

Notes To Be Read While Completing The Selective licensing Application Form



Please ensure you complete the relevant parts of the application form.

NOTES TO PART 1: APPLICANT DETAILS

If you are the person filling in this application form, then you are the **'applicant'**. As the applicant you are required to complete every part of the application form and sign the declaration at the end of the form, confirming that the information you have provided is correct to the best of your knowledge.

The **'proposed licence holder'** is the person whose name will be on the licence (if issued). The proposed licence holder must be the person who is the most appropriate person to hold the licence for the property, and this is likely to be the person who receives the rent for the property.

As the applicant, you are required to provide:

- Name
- Correspondence address
- Contact details
- Date of birth; and
- State your relationship to the proposed licence holder and your interest in the licensable property.

Your interest in the licensable property is your connection or involvement with the licensable property, which is usually, but not always, of a legal nature such as:

- Freeholder
- Leaseholder
- Managing Agent

We understand that in some instances, the applicant may have no legal interest in the property, and may simply be completing the form on behalf of a relative or friend for example.

NOTES TO PART 2: PROPOSED LICENCE HOLDER DETAILS

As the applicant, you must provide the proposed licence holders details as follows:

- Type of proposed licence holder
- Name
- Correspondence address
- Contact details
- Date of birth (if the proposed licence holder is an individual)

If the proposed licence holder is a company, you must provide the number of the company and address of the registered office, and the names of the company secretary and directors. **You must also tick the box to the question if the business is registered in the UK with Companies House and whether the business is registered outside of the UK.** If the proposed licence holder is a partnership or trust, you must provide the names of all the partners and trustees.

NOTES TO PART 3: MANAGER DETAILS

If the property is managed by the landlord, or someone else manages it for him or her in an unpaid capacity, please state so.

If the landlord pays an agent to manage the property on his/her behalf, please

- Indicate whether the manager is an individual or a Company or any other body and provide manager details as follows:
- Name
- Address
- Contact details

If the landlord pays an agent to manage the property on his/her behalf, please tick the 'Yes' box to the first question in Part 3, and then complete section 3.2. Indicate whether the manager is an individual or a Company or any other body and provide manager details as follows:

- Name
- Address
- Contact details

If an agent or manager is employed to manage the property, please indicate if they are a member of a Government approved redress scheme. This is a legal requirement from 1st October 2014. If not clear whether the requirement applies, legal advice should be sought as fines of up to £5.000 can be imposed if the agent or manager has not joined one of the schemes below.

The three Government approved redress schemes are:

Ombudsman Services Property (www.ombudsman-services.org/property.html)

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

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

NOTES TO PART 4: OWNERSHIP DETAILS OF PROPERTY TO BE LICENCED

A '**freeholder**' can be a person (or persons) or a company who is registered as the proprietor of a freehold estate in the land with absolute title.

A '**leaseholder**' is somebody who owns a long lease on their property (usually for a term of more than 21 years), which gives them the right to occupation and use of the property for the term of the lease.

A '**person who collects the rent**' is considered to be anyone who collects rents from the persons who are occupying the property.

A '**person who receives the rent**' is the person who ultimately receives (whether directly or through an agent or trustee) rents or other payments from the persons who are occupying the property.

A '**person bound by a condition of the licence**' could be any person who is involved in the management and/or maintenance of the property. This will also depend on the licence conditions – see the general notes to the application form for a list of mandatory licence conditions.

NOTES TO PART 6: PROPERTY INFORMATION

Please provide when the property was built and its description.

NOTES TO PART 7: FIRE SAFETY

All properties should have a safe escape route in the event of fire and adequate fire precautions which may include fire, smoke, carbon monoxide, heat alarms/detectors, emergency escape lighting, fire extinguishers and fire blankets. These must be well maintained and adequate for the number of residents and the size of the property.

In Part 7 of the form you are required to provide information of the fire safety provisions there are in the property that needs to be licensed.

NOTES TO PART 8: AMENITIES

'Exclusive use' of any amenities or facilities is considered to be those that are solely available to one person or one household, unshared, i.e. to the exclusion of others.

In this respect, exclusive use relates to those facilities available to one unit of accommodation only, e.g. bathrooms/showers, kitchens, WCs and wash hand basins. It does not refer to general communal areas such as staircases, landings and hallways, gardens, etc.

A self-contained unit of accommodation should have a full range of exclusive use amenities within its perimeter. However, remote or separate amenities, such as a kitchen, bath/shower, WC, may still be deemed 'exclusive use' if they are made available to one person or household only, and are not shared by any other person or household within the property.

NOTES TO PART 9: PROPERTY MANAGEMENT

The most common **'gas appliance'** in many properties is the central heating boiler, which provides hot water and/or heating. All associated fittings, including flues, are deemed to be included in the appliance. Wall mounted individual gas heaters need checking, as well as ovens and hobs, and anything else that uses gas as its power source.

Businesses and self-employed people working on gas fittings or appliances are legally required to be registered with Gas Safe Register (Council for Registered Gas Installers). If you need to find a registered installer, or need to check anyone's registration, you can visit the Gas Safe Register website at www.gassaferegister.co.uk or telephone their Customer Services on (0)800 408 5500.

The Gas Safety (Installation & Use) Regulations 1998 specify that it is the duty of landlords of relevant premises to ensure that all gas appliances, fittings and flues provided for tenants are safe. You must arrange safety checks on an annual basis and provide the council with copies – only certificates produced by bona fide Gas Safe Register approved engineer will be acceptable.

The **Furnishings (Fire safety) Amendment Regulations 1993** set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. Upholstered furniture must have fire resistant filling material and must pass a cigarette resistance test and permanent covers must pass a match resistance test.

Landlords letting residential property will be expected to ensure that any soft furniture complies with these regulations.

'Upholstered furniture' which is covered by the above regulations include: beds, headboards, mattresses, sofa-beds, nursery furniture, garden furniture which can be used indoors, furniture in new caravans, scatter cushions, seat pads and pillows and loose and stretch covers for furniture.

You should be looking for furniture, which is **properly labelled** as meeting the requirements of the regulations.

'Rooms and areas in common use' are essentially rooms and areas that are accessible by everyone occupying the property, and include shared kitchens and bathrooms, staircases, hallways and landings, storage rooms etc.

NOTES TO PART 10: TENANCY MANAGEMENT

'Regulated tenancy' - a regulated tenancy is a long-term tenancy with a private landlord. You are likely to be a regulated tenant if you pay rent to a private landlord and your tenancy started before 15 January 1989. You may still be a regulated tenant even if you later signed a new tenancy agreement after that date with the same landlord. You won't be a regulated tenant if you've lived in the same property as your landlord since your tenancy started **(10.1)**

Please tell us if the tenants are given a written Tenancy Agreement or similar document which sets out the terms of their contracts with the landlord **(10.2)**.

The Anti-social Behaviour, Crime and Policing Act 2014 received royal assent on 13 March 2014. The act introduced simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. For more information please visit: - <https://www.gov.uk/government/collections/anti-social-behaviour-crime-and-police-bill> **(10.3)**.

Please indicate whether the tenants are given a written procedure which explains what they should do if they have a complaint. This could be a part of the Tenancy Agreement or a separate document **(10.4)**.

Please indicate whether the tenants receive a written record of the rent that has been paid **(10.6)**. Unless records are given regularly to all tenants, please tick the **'No'** box.

If the tenants are given a 24 hour telephone number to use in an emergency, please indicate this and give us the telephone number **(10.7)**.

If tenants are asked to pay a deposit at the beginning of the tenancy, please indicate this **(10.8)**.

If a deposit is requested, tell us whether the tenants are given a written procedure for dealing with any dispute about whether the deposit should be returned in full or in part when the tenancy ends. This procedure could be part of the Tenancy Agreement or a separate document **(10.9)**.

As a landlord you must put tenants deposit in a government-backed tenancy deposit scheme (TDP) if you rent your home on an assured shorthold tenancy that started after 6 April 2007. For more information, please visit: <https://www.gov.uk/tenancy-deposit-protection/overview> **(10.10)**.

NOTES TO PART 11: OCCUPIER INFORMATION

An **'occupier'** means a person who occupies the property as a residence; this person can be a tenant, leaseholder, licensee or a person having an estate or interest in the property. Children and babies are also considered to be occupiers, and should each be counted as one individual regardless of their age.

Any domestic staff is also included in the household if they are living in rent-free accommodation provided by the person for whom they are working.

If a family rents a property this is a single household. If that family had an au-pair to look after their children that person would be included in their household.

NOTES TO PART 12: RELEVANT INFORMATION

Part 12 aims to collect information on all persons named in Parts 1 to 4 of the form, to enable the council to determine if they (or any associate of those persons) are fit and proper persons (see general notes for definition).

Answering yes to any of the questions in this Part will not necessarily mean that the council will refuse to issue a licence. However, the council reserves the right to reject any person nominated as the proposed licence holder if they are not considered a fit and proper person. Under such circumstances, somebody who is deemed to be a fit and proper person will have to be nominated to hold the licence.

If this part of the application form is not applicable, please write 'none', rather than leave the boxes blank.

NOTES TO PART 13: ADDITIONAL INFORMATION

Part 13 gives you an opportunity to demonstrate whether the landlord takes any steps to keep him/her informed of good management practices and any changes in the law which could affect his/her duties as a landlord.

Landlords Association refers to a legally constituted trade body which regulates the conduct of its members and represents their interests. Other relevant professional 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 (**13.1**).

NOTES TO PART 14: DECLARATION

You must complete Part 14 by using the space provided to list the names, addresses and descriptions (e.g. leaseholder, mortgagee etc.) of all persons who need to know that an application for the licence has been made. The full list of persons who must be informed of the application are listed in Part 14 of the form. The details which you must provide these people with are also listed in Part 14 of the form.

If you require more space to complete any of the Parts, please continue on additional sheets of paper, making sure you (i) clearly number the sheets (ii) number the Parts to which your notes relate to (iii) attach them securely to the form.

The declaration must be signed and dated by:

- The applicant
- The proposed licence holder (if different to the applicant)
- The manager (if there is a manager)

CHECKLIST

You must ensure that you submit with the application form all the documents that are listed in the checklist section at the end of the form where relevant (for example not all properties will have gas appliances or fire detection systems). You must tick the appropriate boxes to inform the council which documents have been submitted. Please ensure a cheque made payable to Harrow Council is enclosed.

The application will be considered incomplete if any of the required documents are not submitted at the same time as the form.

If your application form has to be returned to you for any reason, there may be a further charge to cover the cost of administration.