



**North
Northamptonshire
Council**

How to Fill in the House in Multiple Occupation Mandatory Licensing Application Form

Anyone who owns or manages a House in Multiple Occupation (HMO) that requires a licence must be licensed by the Local Housing Authority (LHA) in which the dwelling is situated. If the property to be licensed is situated in North Northamptonshire, which covers the areas of Corby, East Northants, Kettering and Wellingborough, your application should be completed and forwarded to the North Northamptonshire Council Central Licensing Administration Unit (CLAU).

An application for a Licence of an HMO is required to be made under Part 2 of the Housing Act 2004. This Act has made it mandatory for local authorities to licence larger, high risk HMO's and has introduced discretionary selective licensing schemes for smaller properties. Please contact the unit should you wish to check if selective schemes apply in your area.

The application form relating to these guidance notes is for the mandatory scheme.

Mandatory Scheme

If a dwelling falls into all of the following categories, it is an HMO that will require licensing under the national, mandatory, HMO Licensing Scheme, in accordance with the provisions of the Housing Act 2004:

A dwelling that is a building or part of a building such as a flat that is:

1. occupied by more than one household and where more than one household lacks or shares an amenity, such as a bathroom, a toilet or cooking facilities,
2. a converted building but not entirely self-contained flats whether or not some amenities are shared,
3. or, converted, self contained, flats, that do not meet the 1991 Building Regulation, and at least one third of the flats are occupied under short tenancies.

In addition, to make sure that the most vulnerable tenants living in the highest risk properties are protected, the 2004 Act also makes it compulsory for certain dwellings to be licensed, as follows:

1. if the dwelling or any part of it is three storeys or more,
2. occupied by five or more persons comprising more than one household,
3. and occupiers are living in the dwelling as their main or only residence.

Dwellings that have three or more storeys will include habitable basements and attics as part of the three storeys but inhabitable cellars should be ignored. Dwellings that incorporate commercial premises within the three or more storeys will also be licensable if the other criteria are met.

With effect from 1 October 2018 there will no longer be a requirement for a property to be three stories or more and a dwelling, of any storey, must have a mandatory HMO licence if it is:

1. occupied by five or more persons comprising more than one household, where householders lack or share an amenity, such as a bathroom, a toilet or cooking facilities,
2. is a building, a converted flat or purpose built flats with up to two flats in the block, and one or both of the flats is occupied by five or more persons from two or more households.

Note: This will apply regardless of whether the block is above or below commercial premises and will bring certain flats above shops on high streets within mandatory licensing as well as small blocks of flats which are not connected to commercial premises.

As is the case now, it is the individual dwelling that is required to be licensed and not the building within which the dwelling is situated. This means that where a building has two flats and each is occupied by five persons, living in two or more households, each flat will require a separate HMO licence.

Additional 'mandatory conditions' may also be introduced relating to:

- minimum size of rooms used for sleeping
- providing facilities to store and dispose of domestic waste

Households

A single household refers to persons who are all members of the same family. A person is a member of the same family if they are married to each other, live together as husband and wife including same sex couples, and other relationships. A 'relationship' means parent, grandparent, child, grandchild, brother, sister, uncle, nephew, niece or cousin. A relationship of the half-blood shall be treated as a relationship of the whole blood and a stepchild shall be treated as his child. A person who lives in accommodation supplied by his/her employer or by a member of his employer's family, is classed as living in the same household, for example, au pair, nanny, nurse, carer, governess, servants, chauffeur, gardener, secretary or personal assistant.

Living accommodation occupied by persons as their main or only residence includes migrant and/or seasonal workers and asylum seekers or his/her dependents, who have been provided with accommodation under section 95 of the Immigration and Asylum Act 1999(a) and the accommodation is provided under contract to, or on behalf of, the National Asylum Support Service. Also, it includes persons undertaking a full-time course of further or higher education and as a refuge.

Notes for completing the application form

If you make any mistakes, or do not complete all of the relevant sections, it may delay the processing of the application form and incur further charges. If additional information is supplied on separate sheets, please make sure that they are securely attached to the application form and referenced to the appropriate question on the form. Please read these guidance notes carefully to assist you in:

- applying for the correct licence
- completing the form correctly
- enclosing all the relevant documents

Should you require further information, regarding your application, please contact the Central Licensing Administration Unit (CLAU) by email to licensingunit.ENC@northnorthants.gov.uk

NOTE 1

DETAILS OF APPLICANT

The applicant must be a named individual - The applicant and proposed licence holder must be a named individual and not a company. If a company applies to be licence holder, they must nominate an appropriate person to hold the licence within that company.

The Local Authority has a duty to award the licence to the person it thinks is the most appropriate person to be the licence holder. In normal circumstances, the Local Authority would expect the applicant to be the owner/landlord of the dwelling and apply to be the proposed licence holder.

The proposed licence holder must have the power to:

- collect rental income
- let and terminate tenancies
- access all parts of the dwelling
- authorise repairs and maintenance to the property.

If this is the case, please complete all of section one, following the instructions given in the section. If the owner/landlord has nominated a manager or managing agent to be the proposed licence holder, they must have the power to undertake the above conditions such as collect rental income, in order for the Local Authority to assume that they are the most appropriate person to hold the licence.

NOTE 2

SECTION 1: ADDRESS' AND IDENTIFICATION

Please provide details of permanent residential and business address of both the applicant and proposed licence holder if they are different individuals. This will not be the address of the HMO to be licensed unless the proposed licence holder will permanently reside at that address.

Evidence that will be accepted by the Local Authority as proof of address will be **two** of the following:

- current driver's licence
- recent bank or building society statement (from the last three months)
- recent utility bill (from the last three 3 months) – not a mobile telephone bill.
- recent tax correspondence

Both the applicant and the proposed licence holder, if they are different individuals, must also provide proof of their identity by photographic ID (such as a passport or valid UK driving licence)

Clear copies of documents are accepted for both confirmation of address and confirmation of ID.

NOTE 3

SECTION 1: CONTROL OF THE PROPERTY

A person having control of the property in normal circumstances is the legal owner/freeholder of the property. In circumstances where the owner/freeholder has leased the property to another person or company, the leaseholder will become the person having control of the property.

NOTE 4

SECTION 1: FIT AND PROPER PERSON

In deciding whether an application should be granted the Local Authority must have regard to evidence which shows that the proposed licence holder and manager(s) and any other person associated or formerly associated with them on a personal, work or other basis is a fit and proper person.

As supporting evidence you must provide a basic Disclosure and Barring Service (DBS) certificate for all named individuals on the application form and these must be dated as issued no more than three months before the date of your application.

DBS certificates are available by application from the GOV.UK website via [Request a basic DBS check - GOV.UK](#).

In addition, you must answer 'yes' or 'no' to all of the questions in this sections 1.3 to 1.5 of the application form and for both the proposed licence holder and all associated and provide the details of any associate for whom you have answered yes at question 1.6.

An associated person or former associate to the proposed licence holder and/or manager refers to any person who may be linked to the license holder by direct association e.g. previous business partner. If you answer 'yes' to any of the questions, it may be necessary for your Local Authority to undertake a further assessment and you may be contacted by them directly. In certain cases other authorities, such as the Police Authority, may also be consulted during the licensing process.

In accordance with the Rehabilitation of Offenders Act 1974, you are not required to provide details about previous convictions which are 'spent'. A conviction becomes 'spent' after a certain length of time which changes depending on the sentence and your age at the time of the conviction. The periods are halved if the conviction took place when you were aged 17 or less. If a person is sentenced to more than two and a half years in prison, his/her conviction can never become 'spent'. **All** unspent convictions must be declared. The following table indicates the period required for the conviction to become spent:

Sentence	Period of good conduct needed for conviction to be spent
<i>6 months to 2½ years imprisonment</i>	<i>10 years</i>
<i>Less than 6 months' imprisonment</i>	<i>7 years</i>
<i>Borstal Training</i>	<i>7 years</i>
<i>A fine or Community Services Order</i>	<i>5 years</i>
<i>Probation Order, Conditional Discharge, or Bind Over</i>	<i>1 year</i>
<i>An Absolute Discharge</i>	<i>6 months</i>

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

NOTE 5

SECTION 4: DECLARATION

To enable the Council to be satisfied that the information given is correct, please sign the application at section FOUR. If the declaration is not signed, the application cannot be processed.

NOTE 6

The Council has a duty to maintain a public register of HMO's and make sure that the contents of the register are available at the authority's head office for inspection by members of the public at all reasonable times.

The details of your application, as required to be made public under the Housing Act 2004, will be made available for inspection on our Licensing Public Register which may be found at www.northnorthants.gov.uk .

