



A Guide to HMO Licensing in Reading

Private Sector Housing Team
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Tel: 0118 9372151 / Email: hmo@reading.gov.uk

Website address: www.reading.gov.uk/hmo

To be read along with the following guides:

- Amenity standards applicable to mandatory licensable houses in multiple occupation

A Guide to HMO Licensing in Reading

Under the Housing Act 2004, the Council has a duty to licence certain Houses in Multiple Occupation (“HMOs”). This document explains mandatory HMO licensing and provides guidance on completing an application for an HMO licence.

What is an HMO?

An HMO is a house or flat that is:

- occupied by three or more people forming two or more households who share - or the building lacks - a basic amenity such as cooking facilities, bathroom or toilet;
- occupied by more than one household (as above) and is a converted building but is not entirely self-contained flats (whether or not some amenities are shared or lacking);
- converted into self-contained flats, but does not meet the requirements of the 1991 Building Regulations, and at least one third of the flats are occupied under short tenancies;

and is occupied by more than one household:

- as their only or main residence; or,
- as a refuge by persons escaping domestic violence; or,
- during term time by students; or,
- for some other purpose that is prescribed in regulations.

A household is defined as a family (this includes single persons and couples) and their relatives, foster children and any domestic staff. Note that under this legislation, a property shared by a group of friends will be classed as an HMO.

What is the reason for licensing?

The aim of HMO licensing is to ensure that the poorest and highest risk properties in the private rental market meet the legal standards and are properly managed. It will help to identify high risk HMOs and resources can then be targeted at improving them. In certain circumstances the Council will have the power to step in and take over the management of the property to protect the tenants and others affected by the operation of the HMO.

Do all HMOs have to be licensed?

No. Mandatory HMO licensing currently applies to any HMO in which there are five or more occupiers. The only exception is if the HMO is a flat in a purpose built block that contains three or more flats.

There are exemptions from the licensing scheme, such as social housing and HMOs owned by the police, health authorities, universities and some other listed organizations. If you are not

sure whether your property is an HMO, please contact the Private Sector Housing Team for advice.

I think I need a licence - what do I do now?

You must apply to Reading Borough Council for a licence. This involves completion of an online application form, uploading of relevant documents, and payment of the relevant fee.

To make an application, please visit: www.reading.gov.uk

How does the application process work?

Applications will be assessed to ensure all questions on the form have been answered and all the required information has been supplied. If this has not been provided, the application may be rejected.

Provided that a landlord has submitted a valid application, the HMO can continue to operate legally until the Council reaches its decision and any appeals against that decision are complete.

We will normally carry out an inspection of the property to check its suitability and to look for any serious hazards.

We may cross-check details of your property with any existing information already held. A consultation process will follow with internal departments of the Council, such as Housing Advice, Building Control and Planning. We may also consult with external organisations such as Thames Valley Police, Royal Berkshire Fire and Rescue Service and other local authorities.

If there are no serious objections and the required criteria are fulfilled, a draft licence will be sent out for consultation. If no further problems develop, a final licence will be granted at the end of the consultation period.

What information will I need to provide?

Information required includes details on:

- the licence holder;
- the management;
- any other ownership details;
- the licensable property.

You will also be asked to supply:

- A simple property layout plan including room sizes - see example in appendices;
- Where there is a gas supply in the property, a current landlord's gas safety certificate prepared by a Gas Safe registered engineer;

- A satisfactory Electrical Installation Condition Report dated within the past five years. Alternatively, you may provide an Electrical Installation Certificate (dated within the past five years), covering the following works:
 - Complete renewal of the electrical installation within the property; or
 - Replacement of the electrical consumer unit, if the work covered all the electrical circuits in the property.

The certificate must have been provided by a member of a relevant competent persons' scheme, such as NICEIC, Elecsa or NAPIT.

- If there is a mains-powered automatic fire detection system with a control panel in the property, a test certificate from a competent engineer dated within the past 12 months showing the system has been tested in accordance with BS 5839 and is in satisfactory condition;
- If there is a mains-powered automatic fire detection system that does not have a control panel and is new, an installation certificate from a competent person certifying the system has been installed in accordance with BS 5839.
- If there is a mains-powered automatic fire detection system without a control panel which is not new, you can either provide a test certificate (dated within the past 12 months) from a competent engineer, or self-certify that the system has been serviced and is in proper working order. The self-certification form is available from our website at www.reading.gov.uk/hmo;
- If there is emergency lighting within the property, you must provide a copy of a certificate showing the lights have been tested in accordance with BS 5266 within the past 12 months and are in satisfactory condition;
- A copy of the current tenancy agreement you are using.

What are the criteria for a licence to be granted?

Before we can grant a licence, the Council has to be sure that:

- the proposed licence holder and any manager of the property are fit and proper persons;
- the proposed licence holder is the most appropriate person to hold the licence;
- proper management arrangements are in place at the property; and
- the HMO is reasonably suitable, or can be made suitable, for occupation by the number of occupants allowed under the licence, with at least the minimum prescribed standards of amenities and facilities. These cover room sizes; the number, type and quality of shared bathrooms, toilets, cooking facilities, and provision for waste disposal.

What does ‘fit and proper’ mean?

To decide whether the landlord or manager of the HMO is fit and proper the Council must consider:

- Any previous convictions relating to violence, sexual offences, drugs or fraud;
- Whether the proposed licence holder has broken any laws relating to housing or landlord and tenant issues;
- Whether the person has been found guilty of unlawful discrimination;
- Whether the person has previously managed HMOs that have broken any approved code of practice.

Each application will be judged on its own merits, and applicants will be asked to make a self-declaration of fitness. Where consultation or previous history indicates that this self-declaration is not sufficient, further investigations will be made.

What amenity standards does the property need to meet?

The government has specified minimum amenity standards for licensable HMOs and details of these can be found in our ‘Guide to amenity standards applicable to mandatory licensable houses in multiple occupation’ (available to download at www.reading.gov.uk/hmo). If your HMO does not meet these prescribed standards you must still apply for a licence.

If your HMO does not meet these standards when you apply, the Council can:

- grant a licence with conditions that extra amenities be installed within a certain timescale; or
- grant a licence for a smaller maximum number of occupants based on the existing amenities; or
- refuse to grant a licence.

In cases where the prescribed minimum room size standard is not being met, the law allows us to give licence holders time to comply in respect of the **first** licence granted on or after 1st October 2018. We will give the licence holder notice of the breach and specify a period in which the licence holder must take action to comply with the room size standard. The maximum period we can allow is 18 months.

The Housing Health and Safety Rating System (“HHSRS”)

The licence holder must remove any serious (“category 1”) hazards in the property, as assessed using the Housing Health & Safety Rating System (HHSRS). We will normally inspect your property as part of the licensing process. We will tell you if there are any category 1 hazards and what work is required to remove them.

A Landlords and Letting Agents guide to HHSRS can be obtained at:
<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

Fire Safety

Any hazard from fire will be assessed under HHSRS as detailed above. You should not delay applying for a HMO licence until you have installed the necessary fire precautions, if your property is already licensable. Any fire safety improvements necessary will be dealt with as part of the inspection process.

More detail on the fire safety standards required for your property can be found in the Lacors guidance document 'Housing - Fire Safety' which is available to download for free from the web.

Management

There are regulations that apply to HMOs which include such duties as maintaining communal areas, fire precautions installed, installations for gas, electricity and water supply. It is an offence not to comply with these Regulations where they apply. For licensable HMOs, the relevant regulations are the Management of Houses in Multiple Occupation (England) Regulations 2006.

Is there a grant or other form of financial assistance available to help me to comply with the requirements of HMO licensing?

Unfortunately, there are no such grants available from the Council. If, however, a category 1 hazard has been identified, the landlord may be eligible for a landlord grant or loan to help towards the cost of repairing damage that has a direct detrimental effect on the health, safety, security and welfare of their tenants. There are strict criteria that apply and further information is available at: www.reading.gov.uk/homeimprovementgrants

If there are problems relating to cold or damp, you may wish to contact the Energy Savings Trust on (www.energysavingtrust.org.uk) to enquire whether there are any grants available.

Do I need to obtain planning permission to obtain a licence, as my property is now an HMO?

The grant of an HMO licence does not confirm that any necessary planning permissions have been granted. You should be aware that the Council's Planning Office is consulted as part of the licensing process, and that in some parts of Reading permitted development rights for the creation of small HMOs have been removed. If you are in any doubt about the need for planning permission, you should contact the Council's Planning Office for advice.

Will there be a fee to pay?

Yes, a fee is payable - see Appendix 1.

I employ someone else to manage my HMO for me - who has to apply?

The landlord can hold the licence or nominate someone else such as a manager or agent (with their agreement) to be the licence holder. The applicant should be the 'most appropriate person' to hold the licence, which will usually be the person who receives the rent. Licences are not transferable to another person.

Where managers are nominated as the licence holders, you must ensure that a suitable agreement is drawn up, clearly stating the responsibilities of both parties.

The licence holder can be more than one person.

How long does it take to process the application and what does this involve?

Our aim is to process complete applications within 10 weeks of receipt, but at times of high demand this may take longer.

Your application will not be accepted as complete if you do not answer all of the questions, or if required documents or the licence fee are not submitted with your application. This will delay the processing of your application.

How long will a licence be valid for?

The licence will usually last for 5 years, but can be for less than this.

What will the licence say?

Our standard licence will set certain conditions in relation to the property. These include:

- The start and expiry dates of the licence;
- The maximum number of people who can live in the property overall, and how many can live in each part of it;
- To maintain all electrical appliances and furniture in safe condition;
- To provide an annual valid gas safety certificate (where applicable);
- Provide proof that all smoke detectors are correctly installed;
- Each occupier to be given a written statement of the terms on which they occupy the property, for example, a tenancy agreement.

Other conditions might be included to deal with different aspects of individual properties as applicable. These might include:

- the restriction or prohibition of the use of parts of the HMO;

- an obligation on the landlord or manager to take steps to deal with the behaviour of occupants or visitors;
- carrying out specific repairs or improvements within a particular timeframe;
- a requirement that the licence holder and/or manager attends an approved training course.

Can I be refused a licence?

Yes, if found not to be a fit and proper person, or if the property doesn't meet the minimum standards. A notice of our intention to refuse will be sent out and you will be able to make representations against this decision.

If the licence is refused and you are unhappy with this decision, you can appeal to the First-tier Tribunal.

What happens to my property if I am refused a licence?

Where there is no prospect of an HMO being licensed, the Council can issue an Interim Management Order, which allows the Council to take on the management of the property. This can last up to a year until suitable alternative management arrangements can be made. A final management order can then be made, which lasts up to 5 years, but can be renewed.

Can I get an exemption from licensing?

If a landlord or person in control of a licensable HMO intends to stop operating it as an HMO or intends to reduce the number of occupants to less than 5, and provides clear evidence of this to the Council, they can apply for a Temporary Exemption Notice (TEN). This will last for up to 3 months. It is possible for a second three-month TEN to be served, but this will only be granted in exceptional circumstances. You must contact the Council to apply for a TEN, and you will be required to complete an application.

What if I wish to sell the property as a HMO?

Licences are not transferable to another person or property. If you sell your property on as a licensable HMO, the new landlord will have to apply for a new licence.

You must tell us the date you sold the property and apply for a revocation of your licence. You might be eligible for a pro rata percentage of the fee paid to be refunded, depending how long you have held the licence.

What if my property becomes un-licensable?

Where an HMO becomes un-licensable after a licence has been granted, the landlord can apply for a revocation and a partial refund of the licence fee. This will be a pro-rata percentage of the fee paid minus some of the costs incurred in processing the application.

Will I have to evict tenants in order to comply with licence requirements?

As described above, the law permits the Council discretion to allow up to 18 months for any violation of the minimum room size standard to be corrected.

However, when either a tenancy or the discretionary period comes to an end, landlords or agents will be committing an offence if:

- no action has been taken to correct the breach of the room size standard within the time scale permitted; or
- new tenants have been allowed to move in and bring the total number of occupants above the maximum permitted by the licence.

Please note you will not normally be able to avoid licensing by serving a section 21 notice. You may apply for a Temporary Exemption Notice, which, if granted, will allow you to reduce the occupation of the property as a means of taking action to remove the property from licensable use.

What happens if my property becomes licensable without my knowledge?

A landlord commits an offence if they do not apply for a licence knowing one is required, or knowingly let a property to more people than it is licensed to hold.

It is good management to know who is living in your property at all times. If, however, you are genuinely unaware of the number of occupiers, this may give a reasonable excuse for the above offences. Please note, however, that the Council will be obliged to fully investigate the circumstances.

If you knowingly accept rent from the additional occupants (whether or not you know they are tenants) this could be taken to mean that you know that they are living in the property and have accepted this.

Am I responsible for the behaviour of my tenants under HMO licensing

One of the licence conditions will place a duty on licence holders to deal with anti-social behaviour under the terms of the tenancy agreement. You should therefore ensure your tenancy agreement has clauses about this.

We would also expect licence holders to cooperate with agencies such as the Council and the police in investigating and tackling anti-social behaviour.

What happens if I don't apply for a licence?

You will be committing an offence if, as the landlord or the person in control of the property, you fail to apply for a licence for a licensable HMO, or, if you allow a property to be occupied by more people than are permitted by the licence. Possible penalties include:

- A civil penalty of up to £30,000; or

- An unlimited fine upon summary conviction.

The First-tier Tribunal also has the power to make a Rent Repayment Order requiring that you repay up to 12 months' rent to tenants or to the Council.

Where a licensable HMO is not licensed, the landlord cannot serve a tenant with a section 21 notice to quit until a valid application has been submitted or temporary exemption from licensing granted.

Where can I get more information?

For more information about licensing requirements visit the Government website at:

www.gov.uk/house-in-multiple-occupation-licence

For more information about the Housing Health & Safety Rating system visit the Government website at: www.gov.uk

You can contact the Private Sector Housing Team at:

Reading Borough Council
Private Sector Housing Team
Civic Offices
Bridge Street
Reading
RG1 2LU

Telephone: 0118 9372151

Email: hmo@reading.gov.uk

For more detailed information the Housing Act 2004 can be viewed online via www.legislation.gov.uk

Appendix 1: Houses in Multiple Occupation (HMO): Licence fees

Under Reading Borough Council's fee structure, there are 3 main charging bands:

- Band A:** For members of the National Landlords Association Accreditation scheme; the Residential Landlords Association Accreditation (RLAAS) Scheme (not ordinary NLA/RLA members) or the Reading Rent with Confidence Scheme (RRWC).
- Band B:** Ordinary application fee for new applicants of properties that have recently been purchased or recently become licensable.
- Band C:** For landlords found to be operating a licensable HMO that is not licensed, and landlords who do not provide all of the information required with their application.

Fee band	Band A	Band B	Band C
Up to 31/03/19	£640	£720	£1,485
With effect from 01/04/19	£690	£770	£1,485

Licence Renewal Fees

Fee band	Band A	Band B	Band C
Up to 31/03/19	£345	£425	£815
With effect from 01/04/19	£395	£475	£815

The above fees are for up to 5 lettings. The following fees also apply:

Item	Charge
Additional lettings	A supplement of £25 applied for each unit of sleeping accommodation over 5
Discount	15% discount will be applied to second and subsequent properties on applications received up to 30 March 2018 only. No discount will be available from 1 April 2018 onwards. Note: no discount is applicable to Band C.
Assisted application	For an officer to visit, draw plans and assist with the completion of the licence application, the fee is £547.20
Missed appointments	£45.08 is chargeable for missed pre-booked licensing inspections
Duplicate copy of HMO licence	£33.00

Appendix 2

Application support information

(Note: the numbers relate to the questions on the application form)

Part 1(a) - Applicant's details

The applicant can either be the proposed licence holder, or another person making the application on their behalf. As the person applying, please answer the questions as follows:-

- Please select the option that best describes you. If you are neither the owner nor the property manager, please briefly describe who you are.
- If you are applying to be the licence holder yourself, tick the first box. Otherwise, please tick the second box.

You only need to complete the address and contact details in this part if you are making an application on behalf of someone else.

Part 1(b) - The proposed licence holder's details

The proposed licence holder is most often the landlord, but this is not always appropriate. Normally, it should be the person in control of the property. Briefly, we will be seeking to grant the licence to a person who:

- Receives the rent;
- Has authority to let to tenants and to lawfully end tenancies;
- Has authority to authorise, organise and pay for essential repairs;
- Is reasonably available for tenants to contact about problems and also has the means to resolve them.

An HMO licence holder does not have to be an individual person. It can be more than one individual (e.g. joint owners), or a company or any other type of organisation. When licensing an HMO, the local authority must determine the most appropriate person to hold the licence, irrespective of who has applied. In general the "person in control" of the HMO (as defined by section 263 of the Housing Act 2004) will be the most appropriate licence holder. This person will be responsible for ensuring that there are no breaches of the licence.

The proposed licence holder must also be aware that the Council are required to hold a public register of licence holders within their area and to make it available to members of the public. The details you provide in this section will form the basis of the register. This is a legal requirement of the licensing scheme.

The questions in this section should be answered as follows:-

- Begin by selecting the option that best describes the proposed licence holder from the options provided.
- You will need to name the proposed licence holder in accordance with the following:
 - i) Private individual - their first name and surname

- ii) Private company - the full name of the company as it appears on the Companies House register
 - iii) Limited Liability Partnership (LLP) - the full name of the partnership as it appears on the Companies House register
 - iv) A charity - the full name as it appears on the Charity Commission register
 - v) A trust - the full name of the trust
- You will need to provide the address of the proposed licence holder in accordance with the following:
 - i) Private individual - their permanent residential address
 - ii) Private company - the registered office address as it appears on the Companies House register
 - iii) Limited Liability Partnership (LLP) - the registered address of the partnership as it appears on the Companies House register
 - iv) A charity - the address of the charity as it appears on the Charity Commission register
 - v) A trust - the address of the trustee (there is an option for giving additional trustee names later in the application)
 - Please provide a contact telephone number and email address for the proposed licence holder.
 - If there is a preferred correspondence address for the proposed licence holder, please provide the details. Please note that the law requires us to serve notices to corporate bodies at their registered office address.
 - If the proposed licence holder is a limited liability partnership, charity or trust, please provide the details of the partners or trustees. The webform allows multiple records to be added. If there isn't enough space on the paper form, please provide these details on a separate sheet.
 - The details of the person to whom the tenant makes payment of their rent should be entered. For example, if a letting agent collects the rent on behalf of the owner, the letting agent's details should be provided.
 - The details of the person who receives and ultimately keeps the rent should be entered. For example, if a letting agent collects the rent and passes it on to the owner who then keeps it, the owner's details should be provided.
 - In some cases, we will require a third party to be bound by the conditions of the proposed licence. For example, if the proposed licence holder lives overseas, we will normally ask for a local managing agent to be appointed who will agree to be bound by the conditions of the licence. The details of any such third party should be provided here, but we shall seek written confirmation from the third party of their consent.

Part 1(c) - Proposed licence holder - the fit and proper person test

Before granting a licence, the Council must be sure that the proposed licence holder is a fit and proper person to hold a licence. The questions in this section are detailed and many of them are prescribed by regulation. We use your answers to assess the proposed licence holder's suitability.

These questions also seek to identify any person who may have (or used to have) an involvement with the business of the proposed licence holder who may adversely affect the proposed licence holder in the performance of their duties. This specifically includes persons who may have had any management or financial involvement with the proposed licence holder (e.g. joint mortgagee, business partner, property manager).

Part (d) of page 7 of the application refers to an approved code of practice. At the time of publishing of this guidance, no approved codes of practice have been published.

Under the Rehabilitation of Offenders Act 1974, there is no requirement to provide details about previous convictions that are 'spent'. A conviction becomes spent after a certain length of time, which changes depending on the sentence and the age of the person at the time of conviction. The periods are halved if the conviction took place when less than 18 years old. If you are convicted of any relevant offence(s) within the licence period you must notify the Council immediately.

Sentence	Rehabilitation period
More than 4 years imprisonment	Never
30 months to 4 years imprisonment	7 years from end of sentence
6 months to 30 months imprisonment	4 year from end of sentence
Up to 6 months imprisonment	2 years from end of sentence
Fine	1 year from date of conviction
Community Order	1 year from end of sentence
Caution, civil penalty or absolute discharge	None

If you have any doubts about whether you have to declare a previous conviction, you should contact your local Probation Office, Citizens' Advice Bureau or a solicitor. In particular, criminal convictions or civil penalties under the following legislation must be declared unless they are spent

Legislation	Section	Description
Criminal Law Act 1977	6(1)	Violence for securing entry
Immigration Act 2014	33A(1) and (10)	Residential tenancies - landlord offences
	33B(2) and (4)	Residential tenancies - agent offences
Fraud Act 2006	1(1)	Fraud
	6(1)	Possession etc of articles for use in frauds
	7(1)	Making or supplying articles for use in frauds
	9(1)	Participating in fraudulent business carried on by sole trader
	11(1)	Obtaining services dishonestly
	12(2)	Liability of company officers for offences by company
Criminal Justice Act 2004	Schedule 15	Specific violent and sexual offences

Misuse of Drugs Act 1971	8	Occupiers of premises allowing certain activities
	9	Prohibition of certain activities relating to opium
	9A(1) and (3)	Prohibition of supply etc. and of articles administering or preparing controlled substances
	18(1), (2), (3) and (4)	Miscellaneous offences
	19	Attempts etc to commit offences
	20	Assisting or inducing offence outside the UK
Sexual Offences Act 2003	Schedule 3	Sexual offences for the purposes of part 2 of that Act
Proceeds of Crime Act 2002	327	Concealing etc. criminal property
	328	Arrangements
	329	Acquisition, use and possession
Protection from Harassment Act 1997	2	Offence of harassment
	2A	Offence of stalking
Anti-Social Behaviour, Crime and Policing Act 2014	30	Breach of criminal behaviour order
	48	Failure to comply with a community protection notice
Criminal Damage Act 1971	1(1)	Destroying of damaging property
	2	Threats to destroy or damage property
	3	Possessing anything with intent to destroy or damage property
Theft Act	7	Theft
	9	Burglary
	21	Blackmail
	22	Handling stolen goods

In addition to the above, you must declare if there has been any finding by a court of tribunal against the proposed licence holder or anyone associated or formerly associated with them that they have practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business.

As the proposed licence holder will be providing higher-risk housing, it is important for the Council to know about any cases where the proposed licence-holder has contravened housing law. Criminal convictions or civil penalties under the following legislation must be declared

unless spent. This list is not definitive, and the Council will also consider other offences where they relate to poor management of housing.

Legislation	Section	Description
Protection from Eviction Act 1977	1(2), 2 and 3	Unlawful eviction and harassment of occupier
Housing Act 2004	30(1)	Failure to comply with an improvement notice
	32(1)	Failure to comply with a prohibition order
	72(1), 72(2) and 72(3)	HMO licensing offences
	95(1) and 95(2)	Offences in relation to licensing of houses under Part 3
	139(7)	Contravention of an overcrowding notice
	234(3)	Failure to comply with HMO management regulations
	238(1)	False or misleading information
Health and Safety at Work etc. Act 1974	33(1)(c)	Failure to comply with gas safety regulations

For information, enforcement notices under Part I of the Housing Act 2004 include:

- An improvement notice;
- A prohibition order;
- A notice of emergency remedial action;
- An emergency prohibition order.

You must also declare if the proposed licence holder or anyone associated or formally associated with them:

- owns (or has ever owned) a house or HMO that has been the subject of an interim or final management order under the Housing Act 2004;
- owns (or has ever owned) a house or HMO where a local housing authority has refused to grant a licence under Part 2 or Part 3 of the Housing Act 2004, or has revoked a licence in consequence of the licence holder breaching the conditions of the licence;
- own (or has ever owned) a house or HMO in which any local authority has carried out works in default in the past 5 years as a result of that person failing to comply with an enforcement notice;
- Has ever been convicted of any offence or subject to any other proceedings brought for a breach of planning control, building regulations or the Regulatory Reform (Fire Safety) Order 2005, unless the conviction is spent.

You must also declare if the proposed licence holder or anyone associated or formerly associated with them been declared bankrupt or in arrears with their mortgage.

Within the webform, you will be asked to provide further information if you answer yes to any of the fit and proper questions. On the paper form, you will need to fill in the table on page 10.

Landlord accreditation/association memberships

The Council views membership of accreditation schemes or professional bodies as an indication of good management practice and, in some cases, provides a discount on the licensing fee. We currently provide discounts on licensing fees for membership of the following:

- Being an **accredited** member of the National Landlords Association (NLA)
- Being a member of the Residential Landlords Association Accreditation Scheme (RLAAS)
- Being a member of the Reading Rent with Confidence scheme

If the proposed licence holder is a member of any professional bodies, the details should be provided here. If the proposed licence holder is an accredited member of the NLA or a member of the RLAAS, it is important that accurate details be provided so these can be verified with these schemes.

Financial arrangements

Before granting a licence, the Council must be sure the proposed licence holder has sufficient funds available to satisfactorily manage the property. Please answer this question yes or no.

Part 1(d) Proposed manager's details

This means a person, or company appointed by the proposed licence holder expressly for the purpose of managing the house. The manager could be an employee of the landlord. If no separate manager is appointed the proposed licence holder will also be the manager. The manager will act under the instructions of the landlord and will have powers and duties given to him by the landlord. This section only needs to be completed where the proposed licence holder is appointing a manager or agent.

The manager must have the following powers:

- To let to tenants and terminate tenancies in accordance with the law;
- To access all parts of the premises to the same extent as the landlord; and
- Be authorised to approve reasonable expenditure

The manager must be able to travel to the property within a reasonable time unless there are arrangements in place to cover any eventuality which might otherwise demand their presence. There should be a written agreement between the proposed licence holder and the proposed manager that sets out the responsibilities of both parties. In particular, the agreement should make clear the extent of the manager's authority to authorise expenditure and repairs and to undertake duties such as property inspections and maintenance of fire safety systems.

If no manager is to be appointed, part 1(d) does not need to be completed and you can move on to part 2.

You should first tick the box that you believe best describes the proposed manager. You should then provide contact details using the same guidance as for part 1(b) above.

Part 1(e) - Proposed manager - fit and proper person test

As with the proposed licence holder, any proposed manager must be a fit and proper person. The following questions are specified to help determine if the proposed manager is fit and proper. These questions also seek to identify any person who may have (or used to have) an involvement with the business of the proposed licence holder who may adversely affect the proposed licence holder in the performance of their duties. This specifically includes persons who may have had any management or financial involvement with the proposed licence holder (e.g. joint mortgagee, business partner, property manager).

Guidance on answering these questions can be found under Part 1(c) above. If you have answered 'yes' to any of these questions, you should complete the table on page 15 (or the webform will prompt you for further information).

Part 2: Notifications to persons having an interest in the property to be licensed

Applicants must ensure that they make certain people aware of their application. Please read the information in this part carefully and complete the information in the declaration at the end of the application form. Tenants with a lease or tenancy of less than three years do not need to be notified of the licence application. If there are relevant persons, you **must** complete the declaration and provide the required information.

Please note the Council has a duty to notify relevant persons about its decision on whether or not to grant a licence and also to provide copies of draft licence conditions.

Part 3: Property details

We are required to ask the age of the property for which an application for a licence is being made. We appreciate you may not have the exact year, so please select the age-range that you believe best indicates the year in which the property was first built.

The law requires us to provide all these options. As the Council only operates mandatory HMO licensing, only the following options are likely to be relevant:

- A house in multiple occupation;
- A flat in multiple occupation.

If any of the other options best describes your property, please contact the Council's Private Sector Housing Team to verify whether you need to licence your property. Please remember you will not need a licence if your property is a self-contained flat in a block that contains three or more purpose-built flats.

The webform allows you to add separate records for each of your licensable HMOS. For the paper form, please provide the requested details, continuing on a separate sheet if necessary.

Please provide details of the following types of works:

- Work of a structural nature, such as loft conversions or building of extensions;
- The creation or extension of amenities such as bathroom and kitchen facilities.

You should provide copies of relevant planning consents and building completion certificates with your application.

When declaring the number of storeys in the property, you should take include the following:

- those used wholly or partly for living accommodation and those used in connection with the living accommodation e.g. where the meter or boiler is situated, storage, laundry facilities, etc;
- Attics and basements used wholly or partly for living accommodation, which have been constructed, converted or adapted for living accommodation or where they are connected to the living accommodation by an internal stairway and used as part of the property e.g. where a meter or boiler is situated, storage, laundry facilities or main access route into HMO (basement);
- Mezzanine floors used wholly or mainly as living accommodation e.g. bedroom, bathroom, WC, laundry facility, storage, boiler or meter position.

Common commercial activities linked to HMOs include premises such as, takeaways, retail shops, offices and restaurants.

When counting the number of separate units of sleeping accommodation within the property, you should note that each of the following will be considered as a separate unit of sleeping accommodation:

- A bedroom which does not have any kitchen, bathroom or toilet amenities;
- A bedroom which has kitchen, bathroom or toilet amenities (but not all three);
- A self-contained flat within the HMO which has sleeping space, and cooking, bathroom and toilet amenities.

For example, an HMO with two bedrooms with no amenities, two bedrooms with kitchen amenities and two self-contained flats would have a total of six units of sleeping accommodation. If in doubt, contact the Private Sector Housing team.

Details of occupation

Please tell us the maximum number of people the proposed licence holder would like to have living in the property. Please note it may not be always be possible for us to grant a licence with this number of occupiers. The number of occupants or households who can occupy a property is limited by a number of amenity standards, including:

- Room sizes;
- Provision of kitchen facilities; and
- Provision of bathroom and toilet facilities,

If a licence is granted, it will set a permitted number of occupiers for each part of the HMO and also a maximum for the entire HMO. This will have been determined by reference to these amenity standards.

The number of people living in the property can be obtained simply by counting the number of people using the property as their main home. Determining the number of households can be more complicated. Briefly, a household is defined in law as one of the following:

- a person living on their own;
- people who have a close family relationship, including husbands, wives, children, stepchildren, step-parents, grandparents, grandchildren, brothers and sisters (and their half-blood equivalents), uncles, aunts, nieces, nephews and first cousins;

- couples who are married, unmarried or in domestic partnerships and their same-sex equivalents;
- a family with a person placed under the Fostering Services Regulations;
- a family or single person together with anyone in domestic employment where no rent is paid for example au pair, nanny, nurse, carer, governess, servant, chauffeur, gardener, secretary, personal assistant - includes their family members;
- an adult placement carer under the Adult Placement Schemes Regulations with not more than 3 service users.

Please note that the existence of a single joint tenancy agreement does not automatically mean that all the tenants are a single household. Where a self-contained flat forms part of the building, the people occupying the flat will be included within the total of persons occupying the HMO unless:

- the flat is completely separate; and
- it is not necessary to pass through the HMO to enter it; and
- it is not integral with the HMO in any way.

Occupants and households are effectively the same for most student shared houses and single occupancy bedsits, but in other cases may differ. For example, a house split into six flats with a single person in each of the five flats and a father, mother and child in the sixth flat would have eight occupants and 5 households. Please contact the Private Sector Housing team if you are unsure.

Number of sleeping and kitchen facilities

Please provide the information requested. For the purposes of this section, it does not matter if the sleeping or kitchen facility is in a self-contained unit, as we simply wish to know how many of each type of amenity there is in total.

Provision of personal washing facilities and sanitary accommodation

In this section, we want to know the total number of each amenity described in the form. This total should include all bathrooms, shower rooms and toilet compartments.

The law requires that bathrooms and shower rooms have adequate ventilation, so please provide details of how each of these rooms in your property is ventilated. In addition, the law requires that bathrooms and shower rooms be adequately heated, so please describe how this is achieved. For example, you may have down-draught electric heaters or a towel rail attached to a central heating system.

Heating

Please tick the box which best describes the heating in the property.

Fire Precautions

The purpose of the automatic fire detection (“AFD”) system within an HMO is to provide a reliable and constant means of detecting the presence of fire and/or smoke at the earliest possible stage and to provide an audible early warning to all occupiers to evacuate the building. Please tick the box that best describes the type of AFD system in the property.

Please give a brief description of the location of the fire detectors in the HMO, for example:

There are smoke detectors in the ground floor hallway and all landings. There are smoke detectors in each bedroom. There is a heat detector in the kitchen.

Fire doors may be required in the property, depending on the risk. Please give a brief description of the location and position of any fire doors in the HMO, for example

All kitchen doors are fire doors. All bedroom doors are fire doors, except for the ground floor front bedroom.

If there are no fire doors, answer 'none'.

Emergency lights are usually found within the escape route, which is normally formed from the circulation areas of the property i.e. the hallways. They may be stand-alone units, or combined with normal lights. Please give a brief description of the position of any emergency lights, for example:

There are emergency lights in the second floor landing, the first floor landing and the ground floor entrance hall.

Please provide a brief description of the type and position of any fire-fighting equipment in the HMO, for example:

There are fire blankets in all kitchens. There are powder fire extinguishers on both landings and in the ground floor entrance hall.

We strongly recommend that a fire safety notice be installed to inform tenants and visitors what to do in the event of an emergency. An example of the notice for the tenants or visitors can be obtained from the Private Sector Housing Team or from our website. We strongly recommend that fire safety instructions be issued to all tenants at the start of the tenancy.

All furniture produced after 1988 will be labelled stating its compliance with the Furnishings (Fire Safety) Regulations 1988 (as amended). There are some exemptions where antique furniture is provided. Further information can be obtained from Reading Borough Council's Trading Standards team. Please use the table to identify any furniture that does not comply with the Furnishings (Fire Safety) Regulations 1988 and its location. The webform will prompt you for further information if necessary.

Part 4: Property Management

You should declare whether the property is structurally sound. If you are uncertain, you should arrange for a competent surveyor to inspect the property. Locks should comply with the relevant British Standards. Please note that, as of 1st October 2018, we are obliged to set a condition requiring licence holders to comply with any refuse disposal schemes put in place by the Council.

If there is a gas supply to the property, you must provide a copy of a valid landlord's gas safety certificate with the application. All gas fittings must be safe to use.

Under the Management of Houses in Multiple Occupation (England) Regulations 2006, the manager of the HMO must ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing. They must obtain a certificate from the person conducting the test, specifying the results of the

test, and supply a copy of the certificate to the Council within 7 days of receiving a request in writing for it from that authority. You must provide a copy of a current certificate with your application.

You are required to declare whether all the electrical appliances you provide are safe. If you are in any doubt, you should arrange for appliances to be tested or replaced.

Under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, the landlord is required to fit a carbon monoxide detector in any room in which there is a solid fuel burning appliance. One of our standard licence conditions for a carbon monoxide detector to be located in any room in which there is a fuel burning appliance (of any type).

A schedule of routine examination of landlord provided equipment refers to a documented system for ensuring the safety of the equipment provided at the property. This relates to equipment/portable electrical appliances rather than the electrical sockets and associated wiring. The schedule can be a simple statement setting out how often appliances are checked and by whom. Further guidance can be obtained from our Management Pack which is available on request and on our website at www.reading.gov.uk/hmo.

Part 5: Tenancy Management

One of our standard licence conditions is for the licence holder to provide written terms of occupancy to tenants. If you answer yes, you must provide us with a copy of your tenancy agreement.

We recommend that landlords agree an inventory with their tenants at the beginning of each tenancy.

Rent books are generally used for weekly tenancies. If rental payments are not made in an easily traceable way (e.g. by direct debit from a bank account), the landlord should provide a receipt for each payment.

The licence holder should advise tenants on how to report problems at the start of each tenancy. We recommend that landlords have an agreed process in place for dealing with tenant complaints.

Part 6: Occupants

For the paper form, please complete the table on page 25. The webform will prompt you for further information if required. Please include details of all the occupants known to you, whether their names appear on the tenancy agreement or not. Please provide names of all tenants and the start and end dates of their tenancy. It is expected that you will be able to complete this section to the best of your knowledge, however it is important that you make your tenants aware of the terms of the tenancy with regards to over-occupation, subletting etc.

Part 6: Property Plans

A plan is required, showing the property layout and the location of baths; showers; wash hand basins; sinks; cookers; WCs and kitchen work surfaces. You may submit plans that you already hold, or draw your own sketch plan.

An example of a hand-drawn sketch plan is shown on the next page. The plan does not need to be drawn to scale, but you must show room measurements in the grid provided on the

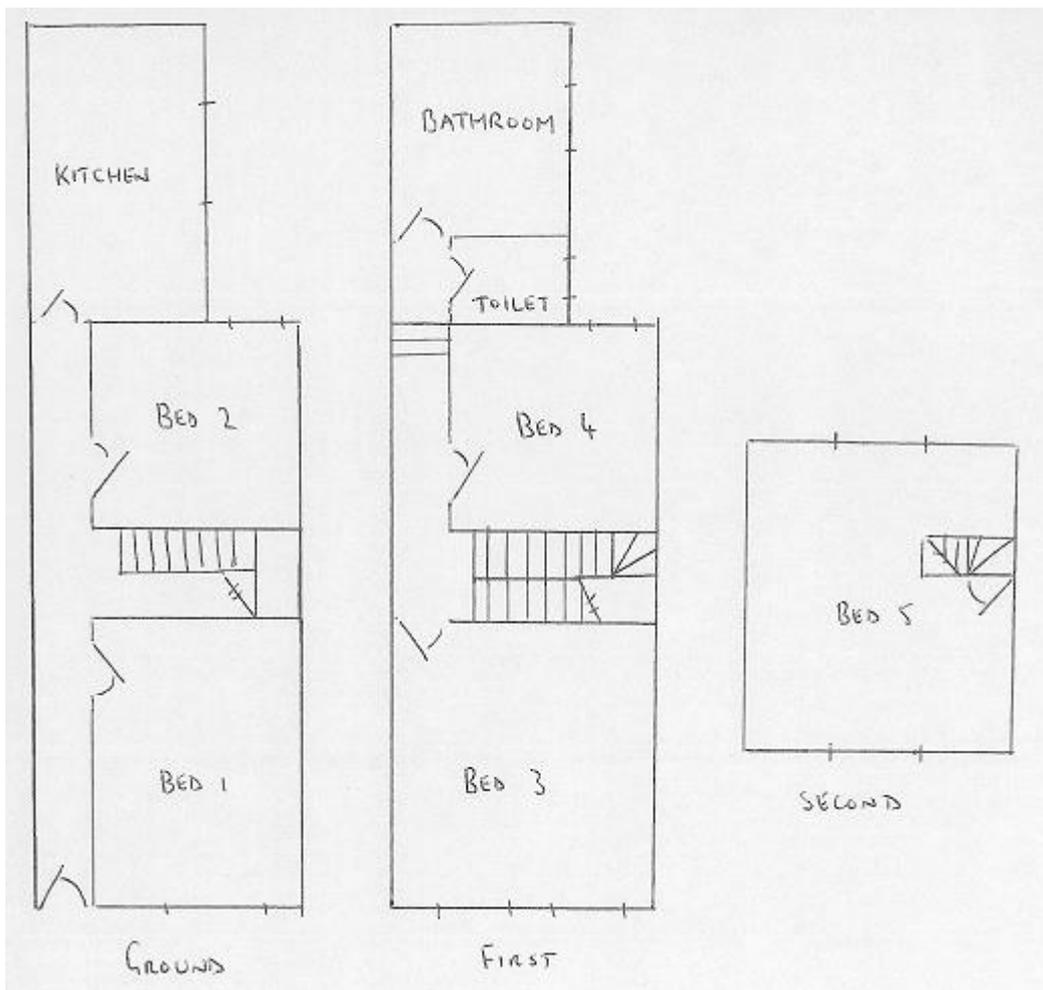
application form in metres. You may use your own symbols but you must include a key so that they are easy to understand.

Additional notes

You do not need to draw in all the windows on the plan. All habitable rooms must, however, have adequate ventilation and natural light. If there are any habitable rooms that do not have an opening window, you should make a note of this on the plan, clearly indicating with an arrow, the room concerned. Please write the address of the property on the plan, particularly if you are submitting more than one property plan. Please indicate where the front of the property is and any shared rooms such as a lounge, dining room, kitchen or study room, etc. should be labelled.

Computer Software Packages

If you would prefer to use a computer to produce your plan, there are various software graphics packages available, including ones specifically designed to illustrate buildings and room layouts. As long as the plan is easy to understand and shows the layout of the property and the various amenities listed above, it should be acceptable (see example below).



Part 8: Enclosures

Please ensure you have provided all enclosures, and ticked the relevant boxes of the form on page 34. For evidence of permanent residential address of the proposed licence holder(s), only **ONE** form of evidence is required from the following:

- A copy of a driving licence
- A copy of a recent bank or building society statement
- A copy of a recent tax correspondence
- A copy of a recent utility bill

Part 9: Declaration

On the webform, you will need to download the declaration form, sign it and then upload a scanned copy. For the paper version, the applicant must sign and date the declaration on page 31 of the paper application form. In some circumstances other people may need to sign the form, e.g. where the applicant is a partnership. Please read the notes on the declaration form or page 31 of the paper application form.

Returning the application

Once you press submit at the end of the webform, you will be prompted for payment details. Once payment is made, you will be given the option to download a .pdf record of your application. You will have been prompted for other required documents as you completed the form.

For paper-based applications, please ensure that any additional material/submissions included with your application are secured together but ideally please do not staple documents to the application. If you are delivering your application to the Civic Offices reception desk, please ask for a receipt. If you are posting the form, please address it clearly and retain a copy. If you are unsure of how to complete the application or need assistance you are advised to contact the Private Sector Housing Team at hmo@reading.gov.uk or on 01189372151.

Rights of Appeal

The proposed licence holder may appeal if the Council decides to:

- Refuse a licence
- Grant a licence with conditions
- Revoke a licence
- Vary a licence
- Refuse to vary a licence

The appeal must be made to the Residential Property Tribunal, normally within 28 days.

First-tier Tribunal (Property Chamber) Residential Property
HMCTS
Cambridge County Court
197 East Road
Cambridge
CB1 1BA
Email: rpeastern@hmcts.gsi.gov.uk
Telephone: 01223 841 524 Fax: 01264 785 129
Website: <https://www.gov.uk/housing-tribunals>