

Guidance Notes for completing the application form

Part 1

Mandatory licensing

You are legally required to license your property as a House in Multiple Occupation (HMO) if it has 3 or more storeys and is occupied by 5 or more persons forming 2 or more households.

Additional Licensing

In order to improve the standard of rented property in the Rhondda Cynon Taf area, an Additional Licensing scheme will be introduced in April 2014. Most rented property in Rhondda Cynon Taf with 3 or more occupiers who form 2 or more households will now need to be licensed regardless of how many storeys they have. Converted buildings which contain flats that are not wholly self contained or building which are converted and did not meet the standards of the 1991 building regulations.

The application form can also be used for renewing or varying an existing licence all parts of the application form need to be completed for a renewal application. Only parts of the application form that are relevant to the variation need to be completed.

If you are unsure about whether or not your property should be licensed or need assistance to complete the application form, please telephone the Housing Strategy & Standards Team on 01443 425678

Part 2

If you are the person filling in this application form, then you are the **'applicant'**. As the applicant you are required to complete every part of the application form and sign the declaration at the end of the form, confirming that the information you have provided is correct to the best of your knowledge.

The **'proposed licence holder'** is the person whose name will be on the licence (if issued). The proposed licence holder must be the person who is the most appropriate person to hold the licence for the property, and this is likely to be the person who receives the rent for the property.

Part 3

As the applicant, you are required to provide your:-

- **Name;**
- **Correspondence address;**
- **Contact details; and**
- **State your relationship to the proposed licence holder and your interest in the licensable property.**

Your interest in the licensable property is your connection or involvement with the licensable

Part 3 (Cont'd)

If the proposed licence holder is a company, you must provide the address of the registered office and the names of the company secretary and directors.

If the proposed licence holder is partnership or trust, you must provide the names of all the partners and trustees.

Part 4

A 'freeholder' can be a person (or persons) or a company who is registered as the proprietor of a freehold estate in the land with title absolute.

A 'leaseholder' is somebody who owns a long lease on their property (usually for a term of more than 21 years), which gives them the right to occupation and use of the property for the term of the lease.

A 'person bound by a condition of the licence' could be any person who is involved in the management and/or maintenance of the property. This will also depend on the licence conditions.

Part 5

If the property is not managed by the proposed licence holder, please answer 'No' to the first question and complete the details of the person or organisation responsible for management and include the following details:-

- Name
- Address
- Contact Details

Part 6

Before granting a HMO Licence the Council must be satisfied that the licence holder, manager and any other person involved in managing the HMO are fit and proper. This part of the form therefore aims to collect information on all persons named in parts, 2, 3, 4 & 5 or any other person associated with the property to enable us to determine this. Contraventions and unspent convictions must be declared for the purposes of making this judgement. Answering yes to any of the questions will not necessarily mean that the council will refuse to issue a licence, however, the council reserves the right to reject any person nominated as the proposed licence holder if they are not considered a fit and proper person.

In addition to this, all licensees that submit a Criminal Convictions Certificate or a Scots Disclosure Certificate to substantiate their fit and proper person status. Criminal convictions certificates are sometimes obtained from the Criminal Records Bureau by your employer. If you have one of these it will be acceptable for the purposes of licensing. Alternatively, one can be obtained from (a) from Disclosure Scotland at www.disclosurescotland.co.uk or by post from Disclosure Scotland, PO Box 250, Glasgow, G51 1YU (0870 6096006), or (b) by a request at your local police station for a subject access check of the police national computer. There will be a charge for these services. You should note that we can only accept criminal conviction certificates issued within the last 12 months and we must see the original and not a copy.

Part 7

Accreditation is the voluntary compliance by private landlords with good standards in the condition and management of their properties and their relationships with their tenants. Accreditation schemes are run at a local level by local councils, Higher Educational Institutions and their agents and Landlord Associations. For further information on the scheme for this area, please see <http://www.welshlandlords.org.uk>

'Landlord Association' refers to a legally constituted trade body which regulates the conduct of its members and represents their interests. Other relevant professional bodies which can include the Housing Ombudsman Services and those covering real estate such as property letting or surveying. Industry bodies covering building and construction trades could also be relevant if they evidence skills relating to the management and maintenance of tenants' homes.

Part 8

'Multiple occupation' is where occupants are not all part of the same family or household.

'Self contained flats' are separate and self contained premises including exclusive use of bathroom and kitchen

Part 9

A 'household' for the purposes of the Housing Act 2004 comprises:-

- A single person; or
- Co-habiting couples (whether or not of the opposite sex); or
- A family, including parents, grandparents, children (including foster children, step-children and children being cared for), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Half-relatives will be treated as full relatives. Any domestic staff are also included in the household if they are living in rent-free accommodation provided by the person for whom they are working.

Therefore, 3 friends sharing together are considered 3 households because they are not related as family. If a couple are sharing with a third person that would consist of 2 households.

If a family rents a property this is a single household. If that family had an au-pair to look after their children that person would be included in their household.

An 'occupant' is a person who occupies the property as a residence; this person can be either a tenant, leaseholder, licensee or a person having an estate or interest in the property.

Children and babies are also considered to be occupiers and should be counted as individuals. A **resident landlord** letting is one where the **landlord** and the person he or she lets to live in the same building

Part 10

A separate 'letting unit' is any rented unit of accommodation let on separate tenancy contracts or to separate households. This could be a:-

- Room/bedsit
- Studio
- Flat
- Floor by floor let etc.
- House

Part 10 (Cont'd)

A **Self contained letting unit** is a unit where the occupants have exclusive use of kitchen, bath/shower and toilet facilities. A **non Self contained unit** is a unit where occupants share use of kitchen bath/shower and/or toilet facilities.

You must complete the grids detailing the number of each facility within the property and individual lettings.

'Sinks' means kitchen sinks, not wash hand basins.

Part 12

Gas installations

You **must** supply with this application, a copy of the current gas safety certificate(s) covering all gas appliances in the property. (You are required to have all appliances etc. checked annually by a registered engineer).

Electrical installations

You **must** supply with this application, a copy of a current and satisfactory electrical test report for the property, completed by a competent electrical engineer. Certificates with code 1 or code 2 defects are not accepted as satisfactory.

Part 13

All HMOs should have a safe escape route in the event of fire and adequate fire precautions, which may include fire alarms, smoke and heat detectors, emergency lighting, fire extinguishers and fire blankets. These must be well maintained and adequate for the number of residents and the size of the property.

You will be required to submit a copy of the property's Fire Safety Risk Assessment if the property is covered by the Regulatory Reform (Fire Safety) Order 2005. This could include purpose built flats and bedsits, and purpose built student accommodation (including when individual dwellings are owned by different landlords within the block). You may also be required to submit a Fire Safety Risk Assessment if it is deemed appropriate after an officer has visited your property and undertaken a full licensing inspection.'

In Part 13 of the form you are required to provide information on the fire safety provisions there are in the property that needs to be licensed. They include fire detection and emergency lighting systems and other fire precautions such as fire doors, a protected means of escape (i.e. staircases, landings etc). Please tick the appropriate boxes on the form to indicate what fire safety measures there are in the property. Further advice on the requirements to your property are available from the council.

An **'emergency lighting system'** is designed to automatically illuminate the escape route upon failure of the supply to the normal artificial lighting.

'Fire Safety equipment' such as extinguishers and fire blankets where provided must be checked periodically and the correct sort of extinguisher must be provided. As a general guide, there should be a multi-purpose AFFF 6 litre foam or 2kg dry powder extinguisher on each floor within the communal escape route. This is a requirement in houses split into flats or bedsits and is recommended in all other properties.

The **Furnishings (Fire Safety) Amendment Regulations 1993** set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. Upholstered furniture must have fire resistant filling material and must pass a cigarette resistance test and permanent covers must pass a match resistance test. Landlords letting residential property will be expected to ensure that any soft furniture complies with these regulations.

Part 13 (Cont'd)

'Upholstered furniture' which is covered by the above regulation include; beds, headboards, mattresses, sofa-beds, nursery furniture, garden furniture which can be used indoors, furniture in new caravans, scatter cushions, seat pads and pillows and loose and stretch covers for furniture. You should be looking for furniture which is properly labelled as meeting the requirements of the regulations.

Part 16

You must complete Part 16 by using the space provided to list the names, addresses and descriptions (e.g. leaseholder, mortgagee etc). Of all persons who need to know that an application for a HMO licence has been made. The people who need to know about it are:-

- Any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you.
- Any mortgage provider for the property to be licensed.
- Any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than 3 years (including a periodic tenancy).
- The proposed licence holder (if that is not you).
- The proposed managing agent (if any) (if that is not you).
- Any person who has agreed that he will be bound by any conditions in a licence if it is granted.

If you require more space to complete Part 16, please continue on an additional sheet of paper, making sure you clearly number the sheets and attach them securely to the form.

Checklist

You must ensure that you submit with the completed application form **all** the required documents listed in the first part of the checklist on the front of this application form. Failure to submit these documents with the completed form will render the application form incomplete and it will not be processed.

Fees

Cheques to be made payable to Rhondda Cynon Taf County Borough Council and submitted with completed form. Payments can also be taken over the phone.

If you need any advice or assistance concerning this application, then please contact:-

Tel: 01443 425678
Email : publichealthhousing@rctcbc.gov.uk
Website: www.rctcbc.gov.uk

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