

Frequently Asked Questions

Q - [What is an HMO?](#), including exemptions from the definition of an HMO

Q - What is the purpose of HMO Licensing?

A - Licensing Houses in Multiple Occupation (HMOs) requires those in control of HMOs to identify themselves and the location of the HMO to the Local Authority and to meet licence conditions related to the management, condition and suitability of the property. This helps to improve substandard shared housing and bedsits for private tenants and the local community.

Q - Which HMOs require a licence?

A - All HMOs that are part of an Additional HMO Licensing area or larger HMOs with 5 or more occupants.

Q - What happens once I have made an application?

A - Once received, the Council must first satisfy itself that the application is fully completed including the receipt of a monetary fee and any supporting documents.—You will receive an acknowledgement of your application.

Q - What will I need to do once I have received my licence?

A - When you receive your licence you will need to read it and ensure that any conditions are met. This will include any items of management, facilities or safety precautions that do not meet the licensing standard.

Q - What will the Council check before issuing the HMO licence?

A - There are a number of checks and judgements that the Council will make before granting a licence

The Council must be satisfied that the proposed licence holder is the **most appropriate person to hold the licence**. The following table provides a guide as to who is the most appropriate person to be the licence holder.

Landlord (owner)	Manager	Licence holder
Sole management responsibility	None	Landlord
Receives rent, undertakes management and maintenance.	Deals with tenancy matters only.	Landlord NB both need to be 'fit and proper'.

Receives rent from manager.	Deals with tenancy matters, general management, repairs and maintenance with ability to authorise works and make payments associated with the management of the property.	Either, although landlord preferable in case of change of manager. NB both need to be 'fit and proper' if landlord is licence holder, otherwise manager only.
-----------------------------	---	--

Where two or more individuals are the joint landlords, all of those persons should be joint licence holders (each would be jointly and severally liable) unless those persons have agreed that only one (or more of them) should hold the licence.

Where the landlord is a company, a limited liability partnership, or a board of trustees, the licence should be granted to it. An employee, director or officer of these legal entities should not normally be the licence holder as it is the entity that is liable. In the case of an unincorporated business (operating under a trading name and not registered with Companies House) it will be the individual owners of the business who should jointly hold the licence, unless the local authority agrees that one or more of the owners will do so.

If the Council is of the opinion that the proposed licence holder or manager is not suitable for that role they may agree another person to hold the licence or be the manager if that other person agrees.

The Council must be satisfied that the licence holder and any manager is Fit and Proper

The Council must be confident that all persons involved in the management of the property are fit and proper. This includes managers and managing agents as well as licence holders. A signed declaration (see attached) must be received from licence holders and managers and also a basic DBS check (which must be dated within 6 months when received by the Council).

Where the licence holder is a company, a limited liability partnership, or a board of trustees then a fit and proper person declaration must be signed but by a representative responsible for making decisions relating to the HMO and with authority such as the managing director. Any employee who is involved with the management of the HMO can be regarded as an 'associate'. Consequently, in signing the declaration the responsible people should be satisfied that these employees involved in the management of the HMO would be able to sign the declaration themselves. A DBS check must also be received from the director(s).

In summary the Council must be notified at the application stage of any relevant offences (as detailed on the F&PP declaration) committed previously and of any new offences during the term of the licence.

Where licence holders and managers deal with multiple properties, they may have previously submitted a F&PP/DBS check. If they are dated over 5 years, then a new declaration/DBS will be required.

The Council must be satisfied that there are satisfactory management arrangements in place.

This should include contact details including a contact for use out of normal working hours and the ability to respond to and resolve urgent problems or repairs.

The Council must be satisfied that the HMO is suitable for occupation by the number of occupants people specified in the application?

- The facilities and number of occupants on the application must be compared against the licensing standard to ensure there are sufficient facilities for the number of occupants.
- Room sizes must meet the minimum standards.
- Can the property be made suitable through licensing conditions?