

Houses in Multiple Occupation – Licensing

Further information

Mandatory Licensing

The Housing Act 2004 (the Act) specifies three types of licensing:

1. **Mandatory or compulsory** licensing for properties that:

- Have five or more people in more than one household, and
- Share amenities such as bathrooms, toilets and cooking facilities.

2. **Additional** Licensing

A discretionary power that local authorities may decide to apply to a particular type of property, such as 2 storey properties occupied by 2 or more students.

3. **Selective** Licensing of other residential accommodation

Properties that aren't subject to HMO Licensing could be covered under a selective licensing scheme, which enables local authorities to declare that certain areas, for example those suffering from low housing demand or anti-social behaviour, are subject to selective licensing. This type of scheme would cover all forms of private rented housing, including HMOs.

Warrington Borough Council has no plans to introduce Additional or Selective Licensing anywhere within the Borough.

Which properties need to be licensed?

If the answer is NO to ANY of the following questions, your house does not need to be licensed as an HMO (however it may still be an HMO and subject to standards relating to fire safety, amenities and management) :

- Is the house a House in Multiple Occupation?
- Is it occupied by five or more people?
- Are any amenities shared between households such as toilets, bathrooms or kitchen facilities?

What is a “fit and proper” person?

The Council must carry out checks to make sure that the licence holder / manager is a “fit and proper person” and is obliged to take the following matters into account:

- Details of any unspent convictions involving fraud, dishonesty, violence, drugs or sexual offences,
- Details of convictions relating to unlawful discrimination on the grounds of sex, colour, race, ethnic or national origin or disability,
- Whether the proposed licence holder has any convictions relating to housing, public health, environmental health or landlord & tenant legislation,
- Whether the proposed licence holder owns or manages (or has previously done so), any HMO which has been subject to enforcement action under s5 of the Act (Housing Health & Safety Hazard Rating System),
- Whether the proposed licence holder owns or manages (or has previously done so) HMOs that have been refused a licence under Parts 2 or 3 of the Housing Act 2004 or has had a licence revoked as a result of breaching the licence conditions, or have acted otherwise than in accordance with any approved code of practice made under s233 of the Act,

- Information about any HMO or house owned or managed (currently or previously) by the proposed licence holder that has been the subject of an Interim or Final Management Order.

The Government recommends that landlords or managers are members of a professionally recognized body or approved landlords' association.

Where landlords refuse to meet these criteria, the Council can intervene and manage the property to prevent overcrowding, tackle antisocial behaviour and ensure that vulnerable tenants can be protected.