

Application to Vary a Licence for a House in Multiple Occupation (HMO)

Guidance notes

Please read the following guidance notes before submitting an application to licence a House in Multiple Occupation (HMO). Further information about the licensing scheme may be found on the Council's website, www.rushmoor.gov.uk/housing

If you require any further advice or assistance please contact the Private Sector Housing Team on 01252 398980.

Note A

Rushmoor Borough Council operates a mandatory scheme for houses in multiple occupation (HMOs). This means that **all** HMOs that are three or more storeys occupied by five or more people have to be licensed. Children and babies are counted as people for licensing purposes.

Note 1 – Applicant details

These are the details of the person who is dealing with the application, and to whom correspondence and the invoice for the licence fee will be sent.

Note 2 – Manager details

These are the details of the person or company who has responsibility for the day to day management of the property such as letting vacant units, organising cleaning or repairs.

Note 3 – Ownership details

- 3.1 The details of the freeholder(s)
- 3.2 The details of the mortgagee, including reference or roll number, if applicable.
- 3.3 Details of the leaseholder(s), if applicable.
- 3.4 Details of the person who collects the rent.
- 3.5 Details of the person who receives the rent.
- 3.6 Any other interested person who may be bound by conditions on the licence.

Note 4 – Occupier information

- 4.1 All occupants must be counted, including people living at the property but not necessarily included on a tenancy agreement, and children of any age.
- 4.2 A household may be any of the following:

- A family, including foster children and current domestic employees. The definition includes parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces
- A single person
- A co-habiting couple (whether single or opposite sex)

4.3 A 'letting' may be any of the following:

- A room (bedsit)
- More than one room let to the same tenant(s) (who may share amenities with other tenants or have the use of their own amenities but which are not self-contained)
- A self-contained unit

4.4 Generally, a habitable room is any room, apart from a kitchen or bathroom, which is being lived in or is capable of being lived in.

Note 5 – Amenities

Amenities are cooking, bathing and toilet facilities which may be shared by people or households or available for the exclusive use of people or households.

Standards for amenities are contained in Schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 – available online at www.opsi.gov.uk/si/si2006/20060373.htm#sch3

Note 6 – Tenancy management

Details of how tenancies are managed.

Note 7 – Relevant information

The Council must be satisfied that the person applying for a HMO licence is a 'fit and proper' person to hold such a licence. The same test applies to any person managing the HMO and any director or partner in a company which owns or manages the HMO.

'Housing' and/or 'landlord and tenant' law includes, but is not limited to, the following:

- Owning or managing a HMO which was subject to a Control Order under Housing Act 1985
- Owning or managing a HMO which is or was subject to an Emergency Prohibition Order, a Prohibition Order or Emergency Remedial Action under the Housing Act 2004
- Being subject to legal action in the Magistrates' or Crown Court for breaches of any part of Housing or Landlord/Tenant legislation
- Owning or managing a property where a Council have carried out works in default when a notice under the Housing Act 1985 or 2004 has not been complied with
- Owning or managing a property subject to a Management Order under the Housing Act 2004
- Being subject to action, legal or otherwise, taken by a Council in respect of harassment or illegal eviction of tenants
- Contravention of any Approved Code of Practice (ACoP)
- Being subject to any other proceedings brought by a Council or other Regulatory Body (e.g. breaches of the Environmental Protection Act 1990, planning control, fire safety requirements)

Note 8 – Further information

Any other information which you feel may be relevant to your application.

Note 9 – Declaration

It is a criminal offence to knowingly supply information which is false or misleading for the purpose of obtaining a licence. Evidence of statements made in support of this application may be required at a later date.

We may require applicants to carry out a Criminal Records Bureau (CRB) check and provide us with the details of the results. The applicant will be responsible for paying for the cost of the CRB check.

We may approach other Council services (departments) and other authorities, such as the police authority, Fire and Rescue Service, Office of Fair Trading, Local Authorities Coordinators of Regulatory Services (LACoRS), and tenants for additional information and verification. Signing the application will be taken as your agreement to any such action.

If we subsequently discover something which is relevant and which you should have disclosed, or which has been incorrectly stated, your licence may be cancelled or further action, including legal action, taken against you.

Further information and advice

For advice and information about HMO licensing, please contact the Private Sector Housing Team on 01252 398980, email to privatehousing@rushmoor.gov.uk or visit the Council's website at www.rushmoor.gov.uk/housing and [benefits/landlords/houses](http://www.rushmoor.gov.uk/benefits/landlords/houses) in multiple occupation.