

Information about your HMO licence

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1. Permitted number

The licence specifies a permitted number of persons and households that may occupy the HMO. It is important that this level of occupation is not exceeded, as this will constitute a breach of conditions and is a serious offence which may result in prosecution. Although some larger bedrooms may be suitable for two persons they can only be used by persons of the same household (related or partners). If bedrooms are used in this way you should be careful not to exceed the overall permitted number.

It is recommended that as part of the regular management checks of the property you ensure that tenants have not caused the permitted number to be exceeded as this would mean that you would have committed an offence if this occupation is allowed to continue.

2. Fit and proper person

Once we have done the necessary checks and given you 'fit and proper persons' status, this can be used for other licensable HMOs you manage.

Your 'fit and proper person' status lasts for a maximum of 5 years. However, if you apply for other licences you will be asked to sign a declaration to confirm that you have not committed any offences etc. in the meantime.

Proposed licence holders will need to complete the fit and proper person declaration. When signing they are doing so on behalf of all individuals involved in the management of the HMO.

If at a future date, you or an associate involved in the management of the HMO (see below) have committed any offences or other matter you will need to declare this. In this circumstance, please contact this office as it will be necessary to reconsider your 'fit and proper person' status. If Bath and North East Somerset Council decide you are no longer a 'fit and proper person' this status will be removed, and you will be informed how you can challenge this decision.

If your application includes details of a managing agent, they will also have to meet the 'fit and proper person' test. If you are a managing agent, a person of suitable authority such as the Director, Company Secretary or owner will need to sign the fit and proper person declaration on behalf of all employees that are involved in the licensable HMO.

If you do not have a manager and decide to appoint one, you will need to inform the Council.

3. Public register

Please be aware that it is a legal requirement for the name and address of the licence holder to be made available on a public register together with details of any manager and information about the licence such as permitted number. The public register can be viewed here www.bathnes.gov.uk/hmopublic.

4. Duration of licence

The licence normally lasts for 5 years although this may be reduced where the council considers it appropriate. If you sell the property the licence cannot be transferred to the new owner, a new application will be necessary. Discretionary licensing schemes only last for a maximum period so any licence will be for a shorter duration when issued.

Licences will be revoked when you inform us that you have sold the property or it is no longer licensable. The Council may decide to revoke the licence if they no longer consider you to be a fit and proper person; you would have the right to make representations against this action and may appeal to the Residential Property Tribunal.

5. Variation of the licence

Should you decide to alter the layout, change the occupation or change the management arrangements of the HMO you must notify the Council and apply for a variation. The Council will ensure that the standards are met and the new circumstances are represented on the licence. A licence cannot be varied if there is to be a change of licence holder, a new application would be needed.

6. Conditions

The licence contains both mandatory conditions and Council imposed conditions, please read these carefully as failure to comply with conditions is an offence which may result in prosecution.

Amongst the mandatory conditions is the need to provide gas safety certificates on an annual basis to the Council.

If you have been required to carry out works these must be done within the time periods specified on the licence.

7. Inspections

The HMO will be subject to at least one inspection within the period of the licence.

At this inspection any hazards that exist at the property will be subject to a risk assessment under the [Housing Health and Safety Rating System \(HHSRS\)](#) and you may be required to carry out remedial work. The property will also be assessed to see if you are complying with the licence conditions and the [management regulations](#).

You should make arrangements to have gas appliances and your fire detection system regularly serviced and a report on the electrical installation carried out every five years with any code 1&2 defects being made good. All certificates should be produced at the inspection.

8. Data Protection

All of the information provided in the application form will be handled in accordance with the provisions of the Data Protection Act 1998

To fulfil the Council's obligations under Part 2 of the Housing Act 2004, the Council requires you to provide the information asked for in this form for the following purposes:

- 1) To identify the persons involved in the management of the HMO and to facilitate legal proceedings in the event of any offence connected with the licensing of the HMO
- 2) To obtain information needed to assess the fitness and competence of persons involved in the management of the HMO
- 3) To link properties and persons involved in the management, control and ownership of the HMO and any other relevant HMOs
- 4) To obtain information concerning the suitability of the property involved to be licensed as an HMO

The information you provide may be shared to the extent that it may need to be verified with other agencies such as the Police, other local authorities and other departments within the Council

Some of the information you provide will be entered into a public register but only to the extent required by law.

The Council may be required to disclose to government agencies certain information you provide

The information may also be used for research, analysis and statistical purposes
The Council may also wish to contact you regarding issues relevant to HMOs

9. Planning use

The granting of a licence does not mean that the Council has accepted that the authorised use of the accommodation is as an HMO. This should be discussed with Development Control who can be contacted on 01225 394041.

10. Fire Precautions and the Regulatory Reform (Fire Safety) Order 2005

This Order is enforced by Avon Fire and Rescue Service and applies to properties with common parts. It does not apply to shared houses let on a joint tenancy.

Please note that if the Order does apply there are additional requirements; for example, the appointment of a 'responsible person', provision of a written risk assessment and having in place a suitable system of maintenance. Further information can be found at <http://www.avonfire.gov.uk/> (Avon Fire and Rescue Service).