

Housing Regeneration

A guide to making an
application for a selective
licence

February 2011

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Introduction

Following an extensive consultation, certain areas of Cliftonville West and Margate Central were designated as a selective licensing area on Wednesday 12 January 2011 by Thanet District Council's Cabinet. Full details of the scheme, including why it has been introduced, can be found in the document: *Proposal to Declare a Selective Licensing Designation*. This document and further information relating to selective licensing can be found on the council's website at www.thanet.gov.uk.

The designation becomes operative on 21 April 2011 and will last for five years. From this date, every residential property which is privately let to one or more tenants within the designated area must be licensed, unless it is subject to exemption. This guide will help you through the online application process.

What type of application should I make?

Each property is different and you will need to understand what type of application is required. Applications can be made for the following types of property:

A. House in single occupation

You should make this type of application if your property is a typical house or bungalow containing only one family household.

B. Flat in single occupation

If your property is a self-contained flat and is only occupied by one family household, then you should make this type of application. You should also make this type of application if your flat is non-self-contained and is only occupied by one family household. However, you cannot make a non-self-contained flat application if there are any rooms or facilities that are shared with other households.

C. House in multiple occupation (HMO)

If your property is a traditional HMO, you can make one application for the whole property. HMOs are usually properties in which households share rooms or facilities, such as bedsits or shared student houses. Any HMO which is three or more storeys high and is occupied by five or more persons may be subject to mandatory HMO licensing under Part 2 of the Housing Act 2004. You should contact the council for further advice if you are unsure as to which type of licence you need.

D. Flat in multiple occupation

You should make this type of application if your property is a self-contained flat which is occupied by more than one family. A group of friends living together would not be considered as a single family household as they are not related, and so you would need to make this type of application.

E. House (or building) converted into self-contained flats

If you own a building that contains self-contained flats, then you may be able to make a single application for the whole property. For example, you can make one application if you own the freehold and all of the flats within the building. The licence would cover every flat and all the common areas. It is still possible for a freeholder to licence the whole building, even if they do not own all of the flats. In this situation, the licence would cover the common areas and only those flats owned by the applicant. Those flats not owned by the freeholder would be specifically excluded from the terms of the licence. Any excluded flat would need to be licensed separately by its owner if it was privately let. A freeholder who does not own any flats within the building would not be required to licence the common parts. In such circumstances, each of the leasehold flats would need to be subject to a separate licence application.

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F. Purpose built block of flats

You should make this type of application if your property is a purpose built block of flats. Applications may be made in accordance with the same principles as those set out in the paragraph above for buildings converted into self-contained flats.

Who can apply?

The council has a duty to grant a licence to the most appropriate person, and in normal circumstances, this would be the owner of the property. Therefore, the council's preference is that the application is made by the owner.

However, for every licence, there must be a named "Licence Holder" and a named "Manager". This does not mean you are required to appoint a separate manager. Any owner who manages their own property would normally be named as both the licence holder and the manager on the licence. If you have appointed a managing agent to look after your property, they would need to be named on the licence as the manager. In this situation, the council will accept applications made on behalf of the proposed licence holder by the proposed manager. When an application is made by a manager, the application must be accompanied by a letter of authorisation (see below).

You cannot be a licence holder or manager if you live abroad. Property owners that live outside England will need to appoint a person or company who is prepared to be the licence holder on their behalf. Usually, this would be your local managing agent. However, not all managing agents may want this responsibility, so you may need to consider who would be the most appropriate person to be the licence holder. Ultimately, if you live abroad and no-one resident in England agrees to be the licence holder, you will not be able to let your property.

Licence applications will only be valid if they have been made by the proposed licence holder or the proposed manager.

How do I apply?

Licence applications must be made to the council as the licensing authority.

Unless there are extenuating circumstances, in which case you must contact us for further advice, all applications must be made online via the Business Link website. The link to the Business Link website and the licence application form can be found on the council's website at: <http://www.thanet.gov.uk/housing/selective-licensing-scheme.aspx>

To make an application, you must create a Business Link account, and this requires you to have an email address. Once a Business Link account has been set up, you will be directed to the online application form. The form is an intelligent pdf document that can be downloaded and saved to your computer. It is recommended that you use the latest addition of Adobe Reader, which is available from www.adobe.com. You can complete the form at your own pace and save it as you go.

Once fully completed, you will need to log back into the website using your Business Link user code and password, and upload the completed application form. If the form does not upload, it may indicate that an essential part of the form has not been completed. All boxes highlighted in red must be completed, even if the answer is "N/A" or "0". At the same time, you will need to upload further supporting documents. These are:

- **A copy of the fire safety risk assessment** (This is required if you are responsible for any common areas within the property);

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- **Property plans** (Well proportioned, preferably scaled, plans are required for the whole property you are intending to licence);
- **A landlord's gas safety record** (Required where there is a gas supply to the property);
- **A copy of the tenancy agreement** (A copy of the existing tenancy agreement can be provided, or a copy of the standard that you use for the property);
- **Periodic electrical test report** (If you do not provide a copy with your application, you will be required to provide one at a later date under the terms of the licence).
- **Letter of authorisation** (If you are applying for the licence as the manager on behalf of the proposed licence holder you will need to provide a letter from the proposed licence holder which authorises you to make the application. The letter must specify the proposed licence holder's name, address and contact details, the manager's name, address and contact details, the property to be licensed, and be signed and dated.)

If these supporting documents cannot be scanned and uploaded, there is a tick box option which allows you to send them separately by post. There is also a facility to upload additional documents to support your licence application.

Once you have successfully uploaded the form and supporting documents, you will be directed to the payment stage. Payment can be made by credit or debit card. Once payment has been made, the online process will be complete. You will receive a confirmation email to confirm receipt of the application.

A valid application will only be made if:

- The application form has been satisfactorily completed; and
- The correct fee has been paid; and
- Property plans have been provided; and
- A copy of the tenancy agreement has been provided; and
- A copy of the landlord's gas safety record has been provided (if there is a gas supply to the property); and
- A letter of authorisation has been provided (if you are making the licence application as the proposed manager).

Completing the application form

The application form is a generic form, which is used at a national level by numerous councils. It is primarily used for making applications to licence HMOs under Part 2 of the Housing Act 2004 (mandatory HMO licensing). Unfortunately, the council can only adapt the fee information at the end of the form. Accordingly, while the form can be used for selective licensing it does contain some anomalies that the council cannot change. Most obviously, the form is titled: "Application to licence a house in multiple occupation". Please ignore this and use the form for your selective licence application.

The form is divided into 20 separate sections. The following guidance notes have been provided to help you complete the form.

Section 1: Applicant and agent details

The "*applicant*" is the proposed licence holder, and can be an individual or company. If you are the proposed manager and are applying on behalf of the proposed licence holder, you can enter your details here as the agent, and you will need to click "Yes" for the first question.

Section 2: Application details

There are three options at the beginning of this section. You must choose “*Selective licence*”, unless you have an HMO which is required to be licensed under the mandatory scheme. The option “*Additional HMO*” should never be used for a property in Thanet, as it relates to a type of discretionary licensing scheme that is not in operation here.

If you intend to licence a flat, you can enter the flat number or name in the box: “*Property number or name (if applicable)*”. For example, you could enter details such as “Flat 1” or “Flat B” or “Basement Flat” here.

Section 3: Proposed licence holder

Unfortunately, there may be some repetition here as the proposed licence holder in this section is the same person as the “*applicant*” detailed in Section 1. However, you will need to complete all boxes highlighted in red.

Section 4: Proposed licence holder – Business and organisations

Unless you choose “*Individual or sole trader*” there will be more details to insert here. Again, although you may have already entered some of this information earlier in the form, you must complete all boxes highlighted in red.

Section 5: Ownership and control of the property (HMO or house) to be licensed

This section should be self-explanatory, but please contact us if you need help.

Section 6: Proposed manager of the property (HMO or house)

If you are applying as the proposed licence holder and someone will be managing the property on your behalf, you will need to enter their details here. Remember, if you have appointed a separate manager, they will be named on the licence. As such, they must consent to this. The council will contact the named person or company directly during the licensing process.

If you are applying as the manager on behalf of the proposed licence holder, you will need to repeat some of the information you have already entered in Section 1.

Section 7: Details of the property (HMO or house) to be licensed

Where the form asks: “*How many storeys does the HMO or house have?*” please only take into account the parts of the property you are proposing to licence. For example, if you are licensing a two-storey maisonette in a four-storey building, simply enter “2”. In the next question, “*Which levels are these storeys located on?*” use numbers to indicate the levels your property is on. Thus, for any basement floor use “-1”, for the ground floor use “0”, for the first floor use “1”, second “2”, third “3”, etc.

Section 8: Occupation of the property (HMO or house) to be licensed

The required details for the “*Details about the occupants at the time of application*” relate simply to numbers of persons (and locations if there is more than one flat associated with the application). If you are making an application for one flat or house, then just record how many adults and children (persons aged under 18) reside in the property. If there is more than one flat, indicate how many people are in each flat. For example, for an application relating to a building containing three self-contained flats, your details may be recorded as “(Flat A - 3) (Flat B - 4) (Flat C - 2)” in the “*Adults*” section. This will indicate that there are three adults in Flat A, four in Flat B, and two in Flat C.

Under “*Catering arrangements*”, the vast majority of applications will relate to “self-catering” rental units.

Section 9: Accommodation details

For this section, please remember to complete every box highlighted in red, even if the insertion is “0”.

The large boxed section relating to numbers and types of rooms can be completed if you are applying for a licence for a single flat or house. However, if you are making an application relating to a building containing more than one flat you should enter “0” in all boxes and submit the relevant information separately in the following format:

| | Flat 1 | Flat 2 | Flat 3 , etc. |
|---|--------|--------|---------------|
| Bedrooms | | | |
| Living/dining rooms | | | |
| Kitchens | | | |
| Sinks (in kitchens) | | | |
| Shower rooms/bathrooms | | | |
| Toilets in shower rooms/bathrooms | | | |
| Separate toilets with wash hand basins | | | |
| Separate toilets without wash hand basins | | | |
| Wash hand basins | | | |

This information can be submitted online or by post, but is required before the application can be deemed valid.

Unless you are making an application relating to an HMO with shared kitchens, for the question: *“Are all kitchens equipped with the following ...”* you can make the following assumptions. A *“means of cooking food”* can mean an adequate space for a cooker, with a suitably located and safe electric or gas point. You may also ignore the reference to refrigerators and freezers, as we would not expect you to supply such appliances in a private kitchen.

Section 10: Heating and energy efficiency

This section should be self-explanatory, but please contact us if you need help.

Section 11: Gas and electricity

This section should be self-explanatory, but please contact us if you need help.

Section 12: Fire precautions

For the purposes of selective licensing, you are only required to provide a fire safety risk assessment if you are making an application for an HMO or a building containing more than one flat. Therefore, having regard to the types of applications described at the beginning of this guidance, this is only a requirement for applications described as type C, D, E and F.

Section 13: Layout plans

All applications must include layout plans, whether they are sent in electronically or by post. Only when received will an application be deemed valid. Therefore, you must select “Yes” in this section.

Preferably, the plans should be to scale, either 1:50 or 1:100. However, this is not essential. Simple, clear, and well-proportioned sketch plans will be acceptable. Each plan should show the whole of each floor. Where this is difficult due to the size of the building, you should contact us for further advice. Room descriptions, such as “Lounge”, “Bedroom 1”, “Bathroom”, etc., and room sizes in m² (for all living rooms and bedrooms) must be annotated on all plans. If you are making

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an application for a building containing flats, you must also identify each flat by its name, such as “Flat 1” or “Flat B”.

Section 14: Management of the property (HMO or house) to be licensed

This section should be self-explanatory, but please contact us if you need help.

Section 15: Fit and proper person test

This section should be self-explanatory, but please contact us if you need help.

Section 16: Accreditation and qualifications

This section should be self-explanatory, but please contact us if you need help.

Section 17: Other properties licensed under the housing act

If you answer “Yes” to the question, *“Does the proposed licence holder and/or manager own or manage other properties which require a licence under the Housing Act 2004”*, then the following guidance will help you complete this section without the need for unnecessary duplication.

In all cases, please tell us how many properties you have in Thanet that require a licence from Thanet District Council. You should include all of your licensable properties, even those for which you have yet to make an application. Similarly, please indicate how many other such licensable properties you have which are outside Thanet.

If you only own a few other licensable properties, then please fill in the form as requested. If you have more than three then, to prevent unnecessary duplication on your part, you may provide details of your other properties on a separate document. This document can be submitted by post or uploaded at the time of application, and can be used for each application. If you are submitting a separate document, you may click “Yes” to the question: *“Have details about these properties been provided in a previous licence application to this authority?”* Then in the “Reference number” box insert: “Property details submitted separately”. You may then click “No” in the final box, which asks: *“Do you need to provide details about any additional properties?”*

Section 18: Notifying people about the licence application

For the last question: *“Has anybody else agreed to be bound by the conditions of the licence, if it is granted?”* you should answer “No” unless there are exceptional circumstances. If there are, you should contact the council for further advice. In most cases, only the licence holder and manager (if applicable) will be bound by the conditions of the licence.

Section 19: Additional details

Please use this space to tell us of anything you feel may be of importance to your application. If you do not need to tell us anything, simply leave this box blank.

Section 20: Payment details

The fee structure is set out on the application form. As the licence fee you are required to pay is not automatically entered onto the form, you must calculate the fee and insert the figure yourself.

If you are making an application for a family occupied house or flat, then – until 30 June 2011 – you will need to pay either £375 or £425, depending on whether or not you are an accredited landlord or agent. If the proposed licence holder is not accredited, the discounted fee can still be claimed providing that the proposed manager, who is to be named on the licence, is accredited.

Where an application involves multiple flats within the same building, the fee will be calculated as follows:

- Application type E or F (see above): £375 or £425 for the first flat, depending on whether or not you are an accredited landlord or agent, then £240 for all other flats under your control. Therefore, if you were accredited and your building contained three flats, the fee would be £375 + £240 + £240 = £855.
- If you own multiple flats in the same building, but do not own the freehold, you cannot make a single licence application to cover all of your flats. This is due to legislative restrictions. Therefore, you must make a separate licence application for each flat. However, you can still claim the multiple flat discount(s). You must make this clear when you make your other applications. You can do this by confirming your multiple ownership in section 19 of the form. You must pay the full fee (£375 if you are accredited, £425 if you are not), for your first flat; then, as you make further applications for the other flats within the same building, you can pay the lower fee of £240 for each one.

The fee structure for HMOs should be self-explanatory.

Your application will not be valid unless you have paid the correct fee.

Do you own more than 10 properties that need a licence?

We may be able to offer an alternative payment method if you have a portfolio which comprises 10 or more properties in the area. In normal circumstances, the full fee is paid upfront and a licence granted for five years. However, for larger portfolio holders we are proposing to accept applications without full payment at the initial application stage. Subject to our agreement, we will accept an initial fee based on 20% of the full cost. Thus, if you have say 10 flats within different buildings, and you are accredited and apply before 30 June 2011, the full cost to you for the 10 licences will be $10 \times £375 = £3,750$. If you choose the alternative payment method, you will only need to pay £750 at the time you make the applications. However, you will only get licences that last for one year. You will then have 12 months from the date of the licences to make the outstanding payments, which in this example would be £3,000. If you make the remaining payments in full before the expiry of the 12 months, we will issue new licences for an additional four-year period, at no extra cost to you. This payment method is not discounted, but allows you extra time in which to meet the full cost. If you fail to make the additional payments, and the one year licences expire, you will be required to apply for new licences and will be charged the full cost for a five year licence for all properties concerned. In this case, the total cost to you would be more than if you had paid upfront in full, and you may be at risk of prosecution for operating unlicensed properties.

If you would like to take advantage of the alternative payment method, you must get agreement from the council first.

The declaration should be made by the person completing the form, which must be either the proposed licence holder or the proposed manager. If there is more than one proposed licence holder, the form allows for multiple signatories.

Please ignore the “*Digital signature*” box at the very end of the form. You are not required to insert a digital signature.

What happens next?

When we have validated your application, it will be passed to a Housing Improvement Officer for processing.

If satisfied that a licence can be granted, the council will send you, and all interested parties, a proposed licence. The proposed licence will include conditions relating to the management and use of the property, and you will be given 21 days in which to make representations to the council about them. We will carefully consider any comments you make and may be able to amend the licence according. If any changes are agreed, we may need to re-propose the licence and give you a further 21 days in which to make further representations. If the changes are of a minor nature, then a re-proposal may not be necessary. If you happy with the proposed licence, there will be no need to reply.

After the proposal process has been completed, the council will grant the final licence and send copies of it to you, and all interested parties. If, at this stage, you are not satisfied with the terms of the licence, you will be able to appeal to the Residential Property Tribunal Service. You will have 28 days in which to appeal.

Subject to the outcome of any appeal, the licence will usually be valid for five years. On occasion, due to specific circumstances, the council may grant a licence for a shorter period (but the fee payable would not be discounted proportionately).

Help and advice

If you would like help with any aspect of the application process, the Housing Regeneration Team will be able to assist you. Please ring us on 01843 577437 and one of our officers will be happy to help. We can also be contacted by email on: housing.conditions@thanet.gov.uk.

Alternatively, you can write to us at:

**Housing Regeneration
Community Services
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ**

If you would like a copy of this document in a different format such as Braille, audio or large print, or in another language please call
01843 577165

