



PRIVATE HOUSING SERVICES

Private Rented Property Licence Application Guidance

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Further information

For more information or advice please

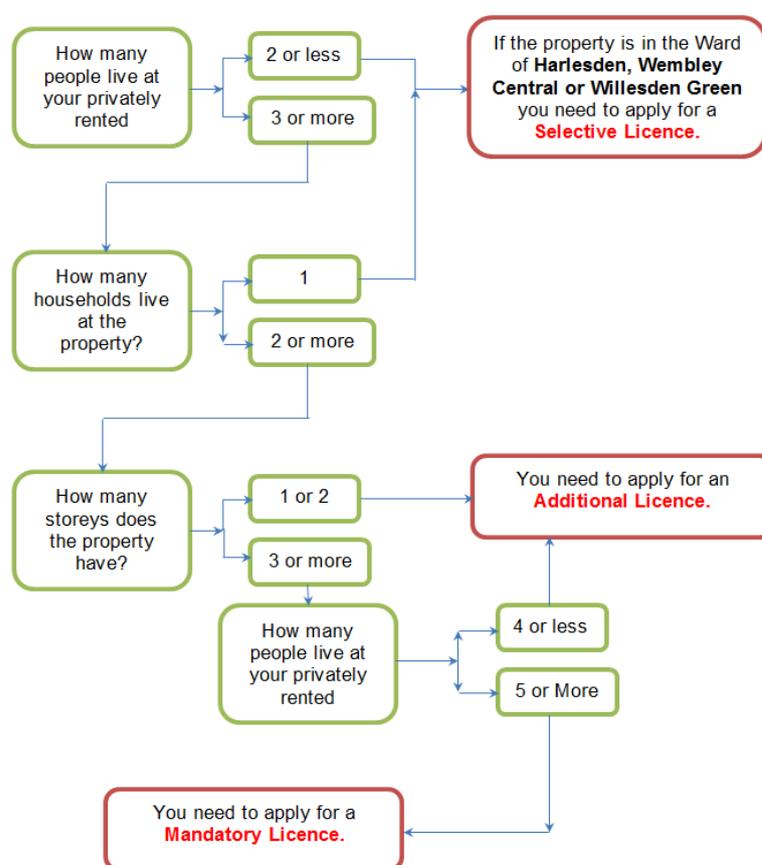
- view all the detailed information on our website www.brent.gov.uk/prslicensing
- or contact the HMO Licensing Team by email on prs.licensing@brent.gov.uk
- or call 020 8937 2384/5

Purpose of this Guidance

The guidance is primarily for the use of landlords and managing agents and provides information about Brent Council's property licensing designation and schemes. By following this guide users should be able to complete a licence application.

Does my property need a licence?

The flow diagram below will help you to answer this question and to decide which licence you should apply for. Although there are some exemptions to licensing which the law stipulates, failure to make a valid application to the Council before 1st January 2015 may result in the landlord or managing agent being prosecuted and fined up to £20,000 in the Magistrates' courts.



What properties are exempt from licensing?

There are some properties which are exempted from either HMO or Selective licensing provisions. In addition the Council may serve a Temporary Exemption Notice where the person having control of or managing the house which is required to be licensed notifies the council of steps being taken to secure that the house meaning that it will no longer require a licence.

Exemptions under Part 2 of the Act (HMO's) are:

- Buildings controlled or managed by a Local Housing Authority
- Buildings controlled or managed by registered social landlords and housing providers.
- Buildings controlled or managed by Police.
- Buildings controlled or managed by fire brigade
- Buildings controlled or managed by Health Service Body
- Buildings regulated by other enactments
- Certain University/College accommodation occupied by students
- Buildings occupied by religious communities (except section 257 HMO's)
- Any building occupied by two persons who form two households.

If you think that your property is exempt from the requirement of licensing please contact us on 020 89372384.

Exemptions for selective licensing only:

Selective licensing of residential accommodation under Part 3 of the Housing Act 2004 applies to all private rented properties that are not a HMO's which are located within the following 3 (three) wards:-

- **Harlesden**
- **Wembley Central**
- **Willesden Green**

Exemptions under Part 3 of the Act are:

- The house is a House in Multiple Occupation (HMO) (but your property will probably still have to be licensed under the mandatory or additional licensing schemes).
- A Temporary exemption notice is in force (s.62 or s.86 Housing Act 2004)
- A management order is in force (s.102 or s.113 Housing Act 2004)
- The tenancies or licences are granted by registered social landlords and housing providers.
- The tenancies and licences are subject to a prohibition order whose operation has not been suspended. (s.20/s.21 Housing Act 2004)
- The tenancy is a business tenancy
- Certain premises licensed for alcohol consumption (only on-licences not off licences)
- Certain agricultural tenancies
- Buildings controlled or managed by a Local Housing Authority
- Buildings controlled or managed by Police.
- Buildings controlled or managed by fire brigade
- Buildings controlled or managed by Health Service Body
- Tenancies, licences etc. regulated by other enactments
- Certain University/College accommodation occupied by students
- Where the owner or his relatives occupy a property on a long leasehold
- Where landlord lets to certain relatives
- Holiday Homes
- Where landlord/licensor or his relative lives at the property and shares facilities

If you think that your property is exempt from the requirement of licensing please contact us on 020 89372384.

When completing the application form you will need to be able to answer the following questions.

How many storeys does your property have?

All floors including the ground floor should be counted as a storey. Only count attics and cellars if they are or could be used as habitable rooms. A few steps within a house will not constitute an additional or mezzanine storey. For guidance purposes, a single change in level not exceeding 1 metre between two parts of a house will not be regarded as a Mezzanine floor.

How many households live in your property?

A single household is when, members of the same family or a couple that are in a relationship, live together. A house can have more than one household; if for example, two couples live in the house, this would be two households, another example is where 5 people not related or in a relationship live in a HMO, this would be 5 households. A more detailed explanation can be found Under Section 258 of Housing Act 2004.

How many occupants are there?

This is the number of people, including a child of any age currently living in the property.

How many lettings are there?

A letting is a tenancy. A single person could have one tenancy or a couple or family could have one tenancy that covers them all. A HMO is likely to have multiple tenancies.

Number of habitable rooms?

Habitable rooms are bedrooms, dining rooms, communal living rooms, dormitories, lounges or studies. Conservatories, bathrooms, kitchens, hallways or landings are not habitable rooms.

Who needs to apply for the licence?

The licence holder must be the landlord or the person who is responsible for managing the property and to whom the tenants pay rent to if different from the landlord.

They must be a 'fit and proper person' who is in control of the property. The licence holder should also be the person who is able to authorise, organise and pay for essential repairs to the property. They must be available to the tenants should questions or problems arise in respect of the property, and have the means to resolve them where reasonably practical.

What will you need for your application?

- 1 Full details of the license holder (if the applicant is not the proposed license holder).
- 2 Details of freeholder(s) and lease holder(s).
- 3 Mortgage company and any person or organisation that has a legal interest in the property.
- 4 A scanned copy of the current Gas Safe certificate. This will need to be uploaded as part of the application.
- 5 If it is a HMO, rooms will need to be categorised and other information provided as follows:
 - Bedroom.
 - Bedroom with WC (toilet and basin) .
 - Bedroom with shower or bath.
 - Bedsit (bedroom with cooking facility).
 - Bedsit with WC (bedroom with cooking and toilet and wash hand basin).
 - Self-contained flats.
 - The number of bedrooms, living rooms (communal rooms), communal kitchens, bathrooms, shower rooms, WC (toilet with wash hand basin).
 - Room sizes (in metres²) for all bedrooms, bedsits, communal kitchens and communal living room).
 - Number of cooking facilities within the communal kitchen.
 - The locations and description of the all of rooms within the property.
- 6 Details of fire alarm system and health and safety provisions in place for example, extinguishers, sounders and emergency lighting.

What do we mean by shared facilities?

Kitchen facilities should be provided on a ratio of one set of facilities to every three households or every five persons whichever is the smaller.

There shall be no more than two sets of facilities in any one room. A room containing one set of facilities should be a minimum of 5.5m² and a kitchen containing two sets of kitchen facilities should be a minimum of 11m².

What is the minimum standard for a set of kitchen facilities?

Cooking Gas or electric cooker with two burners/hobs (four burners/hobs if provided for more than one person), oven and grill.

Sink Stainless steel sink and integral drainer (minimum size 1000mm x 600mm), set on a base unit. The sink is to be provided with a constant supply of hot and (potable) cold water and properly connected to the drainage system via a suitable trap. A tiled splash back (minimum 300mm high) shall be provided to the sink and drainer.

Storage refrigerator, minimum capacity 0.15m³.

A storage cupboard, minimum capacity 0.3m³ e.g. 600mm wide x 720mm high x 600mm deep or 0.4m³ e.g. 1000mm wide x 720mm high x 600mm deep for a two person household. [In calculating the required provision of storage cupboards, base unit cupboards below sinks/drainers should be discounted.]

Preparation A suitable worktop or table of smooth and impervious material of minimum size 1000mm x 600mm.

Two double outlet 13 amp electrical power sockets to be situated above the work surface at a convenient height and in a safe position. These are in addition to any power outlets serving major appliances.

What is the minimum standard for toilet (water closets) and bathroom facilities?

Bathroom and toilet facilities should be provided on a ratio of one set of facilities to every three households or every five persons whichever is the smaller.

Each WC compartment shall be provided with a suitable wash hand basin supplied with a constant supply of hot and cold water and a splash back.

A bathroom/shower room shall be provided with a suitable bath or shower and also have a wash hand basin supplied with a constant supply of hot and cold water and a splash back and the bathroom must also have a toilet within the room or in a separate room adjacent to it.

Guidance on how to measure your accommodation. (Only needed for houses in multiple occupation (HMO's))

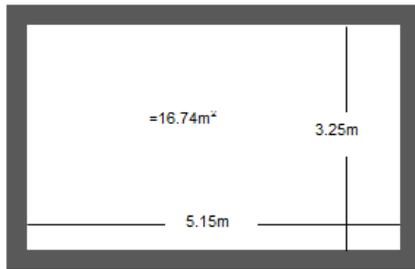
Before making your licence application all bedrooms and kitchens should be measured to clarify how many people can live there and also to clarify where extra facilities may need to be provided.

Irrespective of the floor area, consideration should be given to the shape and useable living space within the room to determine whether it is suitable for occupation and to what occupancy level.

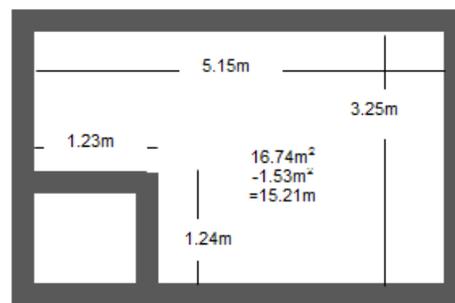
- o All rooms must have a minimum floor to ceiling height of at least 2.14 metres (7 feet) over not less than 75% of the room area.
- o Any floor area where the ceiling height is less than 1.53 metres (5 feet) shall be disregarded.
- o The floor area taken up by a solid chimneybreast should be discounted.
- o Single rooms should have a minimum width of 1.8m.
- o Rooms which are to accommodate two or more persons should have a minimum width of 2.3m.
- o All floor space taken up by en-suite bathroom/shower facilities should be discounted.

How to calculate the area of a room.

In simple terms, a floor area of a room is calculated by multiplying the length by the width in metres as can be seen in this first example.



However, deductions need to be made for things like chimney breasts or intrusions in to the room as is illustrated in these two examples



When calculating the floor area of a room that is in, for example, a converted loft, any floor space that has a head-height of less than 1.53m should not be included as illustrated here;

