

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. Your application will not be deemed valid until all of the documents have been received. If you are unable to upload any of the documents, these may be emailed to the case officer once the application has been submitted. The case officer will notify you of any outstanding information or documents required in order to make the application valid.

Licence Renewal

In order to qualify for the reduced licence renewal process, and the reduced renewal fee, you must ensure that your licence application reaches our offices **before the expiry date of your current licence**. Please note that failure to submit your complete renewal application on time will result in the need to complete a full first-time licence application form and a full first-time fee (n.b. Applications that are not complete will be regarded as invalid).

Material Changes

You must notify us of any material changes to the property since the last licence application. Such changes include alteration of property layout, alterations of shared facilities, alteration of letting arrangements, fire alarm alterations, alteration to management arrangements, etc. Please detail these in the box provided, and use a separate sheet if necessary. If you are in

doubt over whether a change should be notified please contact us for advice. If the layout of the property has changed, you will need to provide a set of property plans showing the altered areas.

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.

Minimum rooms sizes for rooms used for sleeping purposes.

Single room 6.51²m

Double room 10.22²m

In certain situations it may be permissible for a child under 10 to occupy a bedroom no smaller than 4.64²m

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

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.

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.

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. Proving 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

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 renewal of a HMO licence is **£315.00** 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 (£195 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>

