



# Houses In Multiple Occupation (HMO) Licensing Guidance Notes



## Assistance when applying for a HMO licence

Please ensure you have read these Licensing Guidance Notes carefully before making an application for licensing a House in Multiple Occupation (HMO). If followed the Licensing Guidance Notes will enable you to complete the application form correctly and assist you to reach compliance with all licensing requirements. Please apply online for the HMO licence by visiting [www.newport.gov.uk/hmo](http://www.newport.gov.uk/hmo). Payments will be requested once a draft application has been issued and payment will be requested online. If you require paper applications, please contact the Environmental Health Housing Team by emailing [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk).

**Please note;** Houses In Multiple Occupation **HMO Standards** are available as a separate booklet.

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## **Purpose of Licensing**

Licensing of Houses in Multiple Occupation ensures that certain types of rented private property meet the necessary standards to ensure dwellings are safe for the occupants, and that the landlord is competent, qualified and the most appropriate person to manage it. Newport has an Additional Licensing scheme to help tackle other community issues such as waste, anti-social behaviour, energy efficiency and property security.

**Failure to apply for a licence as required under the Housing Act 2004 is a criminal offence and may result in the council instigating legal proceedings (fines are unlimited).**

## **HMO definitions and licensing**

HMO stands for House in Multiple Occupation. Any property in Newport which houses 3 or more unrelated people forming more than 2 households must hold a licence unless specified as exempt.

The Government introduced Licensing in June 2006. There are two licensing schemes in operation in Newport. These are Mandatory Licensing, which requires properties of three or more storeys and five or more unrelated persons to be licensed; and Additional Licensing which covers all properties with three or more unrelated people forming more than two households in the same building.

The Licence will be valid for 5 years from the date of issue; it will specify the maximum number of occupants and households. The number of occupants will depend upon the size of rooms and the kitchen and bathroom facilities. A licence can be varied if circumstances change. The licence and any attached conditions must be displayed in a prominent location at the property.

### **What is a household?**

A household is defined as a single person, a family or a cohabiting couple. Children are counted when determining an HMO.

### **Main Residence**

In order to be an HMO the property must be used as the only or main residence of the contract holders. Properties let to students, migrant works and domestic refugees will be treated as their only main residence.

### **Example of NON HMO licensable**

- A family and two un-related foster children
- Three service users of CIW Registered Adult Social Care and a live-in Carer
- Owner Occupier and two lodgers

### **Example of licensable HMO**

- 3 or more un-related people living together
- 3 or more migrant workers, asylum seekers or seasonal workers living together
- B&B Accommodation used as temporary accommodation for the homeless

### **HMO categories:**

#### **Bedsits – Category A**

Where occupiers share amenities; a kitchen, bathroom and/or toilet but otherwise live independently of others. Each occupancy would be separately rented on individual tenancies.

**Shared House – Category B**

Where occupiers live together as a group, each with their own bedroom but sharing all other facilities such as bathroom & kitchen including a communal living space. Usually, the house will be let to a defined group on a single tenancy and not on an individual basis.

**Individual flats occupied by three or more unrelated people – Category F**

Where occupiers live together as a group, each with exclusive use of a bedroom but sharing all other facilities, including a communal living space within the flat.

This applies even if the property has been converted to the 1991 Building Regulations.

**Self-Contained Flats (you do not share any facilities with any other people other than those living inside the flat)**

If a property is purpose built as flats and has evidence that it is compliant to Building Regulations 1991 then this is NOT an HMO. You will be required to provide certification of such Building control approval to Environmental Health Housing who will determine if the property is exempt or not from HMO licensing.

If the property is rented, has been converted into flats and does not have evidence that it is compliant to Building regulations 1991, then this is determined as a HMO.

**Hostels, Guesthouses, bed and breakfast**

Occupiers have no other permanent place of residence within the UK.

Includes properties used by local councils to house people with no permanent address.

**Resident Landlord or Live-In Landlord**

A landlord living in the same building as three or more unrelated people.

*Also, any combination of the above property types which make up the same building.*

HMO licensing relates to the number of unrelated people occupying a property and is not affected by joint tenancy agreements, company let agreements, council tax payee responsibility, housing benefit claimants, homeless.

You're allowed to have two 'non family' members before your property is classified as an HMO. If three non-family, paying lodgers occupy the property it'll change. It does not matter if the lodgers are related to each other or not – the rule is around forming two or more separate households.

**Single households**

Section 258 of the Housing Act 2004 explains when people are seen as not forming a single household.

To count as a single household, people must be members of the same family, including married couples, or those living as husband and wife, including those in a same sex relationship, or where one is a relative of the other, e.g., parent, grandparent, child, grandchild, brother, sister, aunt, uncle, nephew, niece or cousin, and half relatives, stepchildren, and foster children.

**Domestic Employees**

If you have someone who lives with you but does not pay rent and is employed by you, then they are classed as a member of your household. Examples of domestic employees are: Nanny, Au Pair, Nurse, Carer, Governess, Servant (maid, cook or cleaner), Chauffeur, Gardener, Secretary or Personal assistant

**Care Inspectorate Wales**

A property where the company is regulated by the Care Inspectorate Wales then an HMO licence is not required.

CHECK THE REGISTER AT: <https://careinspectorate.wales/>

## **Exemptions from Licensing**

Certain classes of premises are exempt from the Mandatory and Additional Licensing schemes, these are as follows:-

- any house in which the Council has an interest, whether freehold or leasehold;
- any house used as a children's home or community home which is registered or provided under the Children Act 1989;
- any house registered under the Registered Homes Act 1984;
- any house which is occupied by persons who form only two households;
- any house which is occupied by no more than two persons in addition to the responsible person and any other member of their household;
- any house which has been converted into self-contained flats compliant to Building Regulations 1991 and with building works completed after 1<sup>st</sup> June 1992;
- any house where the living accommodation consists of self-contained flats and at least two thirds of the flats are either:-
  - let on leases of more than 21 years and wholly occupied by the lessees and their households; or
  - wholly occupied by any freeholder and their household;
- any house of which the responsible person is a health service body as defined in Section 519A of the Income and Corporation Taxes Act 1988;
- any house of which the responsible person is a social landlord registered in accordance with Part 1 of the Housing Act 1996;
- any house of which the responsible person is:-
  - a university or other institution within the higher education sector within the meaning given by Section 91(5) of the Further and Higher Education Act 1992 or a college or other institution in the nature of a college in such a university or other institution;
  - an institution within the further education sector within the meaning given by section 91[3] of that Act;
  - an institution which provides a course qualifying for funding under Part 1 of the Education Act 1994;
- any house approved by the Secretary of State under section 27 of the Probation Services Act 1993.
- a building of Self-Contained flats with two thirds or more owner occupied
- a building which is owned or operated by the Council.

## **Temporary Exemption Notices**

Newport City Council (the Council) can serve a Temporary Exemption Notice (TEN) under Part 2 Section 62 of the Housing Act 2004. The Council must be satisfied that the person having control of or managing a property which requires a licence, but does not have one, informs the Council that he/she intends to take particular steps to ensure that the property is no longer required to be licenced. Where a TEN is served, the property will not require a licence during the period of which the notice is in force.

An initial TEN, if approved can be served for 3 months. The Council can then accept a second application for another 3 months. A maximum of two TEN's can be served on the property and the total TEN period will not be for more than 6 months.

To qualify for a TEN the council must be satisfied that:

- an intention to convert the property to flats which is dealt with by regulation 20 of the Building Regulations 1991. A building regulation certificate will need to be provided to the department upon completion of works

- a change of use of the property where it ceases to be a HMO, for example, a reduction in contract holder numbers (by tenancies ending or contract holder vacating) or where the property will be occupied by a single household only

***A sale of a property to another freeholder/leaseholder does not qualify for a TEN notice.***

Your application for a Temporary Exemption Notice may be refused. If your application is refused you can appeal to the RPT (Residential Property Tribunal)

To apply for a TEN please visit [www.newport.gov.uk/hmo](http://www.newport.gov.uk/hmo) to complete the TEN application online.

## **Planning and Building Regulations**

In addition to the property having to conform to standards adopted by the Council; planning permission may also be needed for Houses in Multiple Occupation. The onus is upon the owner or other persons having control of the property to ensure that all necessary Planning or Building Regulation approvals have been obtained in respect of the house. Licensing under the scheme does not imply that the required planning permission or Building Regulations have been complied with. The Planning Department is notified of all licensing application. For enquiries please contact:

Head of Regeneration and Regulatory Services

Development Services, Civic Centre, Newport, NP20 4UR

Tel: 01633 656656

Emails: [planning@newport.gov.uk](mailto:planning@newport.gov.uk)

[building.control@newport.gov.uk](mailto:building.control@newport.gov.uk)

## **South Wales Fire and Rescue Service**

In addition to the property having to conform to standards adopted by the Council, the South Wales Fire and Rescue Service is notified of all licence applications. SWFRS provides guidance on fire safety measures and precautions within HMO's. In conjunction certain HMO's are subjected to the Regulatory Reform (fire safety) Order 2004; the FSO is regulated and enforced by the Fire Service. The FSO applies to the common parts of HMO's, flats and maisonettes. The FSO does not apply to the dwelling themselves or any parts of shared houses. For enquiries please contact:

South Wales Fire and Rescue Service

Forest Vie Business Park, Llantrisant, CF72 8LX

Tel: 01443 232000

Email: [swfs@southwales-fire.gov.uk](mailto:swfs@southwales-fire.gov.uk)

Tel Home Safety Checks: 08001691234

## **Rent Smart Wales**

In addition to HMO Licensing, private landlords are required by the Housing (Wales) Act 2014 to be registered. Also, private landlords who undertake letting and management activities or their managing agents, will need to obtain a licence from Rent Smart Wales and undergo Rent Smart Wales training. Any landlords or management agents found not to be licensed will be reported by Newport City Council along with any enforcement work. For further Information please contact Rent Smart Wales based at Cardiff City Council:

Rent Smart Wales

PO Box 1106, Cardiff, CF11 1UA

Tel: 03000 133344

Website: [www.rentsmart.gov.wales/en/](http://www.rentsmart.gov.wales/en/)



Landlords and Agents who are licensed with Rent Smart Wales under Part 1 of the Housing (Wales) Act 2014 must comply with the Code of Practice. This Code contains two elements. First and foremost, it sets out what landlords must do to keep to the conditions of the licence. The second is information on what can be done to raise standards above the minimum level required by law. This is described as "Best Practice".

To view this, please go to: [www.rentsmart.gov.wales/resource-library/](http://www.rentsmart.gov.wales/resource-library/)

## **Public Register**

Newport City Council maintains a Public Register of all licensed HMO properties within Newport. To view these, please visit: [www.newport.gov.uk/hmo](http://www.newport.gov.uk/hmo). This web page displays a live link, which can search for a HMO by the property address, or it displays a compact version of the register which is updated weekly.

Newport City 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. Please be aware that these details must be provided to anyone who requests them due to the Freedom of Information Act 2000. Such details can be requested by submitting a Freedom of Information Request.

## **HMO Licence Fees and Charges**

### **Pre-Licence Inspections**

For a fee of £238.37 plus VAT an Environmental Health Officer and an HMO Licensing Officer will inspect the property, they will advise you of the HMO licensing requirements and process, assist you with the application form and will provide you with a schedule of works and a floor plan for you to consider.

If you are considering two options for the property i.e., a shared house or bedsit accommodation, you will require an additional schedule of work and an additional floor plan as they will require different layouts and facilities being specified. The Officer will provide you two schedules and floor plans for a fee of £297.82 plus VAT. If you consider more than two options for the property, as additional schedule of works and floor plans will be required there will be an additional fee of £59.45 plus vat for each additional property layout proposal

To arrange and pay for a pre-licence inspection please visit [www.newport.gov.uk/hmo](http://www.newport.gov.uk/hmo). To discuss the service contact us on 01633 656656 or email [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk).

### **Non-Statutory Property Surveys**

If you would like a non-statutory property survey, the cost of the inspection is £230.11.

### **HMO Fees**

An invoice for the licence fee will be sent to you on receipt of a complete application.

- A Licence cannot be transferred to another person once it has been issued
- All licence fees are non-refundable
- All new owners must apply for a licence
- A fully completed application including ALL supporting documents must be provided prior to the renewal date for an existing application to be deemed an on-time application. Failure to submit a fully completed application will result in a late renewal fee being charged.

	Smaller HMOs (3-5 units/households)	Larger HMOs (6+ units/households)
New/Initial application	£1161.76	£67.31 extra per unit/household (maximum £1704)
Renewal application <b>before</b> expiration (including all required satisfactory enclosures)	£918.49	£67.31 extra per unit/household (maximum £1449)
Renewal application <b>after</b> expiration ( <i>equivalent of a new/initial application</i> )	£1161.76	£67.31 extra per unit/household (maximum £1704)
Application following revocation of previous licence (where property ownership is unchanged but landlord proposes a new manager)	£918.49	£67.31 extra per unit/household (maximum £1499)

### **HMO Charges**

An invoice for charges will be sent to you following an inspection and must be paid prior to a varied licence being issued.

### Licence Variations

	Smaller HMOs (3-5 units/households)	Larger HMOs (6+ units/households)
Property inspection required		
- Change of layout	£104.94	£104.94
- Change of occupancy		
No property inspection required		
- Change of manager	no charge	no charge

To arrange an inspection please contact us on 01633 656656 or email to [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk)

### HMO Inspections

Council officers will inspect a HMO either because the property has been assessed as being at risk, or following receiving a request for Environmental Health Housing to visit / receiving a complaint.

We will check compliance with [licensing conditions](#) (pdf) and the [HMO Management Regulations](#) and will make an assessment under the Housing Health and Safety Rating System. - link [Housing health and safety rating system: guidance | GOV.WALES](#)

### Cancellation Charge

From 1<sup>st</sup> April 2023, Newport City Council will be charging £30.00 should the agreed person fail to show up for a pre-planned HMO inspection or who fails to provide Environmental Health Housing with 48 hours' notice of a cancellation. The responsibility will rest with Owner to pay the charge, even if they have employed a managing agent or third party to meet Officers at the property. This includes if access is not permitted to all rooms within the property as a whole – including flats and individual bedrooms. The charge will not be applied if we are denied access by the tenants/contract holders.

### Methods of Payment

Once your draft licence has been issued you will be sent an invoice to pay your licensing fee, payments are made online.

**Please note** - All invoices must be paid in full, we do not except part or instalment payments. The invoice must be paid within 14 days.

Refunds will be issued if an application is made in error.

### Designation of the Licence Holder and Manager

#### **Who should be the Licence Holder?**

The proposed licence holder should normally be the “person having control” of the property (the person legally entitled to receive the rental income from the property and who has the rights to sell the property), usually the owner of the property. However, there may be a good reason why this should not be the case (e.g. if the owner is ill or lives abroad). The “person having control” may be the leaseholder rather than freeholder.

A ‘person having control’ of a premises is someone who receives the rack-rent of the premises, whether on their own account OR as agent or trustee of another person. There can therefore be more than one ‘person having control’ for any premises. For example, if the rent is collected by a managing agent and then passed on to the owner, both the agent and the owner may be the ‘person having control’.

If the landlord lives outside the jurisdiction of the British courts an alternative licence holder may need to be found.

The licence holder may often also be the manager; this would not be the case where the licence holder lives 50 miles from the property so as not to be able to effectively manage it.

Where two or more individuals are joint landlords all of those persons should be joint licence holders (each would be jointly and severally liable) unless those persons have agreed that only one (or more of them) should hold the licence.

A land registry search will be undertaken for each HMO licence, all owners will be required to be listed as licence holders and DBS checks provided for each owner. All owners must sign the HMO application form. If this is not completed, an application may be incomplete and late; this may incur late licensing fees.

Where the landlord is a company, a limited liability partnership, or a board of trustees, the licence should be granted to it. An employee, director or officer of these legal entities should not normally be the licence holder as it is the entity that is liable.

In the case of an unincorporated business (operating under a trading name) it will be the individual owners of the business who should jointly hold the licence, unless the Council agrees that one or more of the owners will do so.

If the Council is of the opinion that the proposed licence holder or manager is not suitable for that role they may agree another person to hold the licence or be the manager if that other person agrees.

Companies house records will be checked for each HMO licence, DBS certificates should be provided for each of the owners regardless of if the property is owned by a company, limited liability partnership or a board of trustees. We may contact you about this should any discrepancies arise.

### **Who should be the Manager?**

The Licence Holder may also be the Manager. The person managing means the person who is an owner or contract holder of the premises or, who receives the rack rent for the property or other payments for it from persons who are in occupation as contract holder or licensees of parts of the premises. This applies whether the person receives the rent directly or through an agent or trustee. Where the rents or other payments are received through someone who is an agent or trustee not only does it include the owner (or lessee) but it also includes the agent or trustee. This could be the person who arranges and monitors remedial works, undertakes property inspection and the person who has access rights.

### **Requirement for a Property Manager**

If the intended Licence Holder resides over 50 miles from the HMO Property then a competent manager residing within 50 miles of the HMO Property **must** be appointed. They must also complete and sign the appropriate parts of the HMO application.

The table below provides a guide as to when a manager must be included on an HMO application:-

Role	Responsibilities	Manager required?
Contract Holder Find Only	Operates a contract holder finding service only and in most cases drawing up occupation contracts, carries out contract holder references and takes receipt of initial months' rent and the deposit. Involvement ends once the contract holder moves into the property.	NO



Part Management	Undertakes part management of the property but may share responsibilities with the Landlord/Owner. These include any tenancy matters (occupation contracts, complaints, anti-social behaviour); receipt of the deposit and the rent, general property maintenance and repairs. Visits the property regularly (i.e. Weekly/Monthly) depending on the property type.	YES
Full Management	Undertakes full management of the property including any tenancy matters (occupation contracts, complaints, anti-social behaviour); receipt of the deposit and the rent, general property maintenance and repairs. Has the ability to authorise any works and make payments associated with managing the property. Visits the property regularly (i.e. Weekly/Monthly) depending on the property type.	YES

Should a change in management occur within the licence period you can apply to vary the licence at no extra cost. In these circumstances please contact the Housing Team on 01633 656656 or [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk) to request a change of manager form.

## **What is expected from a Licence Holder and Manager/Managing Agent of a HMO**

A licence holder/manager/managing agent 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 within a reasonable timeframe 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 or Senior Technical Officer at the property at short notice or arrange for access to be gained.

Licence holders/managers/managing agents will hold responsibility to ensure that HMO licence 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.

To view a copy of the HMO licence conditions please visit [www.newport.gov.uk/hmo](http://www.newport.gov.uk/hmo) or refer to your HMO licence.

HMO licence conditions include:

1. The licence holders/managers/managing agents name and contact details are made available to all contract holders & 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 are maintained in good working order.
4. The licence holder/manager/managing agent 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 licence holder/manager/managing agent 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 safeguards 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 licence holder/manager/managing agent must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition.
8. The licence holder/manager/managing agent must supply to Newport City Council within 7 days of receiving a request in writing the latest Gas safety certificate.
9. The licence holder/manager/managing agent 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 licence holder/manager/managing agent 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.

The licence holder/manager/managing agent 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.
11. The licence holder/manager/managing agent 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.
  12. The licence holder/manager/managing agent 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.
  13. The licence holder/manager/managing agent 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 licence holder/manager/managing agent 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 licence holder/manager/managing agent 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 licence holder/manager/managing agent 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.

### **Determination of a Fit and Proper Person**

Before the Council can grant a licence, it must determine whether the proposed licence holder or proposed manager of the property is a fit and proper person. To do this the Council must consider circumstances which may compromise the welfare of the contract holder and the good management of the property. It must consider amongst other things:

- Any previous convictions relating to violence, sexual offences, drugs, fraud, or other dishonesty.
- If the person has broken laws relating to housing or landlord contract holder issues.
- If the person has been found guilty of unlawful discrimination in connection with the running of a business.
- If the person has previously managed HMOs and has infringed any Approved Codes of Practice or been refused a licence.

When determining fit and proper, we will await the outcome of any pending prosecutions. With any HMO renewal or new application or following a prosecution, a fit and proper investigation is undertaken. We cannot process any HMO licence applications if there is a pending prosecution.

If any HMO licence has expired or prior to the licence expiry date, fully completed licence applications must still be completed and submitted to the Environmental Health Housing Team regardless of any pending prosecution.

If anyone is determined as guilty of running an unlicensed HMO, we will submit a fit and proper report to the Regulatory Service Manager (Environment and Community) and will consider the fit and proper test under Section 66 of the Housing Act 2004.

The licence Holder must also sign a declaration that they are confident that any person appointed to assist in the management of the property including key holders would be able to sign the declaration themselves. Any employee who is involved with the management of the HMO can be regarded as an 'associate'.

Those signing the declaration should note that any offences committed by an associate or family member are also relevant.

An unspent conviction will not necessarily prevent a fit and proper judgement by the Council. The Council will consider each offence and any mitigating circumstances on their relative merits.

The Council can revoke a licence if it no longer considers a licence holder to be fit and proper.

The proposed licence holder and proposed manager are 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](#). Disclosure statements provided with the application must be dated no more than **six months** prior to the date of licence application. Please include the original document with your application.

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, their conviction can never become 'spent'. If you have any doubts about whether you have to declare a previous conviction, you should contact your local Probation Office, Citizens Advice Bureau or your Solicitor.

A persons Fit and Proper status may be reviewed if they are prosecuted for an offence i.e consistently breaching licensing conditions, that there is evidence of poor management or for any other factors deemed relevant by the Council.

The fit and proper person test is covered generically in the councils Public Protection Enforcement Policy following a prosecution.

If a landlord is determined to not be fit and proper, they will receive a letter confirming this along with questions about the future management of any existing HMO's which they have licenced or are intending to licence. The landlord will need to provide information regarding who will take over full responsibility of the HMO's and the day-to-day management such as receiving rent and dealing with complaints, placing contract holders inside such properties and the maintenance or large-scale renovation works. If anyone is determined as not fit and proper, they will not be able to have any involvement with any HMO. In addition, Rent Smart Wales will be advised of any possible determination and of any prosecution result, this may have an impact on licences held under the Housing (Wales) Act 2014 – this will be determined by Rent Smart Wales.

The Council may decide to make an Interim Management Order; IMO taking over full managerial control of the HMO for up to 12 months. This could be extended for a further 5 years if a Final Management Order is made. Alternatively, the IMO can be made where there is no realistic opportunity for a HMO being licensed or were the health safety and welfare conditions are breached prevents a licence being issued.

Please note: Contract holders of any unlicensed HMOs cannot be evicted as outlined under Section 75 of the Housing Act 2004.

**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:

<b>Disclosure Barring Service</b>	Website: <a href="http://www.gov.uk/disclosure">www.gov.uk/disclosure</a>
DBS customer services	Email <a href="mailto:customerservices@dbb.gsi.gov.uk">customerservices@dbb.gsi.gov.uk</a>
PO Box 3961	DBS helpline
Royal Wootton Bassett	03000 200 190
SN4 4HF	Minicom
	03000 200 192
	Welsh
	03000 200 191

## **Providing a Complete Application Form**

Please complete all sections of the online application form in full, clearly marking any parts which are not applicable.

The following summary will help you provide an accurate and complete application form:

- **Licence Holder** – In most cases the proposed licence holder will be an individual, but it can also be a company, partnership, charity, or trust; in which case a responsible person(s) will need to be designated and details of the directors and secretaries provided.
- **Ownership** – Please provide details of all parties that may have an interest in the property (e.g. freeholder, leaseholder, mortgage provider, trustees etc).
- **Control** – Answer yes or no to the questions. This will help us understand what the proposed licence holder and manager/managing agent are responsible for.
- **Management** – Provide full details of the manager/managing agent and any employees who will be involved with the property (i.e. estate agent); and their responsibilities.
- **Notify** - Use the form at the back of the application form to assist you in informing any interested parties.
- **Property** – Please provide full details of the property, how many occupants you would like, the rooms/facilities available, heating options, fire precautions in place and your contract holders/property management.

- **Floor Plans** – Use the space to provide hand drawn plans or attach scale or non-scale plans. If an Officer has visited your property we may already have plans on file. Plan must detail room measurements and fire precautions. Alternatively, the Council can draw property floor plans if you opt for the Pre-Licence Inspection Service [www.newport.gov.uk/hmo](http://www.newport.gov.uk/hmo)
- **Declarations** – Please sign, print, and date all relevant parts.
- **If a company is included as either the Licence Holder or Manager, then a company organisational structure stating individual roles and names must be provided.**

Once a complete application is received a draft licence will be issued and an invoice will be raised. This licence will contain conditions that must be complied with. The consultation period is 28 days and during this time we will consult with Building Control, Planning, the Fire Authority, any joint owners or mortgage providers and anyone else with a legal interest in the property regarding the application for the HMO Licence.

By providing email addresses, the applicant consents to receiving documents transmitted by electronic means via email in accordance with S247 of the Housing Act 2004.

This will also apply to all interested parties specified on this application form where an email address has been provided.

## **Supporting Documentation**

**The following original satisfactory documentation must be submitted with all application forms or the application will not be valid.** You may now submit your scanned HMO Application, supporting documents and any electronically produced certificates from your contractors via email at: [EHHousing@newport.gov.uk](mailto:EHHousing@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.

### **Evidence of permanent residential address for Proposed Licence Holder, Property Owner and Local Managing Agent (if applicable)**

When required	All property applications
Expiry period	With all new/initial or renewal applications and manager variation applications
Accepted documents	Driving Licence, utility bill or business premises utility bill

### **Disclosure Barring Service Certificates for all legal Owners, Local Managing Agent and Managing Agent Company Director (if applicable)**

When required	With all new/initial or renewal applications and manager variation applications
Expiry period	6 months
Accepted documents	Disclosure and Barring Service (DBS) and the Criminal Records Bureau (CRB)
Additional information	Applications for the <b>Disclosure Barring Service</b> Certificate (UK wide) can be made online at <a href="https://www.gov.uk/government/organisations/disclosure-and-barring-service">https://www.gov.uk/government/organisations/disclosure-and-barring-service</a>

### **Current Gas Safe Certificate**

When required	All properties with gas appliances (e.g. boiler/fires)
Expiry period	12 months
Accepted documents	A satisfactory Landlord/Owner Gas Safety Certificate
Additional information	<ul style="list-style-type: none"> <li>• Tested and certified safe by a registered Gas Safe Engineer</li> <li>• Certificate still required if boiler is situated in the commercial area of a property and not in the HMO itself if it supplies the HMO with water/ heating</li> </ul>

- If you are having difficulty finding an approved engineer then you can find one at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

### Current Electrical Installation Condition Report - *continued overleaf*

Expiry period	5 years maximum, unless engineer specifies less
Accepted documents	A satisfactory Electrical Installation Condition Report
Additional information	<ul style="list-style-type: none"> <li>• Tested and certified “satisfactory” by a NICEIC registered or equivalent electrician</li> <li>• If you are having difficulty finding an approved engineer then you may find the following links useful: <a href="http://www.trustmark.org.uk">www.trustmark.org.uk</a> <a href="http://www.niceic.com">www.niceic.com</a> <a href="http://www.eca.co.uk">www.eca.co.uk</a> <a href="http://www.elecsa.co.uk">www.elecsa.co.uk</a> <a href="http://www.napit.org.uk">www.napit.org.uk</a></li> <li>• For the testing of flats a separate certificate is required for each flat plus another for the communal areas (landlord supply) – Shared Houses require one certificate.</li> <li>• Ensure any mains fed Fire Alarm and Emergency Lighting circuits present are tested and listed by the contractor</li> <li>• We <b>do not</b> accept a “Visual Condition Report” as this does not test the installation</li> </ul>

### Current Fire Detection Test Certificate

When required	All properties
Expiry period	12 months
Accepted documents	A satisfactory Fire Detection Test Certificate
Additional information	<ul style="list-style-type: none"> <li>• Tested and certified compliant to BS 5839-6: latest edition</li> <li>• If no fire alarm is present at the time of new/initial application then a condition will be added to the licence with a deadline for installation (failure to install would be a breach of licensing conditions).</li> <li>• All new installations require a design and installation certificate to confirm the grade of alarm system and compliance to BS 5839-6: latest edition</li> <li>• If a fire alarm is already present (i.e. renewal) a test certificate must be supplied</li> <li>• Having difficulty finding an approved engineer, see links above for Electrical Installations</li> </ul>

### Current PAT Certificate for portable electrical equipment (*if applicable*)

When required	If supplying any appliances which have a plug that are over 12 months old
Expiry period	12 months
Accepted documents	A satisfactory Portable Appliance Test (PAT) Certificate
Additional information	<ul style="list-style-type: none"> <li>• All tested items must be “passed” by an NICEIC registered or equivalent person</li> <li>• Any failed items must be removed from the property</li> <li>• No testing is required for contract holders own appliances</li> <li>• Having difficulty finding an approved engineer, see links above for Electrical Installations</li> </ul>

### Current Emergency Lighting Test Certificate

When required	If advised by HMO inspecting officer
Expiry period	12 months
Accepted documents	A satisfactory Emergency Lighting Test Certificate
Additional information	<ul style="list-style-type: none"> <li>• Tested and certified compliant to BS 5266-1: latest edition</li> <li>• If no emergency lighting is present at the time of new/initial application then a condition will be added to the licence with a deadline for installation (failure to install would be a breach of licensing conditions).</li> </ul>

- All new installations require a design and installation certificate to confirm the grade of alarm system and compliance to BS 5266-1: latest edition
- If emergency lighting is already present (i.e. renewal) a test certificate must be supplied
- Having difficulty finding an approved engineer, see links for Electrical Installations

### Current Energy Performance Certificate

When required	All property applications
Expiry period	10 years from date of issue
Accepted documents	A satisfactory Domestic Energy Performance Certificate
Additional information	<ul style="list-style-type: none"> <li>• Tested and certified by an accredited assessor to have a minimum energy performance rating of E. Properties rated F or G should not be rented as prescribed under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. Further information can be found at <a href="https://www.gov.uk/government/collections/energy-performance-certificates">https://www.gov.uk/government/collections/energy-performance-certificates</a></li> <li>• For the testing of flats a separate certificate is required per flat</li> <li>• If you are having difficulty finding an accredited assessor then you may find the following link useful: <a href="http://www.epcregister.com">www.epcregister.com</a></li> <li>• Any property listed as F or G Trading Standards and we will ask for works to be completed to improve energy efficiency</li> </ul>

### Floor Plans

When required	All property applications
Expiry period	N/A
Accepted documents	Hand drawn, scale or non-scale plans
Additional information	<ul style="list-style-type: none"> <li>• Detailing facilities, fire doors, windows, fire detection and full room dimensions <i>Floor Plans can be drawn by the Council if you opt for the Pre-Licence Inspection Service</i> <a href="http://www.newport.gov.uk/hmo">http://www.newport.gov.uk/hmo</a></li> </ul>

### Appendix A: Declaration of Understanding Form

When required	All property applications
Expiry period	N/A
Accepted documents	Appendix A for all contract holders currently residing in the HMO
Additional information	<ul style="list-style-type: none"> <li>• Dated and signed by each contract holder residing in the HMO</li> <li>• To download Appendix A refer to <a href="http://www.newport.gov.uk/hmo">http://www.newport.gov.uk/hmo</a></li> </ul>

### **Application Process**

All new and renewal applications have now moved online and can be found on [www.newport.gov.uk](http://www.newport.gov.uk) under the HMO licensing page or by clicking on the attached [link](#). All applications should be made online where possible. Any paper forms received may be returned which may cause a delay to your HMO application and a possible late application charge. All documents can be uploaded to your application so you should ensure you have these ready before submitting a new or renewal application.

If you are applying for a renewal HMO licence, please complete the online renewal application - only complete any changes from your prior application and ensure all Owners sign. Please remember to upload all certificates, documents and provide DBS forms for all Owners, this will save you time.

Once your application has been received, the Support Officer and HMO Licensing Officer will determine whether the application and supporting documents are correct and they will determine the proposed licence holders.

During a new HMO application the Council will investigate if a Pre-Licence HMO inspection has been undertaken. If so, the Officer will monitor remediation works and will liaise with the HMO Licensing Officer. A decision will be made if the property can be licensed while works are being remedied and if so, works may be added as enforceable HMO licence conditions (failure to comply may result in a prosecution). Compliance of the HMO licence conditions will be monitored by the Environmental Health Housing Team.

If a Pre-Licence HMO inspection has not been undertaken Officers will visit and if the property is not to standard the Council will provide a copy of the licensing standards and you will be offered a Pre-Licence Inspection.

During a renewal HMO application the Council will have already inspected the property. If the Officer is satisfied with the property condition, they will report back to the Licensing Officer who will begin the process of the Licence Draft. If the property condition remains sub-standard the Council will consider enforcement following the Public Protection Enforcement Policy. Please refer to the licensing standards document for further information.

When the officer drafts the licence a copy, along with floor plans will be given to the Planning department, Building Control department and the Fire service for a 28-day consultation period in which they can make observations. All other interested legal parties will be consulted at this time.

Once the 28 days has lapsed, providing there are no objections, the final HMO licence will be issued. You will receive a copy via Email. A copy will be sent in the post if you did not supply an email address.

If you do not agree with the content of the licence, or if the licence is refused you have the right to appeal to the Residential Property Tribunal Wales. *(see details below)*

**Please note** - You will not receive your final licence until the invoice has been paid in **full**.

## **Licensing Enforcement**

Once you have received the licensing application form, if it is not completed and returned within 28 days along with all the relevant original enclosures the Council may consider initiating legal proceedings.

Failure to adequately manage a HMO or comply with any conditions attached to the HMO licence may result in a fine on conviction with an unlimited fine for each offence.

Any person, who operates an HMO without the requisite licence, will be guilty of an offence and may on conviction be liable to an unlimited fine and subject to a rent repayment order. They will receive a criminal record and loss of rental income. The Council may also take over the management of the property.

To arrange an inspection please contact us on 01633 656656 or email to [EHousing@newport.gov.uk](mailto:EHousing@newport.gov.uk)

## **Renting Homes (Wales) Act 2016**

From December 2022, the Renting Homes (Wales) Act 2016 has changed renting, and this has impacted both landlords and contract holders. The Act covers key areas which has affected new and existing tenancies. The Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022, has also affected landlords and contract holders. Further information can be found at <https://www.gov.wales/fitness-homes-human-habitation-guidance-landlords-html> For the most up to date information on both acts you should visit <https://gov.wales/housing-law-changing-renting-homes> and <https://www.newport.gov.uk/en/Planning-Housing/Housing/Rented-housing/Renting-Homes-Wales-Act.aspx>



The Act makes changes to gas, electrical testing and requires a carbon monoxide detector from 1<sup>st</sup> December 2022.

Below are some of the key points and changes to terms:

- Tenant to Contract-holders.
- Tenancy Agreements: Which will be replaced by Occupation Contracts and must be provided in writing.
- Increased Security: Six months' notice, if the contract is not breached. Retaliatory evictions are prevented.
- All properties must be safe: This includes working smoke alarms, and electrical safety testing.
- Anti-social behaviour: A fair and consistent approach for everyone.
- Succession: Increased rights to pass on your home.
- Abandoned property: Making it easier to repossess abandoned properties.

Guidance for Landlords and contract holders:

[https://www.gov.wales/landlords-housing-law-changing-renting-homes?\\_ga=2.2](https://www.gov.wales/landlords-housing-law-changing-renting-homes?_ga=2.2)

<https://www.gov.wales/tenants-housing-law-changing-renting-homes 58953610.1056855440.1649663920-1935309973.1646833071>

## **Appeal Mechanisms**

All appeals must be made within 28 days of the approval or refusal of the licence.

The Residential Property Tribunal Wales is a statutory organisation established under the Housing Act 2004.

Contact details for the RPT are:

Address – The Residential Property Tribunal Wales  
Oak House  
Cleppa Park  
Celtic Springs  
Newport  
NP10 8BD

By Website – <https://residentialpropertytribunal.gov.wales/>

By Phone - 03000 252 777

By Email - [rpt@gov.wales](mailto:rpt@gov.wales)

## **Rent Repayment Orders**

A Rent Repayment Order (RPO) is a means for contract holders and former tenants/contract holders to reclaim up to twelve months rent where a landlord rents out accommodation which should be licensed, but is not. However, the landlord must be found guilty in court or in a tribunal of committing the offence of renting the accommodation without a licence. Such cases will be taken by the Council.

You can apply to the RPT as detailed above.

Download the [Rent Repayment Order Guide for Contract Holders](#) (pdf)

## Guidance on submitting Floor Plans



Newport City Council, Environmental Health Housing Team requires accurate floor plans to enable a HMO licence to be issued, we are also required to forward floor plans to Building Control, Planning and the Fire Service. If the floor plans are received incorrectly, your HMO licence application may be delayed, therefore you would risk being declined a licence. If you submit your licence application late this will incur a higher fee.

If you are unable to provide floor plans, we can complete them for you through our **pre-licence service** at an additional cost to yourself. For a fee of £238.37 plus VAT we will:

- inspect the property
- advise you of the HMO licensing requirements and process
- help with the application form
- provide you with a schedule of works and a floor plan for you to consider

If you are considering two options for the property i.e. a shared house or bedsit accommodation, you will require an additional schedule of work and an additional floor plan as different layouts and facilities will have to be specified.

For a fee of £297.82 plus VAT we will provide you with two schedules and floor plans.

If you consider more than two options for the property an additional fee of £59.54 plus VAT for each additional layout proposal will be charged.

### What detail is required on floor plans?

For us to accept the floor plans we need the following information, the plans should be easy to read and provided on a separate document:

- Property address including postcode
- Room size measurements in meters ONLY for each room excluding bathrooms
- Room usage labelling e.g., bedroom, living room, kitchen
- Fire detection including any fire doors using the key as detailed below i.e., SD = smoke detector etc.
- Windows (including bays) and doors
- Chimney breasts (if present)
- Floor level e.g., Ground Floor, First Floor, Second Floor etc.

If you would like to discuss floor plans further, please contact Environmental Health Housing via Tel No. 01633 656656 or email [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk)

Example of acceptable floor plan is shown below, the property address has been excluded.

**Property Full Address**

