

LICENSING OF HOUSES IN MULTIPLE OCCUPATION



1. Introduction

- 1.1 This report reviews the application of the mandatory scheme for the licensing of houses in multiple occupation (HMOs) in Plymouth. It sets out a new policy to replace the previous licensing policy (Licensing of Houses in Multiple Occupation (HMO); Licensing Policy) 2008. The new policy sets out the standards, procedures and fees for mandatory licensing.
- 1.2 HMO licensing was introduced in 2006. To date, approximately 730 licences have been issued.
- 1.3 The maximum duration of an HMO licence is five years. The first licenses will expire later this year; legislation requires the re-application for, and renewal of, these licences.
- 1.4 This report will examine mandatory licensing policy in general, and the requirements for re-licensing in particular.

2. Background

- 2.1 HMOs provide valuable accommodation for a range of people. These include students, young professional people and those on benefits. However, HMOs can present a number of problems to both the health and safety of the occupiers and the general neighbourhood. A balance needs to be struck to address these issues whilst encouraging the provision of sufficient accommodation. Owners need to be made aware of their obligations and encouraged in their compliance.
- 2.2 HMO licensing was introduced in April 2006 under the provisions of the Housing Act 2004. Its aim was to target those HMOs which were perceived to be of the highest risk.
- 2.3 Mandatory licensing only applies to a small part of the total HMO stock in Plymouth. Less than 15% of the HMOs in Plymouth require a licence.
- 2.4 The number of HMOs that still require licensing is unknown. The licensing scheme is complex; in some cases landlords may not realise that their property is in fact licensable. However, there may well be some landlords, and their managing agents, who are knowingly evading their responsibilities.
- 2.5 Accommodation can readily change between use as a single family dwelling and multiple occupation. Changes to Housing Benefit and the Local Housing Allowance will reduce many tenants' entitlements to that of the "Shared Room Rate"; this may result in the creation of more HMOs, some of which may be licensable.
- 2.6 Licensing can not be used to support planning enforcement issues. Nor can it be used to control situations where a property is being occupied contrary to the conditions of mortgage, lease or restrictive covenant.
- 2.7 Conditions of licence may be imposed; these can require improvement to the standards of the HMO and its management.
- 2.8 The maximum duration of an HMO licence is 5 years. The first licenses were issued in late 2006 and will expire later this year. There will be a surge of about 400 re-licensing applications in 2012/2013; systems will need to be put in place to properly manage this.
- 2.9 Licensing decisions are subject to appeal through the Residential Property Tribunal. Offences against licensing requirements may be subject to prosecution. The licensing policy must be sufficiently robust to withstand legal challenge and have the authority of the Council.
- 2.10 The licensing policy will help ensure that decisions are considered, fair, reasonable, consistent and transparent.

- 2.11 Legislation enables the reasonable costs of licensing to be recovered through a licence fee. The income generated must be ring-fenced to HMO licensing activity.

3. Strategic considerations

- 3.1 The current financial situation means that the Council is not able to financially support the business of private renting through subsidising the licence fee.
- 3.2 Many local housing authorities have raised their licensing fees. In some cases this is due to an initial underestimation of the complexity involved in administering the scheme. In other cases authorities may have decided that their previous policy of subsidising licensing is no longer sustainable.
- 3.3 It is recognised that the licence fee will be passed on to the tenants. Their position may be precarious, especially those housing benefit claimants who are most vulnerable. However, the average weekly cost of licensing (for each tenant) is minimal over the typical five year licence.
- 3.4 The legislative demands for re-licensing are currently the same as those for initial licensing. However, previous licensing involvement with the property/proposed licence holder should result in some reductions in the time required to administer these processes. Overall, this will result in a reduction of licensing costs (and average fees paid), even allowing for inflation.
- 3.5 Pressures placed on landlords, be they financial or bureaucratic, may result in some landlords withdrawing from the market or changing their market niche. This could have different effects on the various segments of the housing market.
- 3.6 Those landlords wishing to maintain good standards in the more problematical markets may be the most affected.
- 3.7 The Government has announced that it will review the regulations which specify the detailed requirements for licensing. It is unlikely that (any) changes will become operative before late 2011. In the mean time, the Council must comply with its duties to administer the licensing scheme under existing legislation.
- 3.8 Licensing policies should reward good practice and deter poor management and inadequate standards.
- 3.9 It is recognised that areas with a higher incidence of HMOs have problems with noise, antisocial behaviour, acquisitive crime and refuse. What is less clear is the extent to which the presence of HMOs exacerbate the underlying problems which may already have been present in such areas. Regardless of the causes of these problems, licensing can not be used to limit the presence of HMOs or significantly reduce the impact of many of the issues perceived to be associated with them.
- 3.10 This report reviews the licensing processes, procedures, standards and conditions; it reconsiders the policies and their effectiveness in addressing the requirements of current licensing legislation.
- 3.11 This report complies with (and has regard to) the Private Sector Housing Strategy/Housing Strategy and Private Sector Housing Enforcement Policy.

4. Consultation

- 4.1 The contents of this report, and the revised policy, were subject to consultation with landlords and other stakeholders. The consultation processes, and results, are set out in Appendix I of this report.

5. Recommendations

- 5.1 That this report is approved.
- 5.2 That the licensing policy, together with the, form of licence, fees and standards (as set out in Appendix 2 to this report) are adopted with effect from 1st August 2011.
- 5.3 That this policy will be reviewed in the light of changes to legislation or other circumstances.

APPENDIX I

Consultation

A consultation meeting was held on 15 June. Landlords, members of landlords' organisations and letting agencies were present.

Consultation Comments

1. The majority of comments concerned the level of the licence fee. There was a general wish to reduce the fee for proper compliance, especially in respect of re-licensing. It was noted that Southampton City Council were able to offer a substantially lower basic fee.
2. It was agreed that poor compliance with licensing law warranted a much higher fee level. It was felt that this should be used to reduce the costs to other applicants. However, it was considered that the difference between the higher and lower rates should be much greater. It was suggested that the higher rate should be twice as much as the lower rate.
3. There was a general agreement about the use of discounts to promote proper compliance and improved property management. However, there was some feeling that fees should be reduced where a managing agent was suitably accredited.
4. It was advised that Bristol City Council use a penalty point system (similar in concept to that used for a driving licence) to justify the revocation of an HMO licence.
5. The suggestion was put forward that the licensed HMO register, or extracts of it, should be published. This would help clients report those properties which were flouting legal requirements.

Consultation Response

In response to these comments:

1. The wish to reduce the financial burden of licensing is understood and supported. It is accepted that other local authorities will have fees which are both higher and lower than those proposed by Plymouth. However, a cursory examination of those urban councils with larger HMO stocks indicates that the Plymouth fee is very low.

The calculations underpinning the cost of licensing will be unique to each local authority. The licensing service provided, problems experienced and political subsidies may all have an impact on the overall cost levied on applicants. Many local authorities have adopted differing fee levels to provide a financial incentive to reward good practice (and deter poor management). Other Local Authorities may not have fully assessed all the costs associated with licensing, being content to set a fee:

- (a) which can support the deficit within their private rented team budget and
- (b) that will not be challenged by the landlord community.

For these reasons it is difficult to analyse another authority's charge and, having done so, there may be few transferable benefits gained from this exercise.

An examination of Southampton's scheme indicates that, for the number of licensable properties present, there is a low staff input. In addition, it would appear that not all the costs associated with licensing (and licensing enforcement) have been incorporated into the fee.

No change to policy in this respect.

2. In setting out a scheme of rewards/disincentives we have had to consider the relative numbers of clients who will be affected by them. The average, when taking account of all applications, must be sufficient to cover the anticipated cost.

The largest portion of applications will relate to re-licensing. All of these applicants will have already experienced the licensing process, and be aware of our requirements. The additional presence of a significant financial saving will further promote prompt compliance. Under these circumstances it is anticipated that 90% of applicants will qualify for the prompt application discount. The remaining 10% would be subject to a higher rate which could be used to reduce the fee level of the other 90%. For every £100 excess charged to defaulters, this could benefit co-operative applicants by £11. Applying the suggestion that the higher rate should be twice as much as the lower rate would result in re-licensing fees of £460 and £920 (excluding accreditation discount). The corresponding figures for initial applications would be £500 and £1000.

In setting our fees, we have tried to ensure that all the fee points can be justified. This would become increasingly more difficult as the higher band fees exceed both the average cost and anticipated cost of the work associated with a particular licence.

No change to policy in this respect.

3. We have considered the option of providing a discount to applicants with HMOs managed by accredited managing agents. It is recognised that agents can give expert knowledge and skills to improve operation of both the HMO and the licensing scheme.

The discount benefits the applicant, who will normally be the proposed licence holder. Therefore the Council can not directly reward accredited letting agents. It is possible that a landlord may make their choice of agent upon the basis that they will qualify for additional discount. By offering such a discount the Council would be seen to be promoting agents within these schemes. However, non accredited agents offering equal standards would not be so supported. In practice, it is likely that any benefits will be too small (£12 per year) to make any significant difference in agent selection.

The contracts between agent and licence holder may specify different levels of responsibility for each party. In some cases, the agent may have a more limited role to play (and less capacity to exercise their accreditation expertise).

We have noted that licence holders frequently change their managing agents during the licence period. This could further restrict the housing benefits that such a policy would have.

Ultimately, the responsibility for the conduct of a licensed HMO rests with the licence holder. In this role he should have the knowledge to be able to ensure that the property is being properly managed, whether with or without the benefit of an (accredited) managing agent.

No change to policy in this respect.

4. We were previously unaware of the penalty point system. In principle, this would appear to be a useful concept which is worth considering.

It is not possible to consider a penalty point system purely in the context of licensing. Licensing enforcement is subject to the Private Sector Housing Enforcement Policy; as such, any points system would have to be compatible with both policies (and possibly enforcement within non licensing situations).

Our present policies will be examined to see whether a penalty points system is compatible. If this is the case, we can then assess whether policies need to be amended.

No change to policy in this respect. However, this option will be further considered with the possibility of including it as an operational procedure.

5. Publishing a list of licensed HMOs on the Council's WebPages may be beneficial. A list of properties would help people check whether the HMO is in fact licensed, and need not include personal or technical details. This would help landlords (and others) provide information about unlicensed HMOs. This information is included within a public register and is, by definition, within the public domain.

Any published list of licensed HMOs would have to be linked to a statement that a copy of a page of the register, or full copy of the register, is available on request (subject to fee).

There is a potential problem of keeping the information on the website up to date. In practice, it may not be possible to update the list more frequently than (say) once a month. When a property ceases to be licensed, it is no longer subject to the legal requirement to include it within the public register. Information will become inaccurate and there may be issues about confidentiality (we would be releasing information which we would no longer have a duty to provide).

There is a legal issue about whether we can exercise sufficient control over the content of the webpage to comply with data protection requirements etc.

No change to policy in this respect. However, this option will be further considered with the possibility of including it as an operational procedure.

APPENDIX 2

Housing Act 2004 - Mandatory Scheme for the Licensing of Houses in Multiple Occupation

HMO Licensing Policy

I. Outline of Licensing Legislative Requirements and Powers

- 1.1 The Act required local housing authorities to licence houses in multiple occupation (HMOs) of a specific description, i.e. those:
 - of an occupancy of 5 persons or more and
 - with accommodation on three or more storeys and
 - that are not buildings that have been fully converted into self contained flats.
- 1.2 The licensing requirements are that:
 - those persons involved in the property are fit and proper (this includes matters relating to offences connected with drugs, violence, breaches of housing law etc),
 - there is sufficient funding and expertise to manage the property and
 - the property will be reasonably suitable for occupation. Minimum standards are set out in prescribed regulations.
- 1.3 The application form is not prescribed by legislation, although some of the contents currently are. The application must ask for specified information, and statute requires the insertion of specified text within it. On a practical level, the application form is a part of the process which provides the information to make licensing decisions. The legislation allows local housing authorities to prescribe both a form and a fee; this latter may be demanded at the time of application.
- 1.4 The licence holder must be the most appropriate person to fill this role. This will normally be a person who has control of the property. The conditions of the licence are only binding upon the licence holder unless some other person has agreed to be bound by them.
- 1.5 The licence must include certain mandatory conditions relating to the safety of furniture, electrical appliances, gas installations and fire precautions, and the need to provide written terms of occupation.
- 1.6 The licence may include conditions to make the house suitable for occupation by the number of persons stated. There is an alternative of reducing the occupancy of the house to a level whereby the housing conditions are suitable for that number.
- 1.7 The licence may also include other conditions which relate to the occupancy, management, use, condition and contents etc.
- 1.8 The application of discretionary conditions (paragraphs 1.6 and 1.7 above) is limited by the need to consider each property specifically, and the prohibition on applying any condition which may alter a condition of tenancy.
- 1.9 The licence must specify the number of people who can occupy the HMO.
- 1.10 HMOs must be reasonably safe for occupation within the terms of the Housing Health and Safety Rating System (Part I of the Housing Act 2004). Local housing authorities must take steps to verify this within the term of the licence. In practice this will require an inspection of the HMO.

- 1.11 The maximum period of the licence is 5 years, but the duration can be less.
- 1.12 The licence may need to be changed during its term. The licence holder may wish to alter the occupancy, or there may be matters identified at inspection which require the imposition of licensing conditions. A formal licence variation may be needed to address these issues. Any variation must be based upon standards no higher than those adopted at the time the original licence was approved (unless there has been a change to the legally prescribed standards).
- 1.13 Where a landlord wishes to remove a property from the licensing requirements (for instance by carrying out works of self containment) he may apply for a Temporary Exemption Notice (TEN). This exempts the property from licensing requirements for three months; a further TEN can be applied for in exceptional circumstances.
- 1.14 A licence application can be refused where the criteria for granting a licence are not met. A licence can also be revoked where it is subsequently found that the circumstances require this action.
- 1.15 There is a range of sanctions available to penalise licence holders, landlords and managers who fail to comply with licensing requirements. These include prosecution, Rent Repayment Orders, property management orders and restrictions on the use of Section 21 notices for lawful eviction.

2. Policy – Licensable HMO

- 2.1 Government guidance is that where an HMO is occupied by a resident landlord, the members of that household are counted as one nominal person. This guidance will be used to establish whether such an HMO is licensable.
- 2.2 Legislation states that the term “storey” relates to the number of floors within the HMO. This can be complex in the case of HMOs which have been converted into self contained flats, of which one flat is in a flat in multiple occupation. In this case, it can be argued whether the word storey refers to the whole building or just the flat. Guidance given by the Government indicated that it relates to the flat; this policy will consider the number of storeys within the flat rather than the building containing the flat.
- 2.3 The regulations use the word “mezzanine”, stating that such are to be considered to be separate storeys. This raises complications in Plymouth, where rear addition floors are frequently described as being mezzanines. This particularly occurs in older properties where the rear addition floors are built at a different level to those at the front of the building. For the purposes of licensing, an HMO with two storeys at the front and two at the rear will be considered a two storey property regardless of any mismatch in heights to the front and the rear parts of the property. This accords with the advice given by Local Government Regulation.
- 2.4 The regulations also have specific requirements for those buildings which have commercial and residential use. In such cases, any commercial storey is added to the count of the residential storeys within the HMO part of the building. However, Government guidance states that this rule does not apply to commercial parts below ground level. This policy follows Government guidance.
- 2.5 The regulations state that in some cases attics and basements will be counted as storeys. This is interpreted to mean that the following attics and basements will be included:
 - Those which have rooms or services available for the use of the occupiers (or which should be available for their use)

- Areas that have been constructed or adapted for residential use and have not been permanently secured. Permanent securing would involve, for example, the partitioning off of the area (although permitting an access panel for maintenance which must be screwed shut).
- 2.6 Legislation states that a self contained flat is a “separate set of premises” which contains its own toilet, personal washing and cooking facilities. The use of the expression “separate set” is to be taken as meaning premises which have all rooms accessible through a single front flat entrance door, such that the occupier does not have to cross the common parts to gain access to any other part of his accommodation. This is in accordance with Local Government Regulation guidance.

3. Policy – Fit and Proper Persons

- 3.1 The Council is required to assess whether persons associated with the management of the property are fit and proper for this function. The application form must include a list of questions relating to specified offences and acts. The list of offences and failures is not exhaustive; other matters may be considered if they are relevant to the management of the HMO.
- 3.2 It is not necessary to have proved to a court or tribunal that an offence or failure has been committed. Where there is evidence of an alleged relevant breach or failure this should be considered.
- 3.3 The circumstances of the offence or failure will be examined in the light of how this may affect the future conduct of the HMO. An offence or failure may not prevent the granting of the licence. Any decision to accept a person as being fit and proper will be based upon:
- The severity of the breach
 - The number of breaches
 - The time which has elapsed since the last breach, and subsequent conduct since
 - The relevance of the breach to the proper operation of the HMO
 - The evidence that the applicant has accepted the need to conduct his business in accordance with the appropriate standards (including whether there has been satisfactory arrangements for the repayment of any debts associated with the failure to meet statutory responsibilities)
 - The training received since the breach occurred
- 3.4 Fit and proper status will normally be determined by self certification, together with information from within the Council. Where there are other properties outside Plymouth, enquiries may be made of the relevant local housing authority. In some cases it may be appropriate to ask for a criminal records check.
- 3.5 In the context of fit and proper status, “person” includes a corporate body (for example, a limited company). This accords with advice given by Local Government Regulation.

4. Policy – Management Arrangements

- 4.1 Appropriate management arrangements, including financial arrangements, must be present.
- 4.2 The manager is frequently the same as the licence holder. However, where there is a separate manager they must be employed by, or appointed as an agent¹, by the person having control² of the HMO.

¹ This is a specific requirement of Section 64(3) the Housing Act 2004 and ensures that where a landlord appoints another person to be licence holder, that other person must directly manage the property.

- 4.3 In all cases a manager must be available to act proactively (inspect the property to identify problems) and reactively (to respond to problems as they arise). The manager would normally be expected to reside/work sufficiently close to the HMO to carry out these functions. However the key issue is that the manager is capable of properly managing the property and decisions about this will be informed by the inspection of the property and its management history.
- 4.4 The manager must have appropriate arrangements to deal with an emergency at any time.
- 4.5 There must be access to a pool of competent tradesmen capable of dealing with all aspects of HMO maintenance.
- 4.6 There must be sufficient finance available to deal with any emergency situation. Finance should also be available to support any works necessary to protect the health and safety of the occupiers, visitors and neighbours and/or otherwise meet any statutory requirements.
- 4.7 Occupiers should be provided with the information necessary for them to:
- take appropriate steps in the event of a fire
 - operate the fire alarm system
 - use the heating and hot water system and appliances
 - notify the licence holder of any problems that may arise and
 - properly store and arrange for the collection of refuse
- 4.8 There should be systems in place to identify and address anti social behaviour, on the part of the occupiers or their visitors, arising from the property.

5. Policy – Licence Holder

- 5.1 The licence holder must be the most appropriate person to fill this role. This will normally be the person having control of the HMO (usually the owner).
- 5.2 The licence holder will have the powers and financial resources to:
- manage tenancies and
 - authorise repairs and improvements as necessary to comply with statutory obligations and Part I of the Housing Act 2004
- either directly or through an agent.
- 5.3 The fact that a person lives abroad may not bar them from being a licence holder. Consideration will be given to management arrangements of the property, and the level of confidence that such standards will be maintained with, or without, the imposition of licence conditions on the proposed licence holder or some other person.

6. Policy – Property Standards

- 6.1 The HMO must be suitable for the accommodation of the number of persons who will occupy it. Where an HMO is unsuitable, it is usually possible to improve it by the imposition of licensing conditions specifying appropriate works. Where it is not possible to improve the HMO, the occupancy should be restricted to a level that would be satisfactory with the existing amenities and room sizes etc.

² The “Person Having Control” is a complex expression defined in Section 263 the Housing Act 2004. However, in most cases it will simply be the landlord.

6.2 Minimum property standards are set in the regulations. However, the local housing authority may adopt standards higher than the prescribed standards. Annex A set out standards which apply to bedsit/shared housing. These standards incorporate minimum room sizes and expand on the requirements of the prescribed regulations.

7. Policy – Licence Conditions

7.1 All HMO licenses must include specific conditions (see paragraph 1.5). In addition, the licence may also include other conditions which relate to the occupancy, management, use, condition and contents etc.

7.2 There is an overlap between the standards set out in Annexes A (which can be demanded through imposition of licence conditions) and those addressing the broader health and safety issues (which are imposed under HHSRS³). This particularly applies to issues of heating and fire safety. The Act applies the presumption that, in general, matters relating to HHSRS will be dealt with under Part I of the Act rather than Part II (licensing). This policy applies this presumption, although decisions as to which power to use will be taken on a case by case basis. Frequently simple point defects will be addressed through licensing conditions, and more complex matters dealt with under HHSRS.

7.3 Licence conditions are imposed upon the licence holder. However, it may be appropriate to impose some conditions upon another person with their consent (see paragraph 5.2)

7.4 The conditions applied by the previous licensing reports were extensive; the licensing document would provide an all embracing guide to duties involved in managing HMOs. Anecdotal evidence suggests that the licence document was too long; the complexity of the document may have impeded the understanding of the key requirements. The new licence (Annex B) will concentrate on critical issues and those which are not easily addressed in other legislative frameworks. Clients will be signposted to information about their other duties and good practice.

7.5 Discretionary licence conditions may not be applied automatically. The approval process will give specific consideration to the application of each condition in accordance with the individual circumstances of the property to be licensed.

7.6 The following discretionary conditions relate to matters which will apply to most HMOs:

- Requirements to notify the Council of any change of manager of the property, and, in respect of the new manager, to provide details to verify their fit and proper status and competence to manage. This is to ensure that, should the management arrangements of the property change, the Council can assess whether the new management fulfils the requirements for licensing. Previous experience indicates that the manager will often change within the licence period.
- Requirements for the licence holder to notify the Council of a change of their address, telephone number and email address. This is to ensure that the Council can properly communicate with the licence holder (and manager) and apply the conditions of licence. Previous experience indicates that many owners change their address or other contact details within the licence period.
- Requirements to take reasonable steps to minimise anti social behaviour. Over the period the licence occupancy will change; there is the risk that one or more future occupiers may give rise to a problem with antisocial behaviour.

³ HHSRS, or the Housing Health and Safety Rating System, is the method of assessment of risks to health and safety in housing. HHSRS identifies higher risk hazards, thus ensuring that these can be targeted for appropriate action. HHSRS, and the enforcement associated with it, was introduced by Part I of the Housing Act 2004.

8. Policy – Duration of licence

- 8.1 The duration of all licence will normally be 5 years (subject to paragraphs 8.2 to 8.5 below).
- 8.2 In some cases there may be less certainty about the adequacy of the management arrangements, fit and proper status of the licence holder or his domiciliary arrangements. In these situations the licence may be approved for a lesser period. The appropriate licence fee remains payable as a part of the licence. Subject to satisfactory performance, a further licence will be issued; the duration of the first and second licences will not exceed five years, and no further fee will be required for the second licence.
- 8.3 Where there has been an excessive delay in submitting a full initial licence application, or a full re-licensing application, the period of the licence will be reduced. This policy provision will act:
- As an incentive to promote prompt compliance with licensing requirements.
 - To effectively increase the fee paid which will reflect the additional costs incurred in pursuing the application.
- 8.4 In respect of initial licensing, the reduction in the period of the licence will be such that effectively the licence is backdated to the date when the HMO first required a licence. However, provided that the full application is submitted within one calendar month of that date, no such deduction will be made.
- 8.5 In respect of a subsequent licence, the reduction in the period of the licence will be such that effectively the licence is backdated to the time at which the full application should have been received. The licence holder will have been previously notified of the requirements to re-licence; accordingly a “period of grace” is inappropriate.
- 8.6 In exceptional circumstances the Team Leader Private Rent or Senior Renewals Officer may approve a licence of 5 years where the circumstances would normally fall within paragraphs 8.2 to 8.5 above.

9. Policy: Fees

- 9.1 The licence fees and discounts are set out in Annex C1 to C3.
- 9.2 The licensing fee reflects all the costs associated with licensing (other than those that can be recovered from other sources). Chargeable activities include processing applications, variations, revocations, temporary exemption applications, annual certification, identifying non licensed HMOs, inspection and enforcement actions.
- 9.3 The fee charged for re-licensing is lower, representing the anticipated lower resource implications required for a second application.
- 9.4 The licence fee toolkit released through the Government organisation Local Government Regulation has been adapted to generate average licence fees for initial licensing and re-licensing. A standard fee is charged to those who delay in complying with their licensing obligations, and a discounted fee applies to those who apply promptly. Prompt applicants are likely to manage their HMOs to a higher standard, resulting in a lesser demand on the Council’s licensing resources. The reverse is likely to apply to tardy applicants.
- 9.5 A discount will also be offered where the licence holder demonstrates higher levels of management expertise through:
- Having past the Landlord Proficiency Test (an on-line test operated by the West of England Private Housing Partnership) or

- Being accredited through National Landlords Association or
- Being accredited within the National Landlord Accreditation Scheme or
- Having their name appearing on the register of any other scheme which incorporates a test of proficiency, a code of conduct and a disciplinary code of practice (as may be approved by the Assistant Director for Development and Regeneration for this purpose).

This discount is subject to paragraph 9.6 below.

- 9.6 It is expected that this expertise will be manifested in the management of the HMO, resulting in lesser demands being placed upon the Council's licensing resources. Accordingly this discount will only apply where a prompt application is submitted.
- 9.7 The licence fee will be demanded at the time of the licence application and the application will not be considered complete until the appropriate licence fee is paid. The licence fee will be assessed as of the time that the application becomes complete. This means that a delay in providing a certificate or other information may result in a supplementary fee being charged, even though the applicant may have previously made a fee payment.
- 9.8 It is not considered appropriate to refund any part of the fee when a licence is revoked (for example, following sale of the property). The return of the fee would increase the overall cost of licensing. In addition, the majority of the licensing costs are incurred prior to the grant of the licence, thus making any return of minimal value.
- 9.9 It is not considered appropriate to refund any part of the fee where a licence is to be refused. The costs associated with refusing a licence are likely to be significantly greater than the fee paid.
- 9.10 The Team Leader Private Rent or Senior Renewals Officer may reduce or waive the fee payable in exceptional circumstances.

10. Policy: Applications

- 10.1 Application for an HMO licence must be made on the Plymouth City Council application form (appropriate at the date of application) or the online form available at www.businesslink.gov.uk. This latter form has been devised by the Government in compliance with EU services directive which requires online access to licensing.
- 10.2 The application will not be considered complete unless:
- The correct application form has been properly and fully completed
 - All appropriate certificates and attachments have been submitted (as specified within the form and guidance)
 - The correct fee has been paid (as calculated at the date the completed application is received)

11. Policy – Licence variations and changes to licence holder

- 11.1 The need to vary the licence may arise following an inspection of the property or a request from the licence holder.
- 11.2 Variations will be considered in accordance with standards no higher than those used to assess the HMO at the time that the licence was issued (this is subject to any changes in the regulations setting out the prescribed standards).
- 11.3 As the licence is unique to both the property address and the licence holder, it is not possible to vary a licence to permit the change of licence holder. This situation can arise on

sale of a property, or on repossession. In such cases a new licence must be applied for and the current licence revoked. Such a revocation would generally be considered to be voluntary and not an enforcement issue within paragraph 13.4.

12. Policy –Temporary Exemption Notices and death of licence holder

- 12.1 Landlords can apply for Temporary Exemption Notices (TENs) when they propose to take steps to remove an HMO from the remit of licensing. The TEN allows the HMO to operate legally for three months whilst the appropriate changes are taking place.
- 12.2 In deciding whether to issue a Temporary Exemption Notice, we will have regard to whether the proposals will remove the HMO from the remit of licensing, whether these proposals are practical and likely to be completed within the three month period of the TEN.
- 12.3 A second TEN will only be issued in exceptional circumstances.
- 12.4 In the event of the death of the licence holder the Council is required to treat the HMO as if a TEN had been granted at the time of that death. This gives the personal representative three months in which to take control of the HMO. The representative may ask for this period to be extended by a further three months, and any such application will be considered on its merits.

13. Policy –Enforcement Issues

- 13.1 The failures to apply for a licence or comply with the conditions of licence are offences. The Private Sector Housing Enforcement Policy will be used to determine how breaches of licensing requirements are to be addressed.
- 13.2 Other enforcement options are available where there has been a failure to apply for a licence. The Council can apply for a Rent Repayment Order to recover housing benefit payments. Generally RROs will be applied for as it is not appropriate for anyone to benefit from a criminal offence.
- 13.3 In some situations, tenants may also apply for an RRO in respect of non housing benefit payments. We will advise tenants of this right in appropriate cases.
- 13.4 A licence application may be refused, or a previously issued licence revoked. In both cases this will be a last resort following the failure to secure the required changes/improvements by agreement. Such enforcement decisions are made in consultation with the portfolio holder.
- 13.5 Statutory provisions apply where the Council is unable to grant an HMO licence, either because no application has been made, or the circumstances of application require its refusal. Legislation requires that the Council take over the management of the HMO through an Interim Management Order. This is an action of last resort; all reasonable steps will be taken to enable a licence to be granted prior to any decision to make an IMO.
- 13.6 There are restrictions on the use of Section 21 notice of eviction where licensing requirements have not been met. Section 21 notices may only be used for licensable HMOs where:
 - A full licence application has been made but not decided or
 - An application for a TEN has been made but not decided or
 - An HMO licence has been approved and is current or
 - A TEN has been approved and is current.

The Licensing Team and Housing Advice Team will work together to ensure that occupiers are properly advised and information on unlicensed HMOs is acted upon.

14. Policy – Process

- 14.1 The report Delegated Authorities for Officers with Statutory Duties specifies the officers authorised to take decisions in connection with this policy.
- 14.2 Although the need for HMOs to be licensed is widely known, information will continue to be made available on the Council's web pages, through landlord's associations and other sources.
- 14.3 The need to take action after the expiry of the licence may not be so well appreciated. Licence holders will be individually informed that their licences is about to expire; the letter will also advise of the steps which need to be taken to renew the licence.
- 14.4 The licence fees reward good practice, in particular landlord accreditation. Details of these schemes will be published on the Council's web pages.

Annexes

- Annex A Property Standards (Bedsitting, Shared Housing)
- Annex B Form of Licence
- Annex C1 Licensing Fees; Initial Licence Application
- Annex C2 Licensing Fees; Application to Re-licence
- Annex C3 Fees for Accessing HMO Register

ANNEX A: PROPERTY STANDARDS (BEDSITTING, SHARED HOUSING)

Part One - Amenity standards

Room sizes

Bedrooms

Number of people	Shared Lounge	Shared Kitchen	Room Size (m²)
One	Yes	Yes	6.5
One	No	Yes	10
One	No	No	13
Two	Yes	Yes	10
Two	No	Yes	14
Two	No	No	20.5

A single room should not be occupied by more than one household.

It is not normally acceptable for a bedroom to be occupied by more than two people in one household. Please consult the Private Rented Team for advice in this situation. An assessment using the Housing Health and Safety Rating System (HHSRS) will be carried out to determine the risk from 'Crowding and Space'. Where this is unacceptable improvement will be required. See Part two.

Shared Lounges

Shared lounges must be of sufficient size and have sufficient soft furnishings, to allow at least two thirds of occupiers to sit together and socialise. Occupiers should be able to use this room to relax without interference from other activities. This may arise if the lounge or 'communal area' is adjacent to the kitchen. Dining, sitting areas adjacent to kitchens are acceptable as provision of 'shared lounge' providing both areas are large enough to comfortably allow the use of both areas at the same time.

Measurement of Rooms

Room sizes are calculated by taking wall to wall measurements directly above the height of the skirting board. In general, where the layout of the room prevents some parts of it being properly used, these areas will be excluded from the assessment of size. This includes areas which can only be used for access (e.g. some "L" shaped rooms with a narrow area in front of a doorway) are excluded. Also excluded are all parts of rooms located below sloping ceilings etc where the maximum ceiling height is less than 1.5m. The minimum standards apply to each room and the equivalent amount of space cannot be made up by using two smaller rooms.

Provision of bathrooms and WCs

Each separate occupancy should be provided with its own bath or shower and WC. Where this is not practicable, for all sharing occupants there must be readily accessible bathrooms or shower rooms and WCs in the following ratios.

Number of people ^{1,4}	Minimum Bathroom and toilet requirements ³
One to four	One bathroom, one WC can be combined ²
Five	One bathroom and one separate WC ²
Six to eight	Two bathrooms and two WC's (separate WC not required) ²
Nine to 10	Two bathrooms and two WC's (one WC must be separate) ²
11 to 12	Three bathrooms and three WC's (separate WC not required) ²
13 to 15	Three bathrooms and three WC's (one WC must be separate) ²

¹This refers to the number of people using shared facilities.

²All compartments/rooms containing a WC must contain a wash hand basin.

³External water closets cannot be included for this purpose. Baths or showers cannot be provided in kitchens

⁴Numbers over 16 will be considered in accordance with the above principles.

Every sharing occupant must have access to such a shared bathroom and toilet within one floor's distance of his or her letting.

- All baths, showers and WCs must be located in a proper room of adequate size and layout and the room and fittings must be fit for their purpose. The room must also be fitted with a privacy lock.
- In bath/shower rooms there must be sufficient room for washing/bathing, drying, dressing and the placing of dry clothing.
- The hot water supply must be of sufficient capacity, temperature and flow for any wash hand basin, bath or shower and be available at all times. In the case of showers the water temperature must be thermostatically controlled. In the case of wash hand basins the cold water supply must be potable (drinking water quality). All fittings must be permanently plumbed into the hot/cold water system and properly connected to mains drainage.
- An effective means of natural/artificial ventilation must be provided. Any water closet sited so as to open directly and immediately on to a space intended for the storage or preparation of food shall be provided with mechanical ventilation.
- Flooring must be water resistant, readily cleansable and suitably sealed to adjoining surfaces. When choosing floor coverings consideration must also be given to the possibility of slips and falls. On inspection an assessment using HHSRS will be carried out to determine the risk of slips and falls, where this is unacceptable improvement will be required.

Where a bath is provided:

- A 300 mm splashback shall be provided to each wall adjacent to the bath.

Where a shower is provided:

- A suitable waterproof covering is to be fitted to the walls to ceiling height or at least 2.1 metres above the base of the shower, whichever is the lesser.
- A suitable shower curtain or screen must be provided.

Wash hand basins

- A 300 mm splashback must be provided immediately above each wash hand basin.

In some circumstances wash hand basins may be required within sleeping rooms. This may be to compensate for a lack of a wash hand basin in a WC compartment or bathroom (due to restricted space) or because there is an excessive distance of travel to the nearest wash hand basin for example.

Also note below metering requirements for supply of gas/electricity to shared facilities.

See also 'Personal Hygiene, Sanitation and Drainage' in Part Two.

Facilities for storage, preparation and cooking of food and for the disposal of waste water

Satisfactory and safe kitchen facilities must be provided for the preparation of food and hot drinks.

Kitchens must be provided as close to living accommodation as possible, to a maximum of 1 floor distance, unless there is a dining area within the kitchen or on the same floor as the kitchen and there is sufficient dry and refrigerated storage space within the kitchen.

Preferably each household shall have for its own exclusive use a proper kitchen. Where this is not possible a shared kitchen may be provided.

Shared Kitchens

Shared kitchens shall be provided on a scale of one set of facilities for a maximum of **five** persons. Provision of microwave ovens and dish washing machines in addition to the standard set of facilities may allow variation to the specified standard if a second set of facilities is required within a kitchen.

The layout of the shared kitchen facilities provided must permit the safe preparation of food and hot drinks. The size, layout and location of these facilities must be satisfactory and safe for the numbers of occupiers using them. Although no minimum size has been set you should aim to provide around 3m² for each person using the kitchen. The amount of space needed will depend on the layout of the facilities, shape of the room etc and whether or not there are associated dining facilities.

On inspection kitchens will be assessed using HHSRS to determine if there are risks of burns and scalds, collision, falls, fire or poor ergonomics with regard to size and layout. Where risks are considered to be unacceptably high improvements will be required.

Each shared kitchen shall be provided with a lidded refuse storage container sufficient for the numbers of people using the facilities in addition to the standard set of facilities below.

Also note below metering requirements for supply of gas/electricity to shared facilities.

A set of kitchen facilities is to include:

- A suitable number of electric sockets located in a safe place above each worktop. A minimum of 2 sockets are to be provided for the use of work top appliances (in addition to any that may be needed for microwave cookers, refrigerators and other large kitchen appliances).

Food storage and cupboards

- A refrigerator with a freezer compartment. In a shared kitchen this may be provided in the individual accommodation, where on the same floor as the kitchen.
- A dry food store of a minimum size of 0.1m³ (e.g. a 500mm wall cupboard) for each person using the kitchen.
- A cupboard for the storage of cooking utensils, crockery and cutlery etc, of a minimum size of 0.15 m³ (e.g. a 500mm base unit).
- In shared kitchens cupboards should be lockable or may be provided in the individual accommodation, where on the same floor as the kitchen. Locks on cupboard doors may be required if problems arise (ie theft of food).

The space in a base unit below the sink is not suitable for food storage.

Preparation of food

- Fixed cleansable worktop(s) must be provided with a minimum depth of 500 mm. In separate kitchens these must be a minimum total area of 0.5m² or 1 metre run. In shared kitchens these must be a minimum total area of 1.0m² or 2 metre run.
- Any area of worktop on which items such as microwaves are permanently sited is excluded from the measurement of 'free' worktop.
- Each cooking appliance must have an unobstructed area of worktop not less than 500mm by 500 mm adjacent to it to allow the safe removal of hot foods from the cooker.

Cooking of food

As a minimum the following must be provided:

- Single person use - two rings or hot plates together with either a grill or oven
- Multiple Users - a cooker with three or four rings or hot plates together with grill and oven.

Sink and Disposal of Waste Water

- A sink (with drainer) with its own permanently connected supplies of hot and cold (drinking) water and suitably connected to mains drainage and with a splashback of at least 300 mm to be provided.
- Hot water is to be provided from an instantaneous gas water heater, hot water cylinder (hot water from a gas boiler or immersion heater), or 5 litre point of use electric storage water heater. Hot water must be available at all times.

Flooring

Flooring must be water resistant, readily cleansable and suitably sealed to adjoining surfaces. When choosing floor coverings consideration must also be given to the possibility of slips and falls.

Ventilation

Adequate ventilation must be provided including artificial ventilation where necessary.

Single Household Use Kitchens

In some cases the landlord is not contractually bound to provide kitchen facilities. In such situations there is no obligation (under the licensing legislation) for the owner to provide cooking or refrigeration appliances. Provision of these facilities is covered by the HHSRS. In this type of property it would usually be considered to be both normal and appropriate for the landlord to provide the facilities.

Space heating

Adequate space heating must be provided to all units of accommodation, including common areas (ie shared kitchens, lounges, bathrooms, halls and stairs). See 'Excess Cold' in Part Two for details of the standard that will be required.

Fire safety

Appropriate fire precautions must be provided in the property. See 'Fire' in Part Two for details of the standards that will be required.

Electricity, gas and water supplies

The supplies of electricity, gas (where provided) and water to each letting shall be sufficient to carry out normal domestic activities.

Sufficient electrical sockets must be provided to units of accommodation and kitchens to avoid the excessive use of extension leads and multi point adaptors. This includes provision in common areas to allow the use of vacuum cleaners etc.

All gas and electrical installations must be safe for use.

Where landlord's sub meters are provided, the charge for the power used shall be within the limits set by the maximum retail price of electricity and gas.

It is recommended that prepayment sub meters are operated by a key or card which is rechargeable by the tenant at his/her convenience. Tokens or cards provided by the landlord may lead to disconnection if the tenant cannot contact the landlord to obtain further credit. This may amount to a breach of the Management Regulations (see Part Three) and leave the tenant without heat, light or cooking facilities.

Where lighting, heating, ventilation, kitchen, hot water, electrical sockets or alarm systems are provided for the shared use of all, or several, households, then:

- These services must be available at all times, and sufficient for the needs of the users in the function being carried out and

- The electricity and gas (where provided) must be provided from quarterly meters. Normally these will be landlords' meters. However, in the case of some, smaller, shared housing, metering may be the collective responsibility of all the occupiers.

Also see 'Carbon Monoxide etc', 'Uncombusted Fuel Gas', 'Water Supply', 'Electrical Hazards' in Part Two.

Refuse, storage and disposal

Refuse storage facilities must be provided sufficient for the needs of the number of

- people occupying the house and of a type acceptable to the Local Authority (and in
- accordance with its recycling requirements).

All containers should be located on hard standing with suitable access for cleansing of the area and removal of containers.

Also see 'Domestic Hygiene, Pests and Refuse' in Part Two.

Part Two – Housing Health and Safety Rating System (HHSRS)

There are no 'set' standards in this section. The following are all 'hazards' that need to be assessed in each property. Improvement will be required where the hazards are found to give rise to unacceptable risks. Some hazards occur frequently and others vary rarely. Those that occur most regularly are indicated with an asterisk.

Damp and Mould*

The property needs to be reasonably free from damp and mould that would be prejudicial to health. This includes the presence of black spot mould resulting from condensation. Typically this requires that there is adequate heating, ventilation and insulation and that these provisions and the property as a whole are maintained in good order.

Excess cold*

Each unit of accommodation, including associated bathrooms and other common areas must be provided with an adequate fixed heating system. This needs to be sufficient to maintain the temperature of the main room at 19°C when the external temperature is -1°C.

The outputs of the system need to reflect the thermal characteristics of the accommodation which include the heat losses through walls (including walls to the stairwell) etc, draughts and the volume of the room.

On inspection an HHSRS assessment will be carried out to determine the risk from excess cold and where this is unacceptable, improvement will be required. The assessment will include consideration of heating provision, its control, and the thermal characteristics of the property.

A properly designed gas central heating system, throughout the property, which is controllable by the individual occupiers, combined with adequate insulation, would meet this requirement. Systems of equivalent efficiency (when combined with insulation measures and including consideration of costs to run) will be acceptable.

Also note metering requirements in Part One for supply of gas/electricity to shared facilities.

Excess Heat

Provision must be made to allow heat to disperse from the property and prevent excessive heat gain for example in loft conversions.

Asbestos

Any asbestos in the property must be adequately protected against damage and dispersal of fibres into the air. Particular care must be taken when contractors are on site and their work may disturb asbestos. Note also the requirements of the **Control of Asbestos Regulations 2006** which apply to the common areas of HMOs.

Biocides

This covers threats to health from those chemicals used to treat timber and mould growth in dwellings.

Carbon Monoxide and fuel combustion products

This category includes hazards resulting from the presence of excess levels in the atmosphere of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke. These are products associated with the combustion or incomplete combustion of gas, oil and solid fuel for heating and cooking. Problems can arise with poor installation and inadequate servicing/maintenance.

Lead

This covers threats to health from the ingestion of lead – mainly relates to small children unless there is still lead piping in the water supply.

Radiation

This covers the threats to health from radon gas and its daughters, primarily airborne, but also radon dissolved in water. Plymouth is a Radon Affected Area and there may be problems in some lower ground floor/ground floor rooms.

Uncombusted Fuel Gas

This category covers the threat of asphyxiation resulting from the escape of fuel gas into the atmosphere within a dwelling.

Volatile Organic Compounds

These are a diverse group of organic chemicals which includes formaldehyde, that are gaseous at room temperature, and are found in a wide variety of materials in the home. This is more likely to be a problem when materials have been used without due regard to safety or where there is inadequate ventilation.

Crowding and Space

There must be adequate space for normal household activities to be undertaken safely. This relates to room sizes and numbers of people occupying the property.

Entry by Intruders*

The property must have a reasonable level of security. A higher level may be required in some areas than others depending on the crime statistics for that area. Areas with high numbers of HMOs typically have a higher incidence of crime.

Lighting

Adequate artificial lighting shall be provided in all areas sufficient for (a) the safe use of the accommodation (including external and common areas) (b) the maintenance of its cleanliness and (c) the carrying out of normal domestic activities. Adequate natural lighting and outlook should also be available. This can be a problem in lower ground floor rooms.

Also note metering requirements for supply of gas/electricity to shared facilities in Part One.

Noise

This covers threats to physical and mental health resulting from exposure to noise inside the dwelling or within its curtilage.

Domestic Hygiene, Pests and Refuse*

This covers hazards which can result from:

- Poor design, layout and construction such that the dwelling cannot be readily kept clean and hygienic
- Access into, and harbourage within, the dwelling for pests; and
- Inadequate and unhygienic provision for storing and disposal of household waste.

Food Safety

This covers threats of infection resulting from inadequacies in provision and facilities for the storage, preparation and cooking of food.

Personal Hygiene, Sanitation and Drainage*

This covers threats of infection and threats to mental health associated with personal hygiene, including personal washing and clothes washing facilities, sanitation and drainage.

Water Supply

This category covers the quality and adequacy of the supply of water within the dwelling for drinking and for domestic purposes such as cooking, washing, cleaning and sanitation. It includes threats to health from contamination by bacteria, protozoa, parasites, viruses and chemical pollutants.

Falls*

- Associated with baths, showers or similar
- On level surfaces – where any change in level is less than 300 mm
- On stairs/steps/ramps etc – where any change in level is more than 300 mm
- Between levels – where the change is more than 300 mm – this refers to falls from windows, balconies, landings, roofs etc.

Typical problems include lack of handrails, uneven steps, steps different in height, unguarded landings/roofs, low window sills, windows without restrictors.

Electrical Hazards*

This category covers hazards from shock and burns resulting from exposure to electricity, including from lightning strikes (protection would be required in buildings with significant risk of lightning strike only).

Fire*

Appropriate fire precautions must be provided in the property. The minimum requirements for the granting of an HMO licence are:

- A 10 year sealed battery operated smoke alarm fixed to the ceiling of each hall and landing.
- A fire blanket in a proper container in any shared kitchens. The container shall be securely fixed to the wall in a prominent and readily accessible position, sited so as to prevent a user from being trapped in the event of the fire becoming out of control.
- A fire door to each shared kitchen. The fire door is to be fitted in accordance with LACORS Fire Safety Guidance.

On inspection an HHSRS assessment will be carried out to determine the risk from fire and where this is unacceptable improvement will be required. It is unlikely that the minimum requirements quoted above will be sufficient. The assessment will take account of what fire precautions are provided, the layout and size of the property and whether there are any factors which increase the likelihood of fire.

The Council has adopted the standard of fire safety described in the document “Housing - Fire Safety” published by LACORS (July 2008). A copy of this can be downloaded from the LACORS website www.lacors.gov.uk or from the private housing fire safety pages of the Council website www.plymouth.gov.uk.

Also note metering requirements for supply of gas/electricity to shared facilities in Part One and the requirements of the Fire Safety Order in Part Four.

Flames and hot surfaces*

This category covers threats of:

- Burns – injuries caused by contact with a hot flame or fire, and contact with hot objects or hot non water based liquids and
- Scalds – injuries caused by contact with hot liquids and vapours.
- Includes burns caused by clothing catching fire from a controlled fire or flame eg by reaching across a gas flame.
-

Typical problems are associated with poorly designed kitchen layouts.

Collision and entrapment

This category includes risks of physical injury from:

- Trapping body parts in architectural features, such as trapping limbs or fingers in doors or windows; and
- Striking (colliding with) objects such as architectural glazing, windows, doors, low ceilings and walls.

Explosions

This category covers the threat from the blast of an explosion, from debris generated by the blast, and from the partial or total collapse of a building as the result of an explosion.

Position and operability of amenities etc

This category covers threats of physical strain associated with functional space and other features at dwellings. An example would be having to stand on a chair to open a window or operate a switch.

Structural collapse and falling elements

This category covers the threat of whole dwelling collapse, or of an element or a part of the fabric being displaced or falling because of inadequate fixing, disrepair or as a result of adverse weather conditions. Structural failure may occur internally or externally within the curtilage threatening occupants, or externally outside the curtilage putting at risk members of the public.

ANNEX B: FORM OF LICENCE

Property Licence

Under **Housing Act 2004 Section 64** Plymouth City Council has given a licence to the House in Multiple Occupation (HMO) known as:

I Any Road Plymouth PLI 2AA

This licence permits the occupation of this House in Multiple Occupation by a maximum of **7** persons in **5** households in the following lettings:

Room	No of Persons	No of Households
Second floor front bedroom	Two	One
First floor front left bedroom	One	One
First floor rear bedroom	One	One
Ground floor front bedroom	Two	One
Ground floor rear bedroom	One	One

(Left and right are taken from viewing the property from the front)

The licence will last for **5 years**, and expires on **1st August 2016**, subject to review by the Council following inspection.

The licence holder for this HMO is: **Mr A Name**

Please note this licence is not transferable to a new owner. The licence holder named above remains responsible under the terms of this licence until such time as the licence expires or is revoked by the local authority.

The above is considered to be fit and proper to perform their duties under Part II of the Housing Act 2004.

The Conditions of the licence, numbered 1 to 9, are attached.

Signed _____ Dated 2 August 2011

A N Officer

Renewals Officer

Should any person wish to make enquiries concerning this licence they should contact A N Officer, telephone no 307083, or write to Private Rented Team, Housing Services, Directorate of Development and Regeneration, Civic Centre, Plymouth, PLI 2AA, or Email anofficer@plymouth.gov.uk.

Note: This is a house in multiple occupation that is required to be licensed under the provisions of Part II of the Housing act 2004. The granting of this licence does not imply that the use and condition of the property is lawful under other legislation (including planning law). It is a requirement that the house is managed in accordance with the attached conditions; failure to do so is an offence, which may result in prosecution and/or the withdrawal of the licence.

The conditions of the licence for **I Any Road Plymouth PLI 2AA** are as follows:

Standard Conditions

1. The licence holder shall produce to the Council annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months (if gas is supplied at the house).
2. The licence holder shall (1) keep all electrical appliances made available by him within the house in a safe condition and (2) supply to the Council, on demand, a declaration as to the safety of such appliances.
3. The licence holder shall (1) keep all furniture made available by him within the house in a safe condition and (2) supply to the Council, on demand, a declaration as to the safety of such furniture.
4. The licence holder shall (1) ensure that smoke alarms are installed in the house and keep them in proper working order and (2) supply to the Council, on demand, a declaration by him of the condition and positioning of such alarms.
5. The licence holder shall ensure that a written statement of terms of occupancy is supplied to each occupier.
6. The licence holder shall notify the Council of any change of manager of the property and, in respect of the new manager, provide contact details and information to verify their fit and proper status and competence to manage the HMO.
7. The licence holder shall notify the Council of any changes of their address, telephone number and email address.
8. The licence holder shall investigate complaints of antisocial behaviour arising from this HMO and being caused by occupiers or occupiers' visitors. Where appropriate, the licence holder will caution, seek legal advice or lawfully evict to address the problem. Antisocial behaviour is defined in Housing Act 2004 Section 57(5).
9. The licence holder will carry out the following works, within the times set out below, to the satisfaction of the Council and in accordance with the following specification:

ANNEX CI: HMO LICENSING FEES; INITIAL LICENCE APPLICATION

Initial licence applications refers to applications where:

- The property has not been previously licensed as an HMO or
- The property was previously licensed, but not to the licence holder in respect of which the current application is being made.

Table of fees

The fees set out in the table below reward good practice. The fee for Landlords who promptly comply with legislation is £260 to £320 less than the fee for those who have delayed in making application. However, to benefit from this discount a full application, complete with correct fee and all supporting information and documents, has to be submitted promptly.

The average fee (allowing for the relative proportions of each type of licence application received and the additional discounts) is estimated to be approximately £624. The fee calculated by the toolkit distributed by LACORS is £699. However, it should be noted that clients who pay the higher rate will, in many cases, receive a shorter licence (thus effectively increasing the fee paid when considered over the full period of this, and future, licenses). Licence holders who benefit from the discounts for accreditation or on-line testing will also make lesser demands on the Council's resources. It is difficult to quantify these factors within the LACORS toolkit.

The Team Leader Private Rent or Senior Renewals Officer may reduce or waive the fee payable in exceptional circumstances.

Table of Fees – Initial Licence Application

Category of application	Basic fees	Fees including additional discounts
Standard fee (see discounted rates available below)	£800	
Class 1, full application received within six weeks of identification (but see below for full description)	£540	
<ul style="list-style-type: none"> ▪ Additional £30 discount for having passed the Landlord Proficiency Test (an online test operated by the West of England Private Housing Partnership) or ▪ Additional £60 discount for being accredited through National Landlords Association or ▪ Additional £60 discount for being accredited within the National Landlord Accreditation Scheme or ▪ Additional £60 discount for being accredited within any other approved scheme 		<p>£510</p> <p>£480</p> <p>£480</p> <p>£480</p>
Class 1, full application received after six weeks of identification	£800	N/A
Class 2, HMO operating outside licensing requirements with the knowledge of the landlord or manager (also see below)	£800	N/A

Class 1

Newly formed licensable HMOs or recent changes to existing licensable HMOs

- Licensable HMOs where changed circumstances require a new licence or
- Properties that have become licensable HMOs
- Properties excluding Class 2

Class 2

Licensable HMOs that have been operating without a licence and any one of the three bullet points below apply:

- The owner has other licensable property and/or could be expected to be aware of the need to license this property or
- The manager could be expected to be aware of the need to license this property or
- The Council has previously written to the owner or manager, and from this documentation there should have been an awareness of the need to complete a licence application

ANNEX C2: HMO LICENSING FEES; APPLICATION TO RE-LICENCE

This refers to applications where:

- The property has been previously licensed as an HMO and
- The licence is due to expire, or has recently expired and
- The proposed licence holder is the same person, or body, named as licence holder on the licence to be replaced.

Please note that all three bullet points must apply.

Table of fees

The fees set out in the table below reward good practice. The fee for Landlords who promptly comply with legislation is £330 to £390 less than the fee for those who have delayed in making application. However, to benefit from this discount a full application, complete with correct fee and all supporting information and documents, has to be submitted promptly.

The average fee (allowing for the relative proportions of each type of licence application received and the additional discounts) is estimated to be approximately £488. The fee calculated by the toolkit distributed by LACORS is £511. However, it should be noted that clients who pay the higher rate will, in many cases, receive a shorter licence (thus effectively increasing the fee paid when considered over the full period of this, and future, licenses). Licence holders who benefit from the discounts for accreditation or on-line testing will also make lesser demands on the Council's resources. It is difficult to quantify these factors within the LACORS toolkit.

The Team Leader Private Rent or Senior Renewals Officer may reduce or waive the fee payable in exceptional circumstances.

Table of Fees – Application to Re-licence

Category of application	Basic fees	Fees including additional discounts
Standard fee (see discounted rates available below)	£800	
Class 1, full application received before or on the date of expiry of the current licence	£470	
<ul style="list-style-type: none"> ▪ Additional £30 discount for having passed the Landlord Proficiency Test (an on-line test operated by the West of England Private Housing Partnership) or ▪ Additional £60 discount for being accredited through National Landlords Association or ▪ Additional £60 discount for being accredited within the National Landlord Accreditation Scheme or ▪ Additional £60 discount for being accredited within any other approved scheme. 		<p>£440</p> <p>£410</p> <p>£410</p> <p>£410</p>
Class 2, full application received after the date of expiry of the current licence.	£800	N/A

ANNEX C3: FEES FOR ACCESSING HMO REGISTER

Public Register

The register of HMO Licences is a public document. A copy of the register can be provided, on demand, for an administrative fee of £40.