

**APPLICATION FOR A PROPERTY LICENCE FOR SELECTIVE LICENSING
EAST END PARK/CROSS GREEN LEEDS 9
GUIDANCE NOTES.**

This form is to be used when you want to apply for a property licence for selective licensing. Before lodging an application for a licence, please ensure that you have read the following guidance notes. Answer all questions unless directed. Please note if a property is already licensed under part 2 of the Housing Act 2004 (HMO Licensing) then you do not need to apply for a selective licence.

Leeds City Council sought approval from the Secretary of State for the introduction of selective licensing under the provisions of Part 3 of the Housing Act 2004 in the East End Park/Cross Green Area of Leeds 9. The implementation date for selective licensing is 1st October 2009. You do not need to have a property licence by the implementation date but you must have applied for a licence by that date in order to comply with the law. There may be circumstances where this is not possible, for example where a landlord purchases a rented property within the selective licensing area. In this case an application should be submitted within 14 days of the purchase completion and be accompanied by a solicitor's letter confirming the completion date.

Licence Application Procedure

The form comprises of the following parts:

- Section 1 - Applicant / Licence Holder details.
- Section 2 - Details of manager (if different from Licence Holder).
- Section 3 - Property Details.

When applying for a property licence you must complete sections 1, 2 and 3 (as appropriate). If you have more than one property which requires a licence you need only submit one copy of section 1 and one copy of section 2 (where appropriate). However, you must complete a section 3 for each property where ownership/management details are the same as the first property.

The Authority will issue a fit and proper person registration number to each licence holder/manager. Where a licence holder/manager has an interest in more than one property, then sections 1 and 2 as applicable of the form do not need to be completed again, however the registration number must be recorded. If you are awaiting a fit and proper person registration number from a previous application please provide details of that application giving the property address and the date you submitted the application. If you already have a fit and proper person number issued for HMO licensing please provide that number (you will not be issued with a new number).

You should send in your application to the address specified on the application form. It is your responsibility to ensure that the application reaches the correct address. The Council will aim to acknowledge receipt of your application within 10 working days. If you have not heard after 10 working days of sending in your application then you should contact us in writing. Remember it is your responsibility to ensure that we receive your application form otherwise you will be committing an offence by operating an unlicensed property in the selective licensing area. If you do not receive an acknowledgement please contact us urgently

In the vast majority of cases your application will be processed without the Council visiting your property and a draft licence will be issued. You are allowed a period of 16 days representation during which any concerns relating to the licence conditions can be considered and hopefully resolved. Where agreement can not be reached the licence will be issued and you will have the opportunity to make an appeal to a Residential Property Tribunal. Your rights of appeal will be detailed in a legal notice accompanying the licence. The Council is required by law to keep a public register of all licences issued. As such your name and address will appear on this register and will be published on Leeds City Council's website (www.leeds.gov.uk/selectivelicensing). Please note a PO Box number will not suffice for your address.

Once the licence is issued the Council must be satisfied that the terms of the licence are being satisfied and that the property is free from any Category 1 hazard, as detailed in the Housing Health and Safety Rating System (HHSRS) introduced by the Housing Act 2004. The Council will therefore inspect at least one property for every landlord within the period of the licence, which in most cases will be 5 years, but may inspect more where a landlord owns a number of properties. The Council will make arrangements with you regarding these inspections.

You should note that: –

1. A property licence is *not* transferable.
Where a property changes ownership the new landlord must make a full application for a licence. No repayment of the licence fee will be made to the existing licence holder for any unexpired period of the licence. A new fee will be required from the new applicant.
2. If a licence holder dies during the period of the licence, the licence ceases to be in force from the date of death. For 3 months from the date of death once notified the Council will treat the rented property as if a TEN (Temporary Exemption Notice –see note 4 below) has been served. This is known as the “Initial Period”. At any time during the Initial Period a formal application may be made for a TEN. The TEN will be valid for a further period of 3 months maximum and will take effect when the “Initial Period” ends.
3. Where a licence holder wishes to alter the terms of their licence, for example there is a change in manager details, they may apply for a “Variation to the Licence”.. A fee is payable for this, to cover the Council’s costs in administering the changes. The fee will be subject to a minimum charge of £50 and will relate to the time taken to process the variation application, at a cost of £50 per hour.

A variation of the licence will not be granted until the full fee has been paid. If the licence holder wishes to change only the details of the manager on the licence it is anticipated that in most cases the minimum fee of £50 will be charged. However if the variation relates to a change in the occupancy level the fee may be in excess of the minimum fee level as detailed above.

It is important to note that it is an offence to change the terms of the licence without the agreement of the Council. This could lead to legal proceedings being instituted against both the licence holder and manager (if different) and a fine of up to £5,000 upon summary conviction against each.

4. Where a licence holder intends to take steps so as to ensure the house no longer needs to be licensed, they may apply for a “Temporary Exemption Notice” (“TEN”). A TEN is valid for up to 3 months and will be recorded on a public register. In exceptional circumstances a TEN may be renewed for a second period of 3 months.

EXPLANATION OF TERMS

In these notes, “the Act” means the Housing Act 2004, unless otherwise stated, all references to sections etc are to sections in the Act, Part 3 of the Act refers to the selective licensing of all privately rented properties.

Applicant

This may be the property owner, the proposed license holder, the proposed property manager, the person having control of the property or the person managing the property or somebody acting on their behalf who has completed the application for whatever reason and should have the owners full authority.

Proposed Licence holder

The most appropriate person to be responsible for the property and to hold the licence.

Person/s managing the property

This is not necessarily the same as the Managing Agent or the Manager. The person managing means the person who is an owner or lessee of the premises or who receives the rent for the

property or other payments for it from persons who are in occupation as tenants or licensees of parts of the premises. This applies whether the person receives the rent directly or through an agent or trustee. Where the rents or other payments are received through someone who is an agent or trustee not only does it include the owner (or lessee) but it also includes the agent or trustee.

Person/s having control of the property

This means the person who receives the rack rent of the property or who would be in a position to receive it if the premises were let at a rack rent. Rack rent is defined as the rent which is not less than 2/3rds of the full net rental value of the premises. The person having control includes not only the person who receives the rent in this way on his own account but also someone who receives it as agent or trustee for another or someone else.

Where the property is owned by a company or similar body a responsible person of that company must be named as the licence holder.

Owner

Means the person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple of the premises whether in possession of reversion: and includes also a person holding or entitled to the rents and the profits of the premises under a lease of which the unexpired term exceeds 3 years.

Fit and proper person

The local Authority must be satisfied that the person applying for a property licence is a "fit and proper person" to hold a licence. The test applied to any person managing the premises and any director or partner in a company or organisation which owns or manages the property. The local Authority may check with the Criminal Records Bureau whether the applicant has any relevant convictions. Not all convictions are relevant to a person's prospective role as an operator of a rented property.

Fit and proper person number

Leeds City Council has implemented the provisions of Part 2 of the Housing Act 2004 to licence certain high risk houses in multiple occupation (HMO). The licence holder and manager of these properties have been issued with a fit and proper person number. If the proposed licence holder or manager has been issued with a fit and proper person number this number should be detailed on the application form,

Household

A household may consist of two cohabitating persons and their offspring if any or a single person with offspring are family. Household also includes a single person living by themselves.

Storeys in building

Please include (see question 3.5) the number of storeys that are wholly or partially lived in or are connected with and used as an integral part of the property. Do not include those that are used for occasional storage or ancillary use such as for washing/drying.

Spent Convictions

This is a complex matter and it is recommended you seek independent legal advice. However, as a general guide. Under the Rehabilitation of Offenders Act 1974 criminal convictions can become spent or ignored after a rehabilitation period and do not need to be disclosed. The rehabilitation period varies depending on the sentence or order imposed by the court – not the nature of the offence. Custodial sentences of more than two and a half years can never become spent. All borstal or detention centre sentences are now spent. The periods from the date of conviction are as follows: -

IMPORTANT

It is a criminal offence to make a false statement in an application for a selective licence, or to fail to comply with any licence condition.

The completed form should be returned to the address overleaf. If you hand deliver the application a numbered receipt will be issued but this does not verify that the application was complete

Sentence	Rehabilitation period
1.Prison sentences of 6 months or less, including suspended sentences and detention in a young offender institution	7 years (3 ½ years if 17 or younger when convicted)
2.Prison sentences of more than 6 months to 2 and a half years, including suspended sentences and detention in a young offender institution	10 years (5 years if 17 or younger)
3.Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years (2 ½ years if 17 or younger)
4.Absolute discharge	6 months
5.Conditional discharge or bind-over, probation(for convictions before 3 February 1995), supervision, care orders	1 year or until the order expires (whichever is longer)
6.Attendance centre orders	1 year after the order expires
7.Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
8.Referral Order	Once the order expires

THE SELECTIVE LICENSING FEE

The fee for selective licensing is £525 for each and every property for the 5 year period of licensing. In order to make your application the application form must be accompanied by the full licence fee – cheques should be made payable to Leeds City Council.

A discount is available on the licence fee of £75 for each property subject to licensing for members of the Leeds Landlord Accreditation Scheme (LLAS). This discount is only applicable to persons who are full members of the LLAS scheme at the time of submitting the application. The fee therefore for accredited landlords is £450.

If after making full application for a licence, the applicant decides to withdraw the application before the licence is issued the Council will retain a portion of the licence fee for the administrative work it has undertaken in processing the application up to the time of withdrawal of the application.

Where an application is withdrawn after details have been entered on the computer the Council's retention from the fee will be a minimum of £50. Where an application is withdrawn when draft licences have been issued the retention fee will be a minimum of £125.

Where an application is made for a licence following the first anniversary of the implementation of selective licensing (1st October 2009) then there will be a reduction in the fee equivalent to one fifth of the licence fee ie; £105. A similar reduction in the fee will be applicable following each subsequent anniversary of the implementation date. The LLAS discount will also be reduced on a similar basis each year.

The annual reduction in fees will only apply where there is a new property brought in to the licensing regime or where a transfer of ownership occurs to a property already subject to licensing. Where a property should have been subject to licensing but for whatever reason has not been licensed, then such properties will be subject to the full license fee.

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
	<i>July 09 – 20 Sept 10</i>	<i>1st Oct 10 – 30 Sept 11</i>	<i>1st Oct 11 – 30 Sept 12</i>	<i>1st Oct 12 – 30 Sept 13</i>	<i>1st Oct 13 – 30 Sept 14</i>
LLAS Members	450	360	270	180	90
Others	525	420	315	210	105

Where a licensed property for whatever reason falls out of licensing there will be no rebate on the licence fee that has been paid.