



Licensing of Houses In Multiple Occupation (HMO) under the Housing Act 2004



Manager/Managing Agent Variation Form

Licensing of houses in multiple occupation ensures that certain types of rented property meet the necessary standards to ensure a property is safe for occupation and that the landlord/manager is competent and fit and proper to manage the property.

Failure to apply for a licence as required under the Housing Act 2004 or comply with the management regulations is a criminal offence with an unlimited fine and may result in the council instigating legal proceedings

The manager/managing agent will hold responsibility to ensure that the conditions attached to the HMO licence are being maintained and that The Management of Houses in Multiple Occupation (Wales) Regulations 2006 or The Licensing and Management of Houses in Occupation (Additional Provisions) (Wales) Regulations 2007 are not being breached.

As a manager/managing agent of a HMO you will be required to live within a 50 mile radius of the HMO property.

Please complete in **BLOCK CAPITALS** and write only within the boxes provided. If you need to provide additional information, please use continuation sheets and attach them to the application. A separate application must be submitted for each property.

Property to which this relates:	
Address:	
Postcode:	

The following original documentation must be provided with this completed form: (Please tick) ✓

- | | |
|--|--------------------------|
| ▪ Evidence of permanent residential address for an individual Manager (not associated with an agency) | <input type="checkbox"/> |
| ▪ Disclosure Barring Service Certificate (www.gov.uk/disclosure) for individual Manager | <input type="checkbox"/> |
| ▪ Evidence of permanent business address for Local Managing Agent | <input type="checkbox"/> |
| ▪ DBS Certificate (www.gov.uk/disclosure) for Local Managing Agent | <input type="checkbox"/> |
| ▪ DBS Certificate (www.gov.uk/disclosure) for Local Managing Agent Company Director | <input type="checkbox"/> |

The following original documentation must be submitted with all application forms or the application will not be valid. You may now submit your scanned HMO Variation Application and any supporting documents via email at: HMO@newport.gov.uk – Please use PDF Format where possible. Any discrepancies found, will result in rejection and original documents will be requested. We will return all original documents received in the post.

If you need any advice concerning the HMO Licensing standards or assistance completing this form, then please contact:		OFFICE USE ONLY	
HMO Licensing	Tel: 01633 656656	DATE RECEIVED	<input type="text"/>
Environmental Health Housing Team	Email: hmo@newport.gov.uk	DATE VERIFIED	<input type="text"/>
Public Protection	Website: www.newport.gov.uk/hmo		
Newport City Council			
Civic Centre Newport NP20 4UR			

1 - Applicant Details

Title: Mr Mrs Miss Ms Other _____

Surname: _____ First Name(s): _____

Business Name (if applicable): _____

Address (if organisation, provide registered office): _____

Date of Birth: _____ Postcode: _____

Home Tel No.: _____ Work Tel No.: _____

Mobile Tel No.: _____ E-mail Address: _____

If a Business/Organisation, please provide details of all staff/employees who will be involved in the management of the property (please continue on a separate sheet if necessary).

Full Name (please print): _____ Position: _____

Business Tel No.: _____ E-mail Address: _____

Full Name (please print): _____ Position: _____

Business Tel No.: _____ E-mail Address: _____



In addition to HMO Licensing, landlords and agents are now required by law under the Housing (Wales) Act 2014 to be registered or licensed with **Rent Smart Wales**.

Are you registered with Rent Smart Wales? YES NO

Are you licensed with Rent Smart Wales? YES NO

Have you attended approved Rent Smart Wales training? YES NO

Property Management

Does the manager/managing agent have the powers necessary to manage the property? (please tick below) ✓

Deal with complaints/disrepair? YES NO Let to tenants? YES NO

Authorise any expenditure? YES NO Issue tenancy agreements? YES NO

Full access to all of the property? YES NO Evict tenants? YES NO

Are all tenants given a tenancy agreement when commencing occupation of the property? YES NO

Does the tenancy agreement include procedures for tenants to report complaint? YES NO

Does the tenancy agreement include clauses relating to Anti-social behaviour? YES NO

Are the tenants provided with full contact details of Landlord, Manager/Managing Agent? YES NO

Is a deposit required at the start of a new tenancy agreement? YES NO

Is the deposit secured in a deposit protection scheme? YES NO

If yes, which scheme provider: _____

If no, please note, that by law you **must** protect all tenant deposits in a government-authorised tenancy deposit protection scheme.

How often is the property visited? Weekly Monthly Other: _____

Further information on what is expected from a manager/managing agent of a House in Multiple Occupation under Newport City Councils HMO Licensing Scheme can found on Page 5 and 6.

Fit and Proper Person Test for Manager/Managing Agent

Before the Local Authority can grant a licence, it must determine whether the proposed licence holder of the property is a fit and proper person. The **Manager/Managing Agent** is required to provide a declaration to confirm their status with regard to criminal offences. To satisfy this requirement a disclosure statement must be obtained from Disclosure Barring Service. This will detail any 'unspent' convictions under the Rehabilitation of Offenders Act 1974.

For this purpose, the following matters are relevant if any such person has:	<i>(please tick)</i> ✓	YES	NO
• Committed any offence involving fraud, or other dishonesty (including benefit fraud), violence, drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003?			
• Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with any business?			
• Contravened any legislation relating to housing, public health, environmental health or landlord and tenant law?			
• Been refused a licence under Part 2 or 3 of the Housing Act 2004?			
• Had a licence revoked for breach of any conditions under Part 2 or 3 of the Housing Act 2004?			
• Contravened any Code of Practice relating to the management of HMOs?			
• Been subject to a Control Order under the Housing Act 1985 (in the past 5 years)?			
• Been subject to a Management Order under the Housing Act 2004?			
• Failed to comply with a Housing Notice (requiring works etc.) served by a local authority?			
• Been subject to complaints from tenants or other sources, regarding serious or repeated breaches of the conditions of a licence under the Housing Act 2004?			
• Been declared bankrupt?			

If yes to any of the above, please provide full details of the offence:

Name	Offence	Date	Sentence	Court

In order to assist the Council in making proper assessment of suitability, details about previous convictions for criminal offences must be disclosed. Under the Rehabilitation of Offenders Act 1974 there is no requirement to provide details about previous convictions that are 'spent'. A conviction becomes 'spent' after a certain length of time, which varies depending upon the sentence and the age of the person at the time of conviction. If a person is sentenced to more than 2 ½ years in prison, his/her conviction can never become 'spent'. If you have any doubts about whether you have to declare a previous conviction, you should contact your local Prohibition Office, Citizens Advice Bureau or your Solicitor.

Disclosure Barring Service can provide a 'basic' disclosure that contains details of unspent convictions personal to an applicant. This type of disclosure is only issued to the applicant and may be used more than once.

Disclosure applications can be made at:

Disclosure Barring Service

DBS customer services
PO Box 3961
Royal Wootton Bassett
SN4 4HF

Website: www.gov.uk/disclosure

Email customerservices@db.s.gsi.gov.uk

DBS helpline 03000 200 190

Minicom 03000 200192

Welsh 03000 200191

International +44151 676 9390

Disclosure statements provided with this application must be dated no more than **six months** prior to the date of licence application.

Any Information given will be treated as confidential and used only in connection with this application.

Declarations

I/we declare that the information contained in this form is correct to the best of my/our knowledge. I/we understand that I/we commit an offence if I/we supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or am/are reckless as to whether it is false or misleading.

I/we declare that any gas appliances, electrical appliances and furniture provided for the use of tenants in the property are in good safe working order and comply with all relevant safety legislation.

I/we declare that the smoke and heat detectors/alarms installed in the house are in good safe working order and comply with all the relevant safety information.

I/we declare that adequate financial resources are available to maintain the property ensuring the health and safety of the tenants and fulfil all other statutory obligations.

I/we understand that the Council may need to carry out investigations to assess whether I/we am/are a "fit and proper" person for the purposes of Part 2 of the Housing Act 2004. I hereby authorise the Council to make such enquiries and share information as it sees fit. Such enquiries may include Basic Disclosure Certificates/Criminal Records Bureau checks, liaison with the Police, Fire Service and other Local Authorities.

The Council are required by law to maintain a public register of all licensed HMO properties within its area which includes the names and addresses of licence holders and managers. I/we understand that the details on the public register will be provided to anyone who requests them.

Property to which this relates:	
Address:	
Postcode:	

Please continue overleaf if required:

Owner/s

Full Name *(please print)*: _____

Signature: _____ Date: _____

Proposed Licence Holder/s

Full Name *(please print)*: _____

Signature: _____ Date: _____

Proposed Managing Agent Company Director *(if applicable)*

Full Name *(please print)*: _____

Signature: _____ Date: _____

Proposed Manager or Local Managing Agent *(if applicable)*

Full Name *(please print)*: _____

Signature: _____ Date: _____

What is expected from a Manager/Managing Agent of a HMO

As a manager of a HMO you will be required to live within a 50 mile radius the HMO property location. You will need to complete the manager/managing agent HMO licence form and provide a Basic Disclosure Barring Service check certificate in order to be assessed to ensure you are fit and proper to manage a HMO.

A manager will ensure that the HMO is being run in a suitable manner this includes ensuring no Anti-social behaviour is emanating from the property, that any repairs are being carried out, that the property is being maintained and communal areas are kept clean and tidy. They will also provide access to the property for inspections to be carried out, in the case of an incident at the property (e.g. a fire), they should be able to meet an Environmental Health Officer at the property at short notice or arrange for access to be gained.

Managers will hold responsibility to ensure that the conditions attached to the HMO licence are being maintained and that The Management of Houses in Multiple Occupation (Wales) Regulations 2006 or The Licensing and Management of Houses in Occupation (Additional Provisions) (Wales) Regulations 2007 are not being breached.

This Includes:-

1. The managers name and contact details are made available to all tenants & displayed within the property.
2. That all means of escape from the property are kept free from obstruction and maintained in good working order and repair.
3. That the fire alarms & any other firefighting equipment provided is maintained in good working order.
4. The manager must take all measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to:
 - The design of the HMO; and
 - The structural conditions in the HMO; and
 - The number of occupiers in the HMO.
5. The manager must in particular in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe.
6. In relation to any window the sill of which is at or near floor level, ensure that bars or other safe guards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.
7. The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition.
8. The manager must supply to Newport City Council within 7 days of receiving a request in writing the latest Gas safety certificate.
9. The manager must ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing. They must supply a certificate of testing to Newport City Council within 7 days of receiving a request in writing.
10. The manager must ensure that all common parts of the HMO are:
 - Maintained in good and clean decorative repair;
 - Maintained in a safe and working condition; and
 - Kept reasonably clear from obstruction.

11. The manager must in particular ensure that:

- All handrails and banisters are at all times kept in good repair;
- Any stair coverings are safely fixed and kept in good repair;
- All windows and other means of ventilation within the common parts are kept in good repair;
- The common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO, and
- Fixtures, fittings or appliance used in common by two or more households within common by two or more households within the HMO are maintained in good and safe repair and in clean working order.
- All outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition & good order.
- Any garden is kept in a safe and tidy condition.
- Boundary walls, fences and railings are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

12. The manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.

13. The manager must ensure that in relation to each part of the HMO that is used as living accommodation, internal structure is maintained in good order, any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order, and that every window and other means of ventilation are kept in good repair.

14. The manager must ensure that sufficient bins or other suitable receptacles are provided which are adequate for the requirements of each household occupying the HMO for storage of refuse and litter pending their disposal.

Any manager may be held accountable if when a property is inspected any of the above is not being met.

If a prosecution is brought against the manager under section 234(3) of the Housing Act for failing to comply with the management regulations, the offence is punishable on summary conviction with an unlimited fine.

If a prosecution is brought against the manager under section 72 (1) failing to licence a HMO for which they are the person having control or managing or section 72 (2) the manager or person having control allows another person to occupy the HMO and that persons occupation results in the HMO being occupied by more households or person than is authorised on the licence. On summary conviction they will be liable to an unlimited fine.

If you need any further assistance completing this form, then please contact:

**HMO Licensing
Environmental Health Housing Team
Public Protection
Newport City Council
Civic Centre
Newport
NP20 4UR**

**Tel: 01633 656656
Email: hmo@newport.gov.uk
Website: www.newport.gov.uk/hmo**