</b>
I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/we commit an offence if/we supply any information to a local housing authority in connection with any of their functions under any of Parts I to IV of the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or I/we are reckless as to whether it is false or misleading
The fee of £.....is enclosed.
Signed:.....Date.....
Signed:.....Date.....

Signed:.....Date.....

**Part II – Additional form if manager employed**

**Note to proposed licence holder**

Please note that it is a criminal offence to knowingly supply information, which is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application with regard to the property concerned may be required at a later date. If we subsequently discover something which is relevant and which you should have disclosed, or which has been incorrectly stated or described, your licence may be cancelled or other action taken. Operating an HMO which should be licensed without a licence is an offence liable to a fine not exceeding £20,000. In addition, a Residential Property Tribunal may make a rent repayment order requiring you to repay any rents due during the period for which the property was unlicensed.

Applicant  
.....

Property Address: (If you do not live on the property please give this address as your main home.  
.....  
.....

Tel No: .....e-mail:.....

**8. Name & Address of Person managing the property indicating profession qualifications such as RICS, ARMA, ARLA, etc**

.....  
.....  
Tel No : .....e-mail:.....

**8.1 Company/partnership/trust information: including Registered address or principal trading address where appropriate**

.....  
.....  
Tel No : .....e-mail:.....

**9. Names & Addresses of all Directors/Partners/Trustees indicating professional qualifications such as RICS, ARMA, ARLA, etc. (please use separate sheet if necessary. Pre-printed information about your organisation is acceptable, validated by the signature of the appropriate officer)**

.....  
.....  
.....

**10 Name & Address of Company Secretary**

.....  
.....  
.....

Tel No : .....e-mail:.....

I, as partner./ trustee hereby give agreement to the above address being used for all official correspondence and on the public register provided by *Tendring District Council*

Name .....Signature .....  
(please print)

Name .....Signature .....  
(please print)

Name .....Signature .....  
(please print)

The local authority must consider evidence whether the proposed licence holder **and any person associated or formally associated with them**, whether on a personal, work or other basis is a fit and proper person

**11 Fit and proper person**

The local authority must consider evidence whether the proposed licence holder, **and any person associated or formally associated with them**, whether on a personal, work or other basis is a fit and proper person.

11.1 Has the **proposed licence holder**, or anyone associated with the proposed licence holder, ever accepted a simple caution, previously known as a formal caution, from the Police or been convicted of an offence being subject to the Rehabilitation of Offenders Act 1974 involving any of the following:

	<b>Proposed Licence holder</b>		<b>Associate</b>	
	Y / N		Y / N	
Fraud	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dishonesty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drugs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Offences Act Schedule 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11.2 Has the **proposed licence holder**, or anyone **associated** with the proposed licence holder, ever been subject to unlawful discrimination proceedings relating to their business, being subject to the Rehabilitation of Offenders Act 1974 involving any of the following:

	<b>Proposed Licence holder</b>		<b>Associate</b>	
	Y / N		Y / N	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Colour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic or national origin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11.3 Has the **proposed licence holder**, or anyone **associated** with the proposed licence holder, ever accepted a simple caution, been convicted of an offence or been served with Statutory Notices under any of the following?

	<b>Proposed Licence holder</b>	<b>Associate</b>
	Y / N	Y / N
Housing Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Landlord and Tenant Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Environmental Protection Act 1990	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Public Health Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Health and Safety Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Building Regulation or Planning Laws	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

11.4 Has the **proposed licence holder**, or anyone **associated** with the proposed licence holder, ever been convicted for non-compliance of a Statutory Notice under any of the following?

	<b>Proposed Licence holder</b>	<b>Associate</b>
	Y / N	Y / N
Housing Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Landlord and Tenant Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Environmental Protection Act 1990	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Public Health Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Health and Safety Law	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Building Regulation or Planning Laws	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

11.5 Has the **proposed licence holder**, or anyone **associated** with the proposed licence holder, ever been in control of a property:

	<b>Proposed Licence holder</b>	<b>Associate</b>
	Y / N	Y / N
Subject to a Control Order or Management Order?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Where works were carried out in default?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Been refused a licence or registration certificate?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Breached conditions of a licence or registration certificate?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

11.6 A Licence holder must have the financial arrangements necessary to ensure the property is properly managed and maintained. Please answer the following questions.

	<b>Proposed Licence holder</b>	
	Y / N	
Do you have the authority to repair and maintain the property and have financial arrangements necessary to repair the property?	<input type="checkbox"/>	<input type="checkbox"/>
Are you an un-discharged bankrupt?	<input type="checkbox"/>	<input type="checkbox"/>
Are there any County Court judgements against you or any company of which you are a director or secretary?	<input type="checkbox"/>	<input type="checkbox"/>

If you have answered 'yes to any of the above questions, it is necessary for the Council to undertake a further 'fit and proper person' check on the Proposed Licence Holder and anyone associated with them

**STATUTORY DECLARATION FOR RELEASE OF INFORMATION**

To be completed by Proposed Licence Holder

All information provided will be treated in confidence and in accordance with the Data Protection Act 1998. It will only be used to progress your application

**As part of our duty under the Housing Act 2004 we may have to share and/or check your information with the other agencies including the Police, Fire and Rescue Service, office of Fair trading, other local authorities and other relevant departments within this Council, for example Council Tax, Revenues and Benefits, and Debtors.**

Please sign and date the declaration below in order for us to progress your application.

**I, as the proposed licence holder, hereby authorise any statutory body holding information about me, which falls within the categories above, to provide information on request by the Council**

Name .....  
(please print)

Signature .....

Date .....

**12 Background Information**

12.1 Please list any training courses you have undertaken or conferences attended in the last 3 years, which you feel make you a better property manager.

.....

.....

.....

12.2 Please indicate number of individual properties in management .....

12.3 Please give your Financial Services Authority registration number:..... (If not registered, please provide information as to why this is not considered necessary on a separate sheet)

12.4 Please give us any further information, which may help us decide if the person managing is a fit and proper person. You may do this on a separate sheet.

### **13 IMPORTANT NOTE**

13.1 You must let certain persons know in writing that you have made this application or give them a copy of it. The persons who need to know about it are-

- Any mortgagee of the property
- Any owner of the property to which the application relates (if that is not you), i.e. the freeholder and any head lessees who are known to you
- Any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)
- The proposed licence holder (if that is not you)
- The proposed managing agent (if any) (if that is not you)
- Any person who has agreed that he will be bound by any condition or conditions in a licence if it is granted.

You must tell each of these persons-

Your name, address, telephone number, and email address

The name, address, telephone number and email address of the proposed licence holder (if it will not be you)

That this an application under Part 2 of the Housing Act 2004

The address of the property to which it relates

The name and address of the Local Authority to which the application will be made

The date the application will be submitted.

I/we declare that I/we have served a notice of this application on the following persons who are the only persons known to me/us that are required to be informed that I/we have made this application

<b>Name:</b>
Address: ..... ..... .....
Post Code:
E-mail address:
Interest in the property or the application:
Date of service of Notice:

<b>Name:</b>
Address: ..... ..... .....
Post Code:
E-mail address:
Interest in the property or the application:
Date of service of Notice:

<b>Name:</b>
Address: ..... ..... .....
Post Code:
E-mail address:
Interest in the property or the application:
Date of service of Notice:

<b>Declaration</b>
I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/we commit an offence if/we supply any information to a local housing authority in connection with any of their functions under any of Parts I to IV of the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or I/we are reckless as to whether it is false or misleading
The fee of £.....is enclosed.
Signed:.....Date.....
Signed:.....Date.....
Signed:.....Date.....

**Part III – Property Details**

Please complete for every property

**14 Type of Property**

- Detached
- Semi-detached
- Terrace
- End Terrace
- Other  Please indicate

Please give approximate date of construction

- Pre - 1919
- 1919 – 1944
- 1945 – 1964
- 1965 – 1980
- Post - 1980

14.1 How many storeys are there in the property (include basement and attic accommodation)

14.2 Considering the age, character and locality of the property, please state if it is/has:

Y / N

- a) structurally sound and in reasonable external repair
- b) reasonably free from damp
- c) Clean & in good internal repair
- d) Secure (with adequate window and external door locks)
- e) Adequate facilities for rubbish storage and disposal

14.3 Have you a schedule for

Y / N

- a) Planned maintenance?
- b) Inspection of furniture/facilities/equipment?  
(please provide brief details below)

.....  
.....

14.4 If converted, approximate date of conversion .....

**15 Fire precautions**

15.1 Is the property provided with: -

Y / N

- a A fire alarm panel
- b Emergency lighting in the common ways
- c Smoke/heat detectors to cover all parts of the property
- d Sounders/alarms on all levels

15.2 Are all doors opening onto the main escape route 30-minute fire resistant doors incorporating self – closers, smoke seals and intumescent strips?

(if no which doors are not )

.....  
.....  
.....

15.3 Are fire extinguishers provided at the property?

If yes please state type and locations below:-

Type of extinguishers	Location of Extinguisher

15.4 Is the escape route kept clear of flammable material and other obstructions?

15.5 Is the main exit door openable from the inside without the use of a key?

15.6 Has a fire safety risk assessment been undertaken at the dwelling?

15.7 Do you have a contractor to maintain and inspect your system?

Please state who.....

15.8 Is there a logbook of inspection/testing?

15.9 Is there a current fire alarm maintenance certificate?

15.10 Is there a current emergency lighting maintenance certificate? Y / N

**16. Heating & insulation**

16.1 What form of heating does the property have?

a) Gas fired central heating

b) Off peak night storage heaters

c) Individual wall mounted gas heaters

d) Individual wall mounted electric heaters

e) Other, please specify .....

f) Are all habitable rooms (bedrooms / living rooms )  
provided with one of the forms of heating described above?    
(please state which type) a / b / c / d / e

If not, state which rooms are not .....  
.....  
.....

f) Are all kitchens provided with one of the forms of heating  
described above?    
(please state which type) a / b / c / d / e  
which kitchens are not .....

.....  
.....

g) Are all bathroom(s) provided with one of the forms of  
heating described above?    
(please state which type) a / b / c / d / e  
which bathrooms and on what floor are not

.....  
.....

h) Are all hallways, stairs, and landings provided with one of  
the forms of heating described above?    
(please state which type) a / b / c / d / e

16.2 Is the loft insulated and to what thickness? ..... mm

16.3 If there are cavity walls, do you have cavity wall insulation? Y / N / NA

16.4 Are the windows:  
 Double-glazed?    
 single glazed?

Y / N

Y / N / NA

16.5 If there is a gas supply to the property, please confirm that you have a current Landlord's Gas Safety Record (required annually for the installation and equipment you provide) and provide a copy

16.6 Have you an electrical safety certificate from a competent electrical engineer within the last 10 years to confirm that the electrical installation is safe? Please attach a copy

16.7 Please indicate date of any major work to the electrical installations  
 Date.....

16.8 Please give details of any building works carried out at the property and a copy of any Planning Consent, Building Regulations Approval or Certificates supplied upon completion of the works

.....  
 .....  
 .....

**17 Electrical appliances and furniture**

Y / N

Please indicate whether you provide:  
 Furniture    
 Appliances

17.1 If you provide furniture is it compliant with current fire safety regulations?

17.2 If you provide appliances are they compliant with current gas/electrical safety regulations?

17.3 Have you had your property inspected for the presence of asbestos?

**18 Discretionary Information**

18.1 How old is the oldest bathroom Date.....

18.2 How old is the oldest kitchen (if more than one) Date .....

**19 Tenancy Management**

Please confirm whether you provide the following

- |   | Y                        | N                        |
|---|--------------------------|--------------------------|
| 19.1 Tenancy agreements/written details of terms of tenancy, including for sanctions for anti social behaviour? | <input type="checkbox"/> | <input type="checkbox"/> |
| 19.2 If you use a standard form of tenancy agreement, please provide a copy.                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| 19.3 Inventory & schedule of condition at commencement of occupancy   | <input type="checkbox"/> | <input type="checkbox"/> |
| 19.4 Rent book/receipts   | <input type="checkbox"/> | <input type="checkbox"/> |
| 19.5 Repairs contact/procedure  | <input type="checkbox"/> | <input type="checkbox"/> |
| 19.6 Complaints procedure   | <input type="checkbox"/> | <input type="checkbox"/> |

**20 Resident landlord**

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 20.1 Is there a resident landlord   | <input type="checkbox"/> | <input type="checkbox"/> |
| Is the proposed licence holder the resident landlord?                               | <input type="checkbox"/> | <input type="checkbox"/> |
| 20.2 Number of people resident in the landlord's household excluding that Landlord  | <input type="text"/>     |                          |
| 20.3 Which rooms in the property are occupied by the resident landlord's household? |                          |                          |

.....  
.....  
.....

**21 Further information**

Please give details of any other information you feel will help us to assess your management skills:  
(please use another sheet if required)

## PROPERTY DESCRIPTION

The table below is to help you to describe the property. You may wish to provide drawings instead indicating the use of each room.

### 22 Bedsits

22.1 Please indicate the total number of bed-sits and occupiers separately for each floor in the property. A bed-sit is a room with facilities for sleeping, eating and sometimes cooking, and the storage of food. It may also contain personal washing facilities (wash hand basin and/or shower) but will generally involve shared bath/WC with other residents.

Floor	<u>Bedsit accommodation</u>	No. of single rooms	No of double rooms	No of Occupants
	Bedsits			
	Bedsits			
	Bedsits			
	Bedsits			
	<b>Total</b>			

22.2 We need to know the number of non-self-contained flats on each floor in the property. This could be a living room (include) bedrooms, and may include a separate kitchen. It may also contain personal washing facilities (wash hand basin and/or shower) but will generally involve shared bath/WC with other residents.

Floor	<u>Number of Non self contained flats</u>	Living and bedrooms	Separate Kitchens	No of Occupants
	Units			
	Units			
	Units			
	Units			
	Units			
	<b>Total</b>			

22.3 Please indicate the number of rooms of each description. We need to assess the availability of facilities as well as the number.

Washing facilities	Number	Floor	No of rooms using facility
Bath/shower + WC + hand basin			
WC + hand basin			
WC			
Bath/shower + hand basin			
Bath/shower			
<b>Total</b>			

**23 Kitchen facilities**

	<b>Number</b>	<b>Floor</b>	<b>No of rooms using facility</b>
Number of kitchens			
Number of sinks			
<b>Total</b>			

24 The total number of households currently occupying the property .....

25 The total number of individuals currently occupying the property .....

26 What is the maximum number of households that could occupy the property? .....

27 What is the maximum number of people that could occupy the property? .....

28 Please indicate the number of households you want the licence for .....

29 Please indicate the maximum number of people you want the licence for .....

## Discretionary Information

### Equality Strategy

Race Relations (Amendment) Act 2000.

The Council strives to deliver high quality services to everyone within the district. In order to help achieve this, the Council needs to maintain an awareness of the needs of its residents when planning and delivering services to ensure access to services by all minority ethnic groups in the district.

Under the circumstances, could you please indicate your ethnic group/background by ticking the appropriate box as follows:

- A. White British
- English
  - Scottish
  - Welsh
  - Irish
  - Any other white background, **please write in**.....
- B. Mixed
- White and Black Caribbean
  - White and Black African
  - White and Asian
  - Any other mixed background, **please write in**.....
- C. Asian, Asian British, Asian English, Asian Scottish, or Asian Welsh
- Indian
  - Pakistani
  - Bangladeshi
  - Any other Asian Background, **please write in**.....
- D. Black, Black British, Black English, Black Scottish, or Black Welsh
- Caribbean
  - African
  - Any other Black Background, **please write in**.....
- E. Chinese, Chinese British, Chinese English, Chinese Scottish, Chinese Welsh, or Other Ethnic Group
- Chinese
  - Any other background
- F. Do you consider that you have any physical impairment?
- Yes
  - No
- G. Are you visually impaired?
- Yes
  - No
- H. What is your gender?
- Male
  - Female

## CHECKLIST OF DOCUMENTS TO BE SUBMITTED WITH APPLICATION

- Application Form and fee-cheque for £520.00 per property to be made payable to Tendring District council
- Documents disclosing any unspent convictions for the licence holder and manager
- Most recent test and inspection certificate for the fire alarm system
- Most recent test and inspection certificate for the emergency lighting system
- Most recent maintenance certificate for the fire fighting equipment (extinguishers/fire blankets)
- Most recent landlords Gas Safety Record dated within the last 12 months
- Most recent test and inspection certificate for the electrical installation
- Most recent Portable Appliance Testing (PAT) certificate, if applicable
- Fire safety risk assessment
- Evidence of permanent address of proposed licence holder
- Information re Building Control or Town Planning involvement