

Guidance Notes for completing the application form

Section 1 – Application Details

Mandatory licensing

You are legally required to license your property as a House in Multiple Occupation (HMO) if it has 3 or more storeys and is occupied by 5 or more persons forming 2 or more households.

Additional Licensing

In order to improve the standard of rented property in the Cathays and Plasnewydd areas, Additional Licensing schemes have been introduced. Most rented properties in these areas with 3 or more occupiers who form 2 or more households will now need to be licensed regardless of how many storeys they have.

If you are the new owner of a licensed HMO you may apply for a licence as a change of owner.

If you are unsure about whether or not your property should be licensed, please telephone the Housing Enforcement Team on 0300 1236696.

Does your HMO have Planning Permission?

All HMOs having 7 or more occupiers require Planning consent and those smaller HMOs created after 25 February 2016 require consent regardless of the number of occupiers. If you require clarification please contact developmentmanagement@cardiff.gov.uk or telephone 029 22330800.

Section 2 – Proposed licence holder details

As the proposed licence holder you are required to complete 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.

If the proposed licence holder is a company, you must provide the address of the registered office and the names of the company secretary and directors.

If the proposed licence holder is partnership or trust, you must provide the names of all the partners and trustees.

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.

Section 3 – Contact details in relation to application

In some circumstances, the proposed licence holder may wish for another party/person to act as a contact point for their application and for arranging access to inspect their property. If this is the case, it is important that full contact details be provided in this section.

HMO Licence application guidance	Issue: 8	Aug 2021	Process Owner: Team Manager Neighbourhood Services Team 1	Authorised: Head of Service, SRS	1
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Section 4 – Ownership and control of the property to be licensed

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 title absolute.

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 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.

Section 5 – Proposed manager of the property

If the property is not managed by the proposed licence holder, please answer 'No' to the first question and complete the details of the person or organisation responsible for management and include the name, address and contact details.

Section 6 – Fit and Proper Person Test

Before granting a HMO Licence the Council must be satisfied that the licence holder, manager and any other person involved in managing the HMO are fit and proper. This part of the form therefore aims to collect information on all persons named in parts, 2, 3, 4 & 5 or any other person associated with the property to enable us to determine this. Contraventions and unspent convictions must be declared for the purposes of making this judgement. Answering yes to any of the questions 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.

NB Associated persons may include parents, spouses, siblings, cousins, children, business partners, maintenance workers, etc. The Council will take account of the criminal record of any associated persons and may refuse to grant a licence if it feels that an associated person with relevant criminal convictions is likely to have a significant role in the operation and management of a licensable property.

Section 7 – Rent Smart Wales

Rent Smart Wales administers the requirements for landlord registration and agent and landlord licensing under the Housing (Wales) Act 2014. This legislation places legal obligations on landlords with properties in Wales to register as a landlord, and, if they undertake letting and management tasks at their rental properties, obtain a Landlord Licence following suitable training. There are also new legal obligations on agents who undertake letting and management work at rental properties in Wales on behalf of landlords which requires them to obtain an Agents Licence. For further information please visit www.rentsmart.gov.wales or telephone 03000 133344.

Section 8 - Occupancy/Tenant Information

A 'household' for the purposes of the Housing Act 2004 comprises:-

- A single person; or
- Co-habiting couples (whether or not of the opposite sex); or

Continued overleaf

HMO Licence application guidance	Issue: 8	Aug 2021	Process Owner: Team Manager Neighbourhood Services Team 1	Authorised: Head of Service, SRS	2
----------------------------------	----------	----------	--	-------------------------------------	---

Section 8 continued

- A family, including parents, grandparents, children (including foster children, step-children and children being cared for), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Half-relatives will be treated as full relatives. Any domestic staff are also included in the household if they are living in rent-free accommodation provided by the person for whom they are working.

Therefore, 3 friends sharing together are considered 3 households because they are not related as family. If a couple are sharing with a third person that would consist of 2 households.

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.

An 'occupant' is a person who occupies the property as a residence; this person can be either 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 be counted as one individual.

Section 9 – Details of property to be licensed

This section applies to new applications and applications for previously licensed properties where material changes have taken place since the last application was made. Applicants must indicate whether or not this is the case.

'Multiple occupation' is where occupants are not all part of the same family.

'Self contained flats' are separate and self contained premises.

'Grouped' is a dwelling which shares a party wall in a cluster or around a courtyard.

Section 10 – Accommodation details

This section applies to new applications and applications for previously licensed properties where material changes have taken place since the last application was made.

A separate 'letting unit' is any rented unit of accommodation let on separate tenancy contracts or to separate households. This could be a room/bedsit, studio, flat, floor by floor let etc, or a house.

A Self contained letting unit is a unit where the occupants have exclusive use of kitchen, bath/shower and toilet facilities. A non Self contained unit is a unit where occupants share use of kitchen bath/shower and/or toilet facilities. Dormitories are where occupants share use of facilities including sleeping space.

Section 11 – Heating and Energy Efficiency

This section applies to new applications and applications for previously licensed properties where material changes have taken place since the last application was made. .

HMO Licence application guidance	Issue: 8	Aug 2021	Process Owner: Team Manager Neighbourhood Services Team 1	Authorised: Head of Service, SRS	3
----------------------------------	----------	----------	--	-------------------------------------	---

Section 12 – Gas and electricity

Gas installations

You must supply with this application, a copy of the current and satisfactory Gas Safety Record(s) covering all gas appliances in the property. The Record must be within date. (You are required to have all appliances etc. checked annually by a Gas Safe registered engineer).

Electrical installations

You must supply with this application, a copy of a current and satisfactory Domestic Electrical Installation Condition Report for the property, completed by a competent electrical engineer. The certificate must be within date (max 5 years) and certificates with code 1 or code 2 defects will not be accepted as satisfactory.

Section 13 – Fire precautions

This section applies to new applications and applications for previously licensed properties where material changes have taken place since the last application was made.

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

You will be required to submit a copy of the property's Fire Safety Risk Assessment if the property is covered by the Regulatory Reform (Fire Safety) Order 2005. This could include purpose built flats and bedsits, and purpose built student accommodation (including when individual dwellings are owned by different landlords within the block). You may also be required to submit a Fire Safety Risk Assessment if it is deemed appropriate after an officer has visited your property and undertaken a full licensing inspection.

You are required to provide information on the fire safety provisions there are in the property that needs to be licensed. They include fire detection and emergency lighting systems and other fire precautions such as fire doors, a protected means of escape (i.e. staircases, landings etc). Please tick the relevant boxes to indicate what fire safety measures are in the property.

An 'emergency lighting system' is designed to automatically illuminate the escape route upon failure of the supply to the normal artificial lighting.

'Fire Safety equipment' such as extinguishers and fire blankets where provided must be checked periodically and the correct sort of extinguisher must be provided.

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.

Section 13 continued

'Upholstered furniture' which is covered by the above regulation 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.

Section 14 – Management of property to be licensed

This section applies to new applications and applications for previously licensed properties where material changes have taken place since the last application was made.

Section 15 – Other properties licensable under the Housing Act 2004

This section applies to all applications.

Section 16 – Notifying people about the licence application

All applicants must complete Part 16 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 a HMO licence has been made. The people who need to know about it are:-

- Any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you.
- Any mortgage provider for the property to be licensed.
- Any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than 3 years (including a periodic tenancy).
- The proposed licence holder (if that is not you).
- The proposed managing agent (if any) (if that is not you).
- Any person who has agreed that he will be bound by any conditions in a licence if it is granted.

Checklist

You must ensure that you submit all the required documents listed in checklist on the front of this application form. Failure to submit these documents with the completed form will render the application form invalid and it will not be processed.

- **Appropriate fee** (see following section on fees and ways to pay)
- **Clear passport style photo of proposed licence holder.** If submitting multiple applications, you need only submit one photo.
- **Landlords Gas Safety Record** - A copy of the current Gas Safety Record(s) covering all gas appliances in the property. The Record must be within date and show that appliances are in a satisfactory condition. (You are required to have all appliances etc. checked annually by a Gas Safe registered engineer).
- **Domestic Electrical Installation Condition Report** – A copy of a current and satisfactory Domestic Electrical Installation Condition Report for the property, completed by a competent electrical engineer. The certificate must be within date (max 5 years) and certificates with code 1 or code 2 defects will not be accepted as satisfactory.
- **Energy Performance Certificate** – New applications only. Certificate must be dated within 10 years of date of receipt of application.

HMO Licence application guidance	Issue: 8	Aug 2021	Process Owner: Team Manager Neighbourhood Services Team 1	Authorised: Head of Service, SRS	5
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Fees

In all cases where an application is made for a Licence, an initial application fee is payable at the time of application (see column 1 in table below). The remainder of the fee will then be payable following an inspection of the property and the issue of a draft Licence, and prior to the issue of the full Licence. The fee payable will be dependant upon the type of property and number of rooms, and whether the property is found to be compliant with HMO licensing standards. The higher fee will be payable if the application is non-compliant.

Where a change of ownership occurs at a licensed property that is fully compliant, a reduced fee is payable for the award of a licence to a new owner for the remaining term of the licence on submission of a timely and complete application.

Initial Application fee	2 nd payment if compliant following inspection	2 nd payment if non-compliant following inspection	Total fee compliant	Total fee non-compliant
Flats				
£160	£120	£580	£280	£740
Plus an additional charge per flat				
Small flat up to 2 bedrooms per flat				
	+£40 per flat	+£70 per flat		
Large flat – 3 or more bedrooms				
	+£50 per flat	+£90 per flat		
HMO Shared House or single flat up to 4 bedrooms				
£160	£230	£650	£390	£810
HMO Shared House or single flat (5 to 9 bedrooms)				
£160	£250	£700	£410	£860
HMO Shared House or single flat (10-15 bedrooms)				
£160	£280	£750	£440	£910
HMO Shared House or single flat (15+bedrooms)				
£160	£300	£800	£460	£960
New owner of compliant property and application (Existing licence terms and conditions)				
£40	£70	n/a	£110	n/a
Or single payment of £100 with the application				

In determining whether an application is non-compliant, the following will apply:-

- Works previously required as a licence condition at the subject property have not been completed;
- A history of formal enforcement action and/or non-compliance with informal action at the subject property is evidenced during the previous 5 year licensing period;
- On inspection, the subject property is not compliant with minimum licensing standards including amenities, fire safety and management regulations. (Minor maintenance items excluded);
- On inspection, the subject property is found to have category 1 hazards or significant category 2 hazards that require enforcement action;
- Late submission of a renewal application after the previous licence has expired. (Exception where an additional HMO licence scheme renewal is delayed);
- Submission of an invalid application where enforcement action is required by officers to secure a valid application.

Ways to pay

We accept the following methods of payment:-

- **Debit card** (by phone only – Tel 029 20871261/029 20871856)
- **Cheque** (made payable to ‘Cardiff Council’)
- **Bank Transfer** (Payments made by this method **must** include the reference below)
 - Sort Code 52-21-06
 - Account No. 20408838
 - Nat West Bank, 96 Queen Street, Cardiff, CF10 2GR
 - Reference – The following reference **must** be used.
72207, followed by the relevant code below relating to the licence applied for, followed by the house number and first 3 letters of the address of property to be licensed.

For example if you are applying for a licence under the Cathays Additional Licensing Scheme for a property at 150 Flora Street, your reference would be 72207 DM217 150FLO

DM216 - Mandatory HMO Licensing

DM217 - Cathays Additional HMO Licensing

DM218 - Plasnewydd Additional HMO Licensing

Please inform us of the reference number and date of payment by emailing HMOlicensing@cardiff.gov.uk so that we can locate the payment.

Data Processing Notice

Data Processing Notice

In order to comply with Section 232, Housing Act 2004, the Local Authority must establish and maintain a register of all licences granted by them. The register must contain prescribed particulars and the contents of the register must be available to members of the public for inspection. Copies of the register, or extracts from it, must be supplied to a person requesting such and may be subject to payment of a reasonable fee.

A compact version of the register (without the licence holder’s and manager’s name and address) is published on the Shared Regulatory Services website.

For further information about how the Council uses your personal data, including your rights as a data subject, please see Vale of Glamorgan Council Privacy Notice (link – https://www.valeofglamorgan.gov.uk/en/our_council/Website-Privacy-Notice.aspx

HMO Licence application guidance	Issue: 8	Aug 2021	Process Owner: Team Manager Neighbourhood Services Team 1	Authorised: Head of Service, SRS	7
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