



**Housing Services**  
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My Ref: Add Licensing letter 1

October 2023

Dear Landlord,

**Housing Act 2004 Part 2**  
**Additional Licensing of Houses in Multiple Occupation (HMO)**

You may be aware that the Council recently decided to implement an Additional Licensing Scheme for certain houses in multiple occupation.

On 9<sup>th</sup> October 2023, the Council made a designation under Section 56 Housing Act 2004 which formally brings Additional Licensing into force across the whole district from 18<sup>th</sup> January 2024. A copy of the designation is enclosed with this letter.

**If you are operating a property containing 3 or 4 persons comprising 2 or more households, you will legally be required to apply for an HMO licence from 18<sup>th</sup> January 2024.**

**You will also need to apply for an HMO licence if you are operating a purpose-built flat which is being let in multiple occupation which has previously been exempted from Mandatory Licensing. This will include purpose-built HMO flats with any number of occupiers, except those occupied by only one or two persons.**

**Submission of Licence Applications and Licence Fees**

Each HMO, whether a house or a flat in multiple occupation will require you to submit an application for Additional Licensing. If you are in any doubt as to whether a property is being let in multiple occupation, you are advised to contact Private Sector Housing for further advice.

Applications should not be submitted before 1<sup>st</sup> January 2024 as they will not be processed before this date. Similarly, licence fees will only be payable from 1<sup>st</sup> January via the Council website.



The Council is offering an 'early bird' discount for each application which is duly made by 14<sup>th</sup> March 2024. The attached fees and charges sheet shows the fees which will apply and what is considered to be a 'duly made' application. If you are well prepared and have the necessary documents and certificates in place, and your application is received no later than 14<sup>th</sup> March 2024, you can expect to qualify for the early bird discounted fee.

Applications for licences which are received after this date will be charged at the standard rates shown in the attached fees sheet. Landlords will be expected to apply for licences within 6 months of the scheme coming into effect, i.e. by 18<sup>th</sup> July 2024 otherwise they can expect an enforcement investigation.

**Licence fees are being split into 2 payments, a Stage 1 fee and a Stage 2 fee. You will need to submit only a Stage 1 payment with your application** and in the event your application is unsuccessful, a stage 2 fee will not be charged to you. If you are in any doubt regarding the need for a licence, again, you should contact Private Sector Housing.

Once the Council is in a position to issue a draft licence, you will be requested to make a stage 2 payment to allow the licence to be issued.

### **Temporary Exemption Notices**

If you decide you no longer wish to continue operating an HMO and are able to legally reduce occupancy or if the tenancy is coming to an end, you may be in a position to apply for a Temporary Exemption Notice (TEN). The circumstances for this are limited and Council would only be able to issue a TEN if the timescale for concluding the tenancy was imminent. If you have signed up a new HMO tenancy agreement in advance, you would be obliged to apply for a licence.

### **Planning Permission**

You will need to consider the planning status of your HMO. Any HMO in the Leamington Spa wards covered by the Council's Article 4 Direction will be affected. If the HMO is located outside of the Leamington Spa wards it will not require planning permission unless it contains 7 or more persons. Some HMO landlords will already have received letters from the Planning Department.

If you do not have either planning permission for change of use to HMO, a certificate of lawful use as an HMO or established uninterrupted use as an HMO (and there is documentary evidence to support such use over the last 10 years) then you should contact Planning Enforcement. They will be able to advise you whether they could support a planning application for change of use to HMO taking account of Planning Policy H6. Where the HMO does not meet the requirements of this policy you will be required to cease HMO use.

Applications for HMO licences will not be processed where planning permission is required. They will remain pending until a planning application is determined including any appeal period. Where a planning application is required, it must be submitted within 2 months of making an application for an HMO licence, if not before. If no HMO licence or application for planning permission is submitted and the HMO use continues, enforcement action will follow either by Private Sector Housing or Planning Enforcement.

If you have any queries relating to this then please contact the Planning Department on (01926) 456536 or e-mail [planningenforcement@warwickdc.gov.uk](mailto:planningenforcement@warwickdc.gov.uk)

If you are creating a new HMO, you will also require approval under the Building Regulations, in which case you are advised to consult the Building Control Officer on (01926) 456543 or (01926) 456515 or e-mail : [buildingcontrol@warwick.gov.uk](mailto:buildingcontrol@warwick.gov.uk)

### **Consequences of failing to apply for an HMO Licence**

Failing to submit a licence application for a licensable HMO is an offence under Section 72 Housing Act 2004 and can result in: -

- a) An unlimited fine in a Magistrates/Crown Court **or** a Civil Penalty Notice to a maximum of £10,000 (1<sup>st</sup> offence), or £30,000 (subsequent offences)
- b) An application for a Rent Repayment Order by persons occupying the HMO whilst it remains unlicensed, or by the Council where it has made Housing Benefit payments

Enclosed with this letter is an HMO Licence Application Pack containing the following documents:

1. A Practical Guide to HMO Licensing.
2. A Glossary of Terms to assist in completing the application.
3. The application forms (Forms 1-5)
4. Fees Sheet
5. Additional Licensing Designation Notice

### **Completing an Application**

Please read the Practical Guide to HMO Licensing, the Glossary of Terms and the instructions inside Form 1 before you start to complete any documents.

Often, the landlord will wish to apply as proposed licence holder and also manage the HMO themselves, in which case they complete Forms 1 and 2. Occasionally, the owner will appoint a manager or managing agent to run the HMO, in which case the owner would complete Forms 1 and 2 and the manager would complete Form 3.

The Council would normally expect the landlord or managing agent to be nominated as licence holder or manager. Where an agent is only employed to market an HMO or collect rent, they would not be treated as a manager and should **not** complete Form 3.

Before you return the completed forms, you must notify certain persons that you have made an application for an HMO Licence. Form 5 needs to be completed and sent to all relevant persons as detailed in the form. Please refer to Form 1 for guidance on 'relevant persons'. **Please do not return Form 5 to this office.**

There are a number of documents that you must send with your application to ensure that it is complete and 'duly made'. These are set out in the attached 'fees and charges' sheet.

Fees can only be paid online from 1<sup>st</sup> January 2024. This will be the link: [HMO payments and fees - Houses in Multiple Occupation - Warwick District Council \(warwickdc.gov.uk\)](https://www.warwickdc.gov.uk/hmo-payments-and-fees)

Applications which are incomplete will be returned and may incur a penalty to reflect the fact that additional time is spent dealing with them.

If your property does not currently have a fire alarm system/emergency lighting or fire extinguishers it follows therefore that you will be unable to submit certification until they are installed.

The Council will assist if you have particular queries, but we cannot complete whole applications on behalf of applicants.

### **Multiple Applications**

If you are operating more than one HMO which will be subject to Additional Licensing, you will need to complete a separate 'Form 1' in respect of each property. You can either make multiple photocopies or request further copies of 'Form 1' from Private Sector Housing. Alternatively, the forms can be downloaded from the website [www.warwickdc.gov.uk/hmo](http://www.warwickdc.gov.uk/hmo) or are available to collect from the main reception at Riverside House.

You will only need to complete a separate 'Form 2' and 'Form 3' where the proposed licence holder/manager is different, for example, where one of your HMOs is in a company name and another is in your personal name, or where you employ different managers from different agencies for your HMOs.

### **Processing of Applications**

You will receive an acknowledgement letter or e mail after submission of your application. We will advise you whether your application is complete, or whether there is missing information or documents. Incomplete applications may be returned, and you may incur administrative charges if repeated requests are made for missing documents.

We will always arrange a full inspection prior to a licence being issued to verify the information contained in the application and assess the suitability for multiple occupation. The inspection will also have regard to the Housing Health & Safety Rating System (HHSRS). HHSRS is a form of risk assessment and is designed to consider a range of hazards.

If there are shortcomings with regard to the property, there are a number of actions available. If the matters are of a serious nature the licence may not be issued until works are undertaken or if less serious, a licence may be granted with conditions requiring certain action within a prescribed timescale. Alternatively, the matters may be dealt with outside of the licence using the Management of Houses in Multiple Occupation (England) Regulations 2006 or using HHSRS procedures.

The Council also has to consider the suitability of the proposed licence holder and manager. A 'fit and proper person' check takes account of various convictions and other housing related matters which must be declared in the application. The Council will also consider the management capability and track record of the landlord taking account of complaints made against them or their properties and any response made by the landlord to those complaints.

Your fee should reflect the maximum number of persons you wish to be accommodated, and not necessarily the current occupancy level. For example, if a licence is granted for 3 persons, and you later wish to accommodate 4 persons, you would be in breach of the licence without making an application to vary the licence. If you wish to vary a licence, this can be done using a Form 7 application. There is no charge for this.

### **Determination of Applications**

The Council has to approve or refuse an application by serving a statutory notice. If it proposes to approve the application, it will only issue a draft licence once a Stage 2 payment has been made. The draft licence offers an opportunity for interested persons to review the wording and conditions which are attached. The Council will then consider any comments and determine the application.

Once issued, a licence would normally run for a 5-year period and will have a limit on the number of persons/households that can reasonably be accommodated.

If it is determined that a licence should not be issued, the Council has to make an Interim Management Order, which allows them to take over the management of the property.

If the landlord/manager are dissatisfied with any decision the Council makes there is a right of appeal to the First Tier Tribunal.

Please ensure that all correspondence is clearly marked for my attention and emailed to [addhmo.admin@warwickdc.gov.uk](mailto:addhmo.admin@warwickdc.gov.uk)

Yours sincerely



Jackie Rutter  
**Private Sector Housing Assistant**