

GUIDANCE NOTES FOR THE COMPLETION OF A MANDATORY HMO LICENCE APPLICATION



North Kesteven
DISTRICT COUNCIL

Contents

About this application.....	2
Documents to accompany this application.....	2
Section 1: Applicant details.....	3
Section 2: Application details.....	3
Section 3: Proposed licence holder.....	3
Section 4: Proposed licence holder – business and organisations.....	4
Section 5: Ownership and control of the property to be licensed.....	4
Section 6: Proposed manager of the property.....	4
Section 7: Details of the property to be licensed.....	5
Section 8: Occupation of the property to be licensed.....	6
Section 9: Accommodation details.....	6
Section 10: Heating and energy efficiency.....	7
Section 11: Gas and electricity.....	7
Section 12: Fire risk assessment.....	7
Section 13: Layout plans.....	7
Section 14: Management of the property to be licensed.....	8
Section 15: Fit and proper person test.....	8
Section 16: Accreditation and qualifications.....	9
Section 17: Other properties licensed under the Housing Act.....	9
Section 18: Notifying people about the licence application.....	9
Section 19: Additional details.....	9
Section 20: Payment details.....	9

About this application

The application for an HMO licence should be completed if you need to apply for a mandatory licence under Part 2 of the Housing Act 2004 for a house in multiple occupation in the North Kesteven District.

The Housing Act 2004 requires all HMOs with 5 or more occupiers living in 2 or more households and where there is some sharing of basic amenities (washing facilities, toilets, kitchens) to be licenced.

Houses which are occupied by less than 5 unrelated persons may still be HMOs but will not require a licence.

The responsibility for submitting an HMO licence application rests with the person having control of or the person managing the property. This is the owner, or the person who lets the property and collects the rent.

The application form is complex therefore you should allow plenty of time to complete the form and obtain your supporting documents.

We will acknowledge receipt of your application in writing. Please note that an application will only be processed if it is completed in full, the accompanying documents have been received and the application fee paid. We will contact you if your application is incomplete and provide you with the opportunity to submit a complete application. If the application remains incomplete then it will be returned in full and you will be treated as not having applied for a licence.

Operating an HMO that should be licensed without applying for a licence is an offence liable to a fine on summary conviction or a financial penalty and/or an order to repay up to 12 months' rent/housing benefit.

If you intend to take steps within the next 3 months to make the house no longer licensable, then you will need to tell us about the definite steps you intend to take and we may be able to grant a temporary exemption from licensing.

Documents to accompany this application

Your licence application will not be complete unless it includes the following:

- A floorplan of the property detailing the position and layout, use and size of each room;
- A current gas safety certificate for all appliances and installations where gas is supplied to the property as provided by a Gas Safe Registered engineer. This gas certificate must state that all gas appliances and installations are safe to use;
- BS 5839 test reports relating to the fire detection system (if applicable);
- BS 5266 test reports relating to the emergency lighting (if applicable);
- A periodic electrical installation condition report (EICR) dated within 5 years;
- A portable appliance test (PAT) report dated within 1 year relating to all electrical appliances supplied by the licence holder/manager;
- A basic disclosure certificate from the Disclosure Barring Service (or equivalent) relating to the proposed licence holder and the proposed manager of the HMO.

This licence application can be completed by a person who is not the proposed licence holder or manager. The applicant could identify themselves as the proposed licence holder and the proposed manager or identify other persons.

The person having control of the HMO will normally be considered the most appropriate person to hold the licence and this will be confirmed by the Council on processing the application.

The boxes outlined in red indicate that the information is mandatory. There may be notes on the right with further explanation.

Section 1: Applicant details

As the applicant you must give your full name, address, e-mail address and at least one telephone number.

You must state if you are applying as a business, organisation or sole trader, or as an individual and provide the relevant information.

Section 2: Application details

North Kesteven District Council does not currently operate an additional or selective licensing scheme therefore the type of licence you are applying for is Mandatory HMO

If you are applying for your first HMO licence for this property, select New.

If you are renewing an existing licence select Renewal and give the expiry date of your current licence.

If you are applying for a major variation of an existing licence select Variation and outline the variation requested and the reasons for your request. You may apply for a variation of a licence in writing if this is more appropriate. If there is a change of the licence holder or person having control of the HMO, the existing licence will need to be revoked and a new application made by the new owner or proposed licence holder as a licence cannot be varied under these circumstances.

Provide the full address of the HMO to be licensed.

Section 3: Proposed licence holder

The person having control of the HMO will normally be considered to be the most appropriate person to be the licence holder. A 'person' having control does not have to be an individual. Factors taken into account when deciding who is the most appropriate person to be the licence holder will include:

- Does the proposed licence holder receive the rack rent for the premises?
- Is the proposed licence holder the owner of the property?
- If the proposed licence holder is not the owner what financial interest does he have in the property?
- Is the proposed licence holder an agent acting on behalf of someone else?

- If the proposed licence holder is an agent what power does he have to ensure compliance with the licence conditions?
- Does the proposed licence holder have an address in England or Wales where notices may be served?

An agent can only be considered as being the most appropriate person to be the licence holder if they have demonstrable authority to comply with the licence conditions, including the retention of sufficient funds.

If the person completing the application is the proposed licence holder tick Yes and the information provided in section 1 will be used. If the person completing the application is not to be the licence holder then complete this section with the relevant information.

Please note the details given for the proposed licence holder will appear on the North Kesteven District Council Public Register for HMO Licences.

Section 4: Proposed licence holder – business and organisations

You must state if the proposed licence holder is an individual or sole trader, company, partnership, charity or trust or if the proposed licence holder has another legal status. If the proposed licence holder is anything other than an individual or sole trader you must provide the relevant information pertaining to their legal status as required.

Section 5: Ownership and control of the property to be licensed

Details must be provided relating to any other persons with a legal interest in the property. This information will assist in determining the most appropriate person to hold the licence. See section 3 in this guidance for assistance with determining the person having control.

You must inform relevant persons who have a legal interest in the property that you are submitting an HMO licence application.

In addition to the applicant, licence holder and manager, the persons you list in this section will receive legal notices and a copy of the licence from the Council. If the party with a legal interest in the property is a registered company please provide the company number and the registered address.

There is provision to add additional persons or organisations at the bottom of this section if necessary. You must ensure the details of all persons with a legal interest in the property are provided.

Section 6: Proposed manager of the property

If the proposed manager is a different person to the proposed licence holder select No in this section and provide details as required. The proposed manager will also be subject to a fit and proper person check (see section 15).

Section 7: Details of the property to be licensed

In order to provide a licence for the HMO the Council requires certain information from you about the type of property it is and what amenities and installations there are.

A house or flat in single occupation (a single household where all occupants are part of the same family) would only be relevant for a Selective Licence application, which does not currently apply in the North Kesteven district.

NB: A house converted into and comprising only of self-contained flats, with no sharing of facilities would not require a mandatory HMO licence.

Select the type of building that best describes the structure within which the HMO is located:

Detached house:	A single structure with 2 or more floors which is free standing from any other structure except its own outbuildings.
Semi-detached house	A structure on 2 or more floors which shares a structural party wall with one other residential property forming a pair which are free standing from any other structure except their own outbuildings.
Terraced house	A structure on 2 or more floors forming part of a group of 3 or more residential properties linked by party walls. Crescent and any other linear layouts are included in this description but not end of terrace houses.
Back-to-back house	A dwelling forming part of a group of 3 or more dwellings linked by side and rear party walls in a linear layout.
Residential block	A block other than the above categories which is entirely designated for residential or related use, normally a block of flats.
Mixed use block	A block which contains a mix of units designated for both residential and non-residential use. Typically shops on the ground floor with flats above but the mix may be more complex.
Grouped structure	A dwelling which shares a party wall with one or more other dwellings set out in a non-linear layout, such as a cluster or around a courtyard. Entrances will normally be private.
Other	Any building not covered by the above descriptions.

If the property has been converted to its present form from a previous dwelling or business premises, select the appropriate box and give the approximate date of conversion.

Section 8: Occupation of the property to be licensed

Provide the number of households and occupants currently residing in the property and the proposed maximum number of occupants. One household is defined as any of the following:

- A person living on their own.
- A person who lives with a group of people they are not related to (each member of the group could be a household, e.g. 5 unrelated students would be 5 households).
- A couple or family, e.g. comprising husband, wife, partner, child, stepchild, step-parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, cousin.
- A family with a person placed under Fostering Services Regulations.
- A family or single person together with anyone in domestic employment where no rent is paid, e.g. au pair, nanny, nurse, carer, governess, servant, chauffeur, gardener, secretary, personal assistant – including employee's family members.
- An adult placement carer under the Adult Placement Schemes Regulations and not more than 3 service users.

A person is anyone occupying the property regardless of age. An adult for the purposes of this application is any person aged 18 years or over.

If the owner or manager of the HMO lives in the same building select Yes and provide the required details, otherwise select No.

Section 9: Accommodation details

A separate letting unit may be any of the following:

- A self-contained unit: with the kitchen, bath, shower wash basin and w.c. facilities behind the door of that unit.
- A non-self-contained unit: more than 1 room let to the same tenant(s) who may share amenities with other tenants; or they may have the use of their own amenities but which are not self-contained (e.g. other persons are not prevented from accessing them); or the amenities for which they have sole use of are accessible only through other shared areas.
- A non-self-contained unit: A bedroom or bedsit* on its own where some or all other amenities are shared.

The numbers of each of the above when totalled will give the number of separate letting units in the HMO.

*A bedsit is described as sleeping/living arrangements where tenants have one or more rooms for their exclusive occupation that are not self-contained and where there is shared use of some facilities such as a bathroom, w.c. or kitchen with other occupiers of the HMO. Each occupancy would be separately rented.

Information regarding the number of rooms and facilities in the property will assist in determining the suitability for occupation by the number of persons and households proposed on this application.

Section 10: Heating and energy efficiency

Select the type of heating provided within the HMO. More than one type can be selected. Answer all other questions as required.

Section 11: Gas and electricity

If there is a gas supply within the HMO you will be required to provide a landlord's gas safety certificate dated within the last 12 months, as issued by a Gas Safe Register Engineer to confirm that the gas installation and each gas appliance provided with the HMO are safe to use.

You will be required to provide a periodic electrical installation condition report (EICR) dated within 5 years.

If any portable appliances are provided with the letting (any plugged appliances such as washing machine, fridge, kettle etc.) you will be required to provide a portable appliance test (PAT) report dated within 1 year relating to all electrical appliances.

Section 12: Fire risk assessment

There are no prescribed standards for fire precautions which apply to every HMO. Each property is risk assessed on an individual basis and the persons having control and the persons managing the HMO are responsible for carrying out a risk assessment. There is some guidance available online at the following link: [DASH Services - Fire Safety](#)

We will carry out an inspection of the house under the Housing Health and Safety Rating System (HHSRS) and one of the 29 hazards we look at is fire. The type and condition of any fire detection system will be determined by reference to the HHSRS, to the service level agreement between the Council and Lincolnshire Fire and Rescue and in particular to LACORS: Housing – Fire Safety Guidance on fire safety provision for certain types of existing housing (August 2008) and any successor guidance. Consideration must also be given to BS 5839:6 2019 regarding the category of protection recommended in private rented properties and houses in multiple occupation.

For the purposes of this section, a competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist you properly. The level of competence required will depend on the complexity of the situation and the particular help you need.

Further information regarding the Furniture and Furnishings (Fire) (Safety) Regulations 1988 can be found in the following link: <https://www.firesafe.org.uk/furniture-and-furnishings-fire-safety-regulations-1988-1989-and-1993/>

Section 13: Layout plans

North Kesteven District Council requires a floorplan of the property detailing the position and layout, use and size of each room, to include amenities, facilities and fire precaution equipment.

Professional architect plans are not necessary and guidance is provided at the end of this document, should you or a plan drawer wish to produce the sketch plan. You may already have

some plans of the property drawn up for another purpose, however please refer to the separate guidance to ensure the plans show all the information required by the Council.

Section 14: Management of the property to be licensed

When determining an application for a licence the Council must decide whether the proposed management arrangements are satisfactory. The Council will consider factors such as the following in determination of whether or not the management arrangements are satisfactory:

- a system for tenants to report defects and emergencies and arrangements to respond to those reports;
- a process for dealing with anti-social behaviour occurring within the HMO by tenants or their visitors;
- arrangements for periodic inspections to identify where repair or maintenance is needed and arrangements to carry out essential repairs and maintenance;
- if the manager of the HMO is not the owner, the owner must sign a declaration stating that adequate funding is available to the manager for repairs;
- any other relevant factor that the council considers appropriate.

Section 15: Fit and proper person test

When deciding upon an application for an HMO licence the Council must consider whether the proposed licence holder and the proposed manager are 'fit and proper persons'. This is to ensure that those responsible for holding the licence and managing the property are of sufficient integrity and good character to be involved in the management of an HMO, and that they do not pose a risk to the welfare or safety of persons occupying the property.

If any persons associated with the proposed licence holder or proposed manager, on a personal, work or other basis has any relevant offences or has been subject to enforcement action, we must also consider whether this affects the fit and proper status of the proposed licence holder or manager.

In accordance with the Rehabilitation of Offenders Act 1974, you are not required to provide details of previous convictions which are spent. A conviction becomes spent after a certain length of time, which varies depending on the sentence and your age at the time of conviction. Further information on spent convictions can be found at [Rehabilitation Periods - GOV.UK](https://www.gov.uk/rehabilitation-periods)

For further information regarding the fit and proper person test please refer to the North Kesteven Policy for the Mandatory Licensing of Houses in Multiple Occupation.

A basic disclosure certificate from the Disclosure Barring Service (or equivalent) relating to the proposed licence holder and the proposed manager of the HMO must be submitted with this application.

Section 16: Accreditation and qualifications

Give details of any landlord's associations such as the NLA, RLA etc., professional bodies such as ARLA, RICS etc. or any accreditation schemes to which the proposed licence holder and/or manager belong.

Section 17: Other properties licensed under the Housing Act

State whether or not you own or manage other HMOs in the North Kesteven District which are required to be licensed or if you have submitted an application for an HMO licence in another district. Complete with the relevant details as requested.

Section 18: Notifying people about the licence application

You must inform relevant persons who have a legal interest in the property that you are submitting an HMO licence application or give them a copy of it. The persons who you must inform are:

- Any owner and joint owner of the property to which the application relates i.e. the freeholder and any head lessors who are known to you.
- Any mortgage provider if the HMO has a mortgage.
- 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 less than 3 years (including periodic tenancy).
- The proposed licence holder (if this is not the applicant).
- The proposed manager (if this is not the applicant).
- Any person who has agreed that they will be bound by any conditions in a licence if it is granted.

Section 19: Additional details

There is no further information required by North Kesteven District Council other than that requested in the application and outlined in this guidance document. However we would recommend that you read through the North Kesteven Policy for the Mandatory Licensing of Houses in Multiple Occupation for verification.

Section 20: Payment details

You must declare that the information you have provided within the application is correct to the best of your knowledge.

Please note that it is a criminal offence to knowingly supply information that is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application may be required at a later date. If we subsequently discover something that is relevant and that you should have disclosed, or which has been incorrectly stated or described, your licence may be revoked or other action taken.

Once the application has been completed in full save the form to your computer/device by clicking 'save as' and then go back to the apply on-line page on our website, select HMO licence and follow the instructions to upload your application. Please ensure you have all your supporting documentation available to upload.

SKETCH PLAN GUIDANCE - DETAILS OF THE HMO

Please provide a sketch floor plan for each floor of the HMO.

Professional architect style plans are not required. The plans should show the layout of each floor, the use and dimensions of each room and the number and location of all smoke alarms; fire precautionary equipment; fire doors; escape windows; staircases; toilets; basins; baths; showers; sinks; cookers; fridges; freezers; microwaves; and dishwashers.

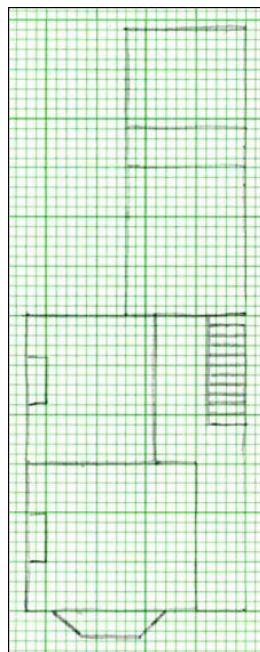
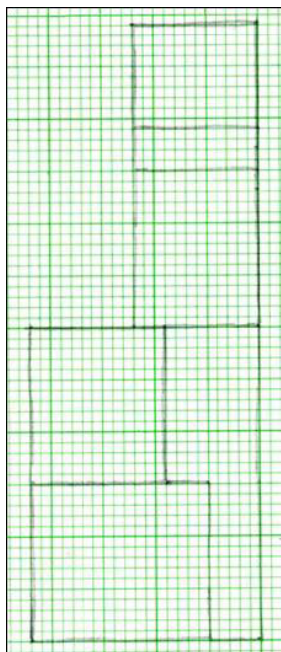
The following pages provide guidance on drawing your sketch plan. Please use the abbreviations below in your plan:

Facilities and amenities

B	Bath
C	Cooker
DW	Dishwasher
EF	Extractor fan
F	Fridge
FZ	Freezer
F/FZ	Full size fridge freezer
M	Microwave
S	Sink
SH	Shower
WC	Toilet
WHB	Wash hand basin
WM	Washing machine

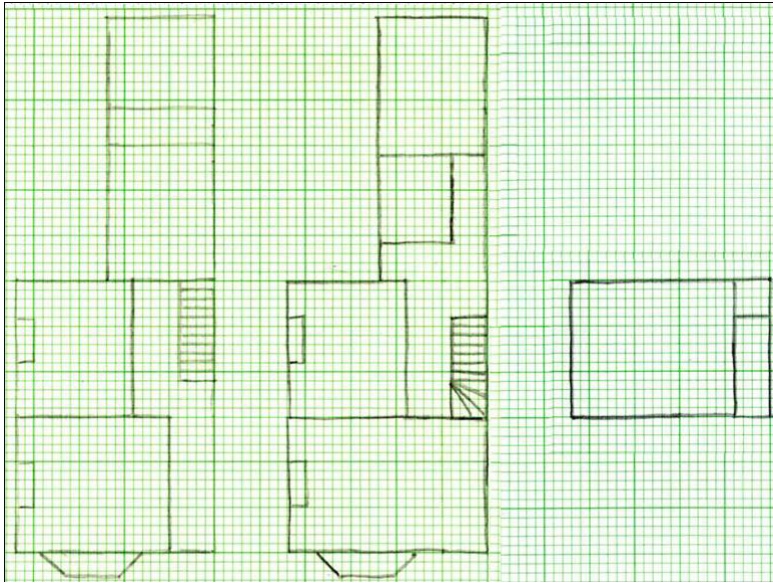
Fire precaution equipment

AS	Alarm sounder
CP	Call point
DP	Dry powder extinguisher
EL	Emergency lighting
EW	Escape window
FAP	Fire alarm control panel
FB	Fire blanket
FD	Fire door
FE	Foam extinguisher
HD	Heat detector
SD	Smoke detector
WE	Water extinguisher



Start on the ground floor and using your chosen scale draw out the basic room shapes in pencil. Just use boxes to start with. Draw with light pencil strokes which can be rubbed out easily with an eraser. A single line is sufficient to represent a wall.

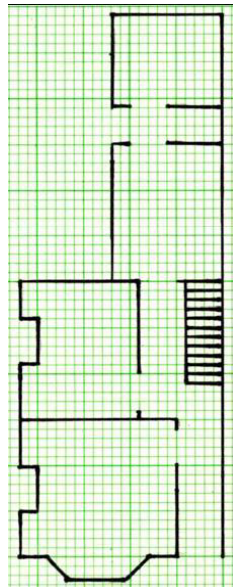
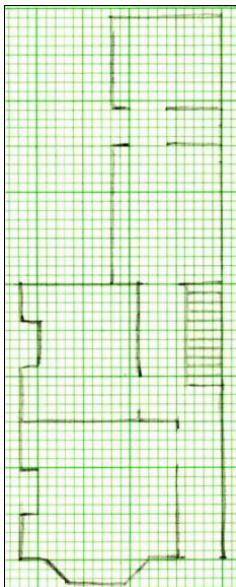
Then pencil in major structural things like chimneybreasts, bay windows and stairs.



Presuming that there are other floors it is worth copying your basic plan at this stage, as the layout of upper floors is often very similar to the ground floor.

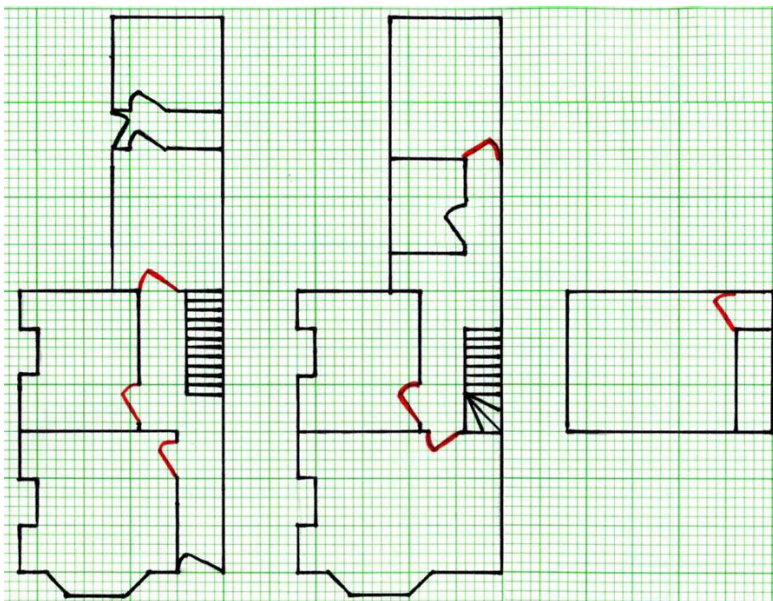
With a few amendments, showing the next floor up is fairly easy. Stairs between the ground and first floor should be shown on the ground floor plan. Stairs between the first and second floor should be shown on the first floor.

The next floor up is even easier.

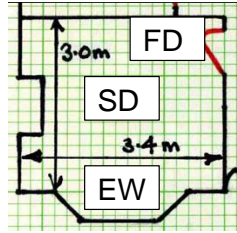
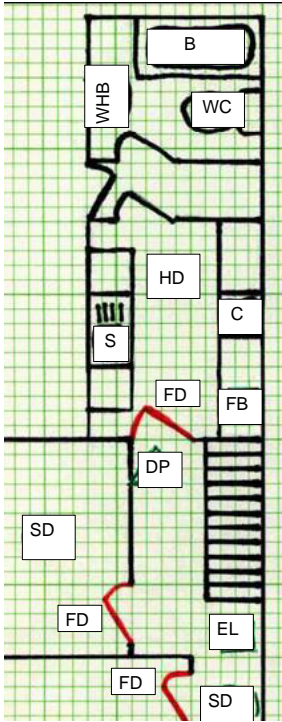


Now go round with an eraser and rub out all the bits of wall that are not really there such as across the bay and where the doorways are.

Using a black fine felt tip or similar pen and a ruler go over the lines you have sketched in pencil.



Then draw in the doors - sketch them in pencil first if it helps. Then use a fine felt-tip pen. A straight line to represent the door and a small curved line to show the path the edge of the door takes as it closes. Fire doors should be marked "FD". Rub out your pencil guide lines.



Then you need to show where baths, showers, washbasins, sinks, cookers and work surfaces are. Again sketch them in pencil and go over them with a pen.

Now you need to indicate on the plan where various items of fire precaution equipment are.

You could use any reasonable set of symbols or abbreviations to represent the various items of equipment so long as it is clearly stated what each symbol represents.

Here we have used the abbreviations given in the application form.

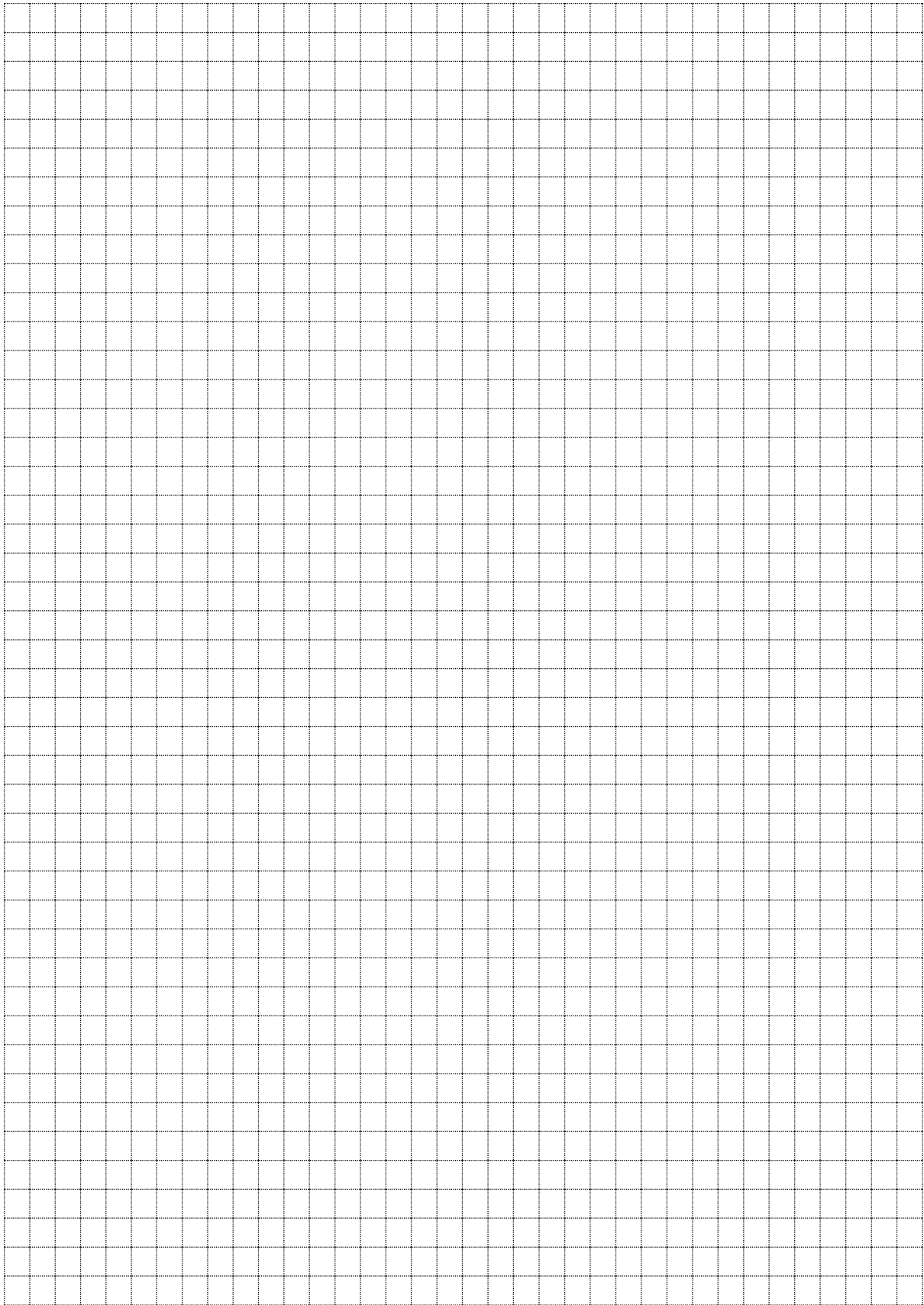
You then just need to add some additional information to the plan to make it complete.

1. Write on the plan the address of the property and the date the plan was drawn.
2. Write down the scale you have used e.g. 1cm=1metre. If you do not think your plan or the scale you have used does not really reflect the actual sizes of the rooms then add dimensions.
3. Add text to make it clear which floor is which, i.e. Ground, First, Second Floors etc.
4. State whether the detectors are interlinked; that is, if a fire is detected by one detector, all the sounders in the house are triggered.
5. Make a note on the plan, with a symbol of your own to illustrate any features you consider to be important.
6. It is possible to produce reasonably professional looking plans using Microsoft Power Point or other software packages specifically designed to design and illustrate buildings and room layouts, but this is not a requirement.

The following pages can be used for your sketch plan if required.

Address _____

Back

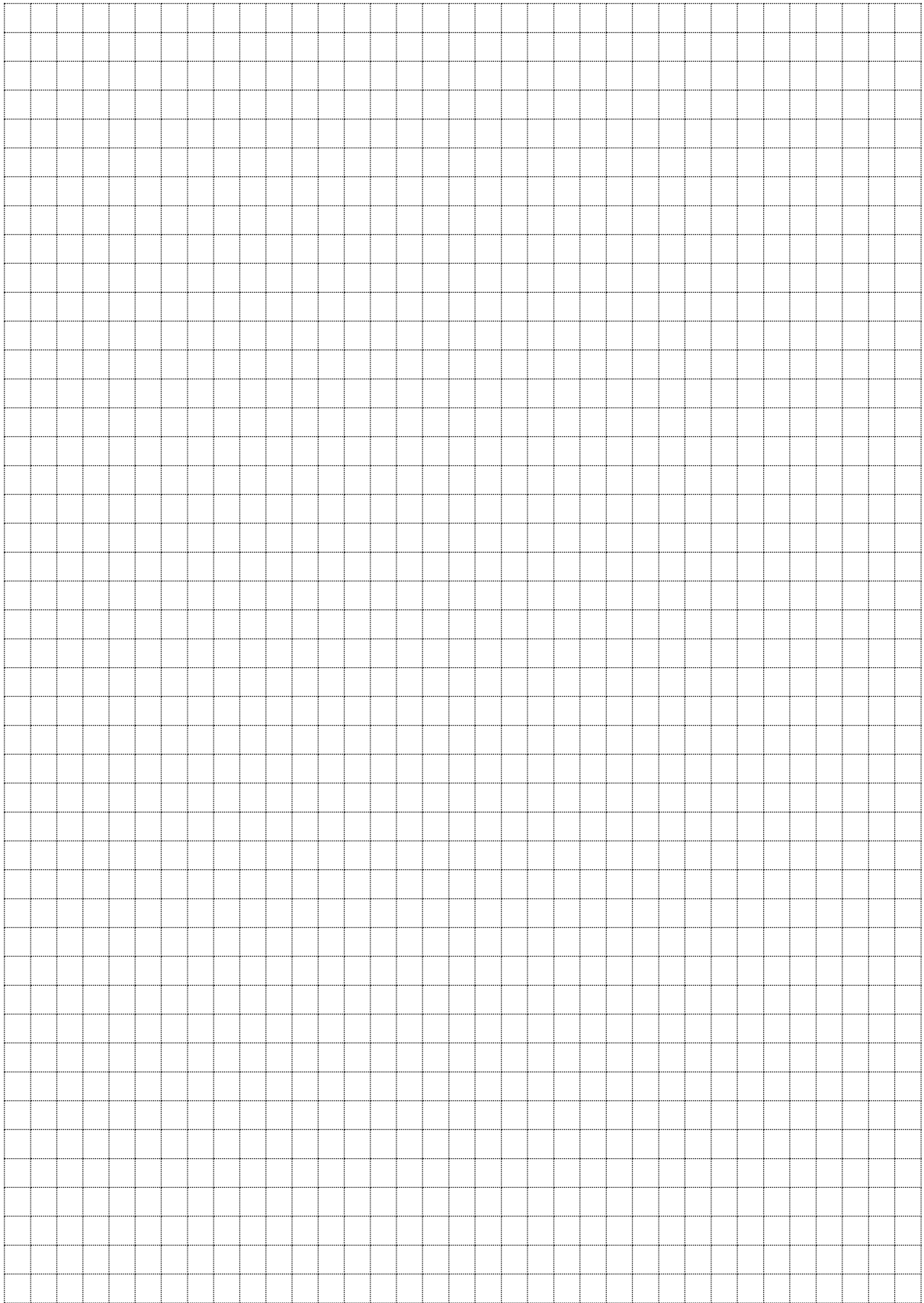


Front

Floor _____

Address _____

Back

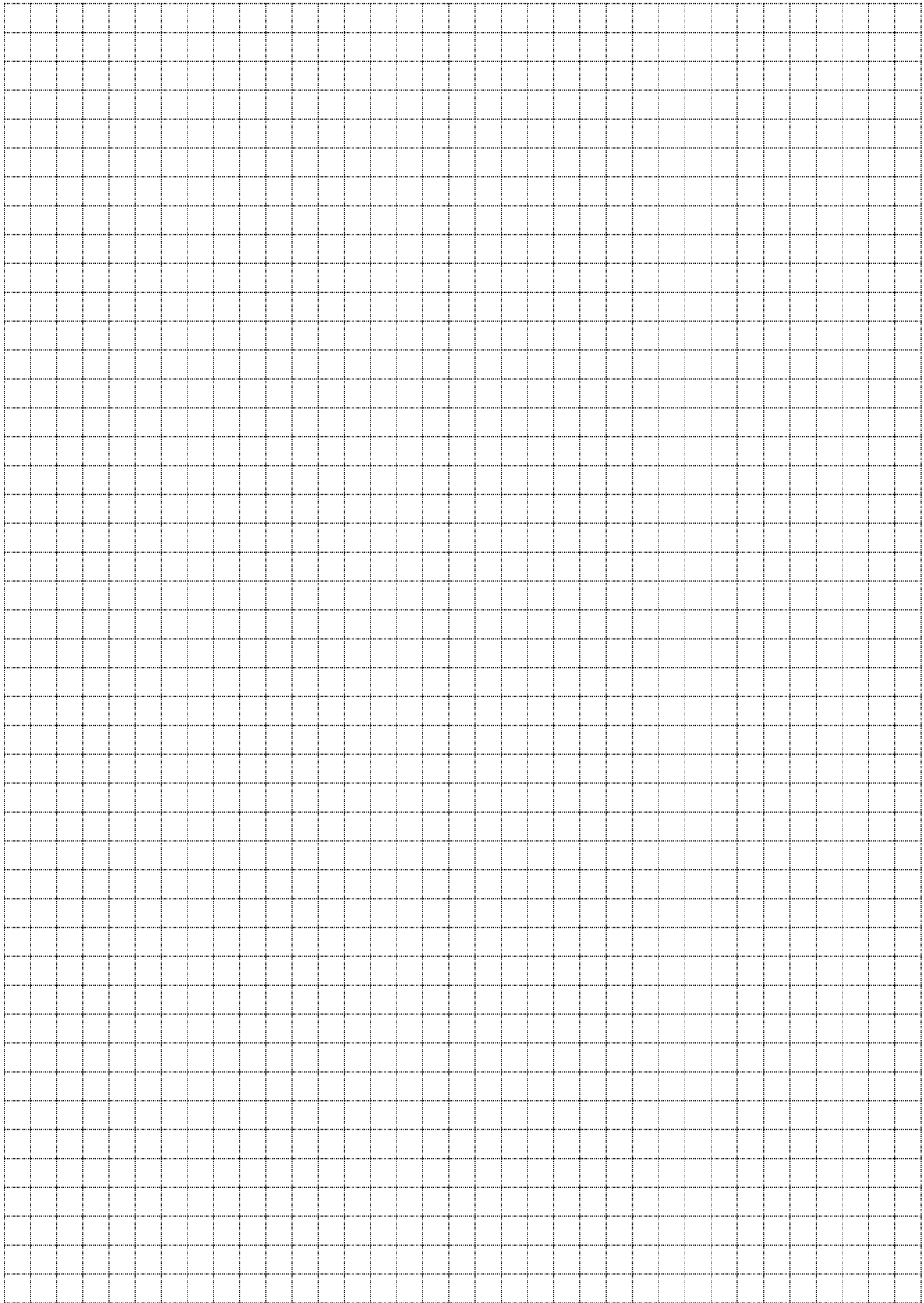


Front

Floor _____

Address _____

Back

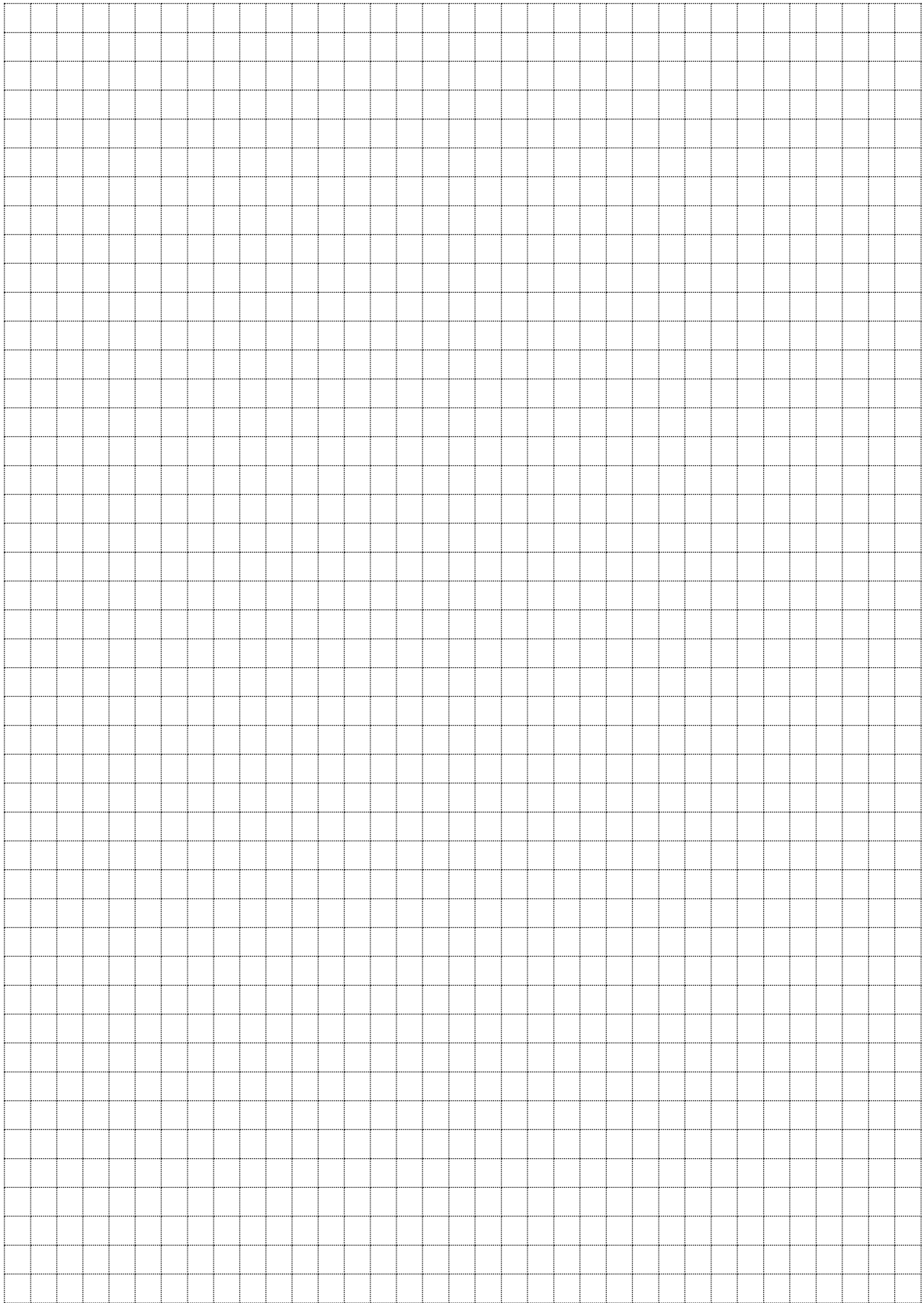


Front

Floor _____

Address _____

Back

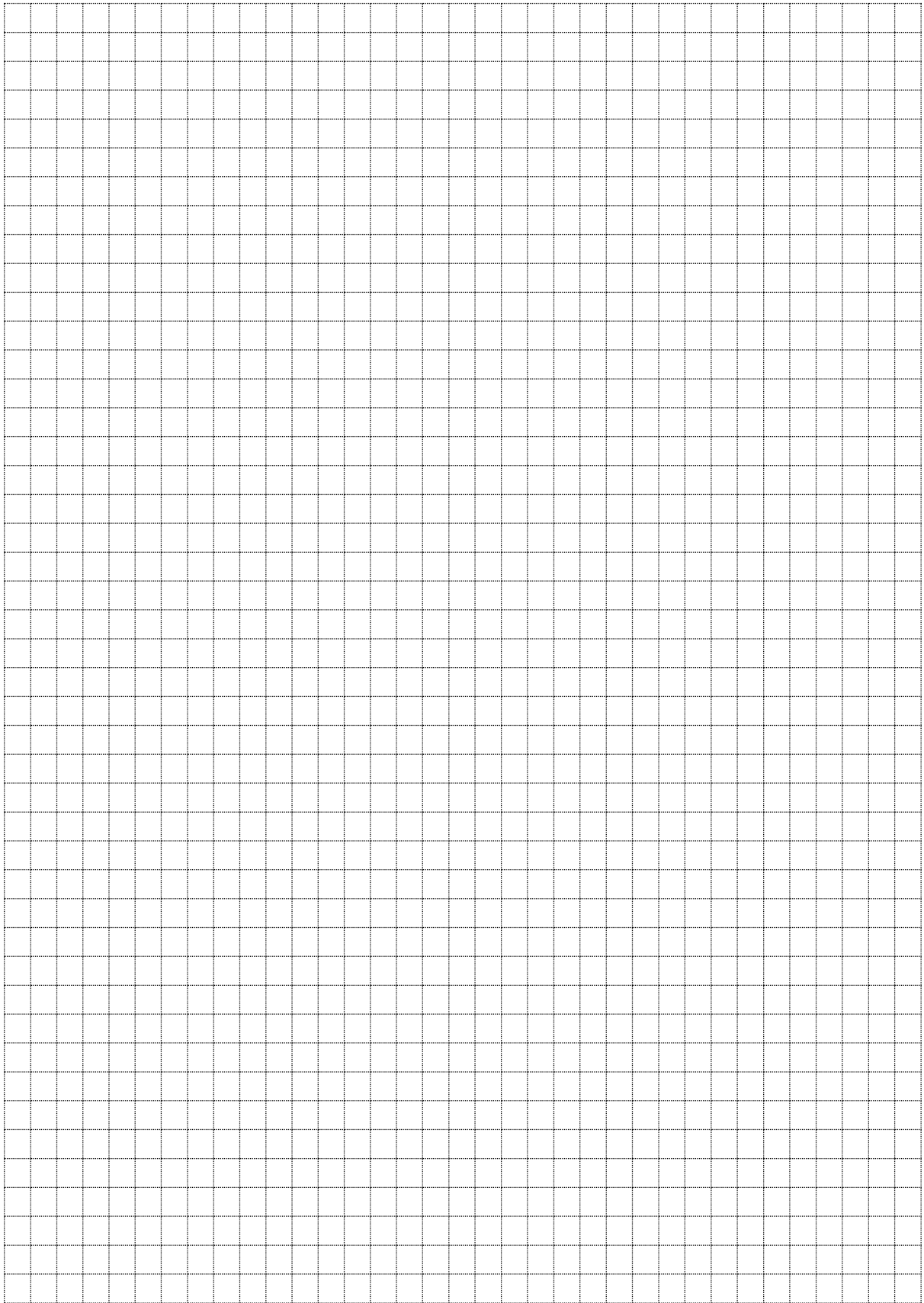


Front

Floor _____

Address _____

Back



Front

Floor _____