



# House in Multiple Occupation (HMO) Licence

Housing Act 2004 – Section 64

## Licence Reference:

**North West Leicestershire District Council** (“the Authority”)

Herby grant to **LICENCE HOLDER**

Of **LICENCE HOLDER ADDRESS**

Licence under section 64 of the Housing Act 2004, subject to the conditions attached, in respect of the premises situated at:

## ADDRESS OF HMO

The Authority has decided that the house is reasonably suitable for the occupation of no more than the maximum of **STATE NO** persons and **STATE NO** households.

This licence was granted this **DATE**. It shall come into force on the **DATE** and shall remain in effect for a period of **STATE NO – DEFAULT IS 5** years from that date, unless previously revoked.

The licensed house consists of:

-	No. of storeys comprising the house	
-	No. separate letting units	
-	No. of habitable rooms (excluding kitchens)	
-	No. of bathrooms/ shower rooms	
-	No. toilets	
-	No. wash hand basins	
-	No. of kitchens	
-	No. of sinks	

Dated: **DATE**

Signed:  
Designation: **STATE TITLE**

**NON TRANSFERABLE**

## Housing Act 2004

These notes are intended as general information to the recipient(s) of this licence. The notes are not intended to be definitive and the recipient should refer to the full version of the Housing Act 2004.

“Category 1 hazard” means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount.

“category 2 hazard” means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description; and

“hazard” means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance of repair, or otherwise).

### 64. Grant of Refusal of Licence

- (1) where an application in respect of an HMO is made to the local housing authority under section 63, the authority must either-
  - (a) grant a licence in accordance with subsection (2), or
  - (b) refuse to grant a licence.
- (2) If the authority is satisfied as to the matters mentioned in subsection (3), they may grant a licence either-
  - (a) to the applicant, or
  - (b) to some other person, if both he and the applicant agree.
- (3) The matters are –
  - (a) that the house is reasonably suitable for occupation by not more than the maximum number of households or persons mentioned in subsection (4) or that it can be made so suitable by the imposition of conditions under section 67:
  - (b) that the proposed licence holder –
    - (i) is a fit and proper person to be the licence holder, and
    - (ii) is, out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder.
  - (c) that the proposed manager of the house is either-
    - (i) the person having control of the house, or
    - (ii) a person who is an agent or employee of the person having control of the house;
  - (d) that the proposed manager of the house is a fit and proper person to be the manager of the house; and
  - (e) that the proposed management arrangements for the house are otherwise satisfactory.
- (4) The maximum number of households or persons referred to in subsection (3)(a) is –
  - (a) the maximum number specified in the application, or
  - (b) some other maximum number decided by the authority.
- (5) Section 65 and 66 apply for the purposes of this section.

### 65. Tests as to suitability for multiple occupation

- (1) The local housing authority cannot be satisfied for the purposes of section 64(3)(a) that the house is reasonably suitable for occupation by a particular maximum number of households or persons if they consider that it fails to meet prescribed standards for occupation by that number of households or persons.
- (2) But the authority may decide that the house is not reasonably suitable for occupation by a particular maximum number of households or persons even if it does meet prescribed standards for occupation by that number of households or persons.
- (3) In this section “prescribed standards” means standards prescribed by regulations made by the appropriate national authority.
- (4) The standards that may be so prescribed include –
  - (a) standards as to the number, type and quality of –
    - (i) bathrooms, toilets, wash-basins and showers;
    - (ii) areas for food storage, preparation and cooking, and
    - (iii) laundry facilities which should be available in particular circumstances; and
  - (b) standards as to the number, type and quality of other facilities or equipment which should be available in particular circumstances.

### 66. Tests for fitness etc., and satisfactory management arrangements

- (1) In deciding for the purposes of section 64(3)(b) or (d) whether a persons (“P”) is a fit and proper person to be the licence holder or (as the case may be) the manager of the house, the local housing authority must have regard (among other things) to any evidence within subsection (2) or (3).
- (2) Evidence is within this subsection if it shows that P has –
  - (a) committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in schedule 3 to the Sexual Offences Act 2003 (c.42) (offences attracting notification requirements).
  - (b) practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
  - (c) contravened any provision of the law relating to housing or of landlord and tenant law, or
  - (d) acted otherwise than in accordance with any applicable code of practice approved under section 233.
- (3) Evidence is within this subsection if –
  - (a) it shows that any person associated or formerly associated with P (whether on a person, work or other basis) has done any of the things set out in subsection 2(a) to (d), and
  - (b) It appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.
- (4) For the purposes of section 64(3)(b) the local housing authority must assume, unless the contrary is shown, that the person having control of the house is a more appropriate person to be the licence holder than a person not having control of it.
- (5) In deciding for the purposes of section 64(3)(e) whether the proposed management arrangements for the house are otherwise satisfactory, the local housing authority must have regard (among other things) to the consideration mentioned in subsection (6).
- (6) The considerations are:-
  - (a) whether any person proposed to be involved in the management of the house has a sufficient level of competence to be so involved;
  - (b) whether any person proposed to be involved in the management of the house (other than the manager) is a fit and proper person to be so involved; and

- (c) whether any proposed management structures and funding arrangements are suitable.
- (3) Evidence is within this subsection if –
- (a) it shows that any person associated or formerly associated with P (whether on a person, work or other basis) has done any of the things set out in subsection 2(a) to (d), and
  - (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder.
- (4) For the purposes of section 64(3)(b) the local housing authority must assume, unless the contrary is shown, that the person having control of the house is a more appropriate person to be the licence holder than a person not having control of it.
- (5) In deciding for the purposes of section 64(3)(e) whether the proposed management arrangements for the house are otherwise satisfactory, the local housing authority must have regard (among other things) to the considerations mentioned in subsection (6).
- (6) The considerations are:-
- (a) whether any person proposed to be involved in the management of the house has a sufficient level of competence to be so involved;
  - (b) whether any person proposed to be involved in the management of the house (other than the manager) is a fit and proper person to be so involved; and
  - (c) whether any proposed management structures and funding arrangements are suitable.
- (7) Any reference in section 64(3)(c)(i) or (ii) or subsection (4) above to a person having control of the house, or to being a person of any other description, includes a reference to a person who is proposing to have control of the house, or (as the case may be) to be a person of that description, at the time when the licence would come into force.

**Advice:**

If you do not understand this licence or wish to know more about it, you should contact the Local Authority. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Local Authority require you to do, you may wish to consult a surveyor.

### **Schedule 1 conditions**

The licence conditions below relate to the above-named licensed property (refer to Section 90 and Schedule 4 of the Housing Act 2004). Failure to comply with any of the conditions noted in Schedules 1 or 2 of this licence is an offence and may be punishable by a fine. The licence holder is required to ensure compliance with all the required provisions within the timescales given.

<b>Condition detail</b>	<b>Compliance details</b>
1. The licence holder (if gas is supplied to the house) is required to produce to the authority annually for their inspection a gas safety certificate obtained in respect of the house within the previous twelve months.	Annual
2. The licence holder is required to keep electrical appliances and furniture made available by him in the house in a safe condition and must supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.	On demand
3. The licence holder is required to ensure that smoke alarms are installed in the house and to keep them in proper working order and must supply to the authority, on demand, a declaration by him as to the condition and positioning of such alarms.	On demand
4. The licence holder is required to ensure that a carbon monoxide detector is installed and kept in working order in any room within the premises where a solid fuel appliance is installed. The licence holder must supply to the authority, on demand, a declaration by as the condition and positioning of such alarms.	On demand
5. The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.	Start of tenancy
6. The licence holder must demand references from persons who wish to occupy the house.	Start of tenancy

## Schedule 2 conditions

In deciding that the house is reasonably suitable for occupation by not more than the maximum number of households or persons directed by this licence the authority has regard to the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006 No. 373 as amended by SI 2007 1903) and The Licensing and Management of Houses in Multiple Occupation (Mandatory Conditions of Licences)(England) Regulations 2018. The authority may include such conditions as considered appropriate for regulating the management, use and occupation of the house concerned, and condition and contents (see overleaf).

<b>Condition detail</b>	<b>Date for compliance</b>
1. The licence holder shall comply with the Local Authority's waste storage and disposal scheme. Suitable and sufficient provision for household waste and recycling disposal both within the unit of accommodation and outside must be in place pending collection.	Start of tenancy
2. The property must not exceed the maximum permitted occupancy per bedroom/bedsit as set out in the table below.	Start of tenancy

**Maximum permitted occupancy per bedroom/bedsit**

<b>Floor/ Flat no.</b>	<b>Room number/location</b>	<b>Maximum occupancy</b>
[Ground floor]	[Room 1 (Front-left front)]	[1]
[Flat 1]	[Bedroom 1 (Front-right front)]	[2]
[First floor]	[Room 3 (Rear left)]	[1]
[Flat 2]	[Bedroom 1 (Front-right front)]	[1]

If you have any queries or complaints about the standard of the property please contact:  
[environmental.protection@nwleicestershire.gov.uk](mailto:environmental.protection@nwleicestershire.gov.uk)