

## HMO Licensing – Frequently Asked Questions



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**Q1 - What does HMO stand for?**

A - HMO stands for House in Multiple Occupation

**Q2 - What is a House in Multiple Occupation (HMO)?**

A – It is an entire house or flat which is let to three or more tenants who form two or more households and who share a kitchen, bathroom or toilet.

It includes "Section 257" HMOs which are converted blocks of flats where the conversion work was not done in accordance with the appropriate building regulations (please see Q3 below).

The full definition and exclusions can be found in the [Housing Act 2004, Section 254 to 264](#) and [Schedule 14](#).

Examples would be shared houses with 3 or more occupants, flats with 3 or more occupants within a building and owner occupiers with 3 or more lodgers.

**Q3 - What is a section 257 HMO?**

A – Under section 257 of the Housing Act 2004, certain converted blocks of flats may be classed as a HMO.

A purpose built block of flats is not an HMO because the building was **not** "converted" into self contained flats.

A converted block of flats is an HMO if it meets the following criteria:

- Building work undertaken in connection with the conversion did not comply with the Building Regulations 1991 (or regulations that applied after if the conversion was after 1st June 1992) and still does not comply with them; and
- More than one-third (over 33%) of the self contained flats are privately rented.

Below is a table to show some examples of what does and does not constitute a HMO

Description	HMO?
2 bedroom house or flat with 2 unrelated tenants	No
2 bedroom flat, 1 cohabiting couple living and 1 unrelated tenant	Yes
3 bedroom house, 3 unrelated tenants	Yes
3 bedroom house, brother, sister and cousin sharing	No
Converted block consisting of 3 flats, conversion does not meet Building Regulations 1991, all 3 are privately rented with at least 1 tenant in each flat (100% privately rented)	Yes
Converted block consisting of 4 flats, conversion does not meet Building Regulations 1991, 2 owner occupied and 2 privately rented (50% privately rented)	Yes
Converted block consisting of 2 flats, conversion does not meet Building Regulations 1991, 1 owner occupied and 1 privately rented (50% privately rented)	Yes
Converted block consisting of 3 flats, conversion does not meet Building Regulations 1991, 2 owner occupied and 1 privately rented (33% privately rented)	No

'Appropriate building standards' usually means the [1991 Building Regulations](#) or whichever later Building Regulations applied at the time the work was done.

**Q4 - What is a household?**

**A** - A household can be one person or several people provided that they are **all** members of the same family.

Half-relatives will be treated as full relatives.

A foster child living with his foster parent is treated as living in the same household as his foster parent.

Domestic staff members are also included in the household if they are living rent-free in accommodation provided by the person for whom they are working.

**Q5 How do I know if my property is an HMO?**

**A** –Below is a table to show some examples of what does and does not constitute a HMO.

Description	HMO?
2 bedroom house or flat with 2 unrelated tenants	No
2 bedroom flat, 1 cohabiting couple living and 1 unrelated tenant	Yes
3 bedroom house, 3 unrelated tenants	Yes
3 bedroom house, brother, sister and cousin sharing	No
Converted block consisting of 3 flats, conversion does not meet Building Regulations 1991, all 3 are privately rented with at least 1 tenant in each flat (100% privately rented)	Yes
Converted block consisting of 4 flats, conversion does not meet Building Regulations 1991, 2 owner occupied and 2 privately rented (50% privately rented)	Yes
Converted block consisting of 2 flats, conversion does not meet Building Regulations 1991, 1 owner occupied and 1 privately rented (50% privately rented)	Yes
Converted block consisting of 3 flats, conversion does not meet Building Regulations 1991, 2 owner occupied and 1 privately rented (33% privately rented)	No

**Q6-What are the current requirements for a mandatory licensed HMO?**

**A** - Currently, HMOs that are three or more storeys, occupied by five or more people, forming two or more households are required to be licensed.

This is called mandatory licensing and the Housing Act 2004 is the legislation that requires this licensing to be carried out by the Council. There are approximately 200 properties licensed by Worcester City Council.

There is a requirement to meet standards for the number of people living in the accommodation, the size of the rooms they occupy, the number of shared amenities per person e.g. bathrooms and kitchens and fire safety measures e.g. fire alarms, fire extinguishers, smoke detectors, fire doors, fire exits and signage and thermal comfort and energy efficiency measures.

The HMOs also have to be managed properly and checks are carried out to make sure that landlords/managers are “fit and proper” and do not have unspent criminal convictions. This licensing would continue alongside additional licensing as it is a national scheme.

**Q7-How much does a mandatory licence cost?**

The mandatory licence fee has not been increased for a number of years. There was an increase in charges for mandatory licence fees and renewal fees on 1 April 2015.

[View the new Mandatory HMO licensing fees for 2015/2016](#)

**Q8 –How do I apply for a mandatory licence until 1 September 2015?**

**Before the 1 September 2015** new Mandatory Licence applications are to be requested by emailing [privatehousing@worchester.gov.uk](mailto:privatehousing@worchester.gov.uk)

**From the 1 September** you must submit an online application.

- [See HMO licence application process guidance notes](#)

**Q9 – What is an additional licensing scheme?**

**A-** It is a discretionary scheme that Councils can introduce to help to deal with the problems associated with HMOs that are **not** already covered by [mandatory licensing](#). This can be that safety standards are not being met or that properties are not being managed properly. This will include typically smaller privately rented shared houses and flats and some sub standard property conversions.

**Q10 - When does the Additional Licensing Scheme come into force?**

**A -** It comes into force on 1 September 2015.

- You may pre-register your property from 1 June 2015 (see Q28 )
- You will be able to make an online application from 1 September 2015

**Q11 - How long will the Additional Licensing Scheme last and how long will my licence last?**

**A –** Worcester's Additional Licensing Scheme will last for five years from 1 September 2015 until 31 August 2020.

The Council plans to conduct a review in Year 5 to produce the evidence to support the effectiveness of the scheme and therefore its continuation. Only at that point, will we know if the scheme will be renewed.

All property licences will expire on 31 August 2020, regardless of when the licence was issued.

The majority of licences will begin on 1 September 2015 and therefore last for five years.

If a landlord acquires a new HMO in Year 2, for example, the licence will be issued from that date (in Year 2) but the expiry will still be 31 August 2020.

**Q12 - What is the designated area for Additional Licensing Scheme?**

**A -** The Additional Licensing designation (area) covers Worcester City in its entirety.

### Q13 - What types of HMOs are subject to additional licensing?

**A** – Additional Licensing will extend to all HMOs irrespective of size and storey within Worcester City. There are an estimated 1,500.

All privately rented HMOs located in Worcester City occupied by three or more people (including children) who form two or more households will require a licence. This will apply to properties irrespective of the number of storeys.

This includes properties converted before 1991 where they would not meet current standards ([§257 HMOs](#)) – (see Q3)

- **Example 1** - would be a semi-detached, three-bedroom house where all of the rooms have been converted to bedrooms and provide accommodation for four to five people sharing bathroom and kitchen facilities.
- **Example 2** - is a 2 bedroom flat where the 2 bedrooms and lounge are used as bedrooms so has 3 unrelated occupiers and the kitchen and bathroom are shared.

#### The following exemptions apply:

There are other properties that are not regarded as HMOs, that are excluded as detailed in the Housing Act 2004:

- Buildings controlled or managed by public sector bodies e.g. Registered Social Landlords, Police Authorities etc.
- Buildings regulated by other legislation e.g. care homes, detention centres etc.
- Buildings controlled or managed by an educational establishment (specified by type or otherwise) and occupied by the establishment's students
- Buildings occupied by religious communities whose principal occupation is prayer, contemplation, education or the relief of suffering
- Buildings occupied by the owner and members of his household, provided there are no more than two other persons (e.g. lodgers)
- Buildings occupied only by two persons who form two households

Privately rented HMOs across the whole city with three or more storeys occupied by five or more people (including children) who form two or more households will continue to require a licence under the Mandatory Licensing Scheme.

### Q14 - How does additional licensing work?

**A** - Anyone who owns or manages an HMO in the designated area has to apply to the Council for a Licence. The Council must issue a licence if it is satisfied that:

- the HMO is reasonably suitable for occupation by the number of occupants/households allowed under the licence **and**
- the proposed licence holder is a 'fit and proper person' **and**
- the proposed licence holder is the most appropriate person to hold the licence **and**
- the proposed manager (if there is one) is a 'fit and proper person' **and**
- the proposed management arrangements are satisfactory **and**
- the person involved in the management of the HMO is competent

If the Council is not satisfied with the above then they may decide to refuse the licence or impose further conditions on the licence holder to, for example, to make the property suitable.

A copy of the proposed licence or reasons for proposing to refuse the licence has to be issued before a final decision is made. This allows applicants a further period in which to make representations on the Council's proposed course of action.

Following the representation period a final decision is made and the licence is either issued or refused. There is then an opportunity to appeal to a [tribunal](#) if you are not satisfied with the Council's decision.

**Q15 - How much does an additional licence cost?**

**A -** From 1st September 2015 the following fees will apply to HMOs that are subject to additional licensing.

Depending on the size of the property, the licence fee will cost between £645 and £780 for a five-year licence. Larger properties may be charged more to reflect the extra time required for inspection.

Number of Bedrooms	Cost	The Council agreed a discount of £100 for all landlords/agents with properties that had valid accreditations before 17 March 2015 (limited to applications received by midnight on 30 November 2015)
2 – 4	£645	£545
5- 7	£700	£600
8 +	£780	£680

- Payment can be made online when you make your application
- Please note that Worcester City Council does not accept cheques or cash payments.

**Q16 - Where can I find out more information about the Additional Licensing Scheme?**

**A -** Further information and guidance on additional licensing can be found at :

- [Additional licensing of HMOs](#)
- [HMOs \(Houses in Multiple Occupation\)](#)
- [Landlords rights & responsibilities](#)
- [Tenants rights & responsibilities](#)

**Q 17 - I already hold a mandatory licence(s) for my property (ies); do I need to apply for an additional licence(s) as well?**

**A-**No, property can only have once licence. If your property has a mandatory licence, you do not need to apply for an additional licence.

If your property has three or more storeys, with five or more occupants forming two or more households, then your property is already subject to the Mandatory Licensing scheme and you will not need to apply again under the Additional Licensing scheme.

However, you must hold a separate licence for each property that meets the licensing criteria, whether under either the Mandatory or the Additional Licensing Scheme.

A property can only be licensed under one scheme.

**Q 18 - I already run a licensed HMO; do I require a licence for my other houses?**

**A -** Yes. You must hold a separate licence for each property that meets the licensing criteria, whether under either the Mandatory or the Additional Licensing Scheme.

**Q 19 - Please can you explain the different terms of reference surrounding HMOs, licensing and planning permission**

**1. HMO (House in Multiple Occupation)** – This is a housing classification, for a house (or flat) with 3 or more tenants, forming 2 or more households. For example, a two-bed flat with a couple in one room and an unrelated friend in the other would be an HMO.

**2a. Licensing - Mandatory Licensing** – As the name suggests, this is a mandatory legislation that covers HMOs with 3-storeys or more and have 5 or more people sharing facilities. This is regulated under the Housing Act 2004 and has been in force since 2006.

**2b. Licensing - Additional Licensing** – This is discretionary scheme that is introduced by a local council. This scheme covers all other HMOs that are not covered by the Mandatory Licensing scheme, also including the 2-bed flat example that we mentioned in the HMO definition above. Worcester City Council is beginning this scheme on 1 September 2015.

**3a. Planning Permission – Sui Generis** – Planning permission is (and always has been) required to convert a single family house into a large HMO (with 7 or more unrelated persons sharing). This is legislation and is not new.

**3b. Planning Permission – Article 4** – Beginning on 1 July 2014, planning permission is now also required to convert a single family house into all other smaller HMOs (not covered by the existing sui generis use classification) in Worcester City. So, if you currently rent your 2-bed flat to a couple with a child, they move out and you wish to rent it to a couple and an unrelated friend, you will need to apply for planning permission before the 3 people occupy the property.

So, the term HMO refers to all HMOs and within that a HMO in Worcester City will be subject to Licensing **AND** require Planning permission. The type of licence or type of planning permission is dependent on the size of the HMO (as broken down above).

**Q 20 - Do I need planning permission for an HMO?**

**A** – Due to the [Article 4](#) Direction you will require planning permission :

- to change the use of a house from a single family dwelling (Class C3) to a House in Multiple Occupation (Class C4).
- before you let the house as a HMO.

You should contact the [Planning department](#) for further information.

**Q 21 - I have planning permission for my HMO; do I also need a licence?**

**A** - Yes. If you do receive planning permission you will still need to obtain a licence.

Planning and Licensing have different objectives and separate legislation. You will need to comply with both.

- [Article 4](#)
- [HMO Licensing](#)

**Q22 – Does Article 4 apply to any HMOs that the Council was not aware of prior to the introduction of additional licensing but which they may find once the new scheme is introduced?**

**A** – That depends on when they became HMOs as defined by the planning regulations.

- You do not need to apply for planning permission if the HMO was tenanted prior to 1 July 2014 (and you can prove this)
- You will require planning permission due to the Article 4 Direction if the HMO was not tenanted until after 1 July 2014

While Planning and Licensing have separate legislation, we cannot license a property unless it has the proper planning permission or we are satisfied that it does not require planning permission (HMO tenanted prior to 1 July 2014).

An Article 4 Direction are a means by which a local planning authority can bring within planning control certain types of development, or changes of use, which would normally be permitted development (i.e. not require an application for planning permission).

The purpose of the Direction is to give the Council more control over the location of shared houses and flats in Worcester to prevent high concentration of shared living accommodation in one particular area.

- [Article 4 frequently asked questions](#)

**Q23 - Why do I need to tell third parties, such as my mortgage provider, about my HMO application?**

**A -** Licences are legally enforceable and may require changes to the house. People with a legal interest in the property have a statutory right to know how the HMO licence may affect them. This would include mortgage providers, other owners, or managers.

**Q24 - I have lodgers in my own residence, do I require a Licence?**

**A -** A resident landlord and family can have up to two lodgers living in the house before it becomes an HMO.

If you have three or more lodgers the house will require a licence under the Additional Licensing Scheme.

If you live in a house with three or more storeys and have four or more lodgers, you will require a licence under the Mandatory Licensing scheme.

**Q25 - What can I do if I suspect that a property should be licensed or if there are more people living in an HMO than are permitted under the licence?**

**A -** It is an offence to fail to apply for a HMO Licence or be non compliant with a HMO Licence.

If you have any concerns you can :

- Check the [Current Register of Licensed HMOs](#)
- From 1 November 2015, you will be able to report an unlicensed or non-compliant HMO online

The fine for operating an unlicensed HMO is up to £20,000. A breach of any conditions of the licence carries an unlimited fine per individual condition.

**Q26- How can I find out the contact details of a landlord or agent for a licensed HMO?**

**A -** Information about the licence holder and the agent are available from [Current Register of Licensed HMOs](#)

**Q27 - How can I find out if my building was converted in accordance with the 1991 Building Regulations (i.e. How can I find out if my property is a section 257 HMO or not)?**

**A -** Contact the [South Worcestershire Building Control](#). Please note that the Building Control opening hours are between 9am to 5pm Monday to Friday. If your query is regarding a new project and would like to discuss your proposal with one of our surveyors, please provide full



details and one of our surveyors will endeavour to return your call within 24 hours.  
If your query is relating to an existing application, please quote the building Regulation application reference number on all your e-mails or telephone calls.

**Phone:** 01684 862223

for all general enquiries, telephone payments and technical queries

**Email:** [mail@southworcestershirebuildingcontrol.gov.uk](mailto:mail@southworcestershirebuildingcontrol.gov.uk)

All general enquiries, Building Regulation applications, additional information and technical queries

**Q 28 - I am selling the HMO soon what do I need to do?**

**A** - Licences are non-transferable. When you sell a licensed HMO you must inform Worcester City Council that you have done so because, in effect, you surrender your licence. The new owner will need to apply for a new licence.

**Q29 – What is the purpose of the pre-registration period from 1 June 2015?**

**A** -It is important that you complete online pre-registration as soon as you are able to. This enables us to gain an idea of the number of HMO licence applications we are going to receive after the 1 September 2015 and resolve any outstanding issues with our process. It also allows us to contact you if we need to and to send you updates when we have them.

Once you have pre-registered your property (you will need to register each property that you own), you will be sent an email containing a link to the application page, which will go live on 1 September 2015.

You will also be sent a full list of document requirements and instructions that you will need to hand in order to complete your application from 1 September 2015.

You will be required to submit documentation such as a recent Basic Disclosure certificate and current gas/electrical certificates, although full details of the documentation required will be provided nearer the time.

When you submit your application from 1 September 2015, you will also be required to sign a declaration stating that the property meets Worcester City Council's [Standards, Conditions and Management Regulations](#).

Please note that your property should comply with the aforementioned Standards at the time of submitting the licence application, and **throughout the term of the licence**. We reserve the right to request an additional inspection if we believe this not to be the case.

We are offering a pre-application advisory inspection at a cost of £60. Please contact us at [privatehousing@worcester.gov.uk](mailto:privatehousing@worcester.gov.uk) if you would like to arrange one of these inspections.

**Q30– What if my property does not meet the standards or requires work on 1 September 2015?**

**A** – These [property standards](#) apply to HMOs regardless of whether they are licensed or not. So, if you have been renting out your property as an HMO, then you should already be complying with these standards.

Although the additional licensing scheme goes live on 1 September 2015, your deadline to submit your HMO online application is **midnight on 30 November 2015. After this date you will be deemed “unlicensed.”** This three month grace period gives you time to meet the standards required.

Please note that your property should comply with the Worcester City Council's [Standards, Conditions and Management Regulations](#) at the time of submitting the licence application, and **throughout the term of the licence**. We reserve the right to request an additional

inspection if we believe this not to be the case.

We are offering a pre-application advisory inspection at a cost of £60. Please contact us at [privatehousing@worcester.gov.uk](mailto:privatehousing@worcester.gov.uk) if you would like to arrange one of these inspections.

The fine for operating an unlicensed HMO is up to £20,000. A breach of any conditions of the licence carries an unlimited fine per individual condition.

### **Q31– How do I apply for a mandatory or additional Licence from 1 September 2015?**

**A** – You will be able to apply online for either licence from 1 September 2015.

**Please be aware that incomplete applications will not be processed but returned. Where an application is received incomplete**, one proforma letter will be sent free of charge to advise of missing documents. If the necessary documents are not received within 28 days of the date of this letter, a further letter will be sent and an additional fee will be charged. If any further letters are necessary, an additional fee will be charged per letter sent.

- [HMO-licence-application-process](#)
- A list of our Mandatory HMO fees can be found [here](#)
- For Additional Licensing fee please see question 15

The fine for operating an unlicensed HMO is up to £20,000. A breach of any conditions of the licence carries an unlimited fine per individual condition.

### **Q32 – If I do not apply for a licence on 1 September 2015, will my property be deemed unlicensed?**

**A** –You will have until **midnight on 30 November 2015** to submit your completed application. **After that time, your property will be deemed “unlicensed”.**

The fine for operating an unlicensed HMO is up to £20,000. A breach of any conditions of the licence carries an unlimited fine per individual condition.

### **Q33 –What documents do I need to support my licence application?**

**A** – **DO NOT BEGIN YOUR ONLINE HMO LICENCE APPLICATION WITHOUT THE CORRECT VALID DOCUMENTS**

- Basic Disclosure ( please refer to Q37, Q38, Q39)

A Basic Disclosure contains only convictions considered unspent under The Rehabilitation of Offenders Act 1974. [Disclosure Scotland](#) was established in 2002 to provide criminal records checks under Part V of the Police Act 1997. Disclosure Scotland issues certificates - known as 'Disclosures' - which give details of an individual's criminal convictions, or state that they have none.

You can only apply online if your current address is in the UK. If your current address is outside the UK then please apply using the [paper application](#) form, more details of which are on the main website.

The fee for a Basic Disclosure is £25. You will need to pay using a credit or debit card. All major cards are accepted. Please have your card details handy before you proceed.

- Gas Safety Certificate (required for properties with a gas supply)
- Electrical Safety Certificate
- Fire Alarm Test Certificate
- Fire Extinguishers Test Certificate (or proof of purchase if extinguishers are less than 12-months old)
- Emergency Lighting Certificate (required for HMOs with 3 or more storeys)
- Portable Appliance Testing (PAT) Certificate (required for appliances over 12 months old)
- Energy Performance Certificate (EPC) (required unless your property is exempt from the legal requirement)
- Floorplan
- Fire Risk Assessment
- Tenancy Agreements (where applicable – please see section above on Planning)

Permission)

- **Declaration** - you **MUST** complete the declaration at the end of the application and submission of the form will constitute your agreement in the absence of a signature. **Please note that it is a criminal offence to make a false statement in an application for an HMO licence or fail to comply with any condition of the licence.**
- **Fee payment** - the correct fee **MUST** be paid when the application is submitted. You will be able to submit your payment online before completing the application. Payment can be made with credit or debit card.

**Please be aware that :**

- Incomplete applications will not be processed but returned. Where an application is received incomplete, one proforma letter will be sent free of charge to advise of missing documents. If the necessary documents are not received within 28 days of the date of this letter, a further letter will be sent and an additional fee will be charged. If any further letters are necessary, an additional fee will be charged per letter sent.
- [HMO-licence-application-process](#)

Worcester City Council reserves the right to request a copy of any certificates at any time. These should be sent to the authority within 7 days of receiving a written request.

**Q 34- I have already submitted my tenancy agreements last year, when requested in conjunction with Article 4 and/or the accreditation scheme. Will I need to submit them again as part of the licence application?**

**A-** If you have already submitted tenancy agreements as part of the accreditation scheme, you will not be required to submit them again as part of the licence application. We can verify this with the information that we hold. How do I upload my documents?

**Q35 Some/all of my certificates expire end-September/early October 2015. Do I need to move our annual inspections to August, or can I send our existing certificates as long as they are in date at the time of the application?**

**A-**As long as the certificates are in date at the time of the application, then that will be fine. We will no longer be requesting to see certificates on an annual basis but we will be carrying out periodic spot checks to ensure that landlords are performing the relevant safety checks and keeping their certificates up to date.

**Q 36- How do I upload my documents?**

**A –** Once you submit your online application form, you will be sent an email requesting a list of documents. The email will contain a link to an upload page – when you upload your documents in this manner, they will automatically be added to your application that we receive.

The documents you will be asked to submit will depend on the information provided in your application form. For example, if you indicate that your property has a gas supply, you will be asked to upload a gas safety certificate.

**Q37 -Can I apply for my Basic Disclosure now and send it in or do I need to wait until I submit my application in September?**

**A-**You can apply for your Basic Disclosure now – when we receive it, we will make a note that we have received it/seen it and then return it to you

**Q38- I have an Enhanced/Standard DBS and/or have subscribed to the online update service for my current employment. Can I use this instead of applying for a Basic Disclosure?**

**A** - We do not have a legal entitlement use any information contained in an enhanced/standard DBS for licensing purposes, so we would not be able to register with DBS to view an enhanced/standard DBS online through the update service.

Here is the clarification on Legal entitlement received from DBS on Enhanced/Standard DBS checks.

“Whilst I appreciate that some landlords have volunteered to consent to a DBS check I must reiterate the guidance provided by my colleague in that a legal entitlement, supported by appropriate legislation, must exist for an individual to be asked to consent to a DBS check for a role being offered to them. If that legal precedent does not exist it would be unlawful to attempt to initiate the DBS checking process as the employer has no legal entitlement to see information that may be released on a DBS certificate.

With regards to DBS checks being presented to you to support a licensing application I must advise you that whilst an individual can share their DBS certificate with whomever they choose the certificate information cannot be used as it is not appropriate for use within the licensing process.

Given this position, you may be interested to hear that Disclosure Scotland offer a Basic Disclosure which is accessible to all and you may wish to consider incorporating this check within your licensing process. Further information can be found through the following link -

[www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)”

**Q39- What correspondence address and date do I add to my Basic Disclosure application?**

**A**-You MUST request your Basic Disclosure Certificate to be sent directly to Worcester City Council. This will ensure that certificates are correctly delivered on time and without delay. In the current address field on your Basic Disclosure application please type:

- C/O Housing, Worcester City Council, The Guildhall High Street Worcester WR1 2EY.
- **In the “Resident from” field, please enter today’s date.**
- Following on from this please complete your full five years' address history in chronological order
- We will return your Basic Disclosure Certificate once it has been verified.

**Q 40 - Once I have submitted my application, what happens next?**

**A** –

- You submit online application for HMO licence.
- The application is processed once ALL relevant information and ALL documents have been received. Properties must comply with Standards, Conditions and Management Regulations prior to submitting your application. Incomplete applications will be rejected.
- The deadline to submit online application is **midnight 30 November 2015.**After this date you will be deemed 'unlicensed'
- If the information you provide is satisfactory a licence is issued provisionally and sent to all interested parties. Licence is subject to the licence holder's declaration that the property complies with the [Standards, Conditions and Management Regulations](#). If the property is deemed to be non-compliant at the time of inspection, the licence may be revoked and the licence holder may face a fine. (The licence may be refused or issued with additional conditions. There is a right for appeal against a decision)
- An officer will arrange an inspection to assess the property's compliance with the Standards, Conditions and Management Regulations. Further mandatory conditions to carry out certain work may be included as part of the licence.
- You need to then consider representation to further conditions if made.
- If you the licence holder does not respond within 28 days, the licence is deemed to have been accepted.

**It is an offence to make a signed declaration at the time of your application which states that your property complies; If at the time of inspection your property is non compliant enforcement action may be taken.**

- Worcester City Councils Enforcement policy
- Worcester City Council's [Standards, Conditions and Management Regulations](#)

**Q 41 – I noticed in the Standards, Conditions and Management Regulations that we are required to carry out a fire risk assessment. Do I have to pay someone to do this for me?**

As the owner, landlord or occupier of a business or non-domestic premises you are responsible for ensuring it is safe from fire. This includes ensuring that a risk assessment has been carried out by a competent person.

We recommend that you read the guidance and information provided by Hereford & Worcester Fire and Rescue Service on carrying out risk assessments and choosing a competent risk assessor. The website also includes a fire risk assessment template, which can be used or adapted for your purposes. If after reading the guidance notes, you decide that you as the landlord are a competent person to carry out the risk assessment, then you will not need to pay for someone to do this assessment.

[HWFRS - Documents and downloads](#)

The Guidance from the Fire Risk Assessment Competency Council on [Choosing a competent fire risk assessor](#) also includes a checklist under the section “Can I do it myself?”

The Government has also produced Guidance on Fire Risk Assessments in Sleeping Accommodation. There is a template on page 120 for recording significant findings from the risk assessment.

[Fire Safety Risk Assessment - Sleeping Accommodation](#)

**Q 42 – What is our duty as a landlord with respect to legionnaire’s disease? Do we need to have a risk assessment done to our property in order to get a licence?**

**A-**If you are an employer, or someone in control of premises, including landlords; you must understand the health risks associated with legionella bacteria. Carrying out a risk assessment is your responsibility. If you consider yourself to be competent, you may carry out this assessment yourself or you can contact a specialist to conduct the risk assessment for you.

You or the person responsible for managing risks, need to understand the water systems, the equipment associated with the system such as pumps, heat exchangers, showers etc., and its constituent parts.

The HSE has published an Approved Code of Practice for dutyholders in respect of managing the risk of legionella bacteria. Please see [Legionnaires’ disease - The control of legionella bacteria in water systems](#).

We do not request this information to upload as part of the licence process. It is covered under the Health and Safety at Work Act 1974 and something that all landlords have a duty to manage regardless of whether they rent out licensed HMOs or unlicensed HMOs/single family dwellings.

That being said, this would be checked during a property inspection under the Housing Health & Safety Rating System (HHSRS). If a property is considered to be high risk, you may

be asked to provide proof that that risk has already been identified and is being appropriately managed.

**Q 43 - What happens if I don't comply with the conditions of the HMO licence?**

**A** - You run the risk of prosecution and a possible fine of up to £5,000 per individual condition. It may also affect your 'fit and proper' status and your licences could be revoked. It is an offence to make a signed declaration at the time of your application which states that your property complies; If at the time of inspection your property is non-compliant enforcement action may be taken.

- Worcester City Councils [Enforcement Policy](#)
- Regulators Code [Regulator's code](#)
- Worcester City Council's [Standards, Conditions and Management Regulations](#).

**Q 44 - What happens if I don't apply for an HMO licence?**

**A** - A person commits an offence under Section 72 of the Housing Act 2004 if he or she is a person having control of, or managing an HMO which is required to be licensed under the Additional or Mandatory Licensing Schemes, but which is not so licensed. If a person is found guilty, the maximum fine has recently been increased from £20,000 to unlimited. It is an offence to make a signed declaration at the time of your application which states that your property complies, If at the time of inspection your property is non-compliant, enforcement action may be taken.

- Worcester City Councils [Enforcement Policy](#)
- Regulators Code [Regulator's code](#)
- Worcester City Council's [Standards, Conditions and Management Regulations](#).

**Q45 - Why is Worcester City Council introducing additional licensing when mandatory licensing is already in operation?**

**A** – Worcester City has an important, valuable and vibrant HMO market occupied by single people located across the City. The private rented sector now accounts for over 18% of the housing stock. The Council operates the mandatory licensing scheme ( and used to run an accreditation scheme for other HMOs.) When inspected, 92% of these properties required works to improve safety and management standards. This means that there are between 1,500 and 2,000 properties where occupiers share facilities and which are at risk.

For full details please view the following downloads

- [Notice of designation](#)
- [Minutes of cabinet report of 17 March 2015](#)
- [Cabinet report on 17 March 2015](#)
- [Minutes of cabinet report of 28 October 2014](#)
- [Cabinet report on 28 October 2014 with evidence and approval to consult](#)

**Q46 What does the Council want to achieve through its Additional Licensing Scheme?**

**A-** The aim of the scheme is to ensure that landlords are meeting their obligations to provide safety measures, for the property to be in good condition, well maintained and to improve the quality of management. There is a desire for there to be a level playing field and all HMOs providing consistent standards irrespective of the size of the dwelling.

**Q47 - Is the Council using licensing fees to raise money?**

**A** – The fee charged will cover the costs associated with administering the scheme and the scheme is required to be self-financing. The Council is not permitted to make a financial gain from the scheme. This fee has been calculated to cover the cost of the assessing applications, issuing of licences/ accompanying documents, inspections, licensing enforcement and monitoring of properties.

**Q48 –Will landlords pass on this cost to tenants?**

**A** It is not intended that the cost is passed on to tenants and in other areas of the country where similar schemes have been introduced it has not happened.

**Q49 - How do I contact the Private Sector Housing HMO team?**

Any one who would like to make an application for a licence or require general advice should contact:

Worcester City Council  
Strategic Housing & Community Activity  
The Guildhall, High Street, Worcester. WR1 2EY.

Tel: 01905 722233

Email : [privatehousing@worcester.gov.uk](mailto:privatehousing@worcester.gov.uk)

Website : <http://www.worcester.gov.uk/additional-licensing-of-hmos>