

Guide for a licence application for houses in multiple occupation

You are legally required to license your property if it meets the following criteria:

- It is a building which is occupied by 5 or more individuals who form two or more families/households and they share basic amenities such as kitchens and bathrooms.

Or

- It is a purpose built building which contains up to two self-contained flats and one or both of the flats is occupied by 5 or more people who form two or more households.

If you do not apply for a licence, and your property is found to fit the criteria above, you could be prosecuted and fined or served with a civil penalty of up to £30,000.

A separate form must be completed for each individual property that needs a licence.

Please refer to these notes, however if you have any more questions please contact the Private Sector Housing Team: privatesector.housing@folkestone-hythe.gov.uk

Property Details

Question 1 Address of the property that needs to be licensed

Question 2 Select the age of the property to be licensed

Question 3.1 Select the type of building to be licensed.

Question 3.2 Select the type of HMO.

Question 4 If the property was converted from a single house into more than one unit of accommodation, please supply details of the date it was converted and whether or not you have any paperwork to support this e.g. details of planning permission or building regulation approval.

Where you have professional plans and they represent the current layout of the property please supply a copy.

The following questions allow the Council to decide if the property does need a licence or not and how many people it is suitable for.

Question 5 Indicate the number of levels in the property; include any basements and attic rooms where there is the potential for them to be used as accommodation even if they are currently empty. Do not include roof spaces if they have not been converted and do not have easy access to them. You must also include levels that are used for commercial purposes, for example, accommodation over

shops or restaurants.

- Question 6.1 Please indicate how many rooms or flats there are in the property. Where the property is shared, indicate the number of bedrooms in the property.
- Question 6.2 Please indicate how many self-contained flats there are within the property. A self-contained flat has a kitchen and bathroom for exclusive use within the flat.
- Question 6.3 Please indicate how many bedrooms in the property.
- Question 6.4 Please indicate how many living/dining rooms there are.
- Question 6.5 Please indicate if there is fixed heating.
- Question 6.6 Please indicate how the occupants are supplied with hot water and heating (e.g. gas boiler, electric etc).
- Question 7 Indicate how many kitchens there are and mark their location within the building by marking them on your plan. Please also indicate how many kitchens are shared and how many are management kitchens. A management kitchen is where the manager/owner of the property provides meals at a set time of day. There are no other cooking facilities in the property and the main kitchen is kept locked so residents cannot use it.
- Question 8 Indicate how many bathrooms or shower rooms there are in the property by marking them on your plan, again indicate their location within the property.
- Question 9 Indicate how many wash hand basins there are in the property by marking them on your plan, again indicate their location within the property.
- Question 10 Indicate how many toilets in a separate room means separate to the bathroom.
- Question 11 In order to keep the fees involved in applying for a licence as low as possible it is essential that you provide a sketch plan of the layout of the property.

If you have professional plans or drawings please supply a copy. A line drawing or sketch plan will be sufficient as long as it shows the location of bathrooms and toilets, the location of the kitchens, identifies each of the units of accommodation by number, and provides approximate room sizes. It should also show the location of heat/smoke detectors. It does not have to be to scale but should give an indication of the proportions of the rooms.

Not providing a plan may affect whether a licence is issued and/or any

conditions that are placed on the licence.

- Question 12 Please indicate if the property has any form of smoke detection and also detail their location on the floor plans you are submitting.
- Question 13a Select Yes or No
- Question 13b Select Yes or No.
- Question 13c Select all that apply
- Question 14.1 Select Yes or No and indicate which appliances are supplied by gas.
The gas appliances must be inspected and tested at least once a year and a certificate must be provided by a competent and qualified gas engineer who is registered with Gas Safe. A copy of your most recent certificate must be uploaded.
- Question 14.2 Select Yes or No and indicate the date of the electrical inspection. The electrical installation must be checked to ensure it is safe to use and evidence, usually in the form of a certificate, must be supplied with your application.
- Question 15.1 The appliances that you supply for use in the property must also be checked and certified as safe to use. This might be items such as kettles, toasters, microwaves, portable heaters etc. Please upload a copy of your PAT testing record/certificate.
- Question 15.2 All furniture must be safe to use and meet the Furniture and Furnishings (Fire) (Safety) Regulations 1988. Please indicate if you supply furniture such as beds, chairs and sofas and indicate whether these all meet the regulations. Selecting No will not prevent you from obtaining a licence but we will ask you to replace the furniture within a set timescale. Where you have labels and receipts to support your claim this will also be useful.
- Question 16 Please provide the full name and address and contact details of the freeholders.
- Question 17 Please provide the full name and address and contact details of the leaseholders if appropriate.
- Question 18 If you have a manager for the property or you are the manager completing the form on behalf of the owner please fill out these details.
- Question 19 Where any of the details in Qs 16,17 and 18 show that an organisation is involved please providedetails about that company.
- Question 20 Provide the full name of the licence holder. The licence holder must be relevant to the property. It can be the owner or a manager and they

must be local to the property. There may be exceptions to this and each case will be looked at individually, one of which would be if an absent landlord wanted to hold the licence but had a local manager. The licence holder will be responsible for any breaches of the conditions on the licence. Each individual Council will define being local to the property.

Question 21 Provide details of the management arrangements for the property. Indicate who should be called in an emergency, who collects the rent and deals with repairs and maintenance to the property.

Confidential Information

All information in this part will be treated as confidential and used only in connection with this application. The Council has a legal obligation to ask the following questions and you must disclose information that you think maybe relevant to your application.

Under 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 upon the sentence and your age at the time of conviction. (The periods are halved if the conviction took place when you were aged 17 or less.)

6 months to 2 years imprisonment	10 years
Less than 6 months imprisonment	7 years
Borstal training	7 years
A fine or Community Services Order	5 years' Probation Order,
Conditional Discharge, or Bind Over	1 year
An Absolute Discharge	6 months

If a person is sentenced to more than 2 years in prison, his/her conviction can never become "spent".

If you have any doubts about whether you have to declare a previous conviction, you should contact your local Probation Office or the Citizens' Advice Bureau or your Solicitor.

Question 22 Indicate if you have applied to any other Councils for an HMO licence.

Question 23 Please provide a list of all the Councils you have applied to. We may contact these Councils in order to verify the information you have provided or to inform them that you have already provided confidential information.

You must complete the following sections in relation to yourself and any associates you may have. An associate is a spouse (partner or family member) or business partner that has access to the property.

Question 24 Please disclose any information relating to any of the listed offences. This information will remain confidential and does not necessarily mean that a licence will not be granted. By not declaring something which we later discover, you could be held liable for providing misleading information and you may be prosecuted and fined.

Question 25 Please disclose information relating to any involvement you may have had with unlawful discrimination on the grounds detailed in the application form.

Question 26 Please detail if any Local Authority has taken any action against you or any property that you are in control of, with regards to any Housing Acts or landlord and tenant law.

The manager of the property must complete the following questions. The manager should only fill out this part if they are NOT the proposed licence holder.

Question 27 Please disclose any information relating to any of the listed offences. This information will remain confidential and does not necessarily mean that a licence will not be granted. By not declaring something, which we later discover, you could be held liable for providing misleading information and you may be prosecuted and fined.

Question 28 Please disclose information relating to any involvement you may have had with unlawful discrimination on the grounds detailed in the application form.

Question 29 Please detail if any Local Authority has taken any action against you or any property that you are in control of, with regards to any Housing Acts or landlord and tenant law.

Question 30 Indicate the number of people currently living in the property.

Question 31 Indicate the number of households in the property. A household means either an individual, or members of the same family. A person is of the same family if they are married to each other or live as husband and wife or the equivalent for same sex relationships.

A person is also a member of the same family if they are a relative. A relative means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, or cousin.

Question 32 List the names of the current occupiers including children. Please indicate (c) where the name is a child under 16 years of age

Question 33 Indicate the type of tenancy agreements issued to the occupants.

Question 34 Indicate the maximum number you intend to let the property to.

Question 35 Indicate the maximum number of households you intend to let the property to.

Declarations

The names of everyone involved with the property must be entered as interested parties and by doing so they agree to the declaration. If the appropriate names are not entered your application form will not be accepted.

If you operate a House in Multiple Occupation (HMO), which needs a licence but does not have one, you may be prosecuted and fined or issued with a civil penalty of up to £30,000. It may also be possible for tenants and the Council to apply to a Residential Property Tribunal for a Rent Repayment Order. This will require you to repay all rent received for the time that you were operating an unlicensed HMO.

Use of Information provided in this application form

Folkestone & Hythe District Council will use some of the information you have provided in this application form.

We will only use any personal information you send us for the purposes for which you provide it and we will only hold your information for as long as is necessary for these purposes.

Information you provide us with may be used for statistical research but will not be used in any way (beyond its original purpose), which enables you to be identified.

Some of the information will be used by the Office of the Deputy Prime Minister in order to compile the national register of Houses in Multiple Occupation.

The information will also be held on a public register as prescribed by the Licensing and Management of Houses in Multiple Occupation and other Houses (Misc Provisions) (England) Regulations 2006:

- Name and address of the licence holders and manager
- Address of the property
- Descriptions of the property e.g. number of rooms

Licensing Application form for Houses in Multiple Occupation

Notification of all relevant parties

Please note: When submitting a licence application form you must inform, in writing, the following people:

- Any mortgagee of the property to be licensed.
- Any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors 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 3 years (including a periodic tenancy).
- The proposed licence holder (if that is not you).

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- The proposed managing agent (if any) (if that is not you).
 - Any person who has agreed that he will be bound by any conditions in a licence if it is granted.

You must tell each of these people:

- Your name, address, telephone number and e-mail address.
- The name, address, telephone number, and e-mail address of the proposed licence holder (if it will not be you).
- That this is an application for a licence under the mandatory HMO licensing scheme.
- The address of the property to which the application relates.
- The name and address of the Council to which the application will be made.
- The date the application will be submitted.

If you have any more questions or require any further information please call your local Private Sector Housing team: privatesector.housing@folkestone-hythe.gov.uk

Once you submit this form you will need to make payment. The online form will redirect you to the payment section.