

APPLICATION FOR A LICENCE RENEWAL FOR A HOUSE IN MULTIPLE OCCUPATION (HMO). GUIDANCE NOTES.

IMPORTANT. This form is to be used only when you want to apply to renew an existing **live** HMO licence. If your HMO licence has expired **do not** fill in this form. Contact the HMO Licensing Team who will provide you with the correct paperwork. **Please read these notes carefully before lodging an application. It is your responsibility to fully support your application with appropriate documentation. Failure to do so may result in you incurring additional administrative charges referred to below.** Answer all questions unless directed.

What is mandatory HMO (Houses in Multiple Occupation) licensing?

From 6th April 2006, The Housing Act 2004 introduced mandatory licensing of high risk HMOs. With effect from 1st October 2018, The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, replaces the Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 (S.I. 2006/371) ("the 2006 Order"). **Its effect is that mandatory licensing will apply to HMOs that are below three storeys (if they are occupied by five or more persons in two or more separate households) as well as to those of three or more storeys** who share an amenity such as a kitchen, toilet or bathroom. Buildings consisting solely of entirely self-contained flats or purpose built flats are exempt from licensing. However, if facilities are not fully contained, whether they are shared or not, such properties may require a licence if they fulfil the mandatory licensing criteria. In addition, premises fulfilling mandatory licensing criteria, with commercial properties at ground floor level also require a licence.

HMO Licensing Fee Procedure:

Please do not enclose any payment with your application. You will be invoiced after you have submitted your application form. Upon receipt of the invoice for the first part of the licence fee, you must pay the fee before any further work will be undertaken on your application. If you fail to pay the invoice your application will be deemed withdrawn. A visit to the property will take place and if it is found to be operating as a licensable HMO without a licence, the Council will pursue either a criminal prosecution or a civil penalty of up to £30,000. If you engage the council in costly administrative fee recovery work you will be penalised by receiving a reduced term licence at full cost. In such circumstances members of the Leeds Rental Standard or UNIPOL will not be entitled to their discounted HMO licence fee. It is essential you pay your licensing fee promptly to avoid penalties. If a licence application is submitted to the council after the council has determined that the property is being operated as a licensable HMO, (for example as a result of a proactive visit), then the applicant will receive a reduced term licence and will be charged at full cost. Formal action may also be considered. In such circumstances members of the Leeds Rental Standard or UNIPOL will not be entitled to their membership discount on the HMO licence fee. The council reserves the right to issue a shorter duration HMO licence if there is reason to believe that an applicant has previously evaded HMO licensing. In such cases the applicant will be given the opportunity to provide evidence to the contrary. Accreditation discounts will not be available to landlords where it appears that a timely application has not been made to the council.

What happens after I have paid for the first part of the fee?

Once you have paid your invoice the council will process your licence application. A draft licence will be issued, along with an invoice for the second part of the fee. A period of 16 days representation will be given during which any concerns relating to the licence conditions can be considered and hopefully resolved. You are advised to read your draft licence thoroughly and to contact the council if

you have any objections or queries. Upon expiry of the representation period the full licence will be issued with a further 28 days appeal period. If the second part of the fee is not paid it will be deemed that you have withdrawn your application, it will be cancelled and initial fee of £635 will be retained by the Council.

It is the licence holder's responsibility to check the licence in particular the commencement and expiry dates. Appeals can be made to a Residential Property Tribunal, details of which are contained in the legal notice accompanying the full licence.

HMO Licence Fees:

Licence Fee	First stage fee (£)	Second stage fee (£)	Total fee (£)
Licence fee for all properties	£635	£340	£975
LRS Member (discount £150)	£635	£190	£825

Leeds Rental Standard / UNIPOL Membership Discount –

A discount has been applied to the second invoice for a HMO licence if, **at the time of issuing the invoice**, the applicant for the HMO licence **owns** the property **and** is a **confirmed** member of the Leeds Rental Standard and/or a full, not just advertising member of the UNIPOL Code of Standards. The accreditation discount to the HMO licence fee will **NOT** be applied if we issue an invoice and your application to either of the above accreditation schemes is **pending**. You should note that once you have submitted your HMO licence application in most cases, an invoice is issued immediately. We will not retrospectively apply the accreditation discount to an existing invoice and there is no 'proxy' entitlement to the accreditation discount by virtue of an 'association' between a non-accredited and an accredited member. **If during the term of the HMO licence you fail to maintain your membership, then the council will investigate and take appropriate recovery action. This may result in the demand for full repayment of the discounts you have been granted in relation to all your mandatory licensed portfolio.**

The council is required by law to establish and maintain a register of all HMO licences granted. As such your name and address (as it appears on the licence) will appear on this register and will be made available for inspection by members of the public at all reasonable times. A shorter version of the register can be viewed at <https://datamillnorth.org/dataset/housing-of-multiple-occupation-licence-register>
Find out how we look after all your personal data - <https://www.leeds.gov.uk/privacy-statement/privacy-notice>

Inspection of licensed HMOs.

Once the licence is issued the council must be satisfied that the terms of the licence are being complied with and that the HMO 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. The level of inspection will be determined by a landlord's portfolio size. The council will make arrangements with you regarding this inspection.

You should note that: –

1. A HMO licence is not transferable.

Where a licensed property changes ownership, the new landlord must make a full application for a new licence in his/her name. No repayment of the licence fee will be made to the existing licence holder for any unexpired period of the licence.

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 the house will be treated as if a

Temporary Exemption Notice (TEN) 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 period of 3 months 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, occupancy levels or licence holder address, they may apply for a ‘variation’ to the licence. The council will not process any request unless it is submitted in writing.

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 agent with an unlimited fine upon summary conviction.

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 2 of the Act introduced a mandatory scheme to licence HMOs of a description contained in regulations. Where there is a conflict between these guidance notes and the Act/Statutory Instrument, the Act/SI will prevail.

Meaning of “HMO”

HMO means a house in multiple occupation as defined by sections 254 to 259, Housing Act 2004 and it applies to a wide range of housing types and includes:

- A building or a part of a building, which consists of one or more units of living accommodation not consisting of a self-contained flat or flats.
- The living accommodation is occupied by persons who do not form a single household.
- Where two or more of the households who occupy the living accommodation share one or more basic amenities, or the living accommodation is lacking in one or more basic amenities;
- Buildings converted into self-contained flats if more than one third of the flats are tenanted and the conversion does not comply with Building Regulations 1991 or subsequent Building Regulations. See sections 254-257 of the Act.

Licensable HMOs

A licensable HMO is one which comprises 5 or more unrelated occupiers consisting of 2 or more households and sharing facilities e.g. kitchen, bathroom, WC.

Applicant

This may be the property owner, the proposed licence 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.

Proposed licence holder

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

Person 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 (tenant) 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 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 2/3^{rds} 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 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 council must be satisfied that the person applying for an HMO 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 HMO. The council may check with the Criminal Records Authority whether the applicant has any relevant convictions. Not all convictions are relevant to a person's prospective role as an operator of an HMO. If you have any convictions you are required to declare, these should be specified on the application form on pages 8 & 9 in the appropriate place.

Making a declaration.

By law you are required to make a declaration as part of the HMO licence renewal process. The declaration is set out on page 10. The declaration asks you to confirm any material changes to the property since your original licence application. It is therefore important that you are aware of the contents of your original application and any associated plans you have provided. If you do not have a copy of the original application form or cannot recall what you submitted, then you should not fill in this form but ask the HMO Licensing Team to provide you with a full new licence application form. By signing this renewal declaration, you may be liable to prosecution if the information you provided is incorrect or if you fail to declare any relevant changes. The council will assume that you have full knowledge of your original licence application form if you sign and submit this renewal application. If you are in any doubt about the information you previously provided, you should not sign the declaration and seek independent advice.

As part of the declaration for a renewal of a licence you are confirming that the details in paragraphs **2(c) to (g)** of Schedule 2 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations remains the same.

Please see link to Schedule 2 below for information:

[The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2006/2686/contents/schedule-2)

Spent convictions

This is a detailed and comprehensive matter, and it is recommended you seek independent legal advice on the matter but as a general guide under the Rehabilitation of Offenders Act 1974, criminal convictions can become spent or ignored after a rehabilitation period. They 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 four years can never become spent. All borstal or detention centre sentences are now spent. The periods from the date on which the sentence (including any licence period) is completed are as follows:

Sentence	Rehabilitation period
1. Prison sentences of 6 months or less, including suspended sentences and detention in a young offender institution	2 years (1 ½ years if 18 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	4 years (2 years if 18 or younger when convicted)
3. Prison sentences of more than 2 and a half years to 4 years, included suspended sentences and detention in a young offender institution	7 years (3 ½ years if 18 or younger when convicted)
4. Fines (even if subsequently imprisoned for fine	1 year (6 months if 18 or younger

default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	when fine imposed)
5. Absolute discharge	spent immediately
6. Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care orders, attendance centre orders, hospital orders, referral orders	The end date given by the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent

IMPORTANT

It is a criminal offence to make a false statement in an application for a HMO licence, or to fail to comply with any licence condition, or to permit the property to be occupied by more than the permitted number of persons/households.

You should send in your application to the address specified overleaf. It is your responsibility to ensure that the application reaches us. The council aims to acknowledge receipt of your application within 10 working days. You are strongly recommended to obtain proof of postage as well as ensuring that you keep a copy of your completed application and any supporting documents. If you have not received an acknowledgement after 10 working days of sending in your application then you should contact us. Remember it is your responsibility to ensure that we get your application form otherwise you will be committing an offence by operating an unlicensed HMO.



Leeds
CITY COUNCIL

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Housing Act 2004 (Part 2)

MANDATORY HMO LICENCE RENEWAL APPLICATION FORM

ADDRESS OF THE HMO FOR WHICH THIS APPLICATION IS BEING MADE:

	Postcode:

APPLICANT

Full name: (State position in the company/partnership trust if applicable):

Please circle your preferred title of address: Mr Mrs Miss Ms Other:-

Date of birth:

Address: (Provide the address of principal/registered office if a company or trust and where applicable company registration number):

Telephone no:

email:

PROPOSED LICENCE HOLDER (if different to applicant)

Full name: (State position in the company/partnership trust if applicable):

Date of birth:

Address: (Provide the address of principal/registered office if a company or trust and where applicable company registration number):

Telephone no:

email:

Fit & Proper Person Ref. No.

MANAGER OF THE HMO

Full name: (State position in the company/partnership trust if applicable):

Date of birth:

Address: (Provide the address of principal/registered office if a company or trust and where applicable company registration number):

Telephone no:

email:

Fit & Proper Person Ref. No.

PERSON HAVING CONTROL OF THE HMO

Full name: (State position in the company/partnership trust if applicable):

Address: (Provide the address of principal/registered office if a company or trust and where applicable company registration number):

Date of birth:

Address:

Telephone no:

email:

Fit & Proper Person Ref. No.

ANY OTHER PERSON WHO HAS AGREED TO BE BOUND BY ANY CONDITION CONTAINED IN THE LICENCE

Date of birth:

Full name:

Address:

Telephone no:

email:

PERSON/COMPANY LIABLE TO PAY HMO LICENCE FEE

Full name:

Address: (Provide the address of principal/registered office if a company or trust and where applicable company registration number):

Telephone no:

email:

OWNER OF THE PROPERTY

Full name:

Date of birth:

Address: (Provide the address of principal/registered office if a company or trust and where applicable company registration number):

Telephone no:

email:

Is the proposed licence holder a member of either Leeds Rental Standard / UNIPOL code of standards or a Government approved national code of standards for student accommodation.

No

Yes

If so please state the scheme and provide your membership reference number:-

*Please note that any pending membership to the above schemes will not entitle applicants to the HMO licence discount. If during the term of the HMO licence you fail to maintain your membership, then the council will investigate and take appropriate recovery action. **This may result in the demand for full repayment of the discounts you have been granted in relation to all your mandatory licensed portfolio.** For full details see the notes under 'HMO Licence Fee' on page 2 of the accompanying guidance notes

LICENCE HOLDER - FIT & PROPER PERSON DECLARATION

The Local Authority must have regard amongst other things to the following matters in relation to any person who will be the licence holder:

- (a) details of any unspent convictions that may be relevant to the proposed licence holder's fitness to hold a licence, or the proposed manager's fitness to manage the HMO or house, and, in particular any such conviction in respect of any offence involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the sexual Offenders Act 2003 (offences attracting notification requirements);
- (b) details of any finding by a court or tribunal against the proposed licence holder or manager that he has practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
- (c) details of any contravention on the part of the proposed licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against them.
- (d) Information about any HMO or house that the proposed licence holder or manager owns or managers or has owned or managed which has been the subject of –
 - (i) a control order under section 379 of the Housing act 1985 in the five years preceding the date of the application; or
 - (ii) any appropriate enforcement action described in section 5(2) of the Housing Act 2004.
- (e) information about any HMO or house the proposed licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Housing Act 2004, or has revoked a licence in consequence of the licence holder breaching the conditions of their licence; and
- (f) information about any HMO or house the proposed licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004.

Do any of the above apply .

No

Yes

If 'yes' please indicate which and provide full details of the matter including any dates below:
(please continue on a separate page if required)

MANAGING AGENT - FIT & PROPER PERSON DECLARATION

The Local Authority must have regard amongst other things to the following matters in relation to any person who will be the manager:

- (a) details of any unspent convictions that may be relevant to the proposed licence holder’s fitness to hold a licence, or the proposed manager’s fitness to manage the HMO or house, and, in particular any such conviction in respect of any offence involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the sexual Offenders Act 2003 (offences attracting notification requirements);
- (b) details of any finding by a court or tribunal against the proposed licence holder or manager that he has practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
- (c) details of any contravention on the part of the proposed licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against them.
- (d) Information about any HMO or house that the proposed licence holder or manager owns or managers or has owned or managed which has been the subject of –
 - (iii) a control order under section 379 of the Housing act 1985 in the five years preceding the date of the application; or
 - (iv) any appropriate enforcement action described in section 5(2) of the Housing Act 2004.
- (e) information about any HMO or house the proposed licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Housing Act 2004, or has revoked a licence in consequence of the licence holder breaching the conditions of their licence; and
- (f) information about any HMO or house the proposed licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004.

Do any of the above apply . No Yes

If yes, please attach an additional sheet providing details of the matter including any dates .

NAME OF PERSON TO BE NAMED AS MANAGER ON THE HMO LICENCE:
.....

POSITION IN COMPANY (IF PART OF A MANAGING AGENCY):
.....

NAME AND ADDRESS OF AGENCY:
.....
.....
.....
.....

SIGNATURE:
.....

DECLARATIONS

DECLARATION 1

This declaration is to be signed by anyone who agrees to be bound by a condition in the licence other than the proposed licence holder (if the proposed licence holder is also the applicant). If the applicant is not the proposed licence holder, then the applicant must ensure the following declaration is signed by the proposed licence holder.

I declare that I/we agree to be bound by a condition to be contained in the licence.

Name:

Address:

Signature & Date:

DECLARATION 2 –

These Declarations Must Be Signed By The Licence Holder.

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

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/we commit an offence if I/we supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or am/are reckless as to whether it is false or misleading.

I/We declare that the house in respect of which a licence is sought under Part 2 of the Housing Act 2004 is subject to a licence under that part at the time this application is made. I/We further declare that to the best of my/our knowledge either:

(a) none of the information described in paragraph 2(c) to (g) of that Act (see Schedule 2 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (miscellaneous Provisions) (England) Regulations for the relevant paragraphs) and previously submitted to the authority has materially changed since that licence was granted; OR

(b) the only material changes to that information are described as follows [Include a description of all material changes]:-

Name (s):.....

.....

Date:

Signature(s):

.....