

# HOUSING ACT 2004, PART 2 SECTION 63

## LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMO) – APPLICATION FORM

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Use this form if you want to apply for a Licence for a House in Multiple Occupation (HMO).

Please tick if your application is a  New Application

Or

Renewal

Please return the completed form with supporting documents, and fee to:

**London Borough of Merton  
Community and Housing Department  
Environmental Health Housing  
3<sup>rd</sup> Floor, Merton Civic Centre  
London Road  
Morden,  
SM4 5DX**

Email: [ehhousing@merton.gov.uk](mailto:ehhousing@merton.gov.uk)

**If you are uncertain how to answer any of the questions or have any queries about the process or HMO's in general we would encourage you to seek advice and guidance by contacting Environmental Health at the above address or call us on 020 8545 3212**

**If you have more than one property in multiple occupation, you will need to fill in a separate application for each property.**

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### IMPORTANT

**Please answer all questions unless directed. Please read the notes (set out at the end of the form before answering the questions to which they relate).**

- Part 1 - Licence-holder etc details.
- Part 2 - Information about the interest in the property.
- Part 3 - Information about the property and its occupation
- Part 4 - Letting details and fee calculation
- Part 5 - Licence-holder test of fitness
- Part 6 - Details of persons served with notice of this application

**Please attach all relevant certificates of installation, inspection or maintenance. The declaration at the end of the application must be signed and dated and must include the appropriate fee (see notes).**

Part 1.

**Licence Holder details**

<b>1.1</b>	<b>To be completed if applicant is an individual</b>	
	Full Name (block letters)	
	Surname	First Name(s)
	Date of Birth	
	Home Address	Telephone numbers Home:  Work :
	Postcode:	Mobile:
	Email Address	
	Preferred method of contact (please tick)	
	Home	Work                      Mobile                      Email
	Are you the proposed licence holder? ( <i>Please tick</i> )                      Yes                      No	
(d) If not, please give the name, address, telephone number and email address of the proposed licence holder.		
<b>1.2</b>	<b>To be completed if applicant is Company or Partnership</b>	
	Full name of Company or Partnership	
	Address of Principal or Registered Office	
	Tel. Number	Email
	Is the Company or Partnership the proposed licence holder?                      Yes                      No	
If not, please give the full names address telephone number and email of the proposed licence holder.		

<b>1.3</b>	<b>Please give details of the person Managing the HMO if different from above</b>	
	Full Name (block letters)	
	Date of Birth	
	Home Address:  Postcode:	Telephone Numbers Home:  Work:  Mobile:
	Email Address:	
<b>1.4</b>	<b>Please give details of the person in control of the HMO if different from above</b>	
	Full Name (block letters)	
	Home Address:  Postcode:	Telephone Numbers Home:  Work:  Mobile:
	Email Address	
<b>1.5</b>	<b>Please give details of any person who has agreed to be bound by any condition contained in the licence</b>	
	Full Name (block letters)	
	Home Address:  Postcode:	Telephone Numbers Home:  Work:  Mobile:
	Email Address	
<b>1.6</b>	<b>Details of other properties licensed under Part 2 or Part 3 of the Act</b>	
Does the proposed licence holder hold a licence in respect of any other properties? Yes      No		
If yes, please give property address(es) and the name of the licensing authority(s)		

<b>1.7</b>	<b>Details of Accreditation Schemes</b>
	Give details of any Accreditation Schemes you are a member of including any reference numbers.

**Part 2**  
**Information about your interest in the property.**

<b>2.1</b>	<b>Full address of the property which the licence application applies to:</b>
	Postcode:

<b>2.2</b>	<b>Type of property</b> <i>(please tick appropriate box)</i>		
	Is this a house in single occupation?	Yes      No	Detached      —
	A house in multiple occupation?	Yes      No	Semi-detached      —
	A flat in single occupation?	Yes      No	Mid-terraced      —
	A flat in multiple occupation?	Yes      No	End terraced      —
	A house converted into and comprising only of self-contained flats?	Yes      No	Grouped design      —
	Purpose built flats?	Yes      No	Residential Block      —
	A building in both residential and business use?	Yes      No	Other (please specify)
	Other (please specify.		..... .....
			Number of Storeys (including Ground Floor, Commercial, Basements and Loft Conversions) <input style="width: 40px; height: 20px;" type="text"/>

<b>2.3</b>	<b>Are you the owner?</b> (refer to note 2.3) (Please tick appropriate box)      Yes      No
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<b>2.4</b>	If you own the interest jointly with other people, please give the names and addresses of you co-owners:
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3.13	Does the furniture in the property, which is provided under the terms of any tenancy or licence, meet the statutory fire safety requirements?      Yes      No
3.14	Do the gas and electrical appliances in the property meet the statutory safety requirements? Yes      No <b>PLEASE PROVIDE COPIES OF ALL RELEVANT DOCUMENTATION AND CERTIFICATES</b>
3.15	Has building work been carried out at the property within the last five years requiring planning consent or building regulations approval?      Yes      No

**Part 4. Letting Details.** Please continue on a separate sheet if necessary

<b>Letting</b> (e.g. Flat 1, Room 3 etc and description of the room occupied e.g. basement rear, ground floor front etc)	<b>Size of room (m<sup>2</sup>)</b>	<b>Actual number of occupants by Letting</b>	<b>Proposed number of occupants (if different)</b>	<b>Number of Habitable Rooms * by Letting</b>

\*Habitable Room includes any room normally used as a bedroom or living room.

**YOU MUST PROVIDE A SKETCH PLAN SHOWING ROOM LAYOUT AND USAGE, ROOM SIZES AND POSITION OF ANY SMOKE ALARMS**

<b>Part 5.</b>	
<b>Licence-holder / Manager test of Fitness</b> <i>(If any questions are answered yes please see note 5.1 for information on how to provide details)</i>	
<b>5.1</b>	Has the proposed licence holder or manager got any unspent convictions for or involving fraud, dishonesty, violence, drugs or sexual offences?  Yes      No
<b>5.2</b>	Has the proposed licence holder or manager been found guilty by any court or tribunal of practising any unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in or in relation to any business?  Yes      No
<b>5.3</b>	Has the proposed licence holder or manager been found guilty in any civil or criminal proceedings of contravention of any enactment relating to housing, public health, environmental health or landlord and tenant law? (including Civil Penal Notices, Banning Order or Rent Repayment Orders)  Yes      No
<b>5.4</b>	Has any property owned by the proposed licence holder or manager been the subject of : (i) A Control Order under section 379 of the Housing Act 1985 in the last 5 years?  Yes      No  (ii) or any appropriate enforcement action described in section 5(2) of the Act? (See note)  Yes      No
<b>5.5</b>	Has the proposed licence holder or manager ever been refused a licence under Part 2 or Part 3 of the Housing Act 2004 for any property? <i>(If yes please give details)</i>  Yes      No
<b>5.6</b>	Has the proposed licence holder or manager ever had a licence revoked for breach of any conditions of a licence granted under Part 2 or Part 3 of the Housing Act 2004? <i>(If yes please provide details)</i>  Yes      No
<b>5.7</b>	Has a Local Authority carried out work in default in relation to a property that you own or have owned?  Yes      No
<b>5.8</b>	Has an Interim or Final Management Order ever been made in respect of any property owned or managed by the proposed licence holder or manager? (If yes please provide details)  Yes      No
<b>5.9</b>	Has the proposed licence holder or manager ever been entered on the Greater London Authority Rogue Landlord Register. <i>(If yes please provide details)</i>  Yes      No



**Part 6.****Details of persons served with notice of this application**

**You must let certain persons know in writing that you have made this application or give them a copy of it.**

**The persons who need to know about it are:**

1. Any mortgagee of the property to be licensed
2. Any owner of the property to which the application relates (if this is not you) i.e. the freeholder and any head lessors that are known to you
3. Any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)
4. The proposed licence holder (if that is not you)
5. The proposed managing agent (if any) (if that is not you)
6. Any person who has agreed that he will be bound by any condition in a licence if it is granted.

**You must tell each of these persons:**

1. Your name, address, telephone number and email address
2. The name, address, telephone number and email address of the proposed licence holder (if it will not be you)
3. The address of the property to which the application relates
4. The name and address of the Local Housing Authority to which the application will be made
5. The date the application will be submitted

**Details of Persons served with notice of this application** *(Continue on another sheet if necessary)*

<b>Name</b>	<b>Address</b>	<b>Description of persons interest in the property or the application</b>	<b>Date of Service</b>

## Part 7.

### ADDITIONAL INFORMATION

Please use this space to provide us with any additional information. Please state which question the additional information refers to

### REGISTER OF HMO LICENCES

Under Section 232 of the Housing Act 2004, a local housing authority (LHA) has a duty to establish and maintain a register of licences granted under Part 2 of the Act (i.e. licensed HMOs in mandatory schemes) which are in force. Section 11 of Statutory Instrument 2006 No. 373 states the particular information a register must contain. This is summarised below.

- Name and address of the licence holder
- Name and address of the person managing the licensed HMO or house
- Address of the licensed HMO or house
- Short description of the licensed HMO or house
- Summary of the conditions of the licence
- Commencement date and duration of the licence
- Summary information of any matter concerning the licensing of the HMO or house that has been referred to Residential Property Tribunal or to the Lands Tribunal
- Summary information of any decision of the tribunals that relate to the licensed HMO or house, together with the reference number allocated to the case by the tribunal
- Number of storeys comprising the licensed HMO
- Number of rooms in the licensed HMO providing (i) sleeping and (ii) living accommodation
- In the case of a licensed HMO consisting of flats, (i) the number of flats that are self contained; and (ii) the number of flats that are not self contained
- Description of shared amenities including the numbers of each amenity
- Maximum number of persons or households permitted to occupy the licensed HMO under the conditions of the licence

The Act states that the LHA must maintain a register and the contents must be available for inspection by members of the public. The register may, subject to any requirements that may be prescribed, be in such form as the authority considers appropriate.

**Personal Data**

**Data Protection Act 2018 s. Schedule 2 Part 1 2 (1) states that:**

'Personal data are exempt from the non-disclosure provisions where the disclosure is required by or under any enactment, by any rule of law or by the order of the court'

This means that a licence holders name and address cannot be withheld from a register of licences on Data Protection Act grounds because it is required in law under the Housing Act 2004, and is therefore not included in the non-disclosure provisions included in the Data Protection Act. Licence holders who officially operate their business from an address other than their home address, can though choose to use their business address so that their home address does not appear on the register.

Your data will be held on the register

- a) Whilst you remain the holder of the HMO Licence (usually 5 years), or
- b) Whilst the HMO Licence is in the process of being renewed.

**Part 8.  
DECLARATION**

**WARNING: IF YOU KNOWINGLY MAKE A FALSE STATEMENT OR FAIL TO COMPLY WITH ANY CONDITION OF THE LICENCE YOU MAY BE LIABLE FOR PROSECUTION**

**Note: Your application will not be valid until you complete all the relevant parts of this form, provide all necessary documents and have paid the required feed.**

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/we commit an offence if I/we supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or am/are reckless as to whether it is false or misleading.

I/we declare that I/we have served a notice of this application on the persons listed in Part 6 who are the only persons known to me/us that are required to be informed that I/we have made this application.

Signature..... Date.....  
*Applicant*

Applicants Full name:.).....  
*(Block Capitals please)*

Position (if acting on behalf of a company).....

Signature..... Date.....  
*Proposed Licence Holder*

Proposed licence holders Full name:.....  
*(Block Capitals please)*

Position (if acting on behalf of a company).....

## Guidance notes

**Before lodging an application for a licence for a House in Multiple Occupation (HMO), please ensure that you have read the following guidance notes. If you require any further advice regarding the Licensing Scheme or the relevant standards, please contact Environmental Health Housing on 020 8545 3212.**

In these notes "the Act" means the Housing Act 2004, unless otherwise stated, all references to sections etc are to sections in the Act. Part 2 of the Act introduces a mandatory scheme to licence HMO's with 3 or more storeys occupied by 5 or more people comprising two or more households and where there is a sharing of amenities. This has been extended, from 1<sup>st</sup> October 2018, to include 5 or more people comprising two or more households (irrespective of the number of storeys).

## Meaning of HMO

"HMO" means a house in multiple occupation as defined by sections 254 to 259 Housing Act 2004 and it applies to a wide range of housing types including:

- A building or part of a building, which consists of one or more units of living accommodation not consisting of a self-contained flat or flats
- The living accommodation is occupied by persons who do not form a single household;
- Where two or more of the households who occupy the living accommodation share one or more basic amenity or the living accommodation is lacking in one or more basic amenity

Certain types of building will not be HMO's for the purposes of licensing. These include those:

- Buildings or part of buildings, occupied by no more than two households each of which comprise a single person or more
- Buildings occupied by a resident landlord with up to 2 tenants
- Managed or owned by a public body (such as the police or the NHS) or an LHA or a Registered Social Landlord
- Where the residential accommodation is ancillary to the principal use of the building e.g. religious establishments
- Student Halls of Residence, where the educational establishment has signed up to an Approved Code of Practice
- Buildings regulated otherwise than under the Act, such as care homes, bail hostels etc
- Building entirely occupied by freeholders or long leaseholders

## Completing the Form

### Part 1. Licence Holder etc details

- 1.2 If the applicant is a company or similar body, give the official registered or principal address.

### Part 2. Information about the interest in the property

- 2.2 A flat is a dwelling, which is a separate set of premises, whether or not on the same floor
- 2.3 Owner, in relation to the premises
- (a) means a 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 or in reversion; and
  - (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years

### Part 3. Information about the property.

3.10 Persons are to be regarded as not forming a single household unless they are all members of the same family. A person is a member of the same family as another person if those persons are relatives (parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, or cousin) or other persons living together who are married or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)

3.12 The Standard of fire protection required will vary with each property. The form asks about certain equipment but it does not necessarily mean that you will have to provide this if it is missing (advice will be given on inspection).

Fire Escape Routes will be shown on the sketch plan of the property. If you have a full Automatic Fire Detection System you should provide details of what training you have given the occupants of the property. In other cases it will be adequate to provide information such as a leaflet that are available from [www.firekills.gov.uk](http://www.firekills.gov.uk)

3.13 Upholstered furniture supplied with rented accommodation must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). This means that all cover materials must have passed cigarette and match ignition tests and the filling materials must have passed flammability tests. You should check to see that your furniture has a label permanently attached to the lining or underside giving the appropriate details. Further guidance on this is available from the Department of Trade and Industry website at <http://www.dti.gov.uk/ccp/topics1/safetyprods.htm>

3.14 Under the Gas Safety (installation and Use) Regulations 1998 the landlord must have an annual gas safety check on all gas appliances by a Gas Safe registered gas installer

A regular and appropriate inspection of the electrical wiring installation is recommended to ensure that the health and safety of your tenants is not compromised. The landlord is required to provide certification that any appliances provided by the landlord, have been examined by a competent person who has confirmed that they are functioning properly and are safe. Only electricians approved by the NICEIC or ECA are considered competent for this purpose. Your electrician will recommend the frequency of inspection appropriate to your property.

3.15 Planning Permission may be required in relation to your HMO if there are more than 6 tenants. If you are not sure whether permission or approval is required for the property for which you are seeking a licence, contact the Councils Planning Department on 020 8545 3777. Where permission or approval has already been obtained, please enclose a copy with your application.

3.15 If the property was built or provided by conversion after 31<sup>st</sup> May 1992 you may not require a licence, if the works were carried out in accordance with the relevant Building Regulations. If you are unsure about any matter, contact us on 020 8545 3212. All converted self-contained flats are not licensable regardless of the date which they were converted.

3.16 Note that if any works of improvement are required at the property you may obtain a grant if you are a member Of the London Landlord Accreditation Scheme. See further details on [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

## Part 4. Licence Fee

A fee must accompany an application for an HMO Licence. Current fees are shown below.

Landlords will have to pay a fee to cover the administration costs of the licence procedure.

Where a property is licensable and the relevant person submits an application, for up to 5 units of accommodation the fee is £220.00 per unit and then £200.00 for each additional unit.

Units of Accommodation	Fee	Renewal Fee
5 or more	£220.00 per Unit for the first 5 units Followed by £200.00 for each additional unit over 5	Half the standard rate

NOTE 1: The London Borough of Merton is currently in the process of reviewing the HMO licence fee structure in light of the Gaskin v Richmond case. Until the revised fee structure is in place, we are introducing a two-stage payment process.

- 60% of fee is payable with your application
- 40% of the fee is payable on completion, prior to issuing of the licence.

NOTE 2: Any applications made before the new fee structure is in place, will be charged at the current rate.

### 4.1 Payment Method

Payment can be made by:

- **Cheques** - made payable to 'London Borough of Merton' and to be sent in with Application Form
- **For BACS payment** - please contact the service (details on front page.)

## Part 5 Licence holder test of fitness and compliance with management conditions

The local authority must be satisfied that the person applying for an HMO licence is a "fit and proper person" to hold a licence. The same test applies to any person managing the premises and any director or partner in a company or organisation, which owns or manages the HMO. The local authority may approach other authorities such as the police authority, Fire & Rescue Service, Office of Fair Trading, etc., to check whether the applicant has any relevant convictions. We may require your co-operation in obtaining DBS information in confirmation of the above.

- 5.1 If you do have any convictions you are required to declare, these should not be sent with the application form but should be sent under separate confidential cover. Unspent convictions may be convictions for which the rehabilitation period has not been completed, or convictions, which are excluded from the Act (i.e. never spent). Not all convictions would be relevant to a person's prospective role as an operator of an HMO, for example motoring offences would not be relevant but a conviction for fraud or theft could be since the operator would be in a position of trust. If you are unsure about any matter, please contact us.
- 5.3 The appropriate enforcement action described in the Housing Act 2004 and the Housing and Planning Act 2016
- 1) Serving an Improvement Notice under section 11

- 2) Making a Prohibition Order under section 20
- 3) Serving a Hazard Awareness Notice under section 28
- 4) Taking Emergency Remedial Action under section 40;
- 5) making an Emergency Prohibition Order under section 43;
- 6) making a Demolition order under subsection (1) or (2) of section 265 of the Housing Act 1985 (c. 68);
- 7) declaring the area in which the premises concerned are situated to be a clearance area by virtue of section 289(2) of that Act.
- 8) Civil Penalty Notices
- 9) Banning Orders
- 10) Rent Repayment Orders
- 11) Entry on the Rogue Landlord Database

5.7 "Works in default" - provisions of housing legislation which enables enforcement action in respect of a repair improvement notice to be taken by local housing authorities either with or without agreement and which provides for the recovery of related expenses.

### Checklist for submitting an application

Please provide all of the following:-

- |   |                          |
|---|--------------------------|
| 1. A sketch plan for the property detailing the layout and position of each room  | <input type="checkbox"/> |
| 2. A Gas Safety Certificate for all appliances and installations  | <input type="checkbox"/> |
| 3. Copy of Commercial Waste Contract or other evidence<br>that arrangements have been made for the collection, storage<br>and disposal of waste | <input type="checkbox"/> |
| 4. BS5389 test reports relating to the fire detection system (if applicable)  | <input type="checkbox"/> |
| 5. BS5266 test reports relating to the emergency lighting (if applicable)   | <input type="checkbox"/> |
| 6. Recent Portable Electrical Equipment test Reports  | <input type="checkbox"/> |
| 7. Periodic Electrical Installation Condition Report dated within 5 years   | <input type="checkbox"/> |
| 8. Annual Buildings Insurance Certificate   | <input type="checkbox"/> |
| 9. Licence fee.   |                          |
| - Cheques made payable to 'London Borough of Merton'  | <input type="checkbox"/> |
| - BACS payment  | <input type="checkbox"/> |
| - Credit Card   | <input type="checkbox"/> |

**Your application will be returned if any of the above is not enclosed.**