

Guidance on completing an HMO application form

Definitions

Definitions detailed below are in the order that they appear in the application form.

Applicant

This may be the property owner, the proposed licence holder, the proposed property manager, the person having control of the property or the person managing the property or somebody acting on their behalf who has completed the application for whatever reason.

Licence Holder

The most appropriate person to be responsible for the property and to hold the licence. This will usually be the applicant.

Licensed

This is relating to houses actually licensed with this or another Local Authority. This will include licensed houses in Middlesbrough Council's Selective Licensing Scheme.

Membership of Accreditation or Responsible Landlord Scheme

In Middlesbrough a Tenancy Referencing Scheme is used.

Person Managing the Property

This is not necessarily the same as the Managing Agent or the Manager. The person managing means the person who is an owner or lessee (tenant) of the premises or who receives the rent for the property or other payments for it from persons who are in occupation as tenants or licensees of parts of the premises. This applies whether the person receives the rent directly or through an agent or trustee. Where the rents or other payments are received through someone who is an agent or trustee not only does it include the owner (or lessee) but it also includes the agent or trustee.

Fit and Proper Person

We must be satisfied that the person applying for an HMO licence is a "fit and proper person" to hold a licence. The test is applied to any person managing the premises and any director or partner in a company or organisation, which owns or manages the HMO. Not all convictions are relevant to a person's prospective role as an operator of an HMO. Please note that failure to declare a relevant conviction will be regarded with the conviction as more serious than the conviction itself. A licensee will be required to provide upon request a copy of report provided by the Criminal Records Bureau. The licensee will be required to provide photographic evidence of their identity for example a driving licence or passport. This will be required at an early stage but need not accompany your Licence Application form.

Spent Convictions

This is a detailed and comprehensive matter and it is recommended you seek independent legal advice on the matter but as a general guide.

Under the Rehabilitation of Offenders Act 1974 criminal convictions can become spent or ignored after a rehabilitation period. They do not need to be disclosed. The rehabilitation period varies depending on the sentence or order imposed by the court – not the nature of the offence. Custodial sentences of more than two and a half years can never become spent. All borstal or detention centre sentences are now spent.

Owner

Means person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple of the premises whether in possession of reversion: and includes also a person holding or entitled to the rents and the profits of the premises under a lease of which the un-expired term exceeds 3 years.

Mortgagee

The mortgagee is the company lending money against the security of the premises.

Single Household

A single household can be regarded as members of the same family, or persons living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex).

Informing Interested Parties

Information regarding mortgagee is detailed in the HMO Application Form. Please note that applicants are not required to inform any tenant with an un-expired term of tenancy of less than 3 years.