

Tower Hamlets

Property Licensing Guidance

for Landlords and
Managing Agents



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1. Introduction and General Information

This guide provides information on property licensing schemes in Tower Hamlets and to assist with completing the application form.

We know most landlords provide good quality safe homes, however we also know there are some who put the health of their tenants at risk. This may be because some do not know how to manage a rented property well and we want to help them to do better, however we know that there are some criminal landlords operating in the borough that do not care about the safety of their tenants or the effect their anti-social behaviour causes for neighbours.

Licensing of private rented accommodation aims to ensure that:

- The landlord is accredited and/or trained
- There are plans in place to deal with anti-social behaviour
- The property meets minimum standards to ensure the health, safety and welfare of the occupants are safeguarded
- The landlord is a 'fit and proper person' or employs agents who are
- Management arrangements are in place to report and carry out repairs
- The accommodation has enough space and facilities for the number of occupiers
- Good landlords are not disadvantaged financially by those who operate below the standards required.

2. Property Licensing Legislation

Property licensing legislation is contained in Parts 2 (HMOs) and 3 (other types of properties) of the [Housing Act 2004](#). This legislation also allows the Minister to introduce regulations which are also legally binding.

2.1. Part 2: Houses in Multiple Occupation

Licensing of houses in multiple occupation comes under Part 2 of the Housing Act 2004.

[A house in multiple occupation](#) (HMO) is a property rented out by at least 3 people who are not from 1 'household' (for example, a family) but share facilities like the bathroom and kitchen. It's sometimes called a 'house share'.

There is a special category, the HMO definition also covers certain buildings that have been converted to self-contained flats, so-called 'Section 257 HMOs'.

A 257 HMO is a building that has been converted into self-contained flats AND

- The standard of conversion does not comply with the Building Regulations 1991 (it was converted prior to 1st June 1992)
- Less than two-thirds of the flats are owner-occupied.

The full definition can be found under 257 of The Housing Act 2004.

2.1.1. Mandatory Licensing

[The Licensing of Houses in Multiple Occupation \(Prescribed Description\) \(England\) Order 2018¹](#) describes the HMOs that require a Mandatory Licence.

¹ <http://www.legislation.gov.uk/uksi/2018/221/article/1/made>

The latest definition came into force in October 2018. The mandatory scheme applies to the whole of the borough.

A property is defined as a mandatory HMO if all of the following apply:

- It is rented to 5 or more people who form more than 1 household
- Some or all tenants share toilet, bathroom or kitchen facilities
- At least 1 tenant pays rent (or their employer pays it for them).

Tower Hamlets Mandatory Licensing Scheme

All rented properties anywhere in the borough which are occupied by **5** or more people living as **2** or more separate households who share facilities (excluding flats in purpose built blocks with **3** or more flats). **It has been a legal requirement to licence these properties since 2006.**

2.1.2. Additional Licensing

A council can designate either:

- (a) the area of their district, or
- (b) an area in their district,

as subject to additional licensing in relation to a description of HMOs specified in the designation, if the requirements of this section are met.

The authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

Tower Hamlets Additional Licensing Scheme

All rented properties anywhere in the borough which are occupied by **3** or **4** people living as **2** or more separate households who share facilities and the property is not within the Selective area. The HMO definition also covers certain buildings that have been converted to self-contained flats, known as 'Section 257 HMOs'. See paragraph 2.1 for more details. The Additional Licensing Scheme also includes flats with **5** or more tenants living as **2** or more households in purpose built blocks with **3** or more flats. These properties are no longer licensable under the mandatory scheme following changes to the legislation in October last year but will need to be licensed under this new scheme. [Cabinet](#)² approved the Additional licensing scheme in October 2018.

2.2. Part 3: Selective Licensing of other Residential Accommodation

A selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions. The area is one experiencing:

- (a) low housing demand (or is likely to become such an area);
- (b) a significant and persistent problem caused by anti-social behavior;
- (c) poor property conditions;
- (d) high levels of migration;

2 <http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=720&MId=8828&Ver=4>

- (e) high level of deprivation;
- (f) high levels of crime.

If more than 20% of the total number of the total private rented properties, or 20% of the geographical area is included in any proposal the decision is made by the Secretary of State.

All rented properties in Whitechapel, Spitalfields & Banglatown and Weavers areas of the borough excluding those needing a licence under the mandatory scheme. [Cabinet](#)³ approved the Selective Licensing scheme in February 2016. **This scheme has been in force since 2016.**

Please note: This scheme covers **all** privately rented properties including smaller HMOs that are occupied by **3** or **4** people living as **2** or more separate households who share facilities within the selective licensing area.

3. Exemptions to Property Licensing

There are exemptions to the requirement to be licensed and these are contained in schedule 14 of the Housing Act 2004. These include buildings which are:

- Controlled or managed by a Local Housing Authority
- Controlled or managed by registered social landlords and housing providers
- Controlled and managed by police
- Controlled and managed by fire brigade
- Controlled and managed by Health Service Body
- Regulated by other enactments
- Occupied by religious communities.

4. Temporary Exemption Notices (TENs)

TENs provide an exemption from the need to licence a property for a temporary period of up to three months. They are intended to allow landlords who have unexpectedly found that their property needs a licence a short period of exemption from that requirement so that they can put the situation right. TENs cannot be used where the landlord is unaware that the property needs to be licensed and wants to avoid formal action for operating an unlicensed property. A TEN is not an alternative to licensing, if a licence is needed then an application should be made.

A TEN can only last a maximum of three months with an extension in exceptional cases only for a further three months. The law only permits one extension to a TEN. Any proposed action that will take longer than three months is not likely to meet the criteria for a TEN to be issued. Any course of action that will take longer than six months will never be suitable for a TEN.

3 <http://democracy.towerhamlets.gov.uk/documents/g6205/Printed%20minutes%2002nd-Feb-2016%2017.30%20Cabinet.pdf?T=1>

A TEN can only be granted if you notify the Council of your intention to take particular steps with a view to securing that the house is no longer required to be licensed. This might be evicting tenants or reducing the number of occupiers.

Since a TEN can only last a maximum of three months with an extension in exceptional cases only for a further three months, any set of actions that are going to take longer than three months are not ones where a TEN is likely to be suitable. Any course of action that will take longer than six months will never be suitable for a TEN.

If a TEN is not granted there is a right of appeal to the First-tier Tribunal Property Chamber. The appeal must be lodged within 28 days of the refusal of the application.

To be granted a temporary exemption an application must be made using the online form. Once the decision is taken that the application is valid in respect of a property which requires a licence but lacks one, it is treated as no longer being 'unlicensed'.

5. Death of a Licence Holder

A licence is terminated on the death of the licence holder. However, the property is treated as if a temporary exemption notice (TEN) has been served for a period of three months after the death of the licence holder. A temporary exemption must be applied for by a representative of the deceased licence holder.

6. Revocation of a Licence

The Council has a duty to revoke a licence where a banning order is made against a licence holder. The Council also must revoke a licence if a banning order is made against a person who:

- (a) owns an estate or interest in the house or part of it, and
- (b) is a lessor or licensor of the house or part

The Council can revoke an application on its own initiative, on further application from the licence holder or other relevant person. The licence may be revoked with the agreement of the licence holder, or where the Council consider that:

- The licence holder has seriously breached a condition of the licence, or repeatedly breaches a condition of the licence
- The licence holder is no longer a fit and proper person
- The management of the house is being carried on by someone who is not a fit and proper person
- The property ceases to be one that requires a licence
- The property is granted a licence as an HMO (under Part 2 of the Housing Act 2004) Variation of a licence
- The Council may, on its own initiative or further to an application from the licence holder or other relevant person, vary a licence
- It may do so with the agreement of the licence holder or where it considers that there has been a change of circumstances since the grant of the licence. Variation can include change of manager (unless they are also the licence holder), occupation, there is a change of address or details of any interested party such as the manager, owner, mortgagor, freeholder, leaseholder.

7. The Public Register and Data Protection

7.1. Public Register

There is a legal [duty](#)⁴ to keep a public register of all licences issued. Information about how Environmental Health and Trading Standards handle your data can be found in the [privacy](#)⁵ statement on the web site. We will use the information that you supply on any of our electronic forms only for processing your licence. We will use information you provide in emails in relation the administration and enforcement of your licence. If we need to give information to a third party, we will try to make sure we clearly show this.

The Council is also legally required to keep a register of all Temporary Exemption Notices and Management Orders served.

7.2. Data Sharing

Information used and ascertained for the purpose of deciding whether a proposed licence holder or manager is fit and proper is shared with other statutory bodies, particularly other local authorities and the police. Notification is given of this on the HMO licence application form.

8. Licensing Fees

Licensing fees are reviewed annually to ensure the each scheme remains cost neutral to the Council. Current fees can be found by looking on the Council's web site;

www.towerhamlets.gov.uk/lgnl/housing/Health_and_housing/Landlord_licensing_scheme/Landlord_Licensing_Scheme.aspx

The full fee can be paid at the time of the application. There is the opportunity pay in two parts, the first payment is due at the time of the application and covers the administration costs of processing the licence. The second part of the fee is for the enforcement and management of the licensing scheme and will become due after the 14 day consultation period.

The higher administration fee for paying in two parts reflects the extra costs incurred by the Council of processing two payments. The final licence will not be issued until the full fee has been paid. We recommended you pay the full fee upfront because it will cost you less.

A licence is not transferable. Where a licensed property changes ownership, the new landlord must make a full application for a new licence in his/her name. No repayment of the licence fee will be made to the existing licence holder for any unexpired period of the licence.

8.1. Refund Policy

We will give a refund for a property license if an application was made by mistake.

Situations considered to be a mistake are if:

- The property is outside the designated area
- A duplicate application has been made
- An application was made for an exempted property.

4 <http://www.legislation.gov.uk/uksi/2006/373/regulation/11/made>

5 https://www.towerhamlets.gov.uk/content_pages/legal_notices/legal_notices.aspx

We will not give you a refund if:

- We refuse your application
- You withdraw your application
- We revoke your licence
- You are refused planning permission for works required to your property.

Licence fees are not connected to the length of a licence. If you cancel your licence before it expires, we cannot give you a refund.

9. Fit and Proper Person Test

9.1. Factors taken into account

When considering whether a person is 'fit and proper' the Council must have regard (among other things) to whether the applicant has:

- Any previous convictions involving fraud or other dishonesty or violence or drugs and sexual offences,
- Practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with the carrying out of any business,
- Contravened any provision of housing or landlord and tenant law,
- Acted otherwise than in accordance with an approved code of practice,

or to anything else which is relevant. When deciding, the following should be considered:

- Nature of convictions – convictions relating to fraud, running unlicensed HMOs or violence may well affect someone's status as fit and proper. A conviction based on the existence of a category 1 hazard would give some indication of an applicant's approach to health and safety in a property. The relevance of each conviction must be considered in relation to the management of the HMO.
- Weight of convictions.
- Nature of contraventions – specifically officers' views on these. An administrative or technical breach of the Management Regulations, for example an isolated incident of not displaying the Code of Good Management Practice, may not in an officer's opinion affect a person's status as fit and proper.

Under section 64 of the Act, both the proposed licence holder and the proposed manager must be fit and proper persons.

This policy is not intended to be exhaustive and the Council is entitled to take into account other factors in so far as they are relevant to the fitness and propriety of the relevant person. In other words, the misconduct has to be relevant to the person's fitness to hold a licence and/or manage the particular residential building, and in regard to criminal offences the Council must only have regard to unspent convictions.

The Council would not normally consider a landlord with a criminal record for unlawful evictions and harassment of tenants to be fit and proper person. In contrast, evidence of minor contraventions of housing or landlord and tenant law need not result in an adverse decision. Evidence of any specified misconduct does not necessarily lead to the conclusion that the person is not a fit and proper person.

Discretion may be appropriate if an offence is isolated and there are mitigating circumstances. Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which should be taken into account. A particularly serious view may be taken where the victim of any offence is vulnerable.

- (a) Each case must be considered on its own merits.
- (b) The Council will adopt a common sense approach, exercising its discretion reasonably and proportionately, taking into account relevant considerations and disregarding irrelevant considerations.
- (c) Where a potential licensee or a manager has a relevant unspent conviction or contravention, in deciding whether they are fit and proper the Council will take into account the following factors:
 - The relevance of the conviction/contravention in relation to the person's character and integrity to manage an HMO
 - The severity of the conviction/contravention in terms of impact, upon residents and the wider community
 - Whether the person is accredited or has been trained to manage an HMO
 - Any other relevant matter
 - Any mitigating circumstances
 - Whether the proposed **manager** is fit and proper
 - Whether the proposed **licence holder** fit and proper
 - Whether there are satisfactory management arrangements
 - Who is involved in the management
 - What precautions have been taken to ensure those involved in the management are fit and proper.

These points should form the basis of the decision made. Any review or report produced should refer to each point.

9.2. Consideration of 'persons associated or formerly associated' with the proposed licence holder or manager

If there is evidence that a person associated, or formally associated, with the person proposed to be the licence holder or manager of the property, has committed any wrongdoings, that evidence may be taken into account in determining the proposed licence holder's or manager's fitness (even if that person has himself or herself an unblemished record). The purpose of this requirement is to ensure that only fit and proper persons hold licences or are in any way involved in the management of licensed properties. It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a 'front' for someone else who, if he or she were not unfit, would be entitled to be the manager or licence holder.

Examples:

Where there are two landlords and one person has applied for the licence. If there is evidence that the husband has committed wrongdoings and those wrongdoings are relevant to the wife's management of the property or licence, then the Council may refuse to grant her a licence.

A landlord with an unsatisfactory record has nominated a 'manager' who has a clean record, but who has previously acted for the landlord whilst wrongdoings were committed. In this case, the Council may consider the managing agent by association to be unfit too.

The director of company A has been prosecuted previously, and then starts to work for another managing agent B as a sole trader, employee or director. The new company could be found not to be fit and proper to manage or be a licence holder by association.

A refusal to grant a licence in these circumstances will normally only be made if:

- There is actual evidence of misconduct by the associated person and
- The associate's fitness is directly relevant to the applicant or proposed licence holder's fitness to manage the property or hold the licence.

If someone is found not to be fit and proper this will normally remain the case for 5 years. If a licence application is submitted within that period the Council will reconsider a person's fit and proper status on the merits of that application. This policy would be used to make that decision and it would be up to the applicant to provide evidence which could demonstrate why they may be a fit and proper person at that point.

9.3. Unspent Convictions

A conviction becomes 'spent' after a certain length of time depending on the sentence and the age of the offender at the time of the conviction. Please refer to [government guidance](#) which details when convictions become spent.

10. Licence Conditions

Once the licence is issued it becomes an offence if the conditions are breached.

There are three ways that conditions are added to the licence;

- (a) The legislation includes a set of mandatory conditions which Council must attach to each licence issued.
- (b) Councils can adopt a set of conditions to attach to every licence to address specific issues within their areas.
- (c) Officers can attach conditions to individual licences if there are issues specific to the property.

Failure to meet licence conditions can result in a criminal conviction and an unlimited fine or being issued with a financial penalty of up to £30,000 for each condition breached. Standard conditions for each of the three schemes can be found on the [web site](#)⁶. However, you must ensure you are aware of the conditions specific to your licence because there may be others attached by the officer.

6 https://www.towerhamlets.gov.uk/lgnl/council_and_democracy/consultations/past_consultations/landlord_licensing/faqs.aspx

11. Penalties for Operating an Unlicensed Property

- The landlord can be prosecuted resulting in a criminal conviction and an unlimited fine, or
- Issued with a financial penalty of up to £30,000 for each breach.
- The landlords will be limited in their ability to use the Section 21 Possession Procedures to evict tenants.
- The tenants or Council can apply for a Rent Repayment Order and recover 12 months' rent from the landlord from the time the property became licensable.
- The Council has the powers to make an Interim Management Order (IMO) if the property is unlicensed without a prospect of it being licensable or a licence is revoked. This will transfer the management of the property to the Council for a specified period after which a Final Management Order (FMO) may be made.

Where the Council has had to take enforcement action, a licence may be revoked or varied and may require a new application. Variations can include reducing the licence term so that it is valid for a shorter period of time.

11.1. Enforcement Trigger Panel

This panel consists of at least two Officers, one of which will be a senior Officer. The Trigger Panel will consider any applications that do not result in a full five year licence being issued, including applications for a TEN, proposed refusal of a licence as well as reducing the licence term.

12. Inspections

To identify properties where action is needed under Part 1 sections 5 and 7 of the Housing Act 2004 we will inspect medium and high risk properties following a risk assessment using information on the application form and a review of any previous history of the applicant.

The risk score is weighted to ensure high risk properties are inspected more urgently. It is not intended to inspect low risk properties unless issues arise during the licence period.

An inspection will include a desk top survey to confirm the information provided at the time of the application. We do this by accessing the national databases such as Gas Safe Register.

A physical inspection will include accessing all rooms in the property as well as any out buildings. Officers will be checking for compliance with the conditions attached to the licence as well as identifying whether there may be any hazards present which may need action to be taken under HHSRS.

13. Rights of Entry

Powers of Officers to enter a premises are contained in the [Housing Act⁷ 2004 section 239](https://www.legislation.gov.uk/ukpga/2004/34/section/239). However, these powers are only used where difficulty is anticipated. In most cases officers will enter premises following an invite by the occupier or tenant. The reasons for entry may include inspections of the property to check compliance with housing legislation, to assist tenants in securing necessary repairs or improvements by the

7 <https://www.legislation.gov.uk/ukpga/2004/34/section/239>

landlord, to advise the landlord on the standards required and enforce fire safety and management standards.

In most cases at least 24 hours' notice will be given before entry, however officers can enter at any reasonable time without prior warning to determine if an offence has been committed, for example offences in relation to:

- Licensing of HMOs under Part 2 of the Act
- Licensing of Houses under Part 3 of the Act (Selective)
- The Management Regulations
- Compliance with licence conditions.

14. Housing Health and Safety Rating System (HHSRS)

HHSRS assesses safety rather than comfort. When Officer officers inspect a property they look for any risk of harm to an actual or potential occupier, which results from any deficiency that can give rise to a hazard.

The judgement of the severity of the risk is based on the likelihood of an occurrence that could cause harm over the next twelve months, and the range of harms that could result.



14.1. How risks are assessed

Officers use the formal scoring system within HHSRS to demonstrate the seriousness of hazards that can cause harm. The scoring system for hazards is prescribed by the [Housing Health and Safety Rating System \(England\) Regulations 2005](#).

If there are risks to the health or safety of occupants that the Officer thinks should be dealt with, we have various powers to ensure that owners and landlords take corrective measures. If the Officer finds a serious hazard (i.e. one in the higher scoring bands A – C, referred to as Category 1 hazards) the local authority is required to take action.

Category 2 hazards (i.e. those in scoring bands D – J) are judged to be less serious. Authorities can still take action to tackle these hazards where it is believed necessary.

14.2. Enforcement action in relation to Housing Standards

Once a hazard has been found the following action can be taken:

- Serve an Improvement Notice in accordance with section 11 or 12;
- Make a Prohibition Order in accordance with section 20 or 21;
- Serve a Hazard Awareness Notice in accordance with section 28 or 29;
- Take emergency remedial action under section 40 or make an Emergency Prohibition Order under section 43;
- Make a Demolition Order under section 265 of the Housing Act 1985 (as amended); or
- Declare a Clearance Area by virtue of section 289 of the 1985 Act (as amended).

Please note that the Council makes a charge if it is necessary to serve certain Notices.

15. Licence Term

Tower Hamlets aims to ensure fairness and transparency when administering the landlord licensing scheme, and in particular seeks to ensure that co-operative and compliant landlords are not disadvantaged compared with landlords who do not co-operate, and/or operate unsafe or poorly managed properties. This is reflected in the fees system which allows for longer license periods for well managed properties and requiring licenses to be renewed more regularly for those that are poorly managed.

Consideration process for reduction of years of licence:

- (a) 5 years maximum (3 years for a mandatory license) on application licences will be granted for this period where landlords are compliant with licence conditions, maintain good property standards and demonstrate good management standards.
- (b) Reduced to 2 years if we have evidence to suggest that management arrangements or property conditions are not entirely satisfactory, or where the Council has taken intervention against the landlord but is not so serious as to warrant refusal to grant a licence or where concerns are raised by the police or other statutory enforcement agency, licences may be granted for the lesser period.
- (c) Reduced to 1 year where evidence of non-compliance such as the service of persistent multiple enforcement notices but the Council has not issued a refusal to grant a licence or where concerns are raised by the police or other statutory enforcement agency. Or failure to complete and return a fully completed licence application form including temporary exemption applications.

16. Dealing with Anti-social Behaviour

The following arrangements shall be implemented to prevent or reduce anti-social behaviour.

The licence holder will provide their tenant(s) with written information including the following:

- Name of the licence holder and manager
- A contact address and daytime telephone number
- A 24 hour emergency contact telephone number which should include out-of-hours response arrangement
- Details for the disposal of rubbish and bulky waste
- Any change in contact and/or telephone number details should be provided to tenants within 7 days of the changes being made

The licence holder shall effectively address problems of anti-social behaviour resulting from the conduct on the part of occupiers of, or visitors to, the premises by complying with the requirements of paragraphs (a) to (i) below:

- (a) The licence holder must not ignore or fail to take action if he has received complaints of anti-social behaviour (ASB) that concern the visitors to, or occupiers of, the premises.
- (b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.

- (c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.
- (d) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.
- (e) The licence holder shall, from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour and whether it is continuing.
- (f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder or his agent must within 7 days visit the premises and provide the tenant with a warning letter advising them of the possibility of eviction.
- (g) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.
- (h) If after 14 days of giving a warning letter the tenant has taken no steps to address the anti-social behaviour and it is continuing, the licence holder shall take formal steps under the written statement of terms for occupation e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti-social behaviour.
- (i) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or police. Any correspondence, letters and records referred to in (a) to (i) above must be provided to the Council within 14 days on demand.

17. The Fit and Proper Person Test

In deciding whether to grant a licence the Council must be satisfied that the proposed licence holder '...is a fit and proper person to be the licence holder...' and that 'the proposed manager of the house is a fit and proper person to be the manager of the house...'

The licence may be revoked where the Council no longer considers that the licence holder is a fit and proper person to be the licence holder. For example where a person involved in the management of the house is convicted of one of the offenses detailed in the legislation during the license term.

This requirement is to ensure that those responsible for operating the licence and managing the property are of sufficient integrity and good character to be involved in the management of the particular residential property and as such they do not pose a risk to the welfare or safety of persons occupying the property.

17.1. 'Involved in the management'

Under section 66(6) of the Housing Act 2004 the Council must consider whether:

- (a) A person involved in the management of the house has a sufficient level of competence,
- (b) Any other person involved is fit and proper, and
- (c) Management structures and funding arrangements are suitable.

This means the Council must consider licence holders, managers and others, including key-holders. This will not extend to, for example, all members of staff at a managing agent who have limited access to a property, but it will be necessary to find out how repairs to the property are carried out. The emphasis is on managing agents to ensure that their staff are fit and proper.

The licence holder and the manager can be two different people. Where this is the case, a decision must be made for each individual about whether they are a fit and proper person. When making this decision, the Council will take into account their fitness to hold the licence or to manage the property.

When making the decision, the Council must ask the following:

- What are the management arrangements?
- Who is involved in the management?
- What precautions have been taken to ensure those involved in the management are fit and proper?

In the case of a key-holder, the Council must consider their involvement in the management of the house and whether they have a sufficient level of competence to be so involved.

17.1.1. Management of HMOs

[The Management of Houses in Multiple Occupation \(England\) Regulations 2006](http://www.legislation.gov.uk/uksi/2006/372/made)⁸.

places legal duties on both managers and tenants to ensure that the property is maintained to a good standard. Below is a summary of the management regulations:

Duties of the Manager

- (a) To display his or her name, address and phone number prominently in the house.
- (b) To keep the premises generally safe, but in particular:
 - keep the means of escape from fire in good order and free from obstruction
 - make any unsafe roofs or balconies safe or inaccessible
 - fit window restrictor alternatives to low windows to prevent accidents.
- (c) To keep water supply and drainage in proper working order and fit covers to all water tanks.
- (d) To supply to the Council the latest Gas Safety Certificate and the latest Electrical Safety Certificate within seven days of being asked to do so (gas appliances must be tested annually and electrical testing must be carried out every five years).

8 <http://www.legislation.gov.uk/uksi/2006/372/made>

- (e) To maintain in good repair, clean condition and proper working order all stairs, banisters, carpets, lights and any other parts that are used in common by two or more households.
- (f) To maintain in good repair, clean condition and good order any outbuildings, yards, forecourts, boundary walls, fences and railings.
- (g) To keep the garden safe and in a tidy condition.
- (h) To make sure every letting room and any furniture supplied with it is clean at the beginning of every tenancy.
- (i) To make sure all fixtures, fittings or appliances are in good repair and in proper working order and maintain them in this condition.
- (j) To make proper arrangements for the storage of refuse and litter pending their disposal.
- (k) To make appropriate additional refuse disposal arrangements.

Duties of occupiers

- (a) Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties.
- (b) Allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person.
- (c) Provide the manager, at their request, with any such information as he may reasonably require for the purpose of carrying out any such duty.
- (d) Take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations
- (e) Store and dispose of litter in accordance with the arrangements made by the manager.
- (f) Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

Failure to comply with the management regulations is an offence which could result in a prosecution and an unlimited fine for each offence or a civil penalty notice of up to £30,000.

18. HMOs and Planning Law

The [Town and Country Planning \(Use Classes\) Order 1987](#)⁹ (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. Residential properties fall into two use classes C3 and C4.

18.1. C3 Dwelling Houses

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

9 <http://www.legislation.gov.uk/uksi/2006/372/made>

- C3(b) up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

18.2. C4 Houses in Multiple Occupation

Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

18.3. Sui Generis

Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: betting offices/shops, pay day loan shops, theatres, **larger houses in multiple occupation**, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, laundrettes, taxi businesses and casinos.

You will need planning permission if you are changing your property from a single-family property to a house in multiple occupation (HMO) occupied by more than six people.

19. Housing Standards in HMOs in Tower Hamlets

19.1. Space Standards for Sleeping Accommodation

In this guidance, a bedsit or studio is defined as a room, or rooms, used for sleeping within a building, where some of the basic facilities or amenities for food preparation and hygiene are provided within the accommodation, or in a separate room and for the exclusive use of the occupiers of the bedsit or studio.

A bedroom is a room within a building used for sleeping, and which does not contain any of the basic facilities. The facilities are either provided in separate rooms and are shared with other people living in the HMO, or are provided in separate rooms but for the exclusive use by the occupiers of the bedroom.

A self-contained bedsit/studio or flat is one that contains all of the facilities and amenities for food preparation and hygiene within the accommodation.

A maximum of two people are permitted to share a room for sleeping irrespective of age. If there are two occupiers, they must be living together as partners, family members or consenting friends. A room shared by more than two people is overcrowded, and may be subject to enforcement action by the local authority.

A room used for sleeping must not be shared by people of the opposite sex who are 10 years old and over, unless they are married or cohabiting / living together in a relationship as husband and wife or in an equivalent relationship in the case of persons of the same sex.

When measuring the size of the room and assessing usable space, the shape of the room should be taken into account as well as the total floor area.

Space taken up by fitted units are counted in the floor area calculation, but chimney breasts, lobbies and en-suite bathroom or shower rooms or other significant obstructions that can reduce the floor area are not. Rooms must have a minimum floor to ceiling height of at least 2.14 m over 75% of the floor area. Any floor area where the ceiling height is less than 1.53 m is disregarded but may be considered as possible storage space.

Table 1: Room Sizes

Number of occupiers	Minimum bedroom size for sleeping – kitchen facilities in a separate room m ²	Minimum bedroom size for sleeping – kitchen facilities within the room m ²
One	8.5	13
Two	13	18

Any rooms below the minimum space standard above will not normally be considered suitable for sleeping accommodation although discretion may be granted if there is sufficient other communal space available to the occupier (see below) and/or the room is well set-up and provides a decent unit of accommodation. No rooms below 6.5 m² will be considered as suitable for sleeping rooms. No room can be considered suitable for occupation by more than one person or two persons co-habiting.

19.2. Living and Dining Rooms

A landlord may provide a communal living room in addition to any space that is required for shared kitchen and dining facilities. As a guide, a communal living room should be at least 13 square metres for 3 people, plus 1 square metre for every additional person. For example, a living room for 5 people should be 15 square metres.

If dining facilities are combined with the living room, the room should be at least 14 square meters for 3 people, plus 1 square metre for every additional person. For example, a combined living/dining room for 5 people should be 16 square metres.

19.3. Kitchen Facilities

Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen. Kitchens must be of an adequate size and shape to enable safe use of food preparation by the number of occupiers and the following guidelines for shared kitchens apply:

Table 2: Number of Sharers

Number of sharers	Room size m ²
Up to 3	5.5
4-5	7.5
6-7	9.5
8-10	11.5

Where all or some of the lettings within the HMO do not contain cooking facilities, such facilities must be provided for sharing with other households. There should be one full set of facilities per 5 persons, irrespective of age. Some flexibility may be considered in well-managed properties where there are 6 or 7 persons, subject to a risk assessment carried out by the local authority.

Where there are up to 10 persons, either an additional full set of cooking facilities must be provided, or additional facilities must be provided in an appropriate number of individual lettings where the room is large enough. If two sets of facilities are in the same room, each set must be separated and in distinct areas of the room.

The kitchen size and layout must enable the practical, safe and hygienic use of the kitchen for storage, preparation and cooking of food.

The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being cleaned.

A set of cooking facilities is comprised as follows:

Table 3: Kitchen Facilities

Facility	Number of Occupants	Requirement
Cookers	One	In one-person bedsits only, a cooker with a 2-ring hob, oven and grill. Must be permanently and safely installed on a fixed worktop.
	Up to 5	4-ring hob, oven and grill.
	6 to 7	4-ring hob, oven and grill and an additional combined microwave oven and grill.
Sink/Drainer	Up to 5	1000 mm sink/drain set on base unit, provided with a constant supply of hot and cold water and properly connected to the drainage system.
	6 to 7	A double sink/drain set installed as above or A single sink/drain set plus a dishwasher.
Worktops	One household	1000 mm x 600 mm. Worktop must be fixed, and made of suitable impervious material.
	Up to 5	2000 mm x 600 mm provided and fitted as above
	6 – 7	2000 mm x 600 mm provided and fitted as above, plus additional space for extra appliances.
Splashback	All	Splashback 300 mm tiled splashback or its equivalent to be provided to the sink/drain set, worktop and any cooker without an integral splashback.
Electrical Sockets	Up to 5	One suitably located electrical socket for each dedicated appliance such as a cooker, refrigerator and washing machine. In addition, 4 sockets (in either double or single combinations) to be provided above the worktop.
	6-7	An additional 2 sockets as above.
Floor Covering	All	Impervious and washable floor covering to cover the floor area of the kitchen.
Storage Cupboards	Per household	1 double wall cupboard or 1 single base cupboard. May be provided within individual lets. The base unit below the sink/drain set is not acceptable for food storage.
Refrigeration		Where provided in individual lettings, a small fridge freezer.
	Up to 5	Where provided in a shared kitchen, equivalent of 2 worktop height refrigerators both with freezer compartments, or 1 worktop height fridge and 1 worktop height freezer.
	6 to 7	Where provided in a shared kitchen, the equivalent of an additional worktop height refrigerator with freezer compartment.

- Kitchen facilities where provided in a bedsit should be sited remote from the entrance door.
- The cooker should not be situated below a window.
- A kitchen must not be the sole access to a room used for sleeping.
- Kitchen facilities must not be installed in a hallway.
- A humidistat-controlled mechanical extractor must be provided where there is inadequate ventilation by means of a window. Newly converted kitchens must have a mechanical extractor regardless of whether there is an openable window.
- Apart from an extractor hood, fixtures and fittings are not to be directly above cooking appliances.
- Sufficient refuse storage to be provided adequate for the number of occupiers.

19.4. Personal Washing and WC Facilities

- Bathrooms and WCs should be within one floor of lettings, and where shared, must be accessible from a common area. WCs and bath/shower rooms must be fitted with a suitable and functioning lock and the surfaces must be impervious and readily cleansable.
- Bath/shower rooms and WCs must be adequately ventilated, and bath and shower rooms must be adequately heated, such as by radiator, wall-mounted convection or fan heater, or underfloor heating. Electric bar heaters are not permitted. In new conversions, a mechanical extractor must be installed in addition to any openable window.
- Where only one bathing facility is provided in the premises, it must be a bath with a suitable seal and a fixed overhead shower. A fixed shower rail and curtain must be installed.
- Ideally wash hand basins in each bedsit sleeping room are required where practicable in houses with 5 or more occupiers, unless the room contains a sink/drain.
- Properties that are not bedsit accommodation may not require wash hand basins in sleeping rooms at the discretion of the local authority.
- The facilities must be adequate for the number of occupiers, and the following is a guide. External WCs are not counted.

Table 4: Personal Washing and WC Facilities

Number of Occupiers	Facilities	Specifications
1-4	1 bath with wash hand basin WC can be in bathroom	Standard size bath with 450 mm splashback Full-size wash hand basin with tiled splashback. Both to have constant supply of hot and cold water. If the WC is separate, it must have an additional wash hand basin and tiled splashback within the compartment.
5	1 bath with wash hand basin in room 1 WC with wash hand basin 1 wash hand basin in each sleeping room	WC should be separate from the bath/wash hand basin (If combined numbers may be restricted). Wash hand basins in bedsit rooms where practicable.
6-10	2 bathrooms with wash hand basins in each One of bathrooms must contain bath, and the other a shower which may be fixed over-bath type 2 WCs, one in own compartment with wash hand basin 1 wash hand basin in each sleeping room	As above Wash hand basins in bedsit rooms where practicable.

- Where a shower cubicle is provided, it must be of a sufficient size that the user can bathe and dress without injury.
- All rooms containing baths/showers, WCs and wash hand basins must be adequately lit, ventilated and heated.
- All shower cubicles to be fully tiled (or similar impervious material) or be complete self-standing cubicle.
- The minimum acceptable bath size is 1700 mm x 700 mm and shower cubicle 800 mm x 800 mm.
- Every bath, shower and wash hand basin must be provided with an adequate and continuous supply of hot and cold water and be connected to the drainage system in compliance with current Building Regulations.

19.5. Fire Safety

Fire safety standards to be based on the final edition of the LACORS Housing Fire Safety Guidance:

http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

All properties should have a suitable fire detection and warning system. All means of escape should be protected against smoke and flames.

19.6. Heating

Dwellings must have both effective insulation and efficient heating with reference to current energy efficiency requirements.

A fixed heating system must be provided to all lets. Radiators must be fitted with thermostatic valves. Fixed storage heaters are preferred where there is no gas supply.

19.7. Services

Each room being used as a sleeping room must have at least 3 double electric sockets for the use of the occupiers. Where there is a self contained flat it must have its own exclusive supply of electricity, gas and water.

19.8. Additional Considerations

Compliance with these standards does not negate the need for compliance with other statutory provisions, including the Housing Act 2004 and supporting Regulations and guidance.

20. Buildings Converted into Flats (Section 257 HMOs)

A 257 House in Multiple Occupation (HMO) is a building that has been converted into a block of flats **AND**

- The standard of conversion does not comply with the Building Regulations 1991 or later and still does not meet those standards.
- Less than two-thirds of the flats are owner-occupied and where a third or more of the flats are rented out on short term tenancies.

The standards detailed below are for units occupied by a single household. Where a flat in a section 257 is occupied by two, or more unrelated persons the standards detailed above for HMOs will apply.

The table below details the minimum required standards for a section 257 HMO:

Table 5: Minimum Floor Space 257 HMO

	Minimum floor space m ²
Studio – one person	11
Studio two persons cohabiting as a couple	15
Separate kitchen – single occupancy	5.5
Separate kitchen – two or more occupiers	6.5
Bathroom	Must meet the general requirements above
Separate bedroom – single occupancy	6.5
Separate bedroom – couple	10
Additional bedrooms single person	6.5
Additional bedrooms couple	10

All kitchens must meet the standards detailed above.

All bathrooms must meet the standards detailed above.

20.1. The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations¹⁰ 2007

These regulations place duties on managers and occupiers of 257 HMOs. 257 HMOs are subject to different regulations to deal with specific issues related to properties that have been converted and do not meet with 1991 building control regulations.

Duties of Managers

- (a) Providing information to occupiers;
- (b) Taking safety measures, including fire safety measures;
- (c) Maintaining the water supply and drainage;
- (d) Supplying and maintaining gas and electricity, including having it regularly inspected;
- (e) Maintaining common parts, fixtures, fittings and appliances;
- (f) Maintaining living accommodation; and
- (g) Providing waste disposal facilities.

Duty of Occupiers of HMOs

- (a) Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties;
- (b) Allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;
- (c) Provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;
- (d) Take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair;

¹⁰ <http://www.legislation.gov.uk/uksi/2007/1903/contents/made>

- (e) Store and dispose of litter in accordance with the arrangements made by the manager;
- (f) Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

21. Other Relevant Legislation

21.1. Right to Rent

[The Immigration Act 2014](#)¹¹ introduced a new requirement for private landlords to check the immigration status of prospective tenants and lodgers before they move in. Government have produced a [user guide](#) to help landlords comply with this legislation.



22. Agent Redress Scheme

Since 1st October 2014 [it is a legal](#)¹² [requirement](#) for all lettings agents and property managers to belong to a Government approved redress scheme. As of 7 August 2018 there are two recognized schemes;



Property Redress Scheme (www.theprs.co.uk)

The Property Ombudsman (www.tpos.co.uk)

These scheme providers act as an arbitrator, in disputes that landlords and or tenants have with their agent.

Agents that fail to join either scheme risk receiving a £5,000 fine, from the Local Authority who has a duty to enforce this legal requirement.

22.1. Agent to Publish Fees

Since May 2015 it is a legal requirement for all lettings agents and property managers to publicise fees charged to both tenants and landlords.

Agents will need to display fees on business premises such that clients and potential clients can easily see them. An agent must also ensure that the fees are easy to find on its web site.

Agents must also state the following:

- The name of the redress scheme they belong to
- Whether or not they are a member of a client's money protection scheme.

The list of fees must be comprehensive and clearly defined; there is no scope for surcharges or hidden fees. General terms such as 'admin fee' are no longer acceptable, as they will not sufficiently describe the service for which the fee is being paid.

¹¹ <http://www.legislation.gov.uk/ukpga/2014/22/part/3/chapter/1/crossheading/key-interpretation/enacted>

¹² <http://www.legislation.gov.uk/uksi/2014/2359/contents/made>

Agents that fail to display fees and the required information risk receiving a £5,000 fine from the local authority who has a duty to enforce this legal requirement.

22.2. Agent to belong to Client Money Protection Scheme

From 1st April 2019 it is a legal requirement for all property agents who hold client's money to be a member of an approved or designated client money protection scheme.

Agents that fail to belong to Client Money Protection schemes risk receiving a £30,000 maximum fine from the local authority who have a duty to enforce this legal requirement.

Agents must do the following:

- Obtain a certificate of membership of the approved client money protection scheme
- Display the certificate on the agents' business premises
- Publish the certificate on the agents' web site
- Produce a copy of the certificate to anyone who reasonably requires it.

Agents that fail to obtain, display, publish, or produce a membership certificate risk receiving a £5,000 fine, from the local authority who has a duty to enforce this legal requirement.

23. Tenant Fees Act

From 1st June 2019 it will be a legal requirement that landlords and letting agents can no longer charge tenants or their guarantors certain fees in connection with a tenancy whether an assured shorthold tenancy, or licence to occupy.

The only payments a landlord or letting agent can charge in connection with a tenancy are:

- The rent
- A refundable tenancy deposit (reserved for any damages or defaults on the part of the tenant) capped at no more than five weeks' rent, where the annual rent is less than £50,000, if £50,000 or greater than the deposit will be capped at six weeks' rent)
- A refundable holding deposit (to reserve a property) capped at no more than one week's rent)
- Payments to change the tenancy when requested by the tenant capped at £50.00, or reasonable costs incurred if higher
- Payments associated with early termination of the tenancy when requested by the tenant
- Payments in respect of utilities, communication services and council tax
- Default fees required under a tenancy agreement (the late rent payment fine can charge interest at no more than 3% above the Bank of England Base Rate, for replacing a lost key limited to the landlord or agent providing evidence in writing that costs charged are reasonable).

Landlords and letting agents that charge tenants fees, that are not included in the above list and are prohibited payments, risk receiving a £5,000 fine, from the local authority who has a duty to enforce this legal requirement.

Landlords and letting agents that again breach the requirements of this act within five years of receiving a £5,000 fine, the local authority have the choice to regard this further breach as a criminal offence, where the fine is unlimited, or impose a £30,000 fine and be subject to a banning order.

23.1. Holding Deposit

This is a refundable payment you may ask a tenant to pay to demonstrate a commitment to rent the property whilst referencing checks take place. You cannot ask a tenant for a holding deposit which is more than one week of the total of rent for the property. Any amount above 1 week's rent will be a prohibited payment.

You must refund the holding deposit where a tenant later enters into a tenancy agreement before the deadline for agreement, the landlord decides not to rent the property, or an agreement is not reached in time (and the tenant is not at fault). You must refund the holding deposit where a tenant or relevant person has not entered into the tenancy because the landlord or letting agent behaves in an unreasonable manner and or imposes a requirement that breaches the ban on charging letting fees.

Landlords and letting agents that fail to refund the holding deposit risk receiving a £5,000 fine from the local authority who has a duty to enforce this legal requirement.

23.2. Tenancy Deposit

This is a refundable payment that you may ask a tenant to pay in case of any damage or unpaid rent or bills at the end of the tenancy. You are not legally required to take a deposit. You must not ask for a deposit which is more than 5 weeks of the total rent, where the annual rent is less than £50,000. Any amount above 6 weeks' rent will be a prohibited payment.

Any deposit you request must be protected in one of the three government backed tenancy deposit schemes within 30 days of taking the payment. You must provide the tenant with information as to where and how their deposit is protected. The deposit is the tenant's money and you will need to provide evidence substantiate any deductions from the deposit at the end of the tenancy.

23.3. Tenancy Deposit Protection Schemes

Landlords who rent out their property on an [assured shorthold tenancy](#) that started after 6 April 2007 and through their letting agents must place the tenants' deposit in a tenancy deposit protection (TDP) scheme.

These government-backed schemes ensure your tenants will get their deposit back if they:

- Meet the terms of your tenancy agreement
- Don't damage the property
- Pay the rent and bills.

Landlords can use any one of these three government backed schemes:

- [Deposit Protection Service](#)
- [MyDeposits](#)
- [Tenancy Deposit Scheme](#)

All these schemes offer landlords 2 options:

- The scheme hold the tenants deposit for free – known as a 'custodial' scheme
- Landlord or the agent holds the tenants deposit and you pay the scheme to insure it – known as an 'insured' scheme.

Landlords and their agents must put the tenant's deposit in the scheme within 30 days of getting it and must give the following information to the tenant:

- Amount of deposit paid and the property address it relates to
- Contact details of your landlord or agent and deposit protection scheme used
- Scheme leaflet explaining the rules
- How to get your deposit back and when deductions can be made
- What happens if you can't agree about how much should be refunded or if your landlord or agent doesn't respond.

Landlords that fail to secure the tenant's deposit risk being taken to court and being ordered to pay between 1 to 3 times the amounts of the tenant's deposit. Landlords also risk being unable to get a court order to evict a tenant using section 21 notice procedure.

At the end of the tenancy the deposit must be returned to your tenants within 10 days of you both agreeing how much they'll get back.

If you're in dispute with your tenant the deposit is protected in the scheme until the issue is settled. So if you're in an 'insured' scheme, you or the agent must give the deposit to the TDP scheme. They will hold it until the issue is settled.

More information can be found on the following web sites:

<http://www.legislation.gov.uk/ukpga/2015/15/part/3/chapter/3/enacted>

<http://www.legislation.gov.uk/ukdsi/2018/9780111169155/contents>

<https://www.gov.uk/government/collections/tenant-fees-bill>

<https://www.gov.uk/government/publications/draft-tenants-fees-bill>

24. Completing the Licence Application Form

24.1. Starting the Application

- The application form will work with [Chrome](#), [Firefox](#) or the latest version of [Internet Explorer](#)
- The form is not designed to be completed on a smartphone
- Partially completed applications which are not accessed for more than 90 days will be removed and the property will be considered to be unlicensed
- Any unsaved applications will be lost.

You may make an application by a paper form but there is an additional fee of £150. It is the landlord's responsibility to ensure that a valid application is made, this includes providing full answers to all of the questions, the provision of all of the required documents and payment of the fee.

 This is the information icon – if you click on this, further information/explanatory notes about the question will expand.

24.2. Saving the Form

If at any point you wish to stop filling in the application form (even if just going away from your computer for a few minutes) please click the "save and close" button. This will ensure you do not lose any information you have already entered. You can resume your application at any time using your log in details. Unfortunately you will need to log in again once the form has closed but all of the information would be saved. To prevent repeated log ins you need to ensure you have of the information you need ready.

24.3. Information and Document Checklist

You will need a UK registered debit or credit card to pay for the fee.

The documents you need to be able to submit a valid application are;

Gas Safety Certificate or Commissioning form	
Electrical Safety Certificate or Commissioning form (only for HMOs)	
Floor plans (only required for HMOs)	

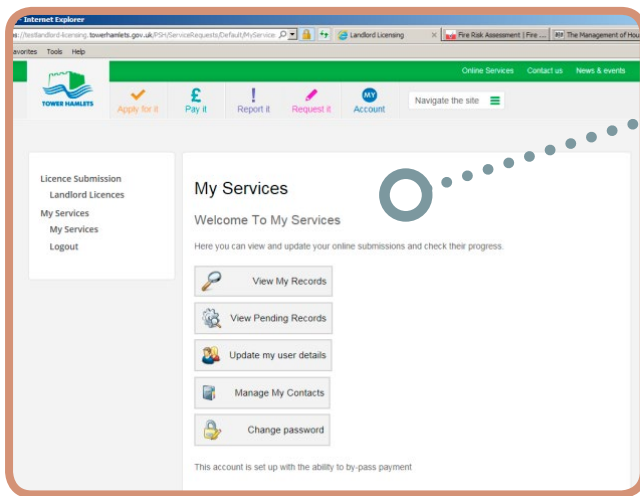
You will also need the contact details, including full name, telephone number, postal and email address of the following people/organisations.

(The definitions can be found in the glossary)

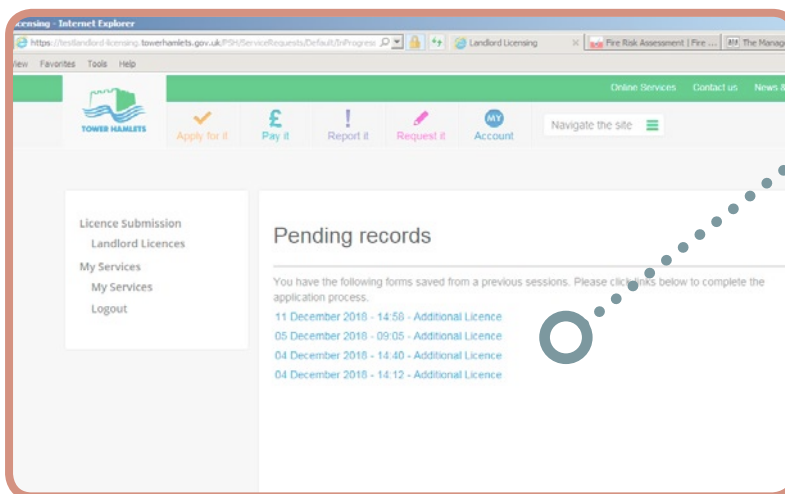
	Tick
Proposed Licence Holder	
Freeholder	
Lease Holder/s	
Managers	
Rent/Collector Receivers	
Mortgage Companies	
Tenant	
Person Responsible for Repairs	

You can also upload other documents related to how you manage the property such as your procedures for dealing with anti-social behaviour. This will help us to risk rate the property which determines if a visit is necessary.

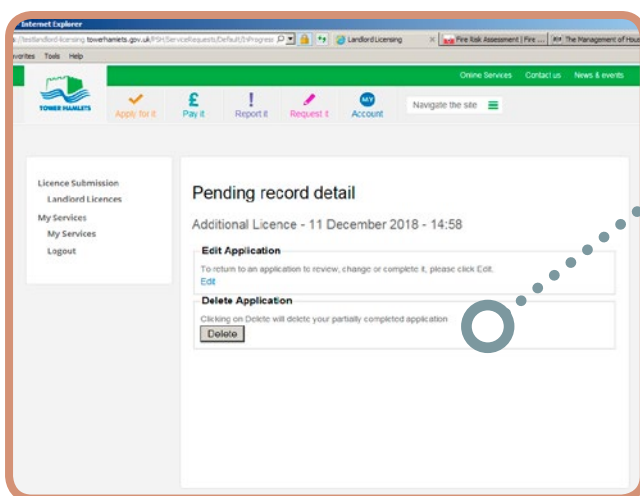
24.4. Viewing Previous Applications



All applications made using your log in details will be accessed here.



To access previous application and update your details please select one of these options.



You can edit your applications here.

You can also delete any applications you have started here.

24.5. Mandatory Questions

 Please fix the following errors.

'Street Level and Above' is a mandatory field.

'Below Ground Level' is a mandatory field.

'Residential' is a mandatory field.

'Non-Residential' is a mandatory field.

'Self Contained Flat' is a mandatory field.

'Non-Self Contained Flat' is a mandatory field.

'Actual number of households living in...' is a mandatory field.

'Actual number of occupants living in...' is a mandatory field.



All mandatory fields are marked with an asterisk * you must complete these fields to progress through the form.

Any errors will be listed at the top of the page.

24.6. Licence Type

You need to ensure that you are completing the right form. Please check the type of licence you need by answering the questions found in the following link:

https://www.towerhamlets.gov.uk/lgnl/housing/Health_and_housing/Landlord_licensing_scheme/Landlord_Licensing_Scheme.aspx

24.7. Property Details

Application for an Additional Licence

View in progress forms of this type
View all in progress forms Save and Close

Address of Property to be Licensed ⓘ

House Name/Flat Number

House Number

Street*

Town

Postcode*

← Previous Next →

This is an application for an **Additional Licence** and should only be used if the property has 3 or 4 occupants living as 2 or more households who share some facilities **EXCLUDING** the areas of Spitalfields & Banglatown, Weavers and Whitechapel. If the property is in this area you should apply for a Selective Licence.

If the property has 5 or more occupants living as 2 households who share facilities you will need to apply for a Mandatory Licence.

Please identify if the Proposed Licence Holder is also any of the following:

Applicant (normally this is the person completing the application form) ⓘ

Manager of the Property (with responsibility for maintenance and tenants) ⓘ

Freeholder (owner of the property) ⓘ

Leaseholder (holds the lease on the property) ⓘ

Rent collector (the person who collects or receives the rent) ⓘ

Responsible for repairs ⓘ

← Previous Next →

If you tick any of the boxes your contact details will automatically be recorded against the roles identified.

24.8. Entering Contact Details

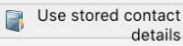
You will need to enter contact details for:

- Freeholder
- Proposed Licence Holder
- Leaseholder
- Manager
- Rent/Collector Receiver
- Mortgage Company
- Person Responsible for Repairs
- Tenant

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#) Save and Close

Details for Proposed Licence Holder ⓘ

Please use stored contact details where possible 


Title*

Forenames*

Surname*

Date of Birth

Address

House Name/Flat Number 

House Number

Street

Town

Postcode*

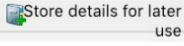
Contact Details ⓘ

Email Address*

Phone Number

Mobile Number


Preferred Contact Method

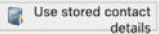
Please store any new contact details 

Please identify if the Proposed Licence Holder is also any of the following:

- Applicant (normally this is the person completing the application form) ⓘ
- Manager of the Property (with responsibility for maintenance and tenants) ⓘ
- Freeholder (owner of the property) ⓘ
- Leaseholder (holds the lease on the property) ⓘ
- Rent collector (the person who collects or receives the rent) ⓘ
- Responsible for repairs ⓘ

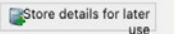
← Previous Next →

Click on the house  icon which will bring up a search for an address screen.

If you have entered these details previously press  which will autofill the details.

Enter the house number and post code and click search (you can check the post code on the post office web site). This will bring up a selection of addresses, choose one of them and click 'use selected address'. This will autofill the rest of the details.


If your property is not on the list, you can enter it manually. Make sure the property is in the Tower Hamlets borough before proceeding.

Once you are satisfied you can store the details  then click NEXT.

You can go back a page by clicking previous and these details will be saved unless you exit without saving and closing the form.

[View in progress forms of this type](#)
[View all in progress forms](#)

 Store details for later use

 Use stored contact details

Use stored contact details
Contact details you have previously stored will appear below.
Mrs Barbara Smith : 1 Smith Street Smith Town SM1 1S ⓘ
Ok Close

You can view all applications associated with your log in details.

Once you have filled in the details you can store them for later use.

Click on the 'use stored contact details' to show all addresses that have been saved previously.

24.9. Responsible People

In this section you will be asked to provide details of all of the people or organisations that have some involvement in the management of the property. It is important to get this right because they will have legal responsibilities related to this property and compliance with the conditions. To ensure that you giving the right information please read the definitions given in this guide and in the help text on the form.

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#)

Details for Proposed Licence Holder ⓘ

Which of the following is the Proposed Licence Holder?

An individual person
 A company
 A partnership
 Another type of arrangement

Please outline other arrangement type

The proposed licence holder is the person whose details will be on the licence and public register.

The Council will expect the proposed licence holder to have the authority to ensure compliance with licence conditions.

It is unlikely that an offshore company or individual would be accepted as the licence holder unless it can be demonstrated that arrangements are in place to deal with any issues that arise with the property.

In relation to limited companies you are required to include company name, registered address, registration number, and the name of a person who can be contacted in relation to the licence.

This information can be found on the internet by carrying out a free search at [Companies House](#).

You should also include the trading address if this is different.

An employee of a company cannot be the licence holder – the licence holder will be the company itself.

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#)

Save and Close

Details for Freeholder

Which of the following is the Freeholder?

- An individual person
- A company
- A partnership
- Another type of arrangement

Please outline other arrangement type

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#)

Save and Close

Details for Leaseholder

If there are no leaseholders for this property, select this box and click Next

Which of the following is the Leaseholder?

- An individual person
- A company
- A partnership
- Another type of arrangement

Please outline other arrangement type

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#)

Save and Close

Details for Manager

If there are no managers for this property, select this box and click Next

Which of the following is the Manager?

- An individual person
- A company
- A partnership
- Another type of arrangement

Please outline other arrangement type

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#)

Save and Close

Details for Rent Collector

If there are no rent collectors for this property, select this box and click Next

Which of the following is the Rent Collector?

- An individual person
- A company
- A partnership
- Another type of arrangement

Please outline other arrangement type

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#)

Save and Close

Details for person(s) or organisation responsible for repairs

If there is no person(s) or organisation responsible for repairs for this property, select this box and click Next

Which of the following describes the party responsible for repairs?

- An individual person
- A company
- A partnership
- Another type of arrangement

Please outline other arrangement type

Freeholder

Freeholder means the same as owner, i.e. the person entitled to sell the property. There could be more than one freeholder. For example, if there is a joint mortgage on the property there will be two freeholders.

Leaseholder

The leaseholder is the person who has control of the property by virtue of a lease. The owner of a property can agree to grant control of the property to some other person or body for a specific period of time (usually 99-999 years) at an agreed rent. The leaseholder acquires the rights and responsibilities as set out in the lease agreement.

Manager/Person Managing

A 'person managing' means, the person who, being an owner or lessee or an agent of the premises who receives the rent for the property or other payments for it from persons who are in occupation as tenants. 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 they would also be deemed to be a person managing.

Rent Collector/Receiver

This is anyone who collects or receives rents from the persons who are occupying the property.

Person Responsible for Repairs

The person who takes responsibility and has the authority and access to funding to arrange repairs.

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:

- Any mortgagee of the property to be licensed (i.e. the mortgage company or financial institution when a loan has been secured against the property)
- Any owner of the property to which the application relates (if that is not you)
- Any mortgagee of the property to be licensed (i.e. the mortgage company or financial institution when a loan has been secured against the property)
- 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 3 years (including a periodic tenancy)
- The proposed licence holder (if that is not you)
- The proposed managing agent, if any (if that is not you)
- Any person who has agreed that he will be bound by any conditions in a licence if it is granted.

You must tell each of these persons:

- Your name, address telephone number and email address or fax number (if any)
- The name, address, telephone number and email address or fax number (if any) of the proposed licence holder (if it will not be you)
- The address of the property to which the application relates
- The name and address of the local housing authority to which the application will be made
- The date the application will be submitted.

Application for an Additional Licence

[View in progress forms of this type](#)

[View all in progress forms](#)

Mortgage

Is there an outstanding mortgage?

- Yes
- No

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We need to know this because mortgage companies are identified as 'relevant persons' in the legislation and we therefore need to consult them as part of the licensing process.

Application for an Additional Licence

View in progress forms of this type
View all in progress forms Save and Close

Other Interested Parties

Please provide full contact details and nature of interest of any other persons that have an interest in the property.

Interested parties include all individuals or companies that have a legal interest in the property, including:

- Additional freeholders
- Additional leaseholders
- Additional mortgage providers
- Any person who has agreed that he /she will be bound by any conditions(s) in a licence if it is granted.
- Any other person who is a tenant or long leaseholder of the property or any part of it (including a flat) who is known to you, other than a statutory tenant or other tenant whose lease or tenancy is for less than 3 years (including a periodic tenancy).

Do not add details of tenants on an Assured Shorthold Tenancy Agreement of less than three years.

Details of other interested parties you have informed

Please complete for each person as follows:
Name:
Address:
Contact Details:
Interest in Property:

Interested Parties

Before granting a licence, the Council must serve a notice on the applicant for the licence and each relevant person. Relevant persons means a person having an estate or interest, in the property or are affected by any restriction or obligation to be imposed by the licence conditions.

24.10. Mortgage Details


View in progress forms of this type
View all in progress forms

Mortgage Details ⓘ

Please use stored contact details where possible Use stored contact

Mortgage Company Name*

Address of Mortgage Provider

House Name/Flat Number 

House Number

Street

Town

Postcode*

Country

Mortgage Provider Contact Details

Email Address

Phone Number*

Please store any new contact details Store details for later use

Mortgage Account Number*

← Previous Next →

This can be found on your annual mortgage statement.

24.11. Property Details

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#)

Property Details

Type of Property

- House in single occupation
- House in multiple occupation
- Flat in single occupation
- Flat in multiple occupation
- A house converted into and comprising only of self contained flats
- A purpose built block of flats
- other

If other, please specify

Type of Building

- Purpose built
- Converted
- Converted from non-residential

Date converted

Single occupation

Single occupancy means properties that are not HMOs. They are generally family homes consisting of one household but there could be two households if the total number of occupants is below three.

Multiple occupation

A house/flat in multiple occupations (HMO) is a property that is occupied by 3 or more individuals living as 2 or more households who share facilities such as a kitchen or bathroom and pay rent.

For example, HMOs can be occupied by a group of individuals sharing. Bed and breakfast and hostel accommodation occupied by individuals as their main and permanent address are also considered to be HMOs.

Converted into self contained flats

This can be a property that was originally built as a house but has been sub divided into separate self contained flats. For example, where a traditional 3 bedroomed two-storey house is converted to 2 self contained flats one on the first floor and one at ground level.

Purpose built

Purpose built flat is a flat that was constructed as a flat as opposed to a flat located in a property that has been converted.

Converted

A building or part of a building constructed as residential accommodation in which one or more units have been created since the building or part since the original construction.

Converted from non residential

A property that was built as something other than for residential use and has been converted. For example an office has been converted into flats.

Form of Structure

- Detached
- Semi Detached
- Terraced
- End Terrace
- Flat/Maisonette
- Mixed Residential/Commercial
- Other

Date Built

- before 1919
- 1919–44
- 1945–64
- 1965–80
- after 1980

Number of storeys of the property to be licensed ⓘ

Street Level and Above*

Below Ground Level*

Number of storeys within the property that is to be licensed (where applicable)

Number of Units ⓘ

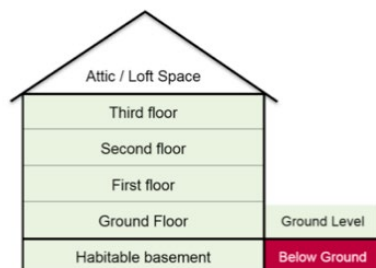
Residential*

Non-Residential*

Self Contained Flat*

Non-Self Contained Flat*

This information will be on the deeds.



Storeys

When counting the number of storeys in the property you need to include:

- Basements, attics and loft conversions.
- Any storeys which are occupied by you and your family if you are a resident landlord. For example if you live in the whole of the top floor of the property you need to include that floor.
- Any business premises or storage space on any floor.

If you are applying for a licence for a multi occupied flat, or a maisonette in a purpose built block of flats you only need to count the number of floors within the flat or maisonette.

Units

A unit refers to a single component part of a property, distinguished by the type of use e.g. a property with 4 self-contained flats and a shop beneath has 5 units in total. This would include bedsit/studio flats which have their own front door behind which are their own exclusive kitchen and bathroom facilities.

Residential

This refers to units which are lived in as a main residence.

Non residential

Units that are used for purposes other than residential. This might be a shop or used for storage.

Household 1

Actual number of households living in the property*

Actual number of occupants living in the property*

Other properties that are licensed under the Housing Act 2004

Tick this box if the proposed license holder has any other Houses or HMOs that are licensed under the Housing Act 2004?

It is a legal requirement for you to tell us if you are the licence holder for any other properties in either Tower Hamlets or anywhere else.

Household

- A single person or members of the same family living together.
- Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex).
- Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins (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.
- Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person for whom they are working. For example, three friends sharing together are considered to be three households. If a couple are sharing with a third person, that would consist of two households. If a family rents a property, this constitutes a single household. If that family had an au-pair to look after their children, that person would be included in their household.

Occupants

This relates to everybody living in the property to be licensed as their main residence, including all children of any age.

Application for an Additional Licence

View in progress forms of this type
View all in progress forms

[Save and Close](#)

Other properties that are licensed under the Housing Act 2004

Indicate the number of other properties in the London Borough of Tower Hamlets*

Indicate the number of other properties outside of the London Borough of Tower Hamlets*

Please download the following document to provide details of any other Houses or HMOs that are licensed under the Housing Act 2004 by the proposed licence holder and upload the completed document after submitting your application

[Additional Properties Template](#)

[←Previous](#) [Next →](#)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
	Address of Property						Local Authority							
1	House Name/Flat Number	House Number	Street	City or Town	County	Postcode	Name of Local Authority	Building Name	Building Number	Street	City or Town	County	Postcode	Date of Issue of Licence
2														
3														
4														

The legislation requires that you supply details of other HMOs or houses that are licensed under Part 2 (HMO) or 3 (Selective) of the Act in respect of which the proposed licence holder is the licence holder, whether in the area of the local housing authority to which the application is made or in the area of any other local housing authority.

24.12. Rooms and Facilities

24.12.1. Rooms

Application for an Additional Licence

[View in progress forms of this type](#)

[View all in progress forms](#)

Rooms and Facilities

Rooms ?

Number of exclusive living rooms*

Number of exclusive bedrooms*

Number of exclusive bathrooms*

Number of exclusive toilets*

Number of exclusive kitchens*

Number of shared living rooms*

Number of shared bedrooms*

Number of shared bathrooms*

Number of shared toilets*

Number of shared kitchens*

Please see paragraph 19 for more details about minimum standards.

Exclusive living rooms

Count the number of rooms that are used as living or dining rooms exclusively by one person/household. Only count rooms that are separate to the room that the kitchen is in.

Exclusive kitchen

Count all rooms where food is prepared and cooked that are used by one person/household.

Exclusive bathrooms

Count all bathrooms available for use by one person/household.

Exclusive toilets

Count the number of toilets that are for the exclusive use of one person/household including en suites. Do not include any that are shared between different tenancies or rooms.

Bedrooms

Bedrooms should not be shared by more than 2 people.

Count every room in that is or will be used for sleeping in. This includes all different types of sleeping accommodation for example:

- Bedrooms in a shared house with shared kitchens or bathrooms
- Bedsits where some exclusive use facilities are included in the room
- Self contained units in a house in multiple occupation
- Or any combination of the above.

Shared living rooms

Count all living rooms available for use by more than one person/household.

Shared bathrooms

Count all bathrooms available for use by more than one person/household.

Shared toilets

Count all toilets available for use by more than one person/household

24.12.2. Facilities

Facilities

Number of exclusive kitchen sinks*

Number of exclusive wash hand basins*

Number of exclusive baths*

Number of exclusive showers*

Number of shared kitchen sinks*

Number of shared wash hand basins*

Number of shared baths*

Number of shared showers*

Room & Floor Sizes

Please click on the link below to download a spreadsheet to record the room and floor sizes for the property to be licensed.

This information is a legal requirement for a Mandatory HMO and without it a licence cannot be issued.

The completed spreadsheet should be uploaded after payment has been taken.

[Room & Floor sizes spreadsheet](#)

List every room on every floor of the house

Location (eg ground floor front right room)	Room Name (eg Room 4 Flat 6)	Description eg Bedsit Living Room	Floor Area (m ²)	Number of occupiers	Name of occupiers	Type of tenancy eg Statutory
Alpha	Numeric	Alpha	Numeric	Numeric	Alpha	Alpha

Exclusive kitchen sinks

Sinks used for preparing food for the exclusive use of one person/household.

Exclusive hand basins

Basins used for hand washing only for the exclusive use of one person/household.

Exclusive baths

Count all baths for the exclusive use of one person/household.

Exclusive showers

Count all showers for the exclusive use of one person/household. If the shower is over the bath please count as a bath.

Shared kitchen sinks

Sinks used for preparing food shared by more than one person/household.

Shared hand basins

Basins used for hand washing shared by more than one person/household.

Shared baths

Count all baths shared by more than one person/household.

Shared showers

Count all showers shared by more than one person/household. If the shower is over the bath please count as a bath.

24.13. Fire Safety


Application for an Additional Licence

[View in progress forms of this type](#)

[View all in progress forms](#)

Fire Safety

Does the property have a fire detection system?*

-- Please make a selection -- 

Does the property have a control panel for the fire detection system?*

-- Please make a selection --

Is the fire detection system tested to BS5839?*

-- Please make a selection --

The Regulatory Reform (Fire Safety) Order 2005 (FSO) places a duty on the responsible person to take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity.

[LACORS](#) guidance is recognised as the accepted standard to ensure compliance with the landlords obligations in relation to fire safety in HMOs.

Fire detection system

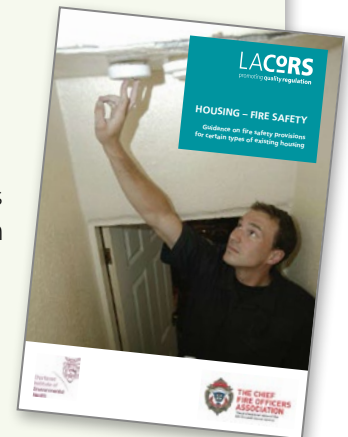
Fire detection systems provide the earliest possible warning of a developing emergency situation, which facilitates the safe and swift evacuation of people from the premises.

Control panel


The controlling component of a fire alarm system. The panel receives information from devices designed to detect and report fires and monitors their operational integrity. The panel may also supply electrical energy to operate any associated initiating device, notification appliance, control, transmitter, or relay.

BS5839: part 6

The design, installation and servicing of fire detection and alarm systems in dwellings, is not a prescriptive standard but is based on the principles of fire risk assessment.




How many smoke detectors are fitted in the property?*



What are the locations of the smoke detectors?

Is there a smoke detector on every storey?*

-- Please make a selection -- 

Smoke detectors

These detect smoke and trigger an alarm to alert occupants that there is a fire in the building.

Complying with British Standard (BS 5266) Part 1 or equivalent where the battery is continuously trickle charged from the mains supply.

A smoke detector should be fitted on each storey where there are habitable rooms.

How many heat detectors are fitted in the property?*

What are the locations of the heat detectors?

Heat detectors

These are triggered when the heat reaches a specific temperature or there is a significant rise in temperature.

Used in areas where smoke would normally be found such as a kitchen, as they would not cause false alarms.

How many fire sounders are fitted in the property?*

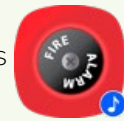
What are the locations of the fire sounders?

How many emergency lighting points are fitted in the property?*

What are the locations of the emergency lighting points?

Fire sounders

Equipment that alerts the occupants that there is a fire in the property. These should be audible in every habitable room.



Emergency lighting

A system of battery-powered lights. The lights are located on the fire escape route and are designed to operate if the primary lighting sub-circuit fails.

Application for an Additional Licence

[View in progress forms of this type](#)
[View all in progress forms](#) Save and Close

Fire Safety

If you provide upholstered furniture, does it all comply with the Furnishings (Fire Safety) Amendment Regulations 1993? *

-- Please make a selection --

Furniture

These [Regulations](#) require that all upholstered furniture which is offered for sale, for hire or provided in furnished privately rented accommodation must comply with certain standards of fire safety. Landlords should check the label to ensure it complies.



How many fire extinguishers are fitted in the property?*

What are the locations of the fire extinguishers?

If available, please supply details of fire escape routes and of any fire safety provided to occupiers

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Fire extinguishers

Fire extinguishers should be serviced by a competent engineer at least annually to ensure that they are safe. Competent engineers are often registered by the [British Approvals for Fire Equipment \(BAFE\)](#) and are members of the [Fire Industry Association \(FIA\)](#). You should also conduct an 'in house' examination of fire extinguishers at least monthly to check for any signs of tampering, missing or used extinguishers.



Escape routes

Escape route means a route by which a person may reach a place of safety if there is a fire in the property. These need to be kept clear at all times and should be protected from fire and smoke.

24.14. Landlord Accreditation and Associations

Is the proposed licence holder an accredited landlord?*

-- Please make a selector ▾

If so, please provide details and dates:

Is the proposed licence holder a member of a recognised Landlord Association?*

-- Please make a selector ▾

If so, please provide details, date, accreditation body and any membership number, etc.:

Does the proposed licence holder have a recognised qualification relevant to their responsibilities as a property owner or manager?*

-- Please make a selector ▾

If so, please provide details, qualification, date and name of the awarding body, etc.:



Accredited

Accreditation is a voluntary scheme aimed at ensuring private landlords adhere to good standards in the condition and management of their properties and their relationship with their tenants. The largest accreditation scheme is the London Landlords Accreditation Scheme (LLAS).

Recognised Landlord Association

Landlords Association refers to a legally constituted trade body which regulates the conduct of its members and represents their interests. Other relevant professionals or bodies include the Housing Ombudsman Service and those covering real estate such as property letting or surveying; industry bodies covering building and construction trades could also be relevant if they evidence skills relating to the management and maintenance of tenants' homes. Associations includes; Association of Residential Letting Agents (ARLA); the Association of Residential Managing Agents (ARMA); the Royal Institute of Chartered Surveyors (RICS); the National Association of Estate Agents (NAEA); and the National Approved Lettings Scheme (NALS).

Recognised qualification

For example a management or building surveying qualification.

25. Drawing a Floor Plan

Floor plans help us to see the layout of the property to ensure that it meets the requirements for a license to be issued.

There are professionals who can draw floor plans such as architects, however there is a cost to this option.

If plans of the property are available from other purpose such as following an extension it is acceptable to use them provided they show all the information needed and are up to date.

The aim of the plans is to indicate:

- a) The layout of the house including size and proportions of rooms etc.
- b) If and where fire doors are fitted.
- c) Where fire detection and alarm equipment is sited.

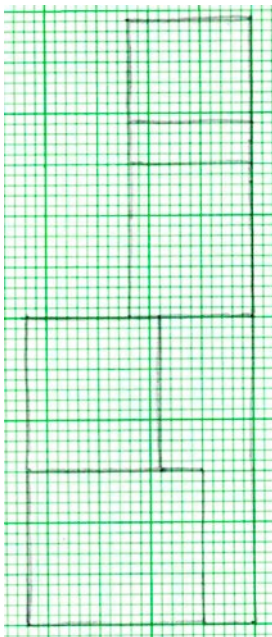
So long as the plans show these things clearly, they will be acceptable.

How to start

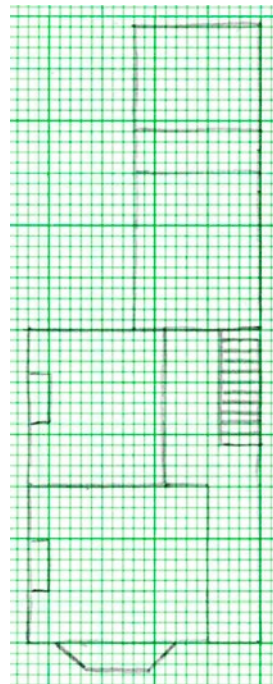
You can use ordinary plain unlined A4 paper but you may find it helpful to use graph or squared paper.

It's helpful to use a scale but not essential and you should choose one which will allow you to fit all of your drawing on to one page. Often a scale of 1 cm = 1 metre is about right but you should choose a scale to suit you.

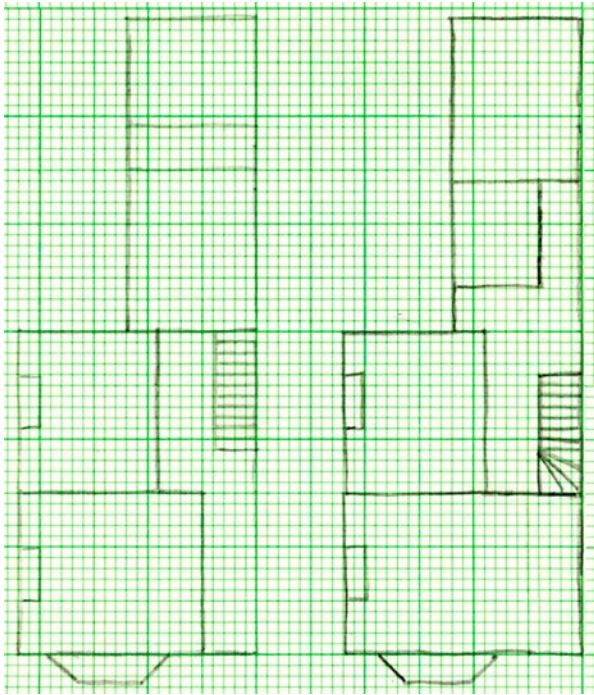
Walk around your property making a note of the layout and jot down the dimensions. Make sure that your chosen scale is one which will allow you to fit all of a floor on one sheet.



Start on the ground floor and using your chosen scale draw out the basic room shapes in pencil. Draw with light pencil strokes which can be rubbed out easily with an eraser. A single line is sufficient to represent a wall.



Then pencil in major structural things like chimney breasts, bay windows and stairs.

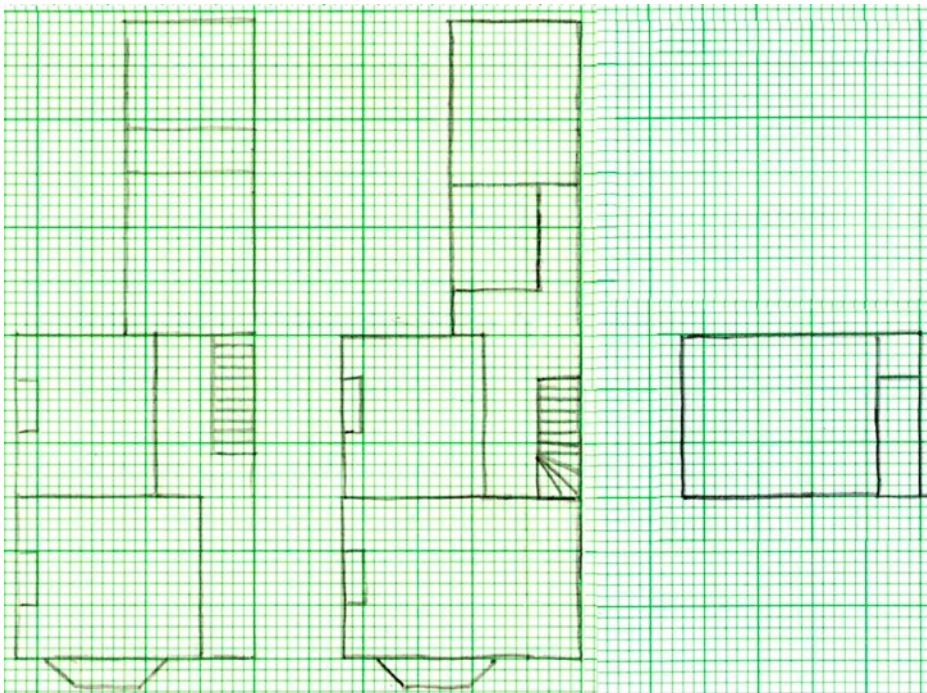


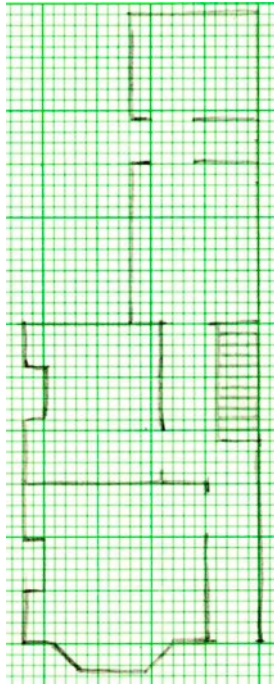
Presuming that there are other floors it is worth copying your basic plan at this stage as the layout of upper floors is often very similar to the ground floor.

Stairs between the ground and first floor should be shown on the ground floor plan.

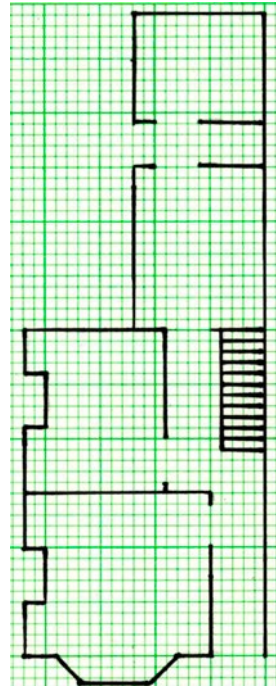
Stairs between the first and second floor should be shown on the first floor.

The next floor should be straightforward.

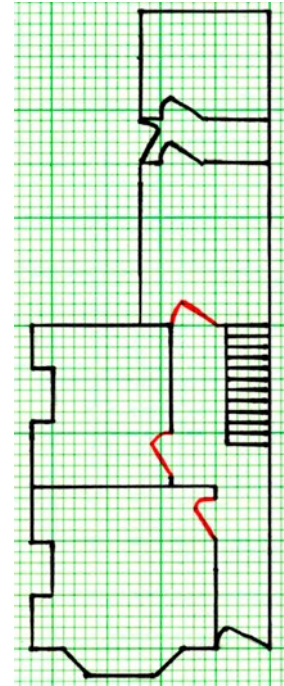




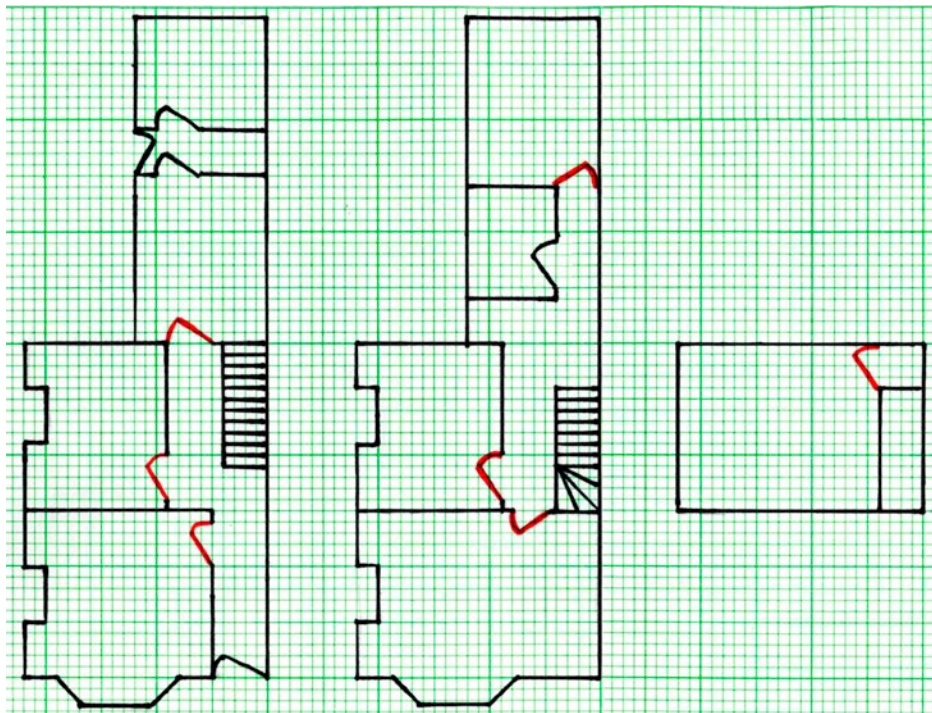
Erase all the bits of wall which are not really there such as across the bay and where the doorways are.



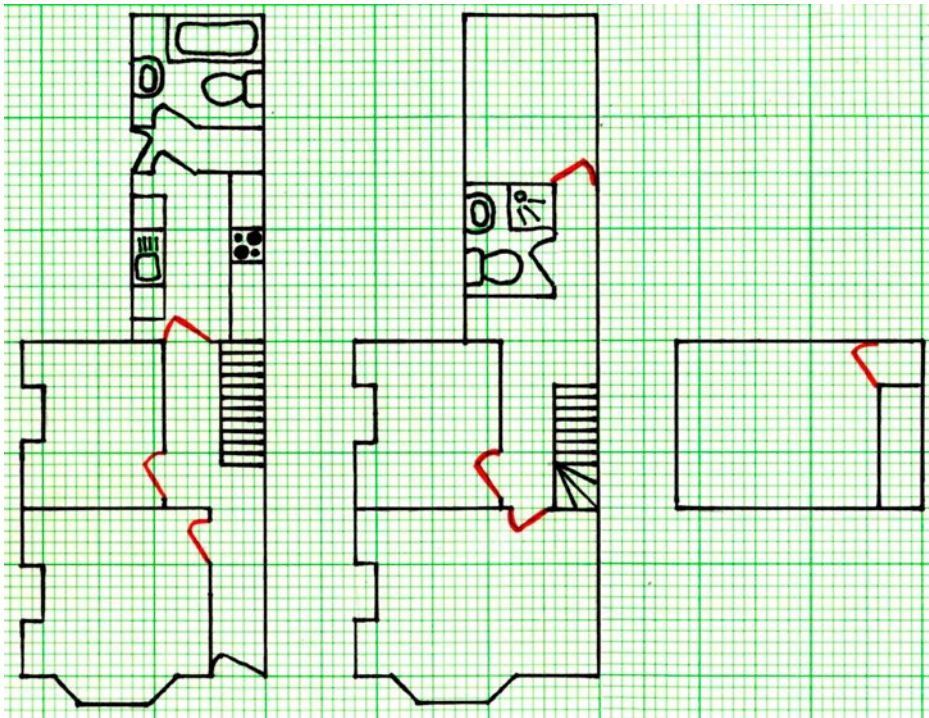
Using a black fine felt tip or similar pen and a ruler go over the lines you have sketched in pencil.



Draw in the doors. A straight line to represent the door and a small curved line to show the path the edge of the door takes as it closes. Fire doors should be coloured red and other doors should be drawn in black.












This is what your drawing will look like.

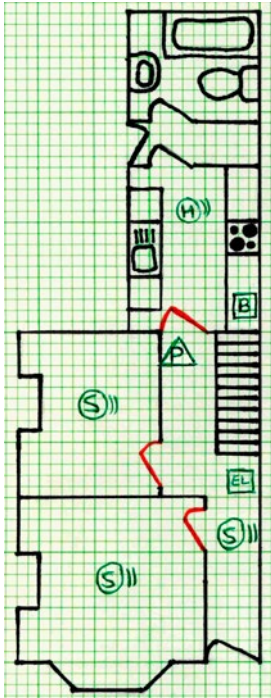


You need to add small drawings to show where baths, showers, washbasins, sinks, cookers and work surfaces are.

Now you need to indicate on the plan where various items of fire precaution equipment are.

We suggest that the following simple symbols are used:

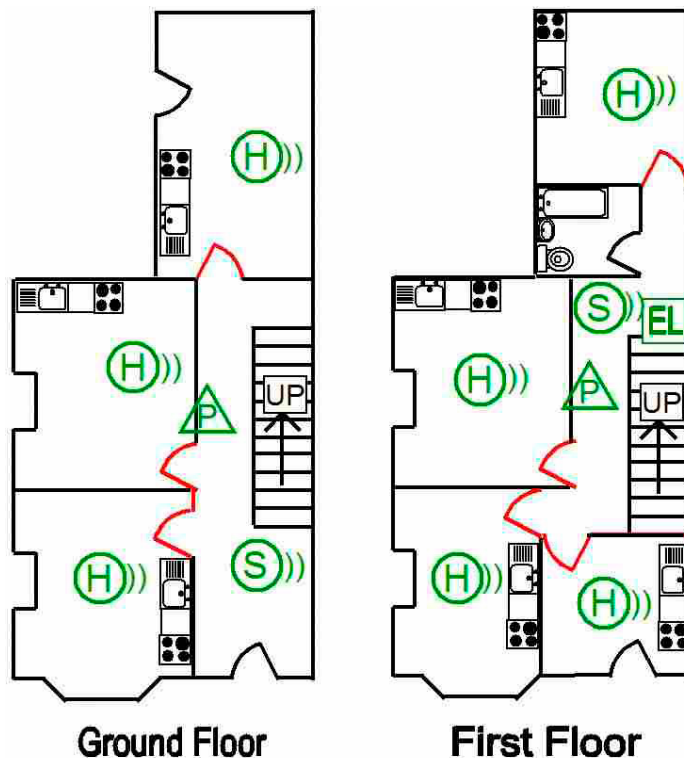
	Smoke Detector		Fire Blanket
	Combined Smoke Detector & Sounder		Emergency Lighting Unit
	Heat Detector		Dry Powder Fire Extinguisher
	Combined Heat Detector & Sounder		Water Type Fire Extinguisher
			Other Type of Fire Extinguisher



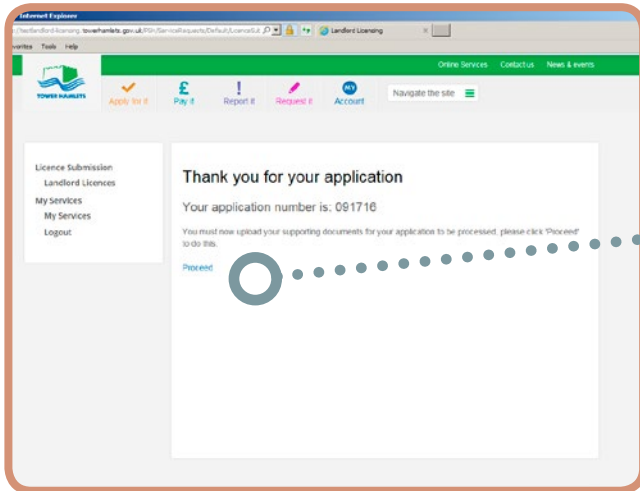
Don't worry too much about getting them exactly right. As long as we can tell what and where they are.

- 1) Write on the plan the address of the property and the date the plan was drawn.
- 2) Write down the scale you have used (if you used one)
e.g. 1 cm = 1 metre
- 3) Add text to make it clear which floor is which. i.e. Ground, First, Second Floors etc.
- 4) State whether the detectors are interlinked; that is, if a fire is detected by one detector, all the sounders in the house are triggered.
- 5) Make a note on the plan, with a symbol of your own to illustrate any features you consider to be important.
- 6) Add dimensions to the room.
- 7) The Council is not asking you to draw in all the windows on the plan on the assumption that they are satisfactory so far as glazed area and ventilation are concerned. You therefore need to add a statement such as "There are openable windows in all habitable rooms which have clear glazing". If this is not the case you must give details.

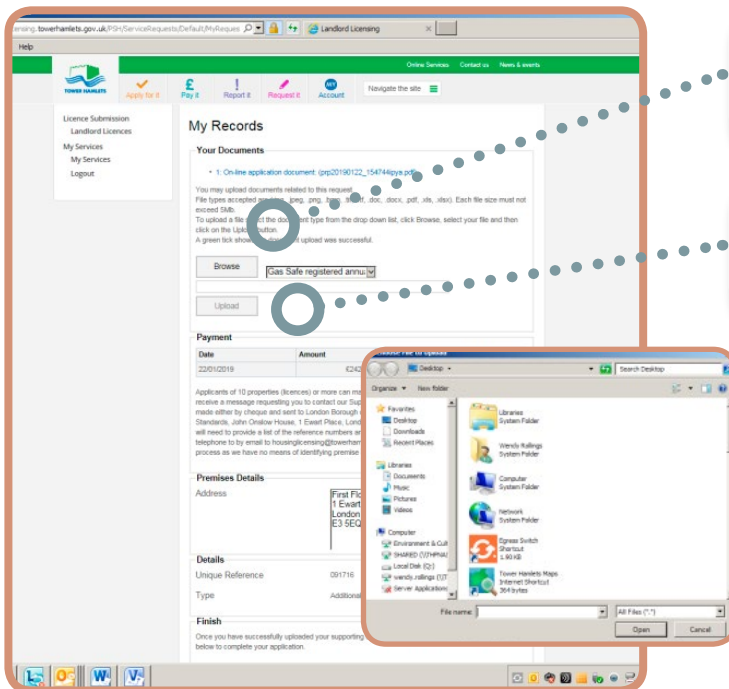
Finally, if you are useful with computer software graphics packages. The one illustrated below was produced using Microsoft Power Point. There are many other software packages you can use including ones specifically designed to design and illustrate buildings and room layouts.



25.1. Uploading Documents



Once you have submitted your application and have the documents ready and stored in a place you can easily find press proceed.



Click on Browse which will open up your files.

Click on the file and then upload.

26. Payment

Payment Details

Please complete the following:

Payment due (£):

You will be directed to the payment website as below – please ensure you have your correct payment details ready:

Welcome to Tower Hamlets Payments

[Help/Cancel](#)



All fields marked * are mandatory

Amount £520.00

Card Number*

The long number of the card you want to use

Expiry Date* /

The expiry date shown on the card

The start date shown on the card

The issue number shown on the card

Security Code*

The card security code on the back of the card

Note: Clicking on the links below will open a new browser window.

MasterCard.
SecureCode.

[Learn more](#)

Verified by

VISA

[learn more](#)

Trustwave
Trusted Commerce

[Click to Verify](#)

Appendix 1

Frequently Asked Questions

I am a landlord of a licensable property who lives outside the UK. Do I need to licence my property and what should I do?

Yes, if your property requires a licence you must make sure it is licensed.

It is unlikely that we would issue a licence to somebody living outside the UK. The Council will consider such a request if you can demonstrate that your duties as a Licence holder are adequately covered by a responsible person and that they have the authority and funds to carry out urgent repairs if needed.

I am a managing agent. Will I be taking a risk if I agree to hold the licence for my overseas client?

Yes it is a small risk because you will take on legal liability for complying with the licence conditions or receiving statutory notices from the Council. But you can minimise that risk by making sure there will be robust management arrangements in place before you sign your contract with the property owner. We advise that you scrutinise the licence conditions in advance and determine exactly what is needed for you to comply in full over the term of the licence. For example, among other things there need to be arrangements for:

- Dealing with emergencies inside and outside office hours
- Efficiently carrying out repairs and improvements to the property if a defect occurs or if the Council identify hazards (including arrangements for funding such works)
- For addressing complaints of nuisance to other properties or of anti-social behaviour by the tenants.

If I become the licence holder on behalf of an overseas landlord, what happens if something goes wrong? Will the Council take legal action against me?

Not usually, unless there are very serious breaches – we usually try to work with the licence holder to rectify any problems at the property, avoiding enforcement where we can. The Council only takes legal action against the worst landlords where licence holders have not addressed problems that the Council has brought to their attention.

I am an overseas landlord and I have appointed an agent to hold the licence for my property. What happens if I want to change agent?

Unfortunately the law forbids the transfer of the licence from one person to another, so you will have to apply for a new licence. For this reason you will want to discuss the proposed management arrangements, fees etc. with the agent before signing the contract to make sure that you are completely happy with them.

I am an overseas landlord, is there any way that I can hold the licence for my property whilst living abroad?

Yes, if you can find a friend, relative or managing agent resident in the UK who will agree to sign an undertaking to be legally bound by the licence conditions. This means that if the licence conditions are breached legal action could be taken against that person, not the licence holder. However, the Council can only agree to this if it is confident that the management arrangements are satisfactory and that the person who has signed the undertaking is competent to comply with the licence and is a fit and proper person.

If I am issued with a HMO licence does this mean that I have planning permission for this use?

The issuing of a HMO licence does NOT mean the property is deemed to have planning permission. Planning permission is required to change the use of a building, for example from a family house to a house in multiple occupation with more than 6 occupants.

Is it true that houses converted into flats are not covered by the scheme?

A house which has been converted entirely into self-contained flats will be regarded as an HMO if it does not comply at least with the standards of the 1991 Building Regulations and if more than one third of the flats are let out on short leases. These blocks of flats will not be subject to mandatory HMO licensing. In addition a flat which is part of a converted building will need a licence if it meets the relevant occupancy and amenity sharing criteria.

What happens if I want to sell my licensed HMO?

If the property remains licensable you need to tell the prospective purchaser that they need to apply for a licence in their own name. Licences are not transferable.

What happens if I don't comply with the conditions of the property licence?

You run the risk of a criminal conviction upon prosecution, and a possible unlimited fine (previously of up to £5,000), per condition breached, or a civil penalty of up to £30,000 per notice, as an alternative to prosecution. Multiple civil penalties could lead to you being placed on public rogue landlords database.

What will happen if I don't get a licence?

There are severe consequences for not licensing a licensable property.

- Criminal conviction
- Unlimited fine
- Repay up to 12 months' rent to the tenant or Council
- Threatens fit and proper person status which could prevent you from holding a licence for any property.

What happens if I breach conditions without a reasonable excuse?

You could be issued with a financial penalty of up to £30,000 or prosecuted and if convicted can face an unlimited fine for each offence.

What is housing or landlord and tenant law?

Careful consideration should be given to an application where a person making a fit and proper person declaration has contravened housing law or landlord and tenant law, for example points awarded under the HMO licensing points system (see below), evidence of poor management, previous history, prosecutions, simple cautions. In particular, consideration should be given to contraventions under:

- The Public Health Acts of 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Acts of 1982 and 1976
- The Housing Grants, Construction and Regeneration Act 1996
- The Local Government and Housing Act 1989
- The Housing Act 2004

Contravention of one of the above Acts could result in informal action where a person is asked to complete works, formal action where a legal notice is served, remedial action or work in default, or a prosecution. The nature of the contravention, its relevance to the management of a rented house and the potential harm caused must all be considered. Also to be considered are the circumstances of the contravention, the number of contraventions and evidence to show good character since the date of the contravention. Each case will be considered on its own merit.

What is an offence involving fraud?

Licence holders and anyone else who is involved in the management of a licensable HMO are in a position of trust. The nature of their role means they will enter the property on occasion and will be engaged in financial dealings with their tenants, so there may be opportunities for fraud.

In particular an application will normally be refused where the person has a conviction for an offence where the victim has been deprived of money, property or other benefit by misrepresentation/deception on the part of the offender including:

- Theft
- Burglary
- Fraud
- Benefit fraud (particularly where tenants are on Housing Benefit)
- Conspiracy to defraud
- Obtaining money or property by deception

Weight should be given to the circumstances of the offence and any evidence showing good character since the date of conviction. Each case will be considered on its own merit.

What do you mean by 'offences involving violence'?

Fit and proper person status will normally be refused where the person making a fit and proper person declaration has a conviction for the offence of:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm
- Grievous bodily harm with intent
- Actual bodily harm
- Grievous bodily harm
- Robbery
- Racially aggravated criminal damage
- Common assault
- Common assault which is racially aggravated
- Assault occasioning actual bodily harm
- Possession of an offensive weapon
- Possession of a firearm

Weight will be given to the circumstances of the offence and any evidence showing good character since the date of conviction. Each case will be considered on its own merit.

What do you mean by 'committed any offences involving drugs'?

Careful consideration should be given to an application where a person making a fit and proper person declaration has committed a drug related offence. Consideration should be given to the nature of the offence and what bearing it could have on the management of a licensable HMO. The nature, quantity and class of drugs will be taken into account. Each case will be considered on its own merit.

What do you mean by 'committed any offences involving sexual offences'?

As licence holders, managers and anyone else who is involved in the management of a licensable HMO will on occasion visit tenants in their homes, convictions for sexual offences will be treated particularly seriously.

Fit and proper person status will normally be refused where a person making a fit and proper person declaration has a current conviction for an offence contained in schedule 3 of the Sexual Offences Act 2003. Each case will be considered on its own merit.

What do you mean by 'practiced unlawful discrimination'?

Careful consideration should be given to an application where a person making a fit and proper person declaration has practiced unlawful discrimination. Unlawful discrimination can include findings of an Industrial Tribunal on unlawful employment practice such as discrimination under the Disability Discrimination Act. Consideration should be given to the nature of the unlawful discrimination and what bearing it could have on the management of a licensable HMO. Each case will be considered on its own merit.

What do mean by 'subject to a Banning Order'?

A person cannot be a fit and proper person if there is a Banning Order under section 16 of the Housing and Planning Act 2016 in force.

What happens if I buy or sell an HMO half way through the year?

HMO licenses are not transferable and a new application will be required.

What should I do about converted flats?

A house converted into flats will require a HMO licence, unless you can provide a Building Regulation Completion Certificate for the conversion of that property and demonstrating compliance with the 1991 Building Regulations or later.

Appendix 2

Glossary

Term	Definition
Additional Licensing	All privately rented properties with 3 or 4 occupants living as 2 or more households and sharing facilities
Applicant	Anyone can apply for a property licence, however they must be the most appropriate person to do so. Normally this will be the owner/agent or a manager employed by the owner. The applicant signs the declaration at the end of the form and is responsible for the details given.
Basic amenities	(a) A toilet (b) Personal washing facilities (c) Cooking facilities (d) Hot and cold running water
Company	<p>Limited Company If you form a limited company, its finances are separate from your personal finances, but there are more reporting and management responsibilities.</p> <p>Public Limited Company A company whose shares may be freely sold and traded to the public.</p> <p>Sole Trader A person who sets up and owns their own business. They may decide to employ other people but they are the only owner.</p>
Building Regulations Approval	A document issued by the local authority which, following the submission of plans and/or specifications, indicates that any work to be done in the property which requires Building Regulation Approval has been assessed by the local authority and approval given to the works proceeding.
Competent Person:	<p>Gas Safety A 'competent person' in respect of gas safety inspections, is defined as a person with the appropriate qualification. Note that simply being Gas Safe registered is not sufficient qualification in itself, as within the Gas Safe registration process there are competencies to carry out and inspect various aspects of gas installation and equipment.</p> <p>Landlords should ensure that the inspection is carried out by a person qualified to inspect the types of equipment installed in the house.</p> <p>All Gas Safe engineers carry a Gas Safe ID card with a unique licence number which can be checked against the national register.</p>

Term	Definition
	<p>Electrical Installation In respect of electrical safety inspections, a 'competent person' is defined as a person qualified to at least the AQA VRQ standard for domestic electrical installations. They should be competent to issue a report with findings showing that the installation has been inspected and tested to latest British Standards. The person must also subscribe to an accreditation scheme administered by an approved body. Approved Bodies currently include: BRE Certification Limited; NICEIC Certification Services Limited; British Standards Institution; NAPIT Registration; ELECSA Limited; or anyone approved by the Building Regulations Advisory Committee (BRAC), an organisation sponsored by the Department for Housing, Communities and Local Government (HCLG) for the purposes of Part P of The Building Regulations.</p> <p>Fire Safety In respect of fire detection and warning systems and emergency lighting systems, a 'competent person' is defined as a person qualified as for electrical safety inspections described above or having an appropriate qualification in fire safety engineering.</p>
Conditions	Conditions are the terms by which a licence is granted and standards by which the property must be managed (e.g. dealing with ASB, safety certificates, fire safety, general repairs, tenancy agreements).
Contravention	A contravention is to act contrary to the law for example by not complying with the Licence conditions or Management Regulations.
Control (of the property)	The person with authority to organise and pay for essential repairs to the property.
Conviction	A conviction is what follows a guilty verdict.
County Court Judgment	A legal decision handed down by the County Court. Judgments for monetary sums are entered on the Register of County Court Judgments, which is checked by Credit.
Create a tenancy	To let a property or part of a property to a tenant under the terms of an agreement.
Declaration	The act of declaring that all interested parties have been notified and that the form has been completed correctly to the best of your knowledge.
Electrical Appliance	Appliances designed for the use of electricity by a consumer for heating, lighting, cooking or any other purpose for which electricity can be used.
Emergency Lighting	A system of battery-powered lights complying with British Standard (BS 5266) Part 1 or equivalent where the battery is continuously trickle charged from the mains supply. The lights are located on the fire escape route and are designed to operate if the primary lighting sub-circuit fails.
Fire Escape (route)	Escape route means a route (including stair cases) by which occupants may reach a place of safety if there is a fire in the property. These need to be kept clear at all times and should be protected from fire and smoke. If the external door leads to an enclosed space there needs to be at least 7 m distance between the building and the furthest part of the external space.
Fire Detection and Warnings System	A system of smoke and/or heat detectors and sounders properly designed and installed to comply with one of the following British Standards: BS 5839 Part 1 L2 or BS 5839 Part 6.

Term	Definition
Fire Safety Risk Assessment	<p>The Regulatory Reform (Fire Safety) Order 2005 (FSO) places a duty on the responsible person to take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity.</p> <p>LACORS guidance is recognised as the accepted standard to ensure compliance with the landlords obligations in relation to fire safety in HMOs.</p>
Fit and Proper Person	<p>In deciding whether someone is 'fit and proper', the Council must take the following into account: any previous convictions relating to violence, sexual offences, drugs and fraud, immigration offences; whether the proposed licence holder has broken any laws relating to housing or landlord and tenant issues; whether the person has been found guilty of unlawful discrimination; whether the person has previously managed HMOs that have broken any approved code of practice, and whether the person is insolvent or bankrupt.</p>
Freeholder	<p>Freeholder means the same as owner, i.e. the person entitled to sell the property. There could be more than one freeholder. For example if there is a joint mortgage on the property there will be two freeholders.</p>
Furniture and Furnishings (Fire) (Safety) Regulations 1988	<p>These Regulations require that all upholstered furniture which is offered for sale, for hire or provided in furnished privately rented accommodation must comply with certain standards of fire safety.</p>
Gas Safety Records	<p>A form completed and signed by a properly qualified and competent person indicating the state of repair and appropriateness of the gas installation and appliances. The report must cover the whole of the installation and all gas appliances, including necessary venting requirements.</p>
Habitable Room	<p>A room capable of being used for everyday activities. Such rooms would include all living accommodation and sleeping accommodation but would exclude kitchens, bathrooms, conservatories porches and unconverted basements etc.</p>
Head Lessee	<p>The holder of the head lease, in a property that is sub leased, that has responsibility for rental payments to the freeholder.</p>
Household	<p>The following are 'households' for the purposes of the Housing Act 2004:</p> <ul style="list-style-type: none"> ● A single person or members of the same family living together; ● Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex); ● Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins (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; ● Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person for whom they are working. <p>For example; three friends sharing together are considered to be three households. If a couple are sharing with a third person, that would consist of two households. If a family rents a property, this constitutes a single household. If that family had an au-pair to look after their children, that person would be included in their household.</p>

Term	Definition
HMO – House in Multiple Occupation	A house in multiple occupation is a property rented out by at least 3 people who are not from 1 'household' (e.g. a family) but share facilities like the bathroom and kitchen.
Landlord	A person who has the legal right to let and terminate tenancies in a property. This could be by virtue of their being the freeholder, being a leaseholder with rights to let or as the result of some form of agreement with the freeholder. If no manager is appointed, then the landlord will also be the manager.
Leasehold	Control of the property is granted to the leaseholder by virtue of a lease. The owner of a property can agree to grant control of the property to some other person or body for a specific period of time at an agreed rent. The leaseholder acquires the rights and obligations as set out in the lease agreement, usually to the same extent as the freeholder.
Leaseholder	A leaseholder can be a person (or persons) or a company who owns a lease on the property which gives them the right to occupation and use of the property for the term of the lease.
Licence Holder	<p>The proposed licence holder is the person whose details will be on the licence and public register.</p> <p>The Council will expect the proposed licence holder to have the authority to ensure compliance with licence conditions.</p> <p>It is unlikely that an offshore company or individual would be accepted as the licence holder unless it can be demonstrated that arrangements are in place to deal with any issues that arise with the property.</p> <p>In relation to limited companies you are required to include company name, registered address, registration number, and the name of a person who can be contacted in relation to the licence.</p> <p>This information can be found on the internet by carrying out a free search at Companies House.</p> <p>You should also include the trading address if this is different.</p> <p>An employee of a company cannot be the licence holder – the licence holder will be the company itself.</p>
Limited Companies	If you form a limited company, its finances are separate from your personal finances, but there are more reporting and management responsibilities .
Management Order	Where a local authority has made an application to the Residential Property Tribunal (RPT) for a Management Order on the property under Part 4 of the Housing Act 2004. Management Orders are to last for a fixed period of time to protect occupiers and others from risk to their health, safety or welfare. The effect of the order is to allow the local authority to possess and take over the entire management of the property.
Mandatory HMO	<p>A property is defined as a mandatory HMO if all of the following apply:</p> <ul style="list-style-type: none"> ● It is rented to 5 or more people who form more than 1 household ● Some or all tenants share toilet, bathroom or kitchen facilities ● At least 1 tenant pays rent (or their employer pays it for them)
Mortgage	A loan given by a lender under an agreement which is secured on the property, meaning that the lender would be entitled to take possession of the house and sell it if the repayments of the loan are not kept up.

Term	Definition
Mortgagee	A person or financial institution who has granted a loan secured upon a property.
Mortgage Lender	A person, company or institution to which loan repayments are made and who would be entitled to take possession of a property if loan repayments are not kept up. The Mortgage Lender may also be referred to as the Mortgagee.
Owner	The person entitled to sell the property.
Partnership	A partnership is the simplest way for 2 or more people to run a business together. You share responsibility for your business's debts. You also have accounting responsibilities. Find out more about being in a partnership and how to register .
Person Managing	Defined in the Housing Act 2004 section 263. A 'person managing' means, the person who, being an owner or lessee of the premises who: (a) receives (whether directly or through an agent or trustee) rents or other payments from persons who are in occupation as tenants or licensees of parts of or whole of the premises; and (b) would receive the rent or other payments but for having entered into an arrangement (whether in pursuance of a court order or otherwise) with another person who is not an owner or lessee of the premises by virtue of which that other person receives the rents or other payments; It also includes where those rents or other payments are received through another person as agent or trustee, that other person.
Relevant Associate	Relevant associate e.g. a spouse or business partner of the license holder or manager.
Rent Collector	The person who collects the rent from the occupants.
Resident Landlords	A landlord who lives continuously in the same building (or in another dwelling which forms part of the same building) as his tenant(s), unless the two dwellings are contained in a purpose-built block of flats.
Responsible Person	The person who has control of the premises in connection with the carrying on of a trade, business or other undertaking. In practice this will usually be the landlord, but in the case of absentee landlords where the 'carrying on of the business' is undertaken by a managing agent it may be the managing agent.
Selective Licensing	All rented properties in Spitalfields & Banglatown, Weavers and Whitechapel.
Sleeping Accommodation	The rooms within a house in which a bed, beds or other furniture for sleeping are provided.
Sole Traders	It's simpler to set up as a sole trader, but you're personally responsible for your business's debts. You also have some accounting responsibilities. Find out more about being a sole trader and how to register .

Term	Definition
Subletting	<p>Subletting happens when an existing tenant lets all or part of their home to someone else who is known as the subtenant.</p> <p>The subtenant has a tenancy for all or part of the property which is let to them and they have exclusive use of that accommodation.</p> <p>More about subletting.</p>
Tenancy	<p>A contract between a landlord and a tenant that allows the tenant to live in a property as long as they pay rent and follow stipulated rules.</p>
Tenant	<p>A person who rents and occupies land, a house, an office or the like from another for a period of time.</p>

