APPLICATION FOR A TEMPORARY EXEMPTION FROM LICENSING

In completing this form you are asking to be exempted from the requirements of mandatory licensing of houses in multiple occupation. This is on the basis that you will be taking appropriate steps to ensure that the property no longer requires licensing.

The Council formally approves such applications by serving a temporary exemption notice (TEN). A TEN only lasts for 3 months (although it can be extended for a further 3 months in exceptional circumstances). Therefore you must be able to satisfy the Council that your proposals can be completed within the 3 months of the TEN.

An HMO can be taken out of the licensing requirements by:

- Carrying out changes to make it a non licensable HMO
- Carrying out changes to make it no longer an HMO

Plymouth City Council will consider your application, and if they consider your proposals to be reasonable, approve it. If there is insufficient information we may ask you to clarify your proposals.

The Council may decide that approval is inappropriate (e.g. because your proposals are unrealistic). If your application is refused, you may appeal to the Residential Property Tribunal (details of how to do this would be given in the formal notice of refusal).

If your property needs to be licensed, and you have not yet made an application for the licence, you may not lawfully evict tenants under Section 21. In applying for a temporary exemption, the power to evict under Section 21 is restored to you until your application is determined. If the application is approved, then you retain your Section 21 rights for the period of the TEN. If the application is rejected, then you lose your right to use Section 21. The courts will decide on the validity of any Section 21 notice served.

Note 1

Please give the full address of the HMO. If the HMO is only a part of the building, please ensure that the address given identifies it as such.

Note 2

A household is defined as a group of people who are linked by family relationships, including husband and wife, those living together as husband and wife and same sex partners. Normally a group of, say 5 students, will constitute 5 separate households, as none of the students will be related to each other. There are exceptions (e.g. fostering, household members of staff).

Note 3

You should provide details of how you propose to take the property out of the requirement for Licensing. The information you give should be sufficient to demonstrate that your proposals are realistic and achievable within the timescale of the TEN. You may wish to discuss them before completing the form.
Note 4

You must take appropriate steps to protect the health, safety and welfare of the occupiers. If you do not do so, the Council has a duty to take the management of the property from you (by making a Management Order).

If you are carrying out work at the property, this should be done in such a way that the occupiers are not unduly affected.

If you are reducing the occupancy of the property this must be carried out lawfully. Appropriate steps should be taken to assist the persons to be displaced find alternative accommodation.

Whilst the property remains an HMO, you have the duty to properly manage it and maintain safe conditions for the tenants. You also have duties under Part I of the Housing Act 2004 (the Housing Health and Safety Rating System).

Please note that the information given (including applicant details) will form part of a public register.

PRIVACY NOTICE
The personal information that you provide will be held securely and will only be shared for:

- planning the provision of services, providing a service to you, informing you about Council services, seeking your views and to enable auditing of Council activities
- verification with other agencies such as the Police, the University and other councils as well as other Council departments
- assisting other councils in their administration of housing licensing schemes
- complying with the statutory requirements to provide a public register
- providing information for tax and other purposes
- complying with other legal obligations imposed upon the Council and
- assisting with research projects.

Anonymous statistical information may also be passed to other organisations to assist in the planning and monitoring of services.

In addition Plymouth City Council must cooperate with the prevention and detection of crime which may result in information about you being passed to others.

If this form is completed on behalf of someone else or personal details or contact data about a third party are provided, then it is your responsibility to make sure that you have informed the other person of what you have told the Council.

The Data Controller for Plymouth City Council is the Corporate Information Manager based at the Civic Centre. Tel: 01752 304522 who can be contacted about the use of your personal information. Email: info@plymouth.gov.uk

If you need further advice, please contact the private rented team on 01752 307075 or email private.rent @plymouth.gov.uk
To:
Plymouth City Council
Private Rented Team
Housing Services
Directorate of Development and Regeneration
Civic Centre
Plymouth
PL I 2AA

Dear Sirs,

**Housing Act 2004 Section 62**

**Application for a Temporary Exemption Notice**

I wish to apply for a Temporary Exemption Notice (TEN) from the requirement for licensing of a House in Multiple Occupation (HMO) under Part II of the Housing Act 2004.

The address of the HMO is:

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(See Note 1)

The HMO is currently occupied by.......... persons and.......... households. (See Note 2)

I propose to take the following steps to ensure that this property is no longer required to be licensed: (See Note 3)

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PTO
In order to protect the health safety and welfare of the occupiers, I intend to take the following steps:

(See Note 4)

Please select option 1, 2 or 3 below and delete others:

1. I am applying for a TEN as the sole owner of the property (delete as necessary).

2. I am applying for a TEN as a joint owner of the property, and I have the authority of the other joint owner(s) to do so (delete as necessary).

3. I am applying for a TEN as the manager of the property, and I have the authority of the owner(s) to do so (delete as necessary).

If my application for a TEN is approved, I understand the details given will be recorded in a public register.

Name of Applicant(s) .................................................................

Address of Applicant .................................................................

Telephone Number .................................................................

Signed ................................................................. Date ............................