

5TH FEBRUARY 2019

REPORT NO. OS1902

KEY DECISION? YES

**UPDATED LICENSING POLICY FOR HOUSES IN MULTIPLE OCCUPATION
(HMOs)**

SUMMARY AND RECOMMENDATIONS:

The updated licensing policy for HMOs is necessary following the reform of HMO licensing through secondary legislation, which amended The Housing Act 2004. The legislation extended HMO licensing to cover all HMOs occupied by five or more people, living as more than one household, irrespective of the number of storeys.

Recommendation

- Cabinet is asked to approve the adoption of the updated HMO licensing policy.
- Cabinet is asked to grant authority for the Head of Operational Services, in consultation with the Operational Services portfolio holder to approve any minor changes to the policy that are required following the introduction of new regulations or secondary legislation.

1. INTRODUCTION

- 1.1 The Housing Act 2004 introduced mandatory licensing for larger houses in multiple occupation
- 1.2 On 1st October 2018, secondary legislation came into force to include smaller HMOs, meaning that the council's existing HMO policy needed to be updated to reflect these changes.
- 1.3 The updated policy also includes space standards for HMOs along with details of the number of amenities required for each type of property.
- 1.4 The updated policy sets out which HMOs need a licence, how the licensing scheme works, penalties for not applying for a licence and what happens if licence conditions are breached.

2. BACKGROUND

- 2.1 The council has a statutory responsibility to inspect and licence high risk HMOs following the introduction of mandatory licensing under Part 2 of the Housing Act 2004.
- 2.2 The recent licensing reform means that smaller qualifying HMOs now require a licence.
- 2.3 At the end of September 2018 there were one hundred HMOs licensed under the original mandatory licensing scheme.
- 2.4 Since 1st October 2018, we have received ninety-six applications for property licences and at 21st January 2019, seventy-five of these applications have been processed and the licences issued. There are now one hundred and seventy-four properties on the public register of licenced HMOs.
- 2.5 We expect there to be about forty more properties that will require a licence and we will be pursuing these landlords in the new year, once the backlog of applications has been cleared. In addition, there are likely to be a number of properties that we do know about. These will involve further investigatory and enforcement work to identify both properties and landlords.
- 2.6 The policy forms part of the council's overarching Housing and Homelessness Strategy by helping residents to live in good quality accommodation that is suitable for their needs.
- 2.7 The policy also contributes to the council's priorities by supporting and empowering our communities and meeting local needs.

3. DETAILS OF THE PROPOSAL

General

- 3.1 From 1st October 2018, The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 has extended the scope of section 55(2) (a) of the Housing Act 2004. This means that all qualifying HMOs must apply for a licence.
- 3.2 Also from 1st October 2018, The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences)(England) Regulations 2018 introduced HMO licensing conditions to cover:
 - national minimum room sizes for sleeping accommodation and,
 - The provision of adequate household waste disposal facilities.
- 3.3 The updated HMO policy takes into account these changes and gives direction on:
 - What HMOs need a licence

- How to apply for an HMO licence
- Space and amenity standards in HMOs
- Management requirements for HMOs
- Enforcement action for non-compliance with licence conditions or failure to apply for a mandatory HMO licence

Alternative Options

- 3.4 It is mandatory function for all local authorities to run mandatory HMO licensing schemes in accordance with the Housing Act 2004 (as amended). Therefore there are no alternatives to adopting the scheme

Consultation

- 3.5 No public consultation has been carried out, however, the policy has been benchmarked against other local authorities in Hampshire through the Housing Advisory Group.
- 3.6 The Head of Operational Services has consulted with the Operational Services portfolio holder.

4. IMPLICATIONS

Legal Implications

- 4.2 The council has a statutory duty to administer an HMO licensing scheme. Failure to apply for a licence and failure to comply with the conditions of a licence are offences under the Housing Act 2004 (as amended). Therefore, legal support will be required when deciding whether to prosecute or serve a civil penalty for any of the offences committed.
- 4.3 The council has a legal duty to revise its HMO licensing policy in light of the new legislation and it is essential that officers have up to date transparent and clear policies to support them in their role.

Financial and Resource Implications

- 4.4 The extended HMO licensing scheme is being administered using existing resources within the private sector housing team.
- 4.5 All HMO licensing fees are paid directly into the council's general fund.
- 4.6 The existing HMO licensing fee structure will be used for the new scheme as this was originally set up in accordance with the requirements of the Housing Act 2004 and guidance from the Local Government Association (LGA).
- 4.7 The original fee structure was approved under delegated authority by the Head of Housing in 2006 and annual fee increases have been calculated in consultation with the finance team using the Retail Price Index X (RPIX)

- 4.8 The current fees have been reviewed to ensure that they are reasonable and that they still reflect the cost of administering the scheme as per the original guidance in the Housing Act and LGA guidance.
- 4.9 The additional income received from the new HMO licensing scheme at 21st January 2019 is £77,131. It is expected that a further £6,000 will be generated within this financial year. This figure has been included in the 2018/19 figures as part of the budget process. For the 2019/20 budget figures there was a predicted income of £43,000, however, the latest projections indicate that this income may be in the region of £32,000.

Equalities Impact Implications

- 4.10 It is considered that the updated HMO licensing policy presents no specific impact on those with protected characteristics.
- 4.11 The updated policy seeks to ensure equality for all residents living in HMOs in the Borough are living in safe and well-managed accommodation.

Other

- 4.12 Existing IT systems will be used to administer the HMO licensing scheme.

5. CONCLUSIONS

- 5.1 The policy describes how the HMO licensing scheme will operate in Rushmoor and details the requirements for landlords. The policy will assist the private sector housing team to improve the condition of HMOs to ensure that HMO tenants are living in homes that are safe and well managed.
- 5.2 The policy adopts the national minimum room size standards and will provide guidance to landlords on the amenity and fire safety requirements in HMOs.
- 5.3 The policy confirms the message to landlords of HMOs in Rushmoor that they are expected to provide good quality accommodation that complies with legislative requirements and that rogue landlords will be dealt with appropriately.

BACKGROUND DOCUMENTS:

- Housing Act 2004 – Part 2
- The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018
- Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018
- MHCLG – Houses in Multiple Occupation and residential property licensing reform – guidance for local housing authorities

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LICENSING POLICY FOR HOUSES IN MULTIPLE OCCUPATION

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Introduction

The council's existing HMO Licensing Policy was adopted on 6 April 2006 following the introduction of a national mandatory licensing scheme for large, high risk HMOs under Part 2 of the Housing Act 2004.

This has had a positive impact on the private rented sector and has helped local authorities tackle overcrowding, unsafe housing conditions and poor property management. However, this brought about a change to the scope of HMOs and landlords appear to be choosing to let out smaller two storey properties to avoid licensing requirements.

As dependence on the private rented sector has grown and the cost of renting increased, tenants are choosing to live in HMOs and often have low expectations on the quality of the accommodation provided. Some rogue landlords are letting properties that are in a poor condition to the most vulnerable people in the community.

To deal with these issues, Parliament has approved secondary legislation, which reforms the mandatory HMO licensing regime. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 has extended the scope of section 55(2) (a) of the Housing Act 2004 so that mandatory HMO licensing

applies to smaller HMOs as well. The order also covers the passporting of licences granted under additional and selective licensing schemes; however, we do not have any of these in Rushmoor.

A secondary statutory instrument, the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 amends Schedule 4 of The Housing Act 2004. This introduced two new conditions that must be included in HMO licences, which are:

- National minimum sleeping room sizes; and
- Waste disposal provision requirements

This updated policy takes in to account these requirements and how they will be applied in Rushmoor. The policy forms part of the council's overarching Housing and Homelessness Strategy by setting standards to help people to live in good quality, safe accommodation that is suitable for their needs.

A copy of the Housing and Homelessness Strategy is available online at

www.rushmoor.gov.uk/housingstrategies

Objectives

The objective of this policy is to clarify what constitutes an HMO under the Housing Act 2004 and which HMOs require a property licence.

It provides clear guidance to landlords, property managers and agents on the requirements, conditions and cost of licensing an HMO.

What is an HMO for the purpose of licensing?

The Housing Act 2004 defined an HMO as a building or part of a building occupied by people who are not from the same family. A member of the same family means people who are married, living together as a couple or who are related in some other way.

The people living in the property pay rent or some other consideration, (for example, it could be tied accommodation) and they occupy it as their main home. If there are five people, forming more than one household and they share one or more basic amenity (kitchen, bathroom or toilet) the property will fall within the definition of an HMO.

What properties need an HMO licence?

The purpose of HMO licensing is to help local authorities to identify HMOs in their areas. This means that they can regularise the use of properties that are in multiple occupation and make sure that they are in good order, safe and not overcrowded.

The original HMO licensing scheme in Rushmoor covered all properties occupied by five or more people living as two or more households, living in a building of three or more storeys.

The new mandatory licensing scheme has extended HMO licensing to include all properties occupied by five or more people living as more than one household, irrespective of the number of storeys in the building. Therefore, smaller HMOs are now included in the scheme, for instance, two storey houses, flats and bungalows.

In order to clearly determine which buildings need a property licence the Ministry of Housing

Communities and Local Government (MHCLG) has provided guidance to local authorities, which will help them to enforce the updated legislation.

The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 has made changes to the prescribed definition of an HMO and specifies that a licensable HMO is:

- A property occupied by five or more persons;
- Who are living as more than one household and;
- Meets:
 - The standard test;
 - The self-contained flat test
 - The converted building test

The full legal definition can be found in sections 254 to 259 of the Housing Act 2004.

The Standard Test

A building meets the standard test if it is occupied by five or more people living as more than one household (other than self-contained flats) and;

- at least two households share a basic amenity, or
- the living accommodation lacks a basic amenity

The Self-contained Flat Test

A building that meets the self-contained flat test is not purpose-built and is in a block comprising of three or more self-contained flats and;

- is occupied by five or more people living as more than one household
- at least two households share a basic amenity or
- the flat lacks a basic amenity

A basic amenity is defined as a toilet, personal washing facilities or cooking facilities. This includes flats above and below commercial premises and flats in converted buildings.

A purpose-built flat, situated in a block of three or more self-contained flats, does not need a licence even if the flat is in multiple occupation.

The Converted Building Test

A building meets the converted building test if it has been converted and one or more of the units of living accommodation is not a self-contained flat. It does not matter if the building contains other self-contained flats.

Individual flats that meet the standard test within a converted block of flats will require an HMO licence.

However, mandatory licensing does not apply to converted blocks of flats that are classified as Section 257 HMOs.

What properties do not need an HMO licence?

Any HMO occupied by five or more people living as two or more households will require an HMO licence; however, there are some exemptions:

- Any property owned or managed by a social housing provider or local authority
- Any property owned or managed by the health, police or education authority including universities

Implementation of the updated HMO licensing scheme

The new mandatory licensing scheme came into force on 1 October 2018 and landlords who own HMOs that need a licence will be committing a criminal offence if they fail to apply for a licence or a temporary exemption notice prior to the above date.

The council must implement the new scheme and actively promote the new requirements. The council already has the systems in place to process applications and so this transition should work well.

What happens if a property currently has an HMO licence under the existing licensing scheme?

The following will apply if the property is currently licenced:

- The existing licence and its conditions will apply until the licence expires.
- The extended mandatory licensing conditions in relation to room sizes and waste disposal will apply from the renewal date of the existing licence

If a landlord is not compliant with the minimum sleeping room size standard when they renew their licence, they must be notified of their non-compliance. A condition must be applied to the new licence giving them a period of 18 months to rectify the situation.

How is an HMO licence granted?

The council has a duty to grant a mandatory licence if they are satisfied that:

- The house is suitable for occupation by the number of people specified in the application or can be made suitable through extra conditions
- The licence is to be held by the most appropriate person and that person is “fit and proper”
- The proposed manager is the person having control of the house or is an agent or employee of that person and they are a “fit and proper” person to be the manager of the HMO
- The proposed management arrangements for the house are satisfactory

Any licence granted for a property under the new requirements will start on 1 October 2018, even if the application is received before that date. This is in accordance with the licensing requirements detailed in the Prescribed Description Order 2018.

How long does an HMO licence run for?

An HMO licence will normally run for a period of five years from the date that the licence comes in to force. The council may, in certain circumstances issue a licence for a shorter period if they are concerned about the management or

condition of the property. This will be discussed with the proposed licence holder and the licence payment will be proportionate to the period that the licence will cover.

HMO standards

Prior to approval of any HMO licence, the council must determine whether the property is suitable for occupation by the number of persons stated in the application form. If it is not, the licence can be approved for a lesser number or additional conditions can be imposed requiring work to make it suitable.

The standards to be considered include basic amenities, cooking facilities and space which are detailed in Schedule 3 of the Licensing and

Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and can be found at www.legislation.gov.uk/ukxi/2006/373/pdfs/ukxi_20060373_en.pdf

The council has a guide and standards for landlords and agents that provides details of the minimum requirements for kitchens, bathrooms, toilets and room sizes.

Bathrooms and Toilets

Number of people irrespective of age	Amenities required
1 – 4 people	<ul style="list-style-type: none">• One bathroom containing a bath or shower and a wash hand basin and;• One toilet (the bathroom and toilet may be combined).
5 people	<ul style="list-style-type: none">• One bathroom containing a bath or shower, wash hand basin and toilet and;• One separate toilet with wash hand basin.
6 – 10 people	<ul style="list-style-type: none">• Two bathrooms containing a bath or shower and a wash hand basin and;• Two separate toilets with wash hand basins (one of the toilets can be contained in one of the bathrooms).
11-15 people	<ul style="list-style-type: none">• Three bathrooms containing a bath or shower and a wash hand basin and;• Three separate toilets with wash hand basins (two of the toilets can be contained in two of the bathrooms).

Kitchen Facilities

Number of people	Cooking Facilities	Sinks and drainers
1 – 5 people	One standard cooker ⁽¹⁾	One single bowl and drainer ⁽²⁾
6 people	One standard cooker and one microwave	Two single bowls and drainers or one single bowl and drainer and a dishwasher
7 – 10 people	Two standard cookers	
11-15 people	Two standard cookers and two microwaves	Three single bowls and drainers or two single bowls and drainers and a dishwasher

(1) A standard cooker should include a four ring hob, an oven and a grill

(2) A sink should include an adequate supply of hot and cold (drinkable) water and adequate drainage

Space Standards

Number of people	Room size required
Bedsit with cooking facilities in room	
1 person	13m ²
2 people	16.5m ²
Two or more roomed unit	
1 person	kitchen – 4.5m ² living room/kitchen – 11m ² living room – 9m ² bedroom – 6.51m ² living/bedroom – 14m ²
2 person unit occupied by a single household	kitchen – 4.5m ² living room/kitchen – 15m ² living room – 12m ² bedroom – 10.22m ² living/bedroom – 14m ²

Number of people	Room size required
Bedsit where facilities are shared by all occupants	Communal facilities
5 people	kitchen – 7m ² living room/kitchen – 12m ² living room – 12m ²
6 – 10 people	kitchen – 10m ² living room/ kitchen - 19m ² living room – 16.5m ²
Bedsit where facilities are shared by all occupants	Bedrooms
A child under the age of ten	4.64m ²
1 person	6.51m ²
2 people	10.22m ²

What conditions are attached to an HMO licence?

As part of the licensing process, the council must apply conditions to each licence. There are standard conditions, which cover room sizes, fireproofing, management, planning, number of occupants and refuse disposal.

The council can also apply additional conditions, which are specific to the property and may cover disrepair, request for a specialist inspection or a request for a certification of services. This is only necessary if the relevant documents have not been provided with the application form.

Details of the requirement to attach conditions can be found in The Licensing of Houses in

Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. A copy can be found at www.legislation.gov.uk/uksi/2018/616/contents/made

The provision of adequate fire safety standards within an HMO can be included in the scope of the HMO licensing conditions. However, these can also be dealt with separately using the Housing Health and Safety Rating System (HHSRS) – under Part 1 of the Housing Act 2004.

Licence conditions that are attached to HMO licenses vary dependent on the condition and

management of the property. They are issued with a compliance date, which is normally set at three months. In general, the licensing conditions cover:

- Management of the property, including refuse disposal
- Maintenance of facilities and equipment
- Compliance with amenity standards
- The requirement of specified documents and proofs to support the application for licence
- The requirement that the licence holder will display their, or their manager's name, address and telephone number in a common area of the property
- Restrictions on the use of some rooms for occupation due to a lack of amenities or their size

Who can apply for an HMO licence?

Any person who owns or manages a property can apply for a mandatory HMO licence.

The council will carry out checks to ensure that the person applying for the licence and any person involved in the management of the property are deemed to be a “fit and proper” person. In order to determine this, the following must be considered:

- Has the person had any previous convictions relating to violence, sexual offences, drugs or fraud?
- Has the person broken any laws relating to housing or landlord and tenant matters?
- Has the person been found guilty of unlawful discrimination?
- Has the person previously managed HMOs that did not comply with any approved code of practice?

The council will also consider whether the proposed licence holder has:

- Been refused an HMO licence or been convicted of breaching licence conditions
- Been in control of a property subject to an HMO Control Order under the Housing Act 1985, or an Interim or Final Management Order under the Housing Act 2004
- Been in control of a property where works in default were carried out and the local authority debt is still outstanding
- Been convicted of housing benefit fraud, or is subject to local authority legal action for breaches of planning, compulsory purchase, environmental protection, antisocial behaviour or any other relevant law
- Any outstanding debt to the council
- Inadequate management arrangements in place
- Been deemed to be “not a fit and proper person” by another local authority
- Not complied with the required Tenancy Deposit Protection requirements contained in Part 6 of the Housing Act 2004

Any decision in relation to the applicant not being a “fit and proper” person due to their history of offences will be considered on:

- The severity of the breach or offence
- The number of breaches or offences
- The time that has elapsed since the last breach
- The applicant’s conduct since the last breach
- The relevance of the breach to the management of HMOs
- The evidence provided by the applicant confirming his intention to comply with the required standards and regulations, including the repayment of any debts relating to statutory responsibility
- Any training that the applicant has received since the breach or offence occurred

Any offences detailed in this policy can only be considered if they are relevant to the applicant or manager being a “fit and proper” person to manage the house.

If necessary, the applicant will be invited to submit a written explanation about the offence or occurrence and the council will consider whether this was a one-off incident or whether there is a likelihood of a recurrence.

In exceptional circumstances, the council may ask applicants to undertake a Disclosure and Barring

Service (DBS) check and provide evidence of the results. The applicant will be responsible for paying for the DBS check.

Spent convictions should not be taken in to account and in the event that the penalty is a fine, the council would consider it spent after five years.

Any unspent conviction or failure to comply with legal requirements does not give automatic grounds to refuse a license, each case will be considered on its merit.

Management arrangements for a licensed HMO

The licence holder must have satisfactory arrangements and funding in place to ensure the good management of the licenced HMO, this includes:

- A reliable contact for tenants to report defects, including emergencies, and who is able to arrange for repairs to be carried out in a timely fashion
- Where the HMO manager is not the owner, they must have the authority to fund urgent repairs if the owner is not available to authorise them
- Making sure that there are arrangements in place for periodic inspections of the property to ensure that it is well-maintained and kept in good repair
- A process to deal with anti social behaviour by tenants or their visitors

The licence holder must comply with the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006 to ensure that minimum management standards are adhered to. These regulations can be found at www.legislation.gov.uk/uksi/2006/372/contents/made

The licence holder must ensure that any person visiting the HMO to carry out management

or maintenance functions is a “fit and proper” person and suitably qualified to carry out the works.

The applicant must ensure that they have adequate funding to run the HMO and that they do not have outstanding debts, including County Court Judgements, or debts owing to the council. Credit reference checks may be made to verify this.

Information for landlords and agents

To inform landlords and property agents of the need to licence HMOs in Rushmoor, the council will:

- Publicise the new HMO licensing scheme provisions via local press, radio and social media
- Send letters to all known private landlords advising them of the licensing requirements
- Provide paper and electronic application forms available to download from the council's website or through gov.uk
- Provide support, information and assistance in person, by telephone and email to landlords on request
- Organise drop in sessions for landlords where they can have one-to-one meetings with private sector housing officers
- Provide assistance with the completion of applications forms

Applying for an HMO licence

You can apply for an HMO licence by:

- Downloading an application form from the council's website www.rushmoor.gov.uk/hmo
- Going to www.gov.uk/apply-for-a-licence/house-in-multiple-occupation-licence/rushmoor/apply-1
- Contacting the private sector housing team on **01252 398 980** and requesting an application form

What needs to be included in the application for an HMO licence?

A valid application for an HMO Licence comprises:

- A fully completed application form including the names of all occupants
- Provision of relevant certificates for gas and electrical safety, fire alarm and emergency lighting servicing or installation
- Provision of a sketch plan of the property showing the use of each room, the measurement of each room, except the bathroom, and details of the fireproofing provided within the property, including the location of automatic smoke detection, sounders and emergency lighting
- The appropriate fee for the five-year licence

Once a full application has been received and verified, a full inspection will be carried out. The licence will not be issued until the property is deemed to be satisfactory.

The procedure to be followed when making an application for an HMO licence is at Appendix A.

Who can sign to approve an HMO licence?

The licence will be approved and signed by the Private Sector Housing Manager, on behalf of the Head of Operational Services, through delegated powers.

How much does a five-year HMO licence cost?

The existing HMO licensing scheme fee structure will be used for all HMO licenses. The fees were calculated in accordance with the requirements of the Housing Act 2004 - Part 2 - Section 63 (7).

The fees were set to cover the council's cost of licensing HMOs, having regard to guidance issued by the Local Government Association and

using the format agreed with the Hampshire and Isle of Wight Housing Advisory Group. The aim of this was to ensure a fair and consistent approach throughout Hampshire as some landlords have portfolios covering several boroughs.

The fees have increased annually, in line with the Retail Price Index X (RPIX).

Please see Appendix B showing details of the HMO licensing fees for 2018/19.

What happens if a property does not have an HMO licence?

If a landlord or agent does not have an HMO licence when one is required, the council will consider taking enforcement action. Landlords and agents must ensure that their properties are safe, suitable for their tenants' needs and compliant with management and licensing requirements. The council will work with landlords and agents to help them to achieve this.

If necessary, the council will take enforcement action against landlords who do not comply. Any enforcement action will be carried out in line with the council's Corporate Enforcement Sanctions Policy, the requirements of the Housing Act 2004 and the Housing and Planning Act 2016.

It is an offence for a person having control or managing a licensable HMO to do so without a licence, or failure to comply with the licence conditions.

If a person fails to licence a HMO they may be liable to a summary conviction resulting in a fine

of up to £20,000. If a person fails to comply with HMO licence conditions they may also be liable, on summary conviction to a fine not exceeding level five on the standard scale. Alternatively, the council may issue a civil penalty under the Housing Act 2004 (as amended). Each civil penalty is calculated on a case-by-case basis and the level of penalty will depend on several considerations and these are:

- The severity of the offence
- The landlord's previous record of offending
- The size of the landlord's portfolio; and
- The way that the landlord works with his tenants and the council

A person who fails to comply with the conditions attached to a licence is liable on summary conviction to a fine not exceeding level five on the standard scale. Alternatively, the council may issue a civil penalty under the Housing Act 2004 (as amended) in the same way as failure to licence an HMO.

Temporary Exemption Notices (TEN)

The council may grant a three-month temporary exemption notice (TEN) where:

- The owner of a licensable HMO states in writing that he or she is taking appropriate action to make the property non-licensable
- The council is satisfied that it will be non-licensable within three months of receiving the written notice

In considering whether to grant a TEN, the council will have regard to the proposals for the property, the planning status and the arrangements for any displaced occupants.

The council do have the power to grant a second three month TEN in exceptional and unforeseen circumstances, at the discretion of the Private Sector Housing Manager.

Public Register

The council will maintain a public register of licensed HMOs, Temporary Exemption Notices and Management Orders to comply with the requirements of The Licensing and Management of Houses in Multiple Occupation and Other

Houses (Miscellaneous Provisions)(England) Regulations 2006 which can be found at www.legislation.gov.uk/uksi/2006/373/contents/made

Complaints

The council is committed to providing a good quality service and we need to know that we are getting things right. If not, please let us know, as feedback, both positive and negative, is an opportunity to learn and improve services.

If you are not happy with the response or explanation we give, you can find out how to make a formal complaint at www.rushmoor.gov.uk/complaint. You can also ask us for information by emailing customerservices@rushmoor.gov.uk or by calling **01252 398 399**.

Policy Review

This policy will be updated and reviewed as necessary. The Head of Operational Services can agree changes to the policy in consultation with the cabinet member for Operational Services.

How to apply for an HMO licence

- Complete an HMO licence application form which can be:
 - downloaded from the council's website
 - obtained from the council offices by calling 01252 398980 or by emailing privatehousing@rushmoor.gov.uk
 - completed electronically through [gov.uk](https://www.gov.uk/house-in-multiple-occupation-licence) on <https://www.gov.uk/house-in-multiple-occupation-licence>
- Please include your payment along with your application form, or you can pay in the following ways when submitting your application:
 - Pay on-line at [gov.uk](https://www.gov.uk) if you are making an electronic application
 - Pay by credit or debit card over the phone
 - Pay by credit or debit card at the council offices
 - Pay by cheque or cash at the council offices
 - Pay by cheque through the post
- On receipt of your application, your form will be checked to make sure nothing is missing. You will be advised if further information is required
- The council will also carry out the following checks:
 - A land registry check to confirm that details on the form are correct with regard to ownership
 - All relevant certificates including gas, electricity, fire alarm, emergency lighting – these will be verified to confirm that contractors who produced the certificates are bona fide
- Checks will also be made to make sure that the person applying for the licence is a “fit and proper” person to manage an HMO, this will include:
 - Checking for previous convictions for violence, fraud, sexual offences or any drug-related
 - Checking for any previous offences relating to housing or landlord and tenant law
 - Checking whether the person has been found guilty of unlawful discrimination
 - Checking a person's history in relation to the management of other HMOs
 - Consultation with other councils to check for any bad practice in other areas
 - Consultation with other departments in the council
- Once all of the checks and consultations have been carried out a Private Sector Housing Officer will arrange to inspect the property that the licence has been applied for. Checks will be made on:
 - The management of the property
 - The condition of the property
 - The number of occupants and whether it is overcrowded
 - The fire safety provision
 - The provision of bathroom, toilet and kitchen facilities
 - the size of the rooms
- Once this visit has been made the council will issue a proposal to licence the property, this will go to:
 - Any person who has an interest in the property
 - Any bank or building society
- This proposal will also include conditions, some of which are mandatory - for example room sizes and provision for the disposal of refuse - and some that are specific to the property
- After the expiry of 14 days, providing there have been no objections, the full licence can be issued. The licence will generally run for five years, however, in certain circumstances a shorter licence may be issued
- A laminated copy of the licence will be sent to you, which must be displayed in a prominent place within the licenced property

Appendix B

HMO licensing fees 2018-2019

Number of people living in the property	Fee for a five year HMO licence
5	£756
6 - 10	£950
11 - 15	£1,130
16 - 20	£1,327
21+	£1,513

Notes

- There will be a reduction in the fee of £75 if the landlord is a member of an approved landlords' association

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