

Westminster City Council
House in Multiple Occupation (HMO) Licensing Scheme
Application Guidance Notes

Information that will be necessary to complete an application:

The online application form should take you about 45 minutes to complete. You will need to have the following information ready:

- Full address, post code, telephone numbers and email for the following:
- The applicant
- Proposed licence holder (must have a UK address) if this is not the applicant
- Proposed managing agent if there is one and if this is not the applicant
- Mortgage company providing loan(s) in relation to the HMO to be licensed
- Any owner(s) of the property to which the application relates i.e. the freeholder and any other leaseholders
- Any other person who has an interest in any part of the property to which the application relates
- Person(s) who collect the rents if this is not the proposed licence holder
- Names of the tenants including children that occupy the HMO

In relation to limited companies you are required to have the full company name, registered address, registration number and the name of the person who can be contacted in relation to the licence. This information can be found on the internet by carrying out a free Companies House search at www.companycheck.co.uk you should also include the trading address if this is different. An employee of a company cannot be the licence holder – it will be the company itself. If you do not know the details for completing the directors of the company questions please enter 0 into the application form (see later section).

- You legally must inform all of the interested parties (where applicable) about your intention to apply for a licence and you will be required to make a declaration with your application that you have informed them (copies to be provided).
- As part of the fit and proper section of the application you must provide details of any criminal records relating to the proposed licence holder and proposed manager (if applicable). Also details of any accreditation schemes or professional bodies which the applicant, proposed licence holder and proposed manager may belong to.
- You will be required to pay a fee for the licence application, (the application will not be validated until full payment is received).

Mandatory Fields

Some fields are mandatory and if you have not entered any information you will be directed by the alert messages to complete the missing sections. You can save and close the form and complete the remaining sections at a later time but you will have to scroll through the relevant completed pages of the form until you reach the sections that still need to be completed.

You will be able to navigate through the whole form so you can review and edit any details before submitting your final application and view the completed pdf document. The form has a show error button in the top ribbon which when selected will show all the pages of the form that are incomplete.

Saving the form

If at any point you wish to stop filling in the application form (even if just going away from your computer for a few minutes) please click the 'save' button. This will ensure you do not lose any information you have already entered, you will receive an email with a link and a reference number to the section where you can retrieve your saved form. Please make sure to make a note of your saved form reference number for your own purposes.

Documentation which must be submitted with the application:

- Gas safety certificate (issued within the last 12 months – where there is a gas supply)
- Electrical installation safety certificate (issued within the last 5 years) for the parts of the building you own/control. Where the installations and or fittings have been listed as 'Unsatisfactory' any C1 or C2 observations will require remedial works as a condition of the final licence. You are not expected to carry out any remedial works before your licence is granted.
- Emergency lighting certificate (issued within the last 12 months where emergency lighting is installed)
- Fire alarm test certificate (issued within the last 12 months where a fire alarm system is installed)
- Floor plans of the property detailing the size, layout and position of each room. Note: All above documentation will have to be current and submitted with your application and fee to make a valid application.

You will be able to submit the documents online when you make your application or you can send them into the **HMO Licensing, Public Protection & Licensing, 15th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP**. Your application will not be deemed valid until all of the documents have been received. If you accidentally upload the wrong document(s) you will need to contact the HMO licensing team with your application number so the document(s) can be removed from our records.

HMO

Houses in multiple occupation (HMO) require a licence to operate if;

The house or flat* is occupied by 5 or more persons.

The house or flat* is occupied by 2 or more households

A building is not fully converted into self-contained flats. I.e. if an amenity for one flat is not located within the flat itself, even if not shared the house is not fully converted to self-contained flats and will therefore require a licence.

***Flats located in purpose built blocks consisting of 3 or more flats do not require a license. Purpose built refers to buildings originally built as flats. If you are unsure whether a flat is a conversion or purpose built please contact us.**

A household refers to any members of a family, and partners living together. A household is defined as members of the same family i.e. (those persons are married to each other or live together as husband and wife or in an equivalent relationship in the case of persons of the same sex ^{*}(for full definition see Section 258 (2) Housing Act 2004).

However, friends occupying a house on a shared tenancy are viewed as multiple households and each tenant would be need to be considered as an individual household for the purposes of counting them to see if it is a HMO that requires licensing.

The number of occupants is the total number of people (including adults and children) who are occupying the HMO no matter how many households are in the HMO.

If you are a resident landlord sharing your accommodation with 2 lodgers this would count as a single household (whether there is just yourself or your family), and should be entered on the form as 1 (household). If you share with more than 2 lodgers this would be counted as multiple households and you should record yourself/your family as 1 household and each of your lodgers as individual households. As a resident landlord you do not need to declare the accommodation you and your family occupies as units in your application. You will only need to make a licence application if there are more than 2 lodgers sharing in your home (and 5 or more occupants in total). This will ensure the correct fee is charged and the conditions on the licence will reflect only the lodgers and not a resident landlord's household. However if the resident landlord occupies a fully self-contained flat/maisonette/parts of the building, this is technically not part of the licensable HMO so please do not include that landlord part in the application.

HMO Licensing – HMO licence types

A HMO is a property occupied by three or more persons (including children) who form more than one household. This includes buildings converted into self-contained flats (which do not meet the standards of the 1991 Building Regulations) where 33% or more of the flats are rented.

For example, HMOs can commonly be occupied by a group of individuals sharing a house or flat, individuals living in bedsit accommodation ad some properties that have been converted into self-contained flats where there are leaseholders of the flats and a freeholder of the man building and common parts such as hallways and stairs. **Only HMO's with 5 or more persons require a mandatory licence.**

Examples of HMO's that will be included in the Mandatory scheme are:

Property description	Likely occupiers
Bedsits or rented rooms	Individuals such as students or working professionals with no connection to each other. The landlord rents each room separately. The tenant only has exclusive use of their own room, although there are likely to be shared facilities such as kitchens, bathrooms or toilets. Or there may be facilities which are for the tenant's own use but not within the room. Five or more sharers living as above in a house or flat requires a licence. N.B: This includes right to buy properties

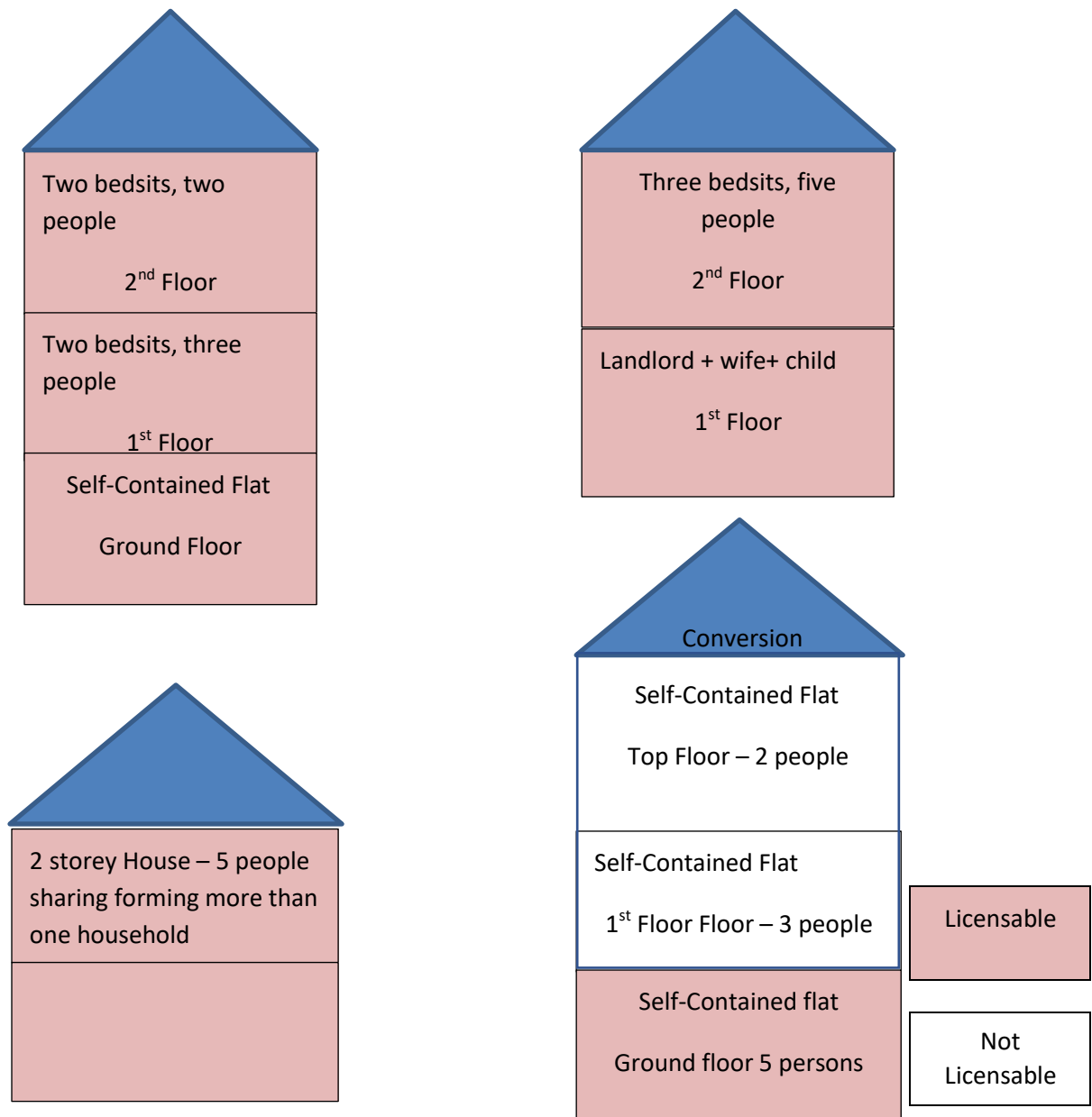
Shared houses or flats in multiple occupation	<p>Likely to be rented by a group of students or professionals on one tenancy contract. The group will typically know each other when they move in and choose replacement tenants when someone moves out.</p> <p>Any shared house with five or more sharers living as above require a licence.</p> <p>Any shared flats under the control of a leaseholder with five or more sharers living as above may require a licence.</p> <p>N.B: This includes right to buy properties</p>
Resident landlord with lodgers	<p>The owner lives on site and rents out rooms to more than two lodgers. Occupiers may share meals with the owner or have meals included or they may live independently. Any resident landlord with five or more lodgers requires a licence.</p>
Student accommodation	<p>This includes properties occupied solely by students that are not owned or managed by an exempted educational establishment (see below). Parts of the building will have shared facilities such as kitchens, bathrooms and toilets.</p> <p>Five or more sharers living as above in a purpose built block or converted building will require a licence.</p>
Hostels	<p>This would include hostels managed by charities and refuges for people seeking refuge from domestic abuse. Other hostels such as those used by homeless etc. will be treated on a case by case basis.</p> <p>Five or more persons sharing facilities</p>

Mandatory HMO licence scheme

This licence type is for large HMOs which are occupied by five or more tenants who form more than one household and who share facilities e.g. (kitchen, bathroom or toilet). It also includes a building with flats which do not have all amenities behind their own lockable front door.

This is a national licensing scheme that came in on 1 April 2006

Examples of properties licensable under the mandatory HMO scheme:



Mandatory HMO:

Mandatory HMOs are licensable if there are five or more occupiers sharing amenities.

Section 1 Ownership & Management

- Generally, the most appropriate person to apply for a licence will be the person having control of the property. This is the person who receives the rack rent (market rent) of the property or who would receive it if the property were let at a rack rent. This could be the

freeholder or any other owner or lessor who receives rent (whether directly or through an agent or trustee) from tenants or lodgers in the premises. The Council will be particularly looking for the licence holder to be the person who has the authority to ensure compliance with the licence conditions.

- Rack rent means a rent received which is not less than two thirds of the full net annual value of the property.
- Anyone can apply for a property licence on behalf of the landlord but it is better for the proposed licence holder to complete the application due to the declarations that must be signed in the form.
- The person completing the form i.e. the applicant, will normally be the proposed licence holder, but in some cases the applicant may have arranged for another person to be the licence holder, with their agreement. This is why the form differentiates between applicant and proposed licence holder. At the very least, the council expects the licence holder to have the power to:
 - Let and terminate the tenancies and receives the rental income;
 - Access all parts of the premises to the same extent as the owner.
- (See also Section 5 in relation to signing of the application declaration).
- You are required to give details of all those persons involved with the property, including freeholders, leaseholders, managers, rent collectors and so on.
- Other relevant persons refers to anyone not noted who you think has an interest in the property, e.g. mortgagees or any person who has agreed to be bound by condition(s) in the licence, if granted. **You will need to contact all interested parties before you apply to inform them that you are making a licence application for your HMO.**
- If you are an offshore registered company and you cannot provide a business address within the UK jurisdiction at which legal documents can be served, you must appoint a managing agent as the proposed licence holder.

Section 2 General Premises details

In completing this section, there are some definitions that you need to understand:

- **Detached house:** A single structure with two or more floors which is free standing from any structure except its own outbuildings.
- **Semi Detached house:** A structure on two 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 two or more floors forming part of a group of three or more residential properties linked by party walls. Crescent and other non-linear layouts should be included. Exclude end terrace houses.
- **End terrace house:** A property on two or more floors at the end of a terrace of residential properties.
- **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.
- **Flats in Multiple Occupation (FMO):** is a self-contained flat either in a conversion flat building or a purpose built block of flats, which is occupied by more than one household,

where the household share amenities. This is commonly known as a Flatshare arrangement.

- **A House in Multiple Occupation is a house or flat that is occupied, as a main residence by more than one household, where occupiers share facilities such as kitchens, bathrooms and WCs.** This would include for example houses containing bedsits, a combination of bedsits and self-contained flats where the bedsits shared facilities, shared houses and hostels.
- A house in multiple occupation includes any house entirely converted into self-contained flats NOT in strict compliance with the Building Regulations 1991 and occupied by less than two third owner occupiers.
- **Storeys:** When counting the number of storeys above and below ground in the whole building you need to include:
 - Basements and attics/lofts if they are occupied or have been converted for occupation by residents or if they are in use in connection with the occupation of the HMO, by residents and in the case of basements where they are the only or principal entry.
 - Any storeys which are occupied by you and your family if you are a resident landlord.
 - All the storeys in residential occupation even if they are self-contained.
 - Any business premises or storage space on the basement, ground floor or any upper floor.
- **Number of units:** A single HMO can be made up of a number of different lettings – some self-contained and others with kitchen and bathrooms that they share.
- In the case where a building comprises of only self-contained flats or studios (where all of the facilities and amenities are behind the main front door of each flat), each occupied by one household, each flat or studio would count as one unit.
- If a house or flat has shared facilities, or facilities outside the flat door, you need to count each bedroom or bedsit as a unit e.g. four individuals sharing a three bedroom flat would be counted as three units.
- Where properties consist of both residential and commercial uses, e.g. a ground floor and residential floors above, this represents a 3 storey building.
- A self-contained flat is where facilities (i.e. kitchen/bathroom/WC) provided are for the exclusive use of the occupier(s) of the flat and rooms in the flat are entered off an entrance hallway exclusive to that flat.
- A studio flat is one where facilities (i.e. kitchen/bathroom/WC) are provided for the exclusive use of the occupier(s) of the flat, but the total floor area of the flat is less than 32.5sqm.
- **Purpose built:** implies that the house or flat is still of its original design and layout without any conversion into separate self-contained units. This could be an original family house or a purpose built block of flats. This would also include a building used as a HMO with shared kitchens or bathrooms.
- **Converted:** is where the internal layout of a residential property has been changed often to create more self-contained units. An example of a converted building would be a three storey family house converted into three flats.

You must provide information about the number of rooms and facilities that are for exclusive or shared use by the tenants that occupy the parts of the HMO that are to be licensed.

The wording 'exclusive' in the application refers to the sole use of a room or facility by a single tenant or a household. This could include a self-contained studio or bedsit in a HMO that is occupied by a couple and no one else in the HMO can use the facilities (such as their living room,

bathroom or kitchen). These rooms or facilities would normally be self-contained and only accessed by the occupiers of that room.

The wording 'shared' in the application refers to the use of a room or facility (such as a living room, bedroom, kitchen or bath/shower room) by more than one household or unrelated tenant in the HMO. So where 4 students or professionals are living in a house and they all share a kitchen and a bathroom

2A Self-contained/studio flats

- Location of self-contained/studio flat - state which floor the flat is on e.g. ground floor, basement etc.
- For larger properties you may have to also state its position described as if you were standing in the street facing the property for example, the flat may be on the left or right of the property and either at the front, middle or rear.
- For larger properties please contact us if you are experiencing problems describing locations. Also provide the flat number. An example is ground floor flat no.1, or in a larger property ground floor right front flat no.1.
- No. of households - a single household is defined as members of the same family i.e. married or living together (whether as single sex relationship or otherwise) see * above.
- Room sizes - Any room used as sleeping accommodation must comply with statutory minimum room sizes for bedrooms.(see table below)
- Kitchen facilities - must include an oven and grill and at least 4 hobs (2 hobs for a single person is acceptable), a sink/drain, worktop, food storage, including fridge and adequate electrical sockets (refer to the Council's Guide to Houses in Multiple Occupation available on our website or contact us for a copy)
- Habitable rooms - count the number of living rooms and bedrooms. Do not include kitchens or bathrooms.
- Bathrooms or shower rooms - count a bath or shower which is in its own compartment, whether or not the compartment contains a WC or wash hand basin.

2B Bedsit rooms

- Location of bedsit room - state which floor the bedsit is on e.g. ground floor, basement etc. Next state its position described as if you were standing in the street facing the property, the room will be on the left or right of the property, and either at the front, middle or rear. For larger properties please contact us if you are experiencing problems describing locations. Also provide the room number. An example is ground floor front right room no.1.
- Bedsit size when measuring a room, measure in centimetres and metres, only measure areas providing practical living space, e.g. areas taken up by built in wardrobes should not be included and measure around chimney breasts. Half the area provided by bay windows can be included in the calculation. Lobbies between doors e.g. fire lobbies and bath/shower rooms should not be included in the calculation. Rooms used for sleeping accommodation must comply with the statutory minimum requirements (see table below).
- Facilities - count a bath or shower which is in its own compartment, whether or not the compartment contains a WC or wash hand basin. Kitchen facilities must include an oven and grill and at least 4 hobs (2 hobs for a single person is acceptable), a sink/drain, worktop, food storage, including fridge, and adequate electrical sockets. Refer to the Council's Standards Guide to Houses in Multiple Occupation, available on our website.

Minimum rooms sizes for rooms used for sleeping purposes.

<u>Minimum size of room used for sleeping purposes</u>	
<u>Single room</u>	6.51 ² m
<u>Double room</u>	10.22 ² m
In certain situations it may be permissible for a child under 10 to occupy a bedroom no smaller than 4.64 ² m	

Where a breach is found to exist, the council may provide a time period not exceeding 18 months to rectify the situation.

Bedsit rooms and studio flats /self-contained flats

- Smoke alarms - the smoke alarms will either be battery operated or a combination of alarm and detector linked into an automatic fire detection system throughout the property.
- Type of tenancy - insert the type of tenancy you believe the occupier has, for example, assured shorthold, short hold, protected etc.
- Fixed heating - a heating appliance fixed to the wall which is either gas or electric.

2C Shared facilities

Description of shared facilities - Describe the location as if you were standing in the street facing the property. Give the floor and location in the floor e.g. Ground floor back addition room first floor front right room.

- Shared kitchens are only permitted in certain circumstances; a copy of Westminster's standards in respect of shared kitchens is available on our website. Kitchen facilities must include an oven and grill and at least 4 hobs, a sink/drain, worktop, food storage, including fridge, and adequate electrical sockets in a ratio of at least 1 set of kitchen facilities per 5 occupiers. Refer to the Council's standards on Houses in Multiple Occupation, available on our website.
- Shared WCs are only permitted where it is impracticable to provide a WC within each letting. Any WC, in its own compartment must not be shared by more than 5 people and must not be more than 1 floor distance from any user. Half of the shared WCs considered must be in a room separate from a bathroom or shower room. Shared toilets must not be assessed via another room.
- Shared bathrooms/shower rooms are only permitted where it is impracticable to provide a shower or bathroom within each letting each bathroom or shower room must not be shared by more than 5 people and must not be more than 1 floor distance from any user.

Further information on Westminster's standards for shared facilities in HMOs is available in the Council's Guide to Houses in Multiple Occupation, available on our website.

Section 3 Management Arrangements

Manager/Proposed licence holder background

- Accredited landlord schemes - for information on the London Landlord Accreditation Scheme refer to <http://www.londonlandlords.org.uk/accreditation/scheme.asp>. To be an accredited landlord you must have attended a training course organised by the scheme, be a fit and proper person as defined in the scheme and adhere to the schemes code of conduct.

Property Management

- * Apart from answering the questions in this section, there is also a requirement to provide copies of a number of certificates.

Section 4 Fit and Proper Person Assessment

In order to obtain a licence or to manage a House in Multiple Occupation, Westminster City Council must have regard to matters laid down in legislation (Housing Act 2004 Section 66).the proposed licence holder, managing agent or manager (where applicable) will need to demonstrate that they are a 'fit and proper person'. This will involve making a declaration to confirm their status with regards to criminal offences. The licence holder must have a registered address in the UK. In determining whether an applicant is 'fit and proper' the Council must take into account any evidence found that the person applying for a licence has:

- Committed any offences involving fraud or other dishonesty, violence, drugs and certain sexual offences.
- Practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in connection with any business.
- Contravened any provision of the law relating to housing or landlord and tenant law. This includes entries on the Greater London Authority and National Landlord Database of rogue landlord and property agents.
- Subject to a Banning Order.

In making a decision on whether or not to grant a licence on the basis of information given in this section each case will be considered on its merits. That is, minor infringements that happened a long time ago will not necessarily mean that a licence will be refused. Conversely recent serious infringements relating directly to the business of running and managing an HMO may well imply to the Council that an applicant, managing agent or manager is not a fit and proper person. There are of course appeal provisions if you are aggrieved by the Council's determination.

Failure to meet the fit and proper person test may result in an application for a licence being refused. As an applicant/proposed licence holder you must ensure that when you complete the fit and proper sections of the online application that you have confirmed that any managing agents listed on the application have read and agree to the fit and proper responses and declarations. Providing misleading information to obtain a licence can lead to further legal action.

The proposed licence holder, managing agent or manager (where applicable) must also be able to demonstrate that satisfactory management and financial arrangements are in place for each HMO. Whilst this does not form part of the application you may be asked for further details on these arrangements if necessary.

In addition please note:

- 1.The questions should be answered in the name of the individual or company who has applied for the licence.
- 2.In the case of a limited company or partnership, offences attributed to both the company and directors or partners must be included.
- 3.In answering questions concerning previous convictions, etc., details should be given in respect of all properties owned or managed by the applicant, whether in Westminster or in other Local Authority areas.
- 4.The Council will treat all responses received in the strictest confidence. * In answering these questions include all offences that fall within these categories, no matter how minor or serious. Include information in relation to any business run by you or your manager, not just that relating to the letting of property. In the refusal or revocation question, include not only in the borough of Westminster City Council but any Council.
5. Management Orders are as described in Part 4 of the Housing Act 2004 and refer to a Council's ability to take over the management of a property on either a short or long term basis, where the health, safety and welfare of occupiers or management of the property is of concern.
- 6.Control Order made under S:379 Housing Act 1985 is an order which removes control of an HMO from the owner and places it with the Council. It is made in order to protect the health, safety or welfare of the occupants.
- 7.Enforcement action described in section 5(2) of the Housing Act 2004 relevant to Westminster City Council includes :
- 8.Improvement notice - section 11 Suspended improvement notice - section 14
- 9.Prohibition Order - section 20/Suspended Prohibition Notice – section 23
- 10.Hazard Awareness Notice - section 28 Emergency remedial Action - section 40 Emergency prohibition Order - section 43

Right to rent

Under section 22 of the Immigration Act 2014 a landlord should not authorise an adult to occupy property as their only or main home under a residential tenancy agreement unless the adult is a British citizen, or a European Economic Area (EEA) or Swiss national, or has a 'right to rent' in the UK. The licence holder or nominated agent is responsible for ensuring all relevant checks are conducted.

Section 5 Notification of Licence Application to other Persons and Declaration

The applicant must let certain persons know of the application in the terms specified in section 5. This is a legal requirement and failure to do this would lead to the application being considered as incomplete.

The applicant must also sign the declaration providing all details. Where the applicant proposes that another person should be the licence holder, the proposed licence holder must also sign the declaration.

Section 6 Fees Enclosed

Fees are intended to offset the cost to the Council of administering the licensing scheme. Two fee levels are available:

Standard Application - this is where all documentation required with the application has been provided and no assistance is required to complete the application form.

The fee charged by Westminster City Council for a new HMO licence is £350.00 per unit of accommodation. The fee is split into two parts, Part A and Part B. Part A is payable when you submit your application (£230 per unit). Part B (£120 per unit) becomes payable when the licence has been validated and following the inspection of the property. Part B becomes payable within 14 days of the council issuing an Intention to Licence Notice. The council will not issue the licence approval until the full application fee (Part A & Part B) has been received.

Assisted Application Fee - this is where the applicant has not provided all documentation required and/or further assistance will be required to measure rooms at the property, to ensure satisfactory completion of the application.

The applicant can choose to obtain further assistance from the Council and pay a higher fee than the standard fee. Any additional assisted fee will be charged at £89.00 per officer hour based on the amount of assistance provided.

Please note fee payment does not mean a valid application for a HMO licence has been made. You will receive confirmation in writing that a valid application has been made once the Council has confirmed all the necessary documentation has been provided along with the correct fee for the number of units of accommodation within the HMO.

Maximum Fee: The maximum fee payable for any HMO is 25 units of accommodation.

£8750 Maximum for a new licence

£7875 Maximum for a licence renewal

For further general advice on licensing of HMOs, refer to Westminster City Council's website at

<https://www.westminster.gov.uk/houses-multiple-occupation>