



PRIVATE HOUSING SERVICES

Private Rented Property Licence Application Guidance

Contents

Introduction

About the Schemes

Purpose of this Guidance2

Does my property need a licence?2

What properties are exempt from licensing?4

Who needs to apply for the licence?7

Licence Costs

What will you need for your application?8

What do we mean by shared facilities?8

Guidance on how to measure your accommodation. (Only needed for houses in multiple occupation (HMO's))9

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

Introduction

People in Brent have a right to expect well managed, decent and safe standard of private rented accommodation. By introducing wider HMO and selective licensing we are addressing one of our key priorities in relation to housing.

About the schemes

Licensing of privately rented properties was introduced by the Housing Act 2004. **Mandatory licensing** is a national requirement and relates to certain types of Houses in multiple occupation (HMOs). This scheme has been in existence since April 2006.

Additional Licensing relates to other HMOs which falls outside the mandatory licensing description. These are typically properties with less than 5 people, or under 3 storeys high. The introduction of this scheme as well as introducing licensing for other houses, termed **selective licensing** is at the Council's discretion. In January 2015, additional HMO licensing borough-wide, and selective licensing in the electoral wards of Harlesden, Willesden Green and Wembley Central came into force in Brent.

The application made to the Secretary State for Housing, Communities and Local Government requested confirmation for a 'Selective Licensing' scheme to be extended in Brent. The application has now been formally confirmed and this new designation will apply all privately rented properties in the electoral wards of Dudden Hill, Kensal Green, Kilburn, Queen's Park and Mapesbury. This 2018 scheme comes in force on 1st June 2018.

A licence will last up to 5 years and one licence will be required for each private rented property – not each landlord. Landlord's and property managers (person receiving the rent) need to apply for a licence, not tenants.

Purpose of this Guidance

The updated guidance is primarily for the use of landlords and managing agents and provides information about Brent Council's property licensing designation and schemes. We are also responding to the Government's changes to mandatory licensing, and are always willing to listen to feedback, and were amendments are made, the FAQs will be updated to reflect any changes to the scheme.

By following this guide users should be able to complete a licence application.

Does my property need a licence?

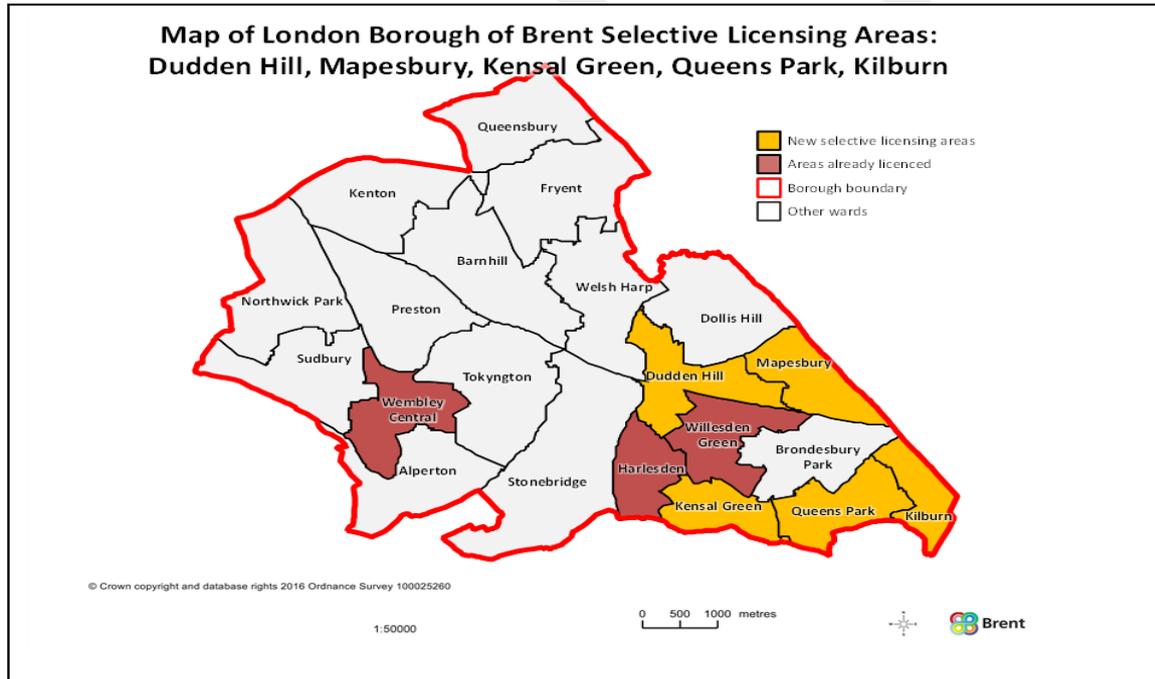
- a) All HMOs in Brent are required to be a licensed
- b) All private rented properties that located within the following wards:-

- Harlesden
- Wembley Central
- Willesden Green

And on 1 June 2018 for the following additional 5 (five) wards.

- Dudden Hill
- Kensal Green
- Kilburn
- Mapesbury
- Queen's Park

Map below of the new selective licensing areas

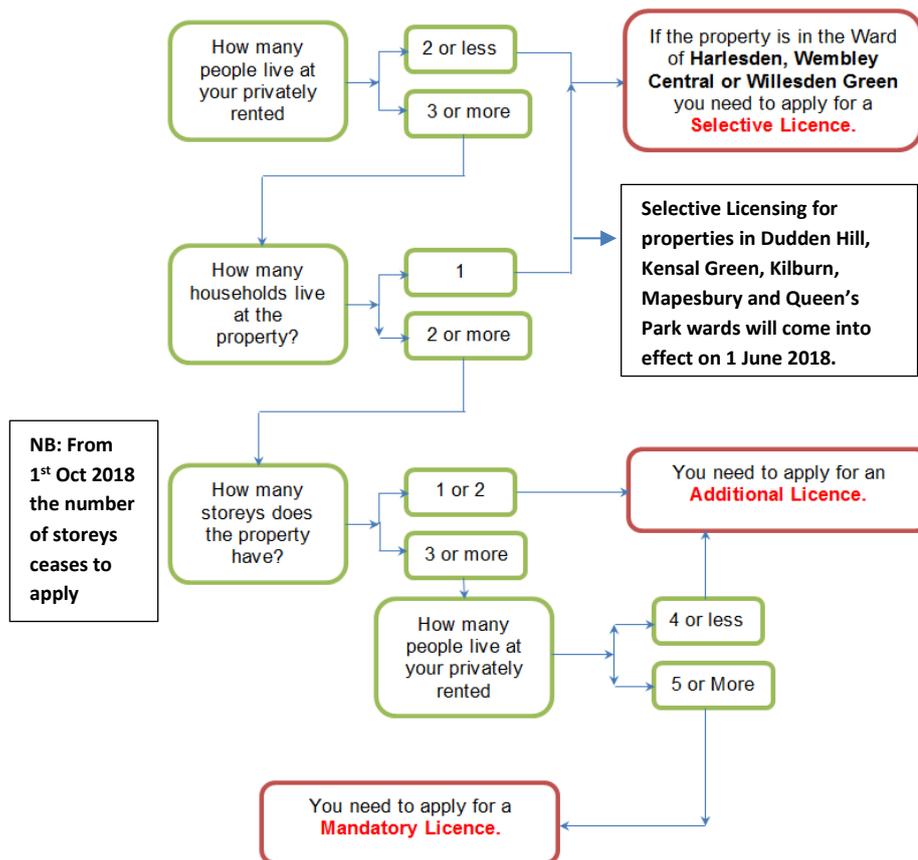


To find out whether your rental property is within the Selective Licensing designation please use the <https://www.brent.gov.uk/my-location> link.

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 once the scheme comes into force may result in the landlord or managing agent being prosecuted and face an unlimited in the Magistrates' courts, or the Council may impose a civil penalty of up to £30,000 per offence. In addition you may be banned from running a rental property.

Tenants can also apply to claim their rent back (rent repayment order) for the period the property was unlicensed, or housing benefit can be ordered to be repaid.

Licence Type Flow Diagram



What properties are exempt from licensing?

Some properties, such as those managed by Housing Associations and Brent Council homes 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 email at prslicensing@brent.gov.uk or contact us on 020 8937 2384/5

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**, and on 1 June 2018 for the following additional 5 (five) wards: **Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park**.

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 prslicensing@brent.gov.uk or telephone 020 89372384/5.

Licence costs

Brent fees are lower when compared with charges across all London Boroughs. We believe that landlords should be able to absorb the licence fees as part of the cost of running their business without the need to increase rents.

Type of licence	About the licence	Current fees	Fees from 1 June	Renewal fees
Mandatory Licensing Scheme	This applies to houses in multiple occupation (HMO's) of three or more storeys occupied by five or more people, making up two or more households	£540 plus £25 for each additional habitable room over five habitable rooms (discount may apply)	£840 plus £25 for each additional habitable room over five habitable rooms	£740
Additional Licensing Scheme	This applies to all privately rented properties occupied by three or more people making up two or more households, regardless of the number of storeys in the property	£540, discount may apply	£840	£740
Selective Licensing Scheme	This applies to all privately rented properties, in these selective council wards - Harlesden, Wembley Central or Willesden Green, occupied by a single person, two people or single household	£340, discount may apply	£540	£500

If you want to see the full fees, read our [full list of fees PDF document](#) (.pdf, 51.2kB)

Refund policy

We will give a refund for a property licence if an application was made by mistake. Situations considered to be a mistake are if:

- the property is outside the designated area
- a duplicate application has been made, or if
- an application was made for an exempted property.

Licensing enforcement

All HMOs will receive an inspection as soon as possible during the term of the licence to ensure that there are no serious health and safety hazards. Throughout the duration of the schemes, officers will be employed to inspect properties to ensure compliance with the licence conditions. Where licence holders are failing in their duties, the appropriate action will be taken in line with our enforcement policy. Part of the licence fee income goes towards carrying out the enforcement.

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.

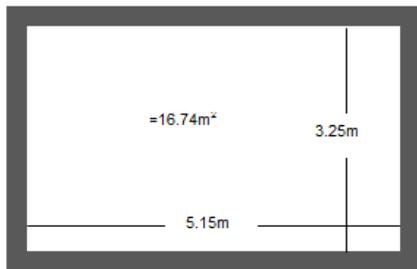
Irrespective of the floor area, consideration should be given to the shape and useable living space within the room to determine whether it is suitable for occupation and to what occupancy level.

- 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.
- Any floor area where the ceiling height is less than 1.53 metres (5 feet) shall be disregarded.
- The floor area taken up by a solid chimneybreast should be discounted.
- Single rooms should have a minimum width of 1.8m.

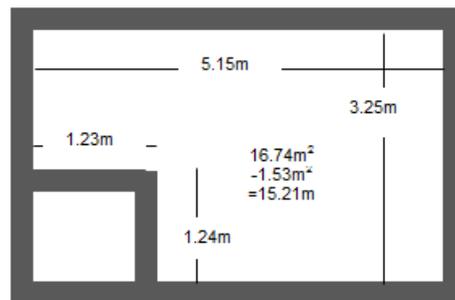
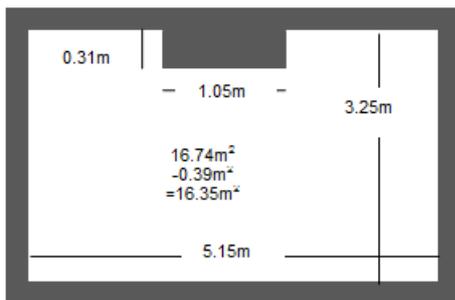
- Rooms which are to accommodate two or more persons should have a minimum width of 2.3m.
- All floor space taken up by en-suite bathroom/shower facilities should be discounted.

How to calculate the area of a room.

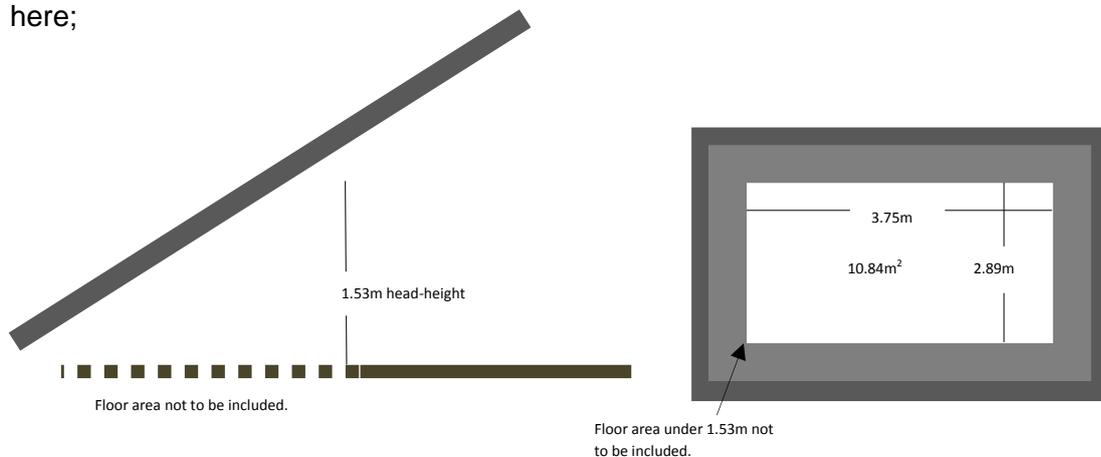
In simple terms, a floor area of a room is calculated by multiplying the length by the width in metres as can be seen in this first example.



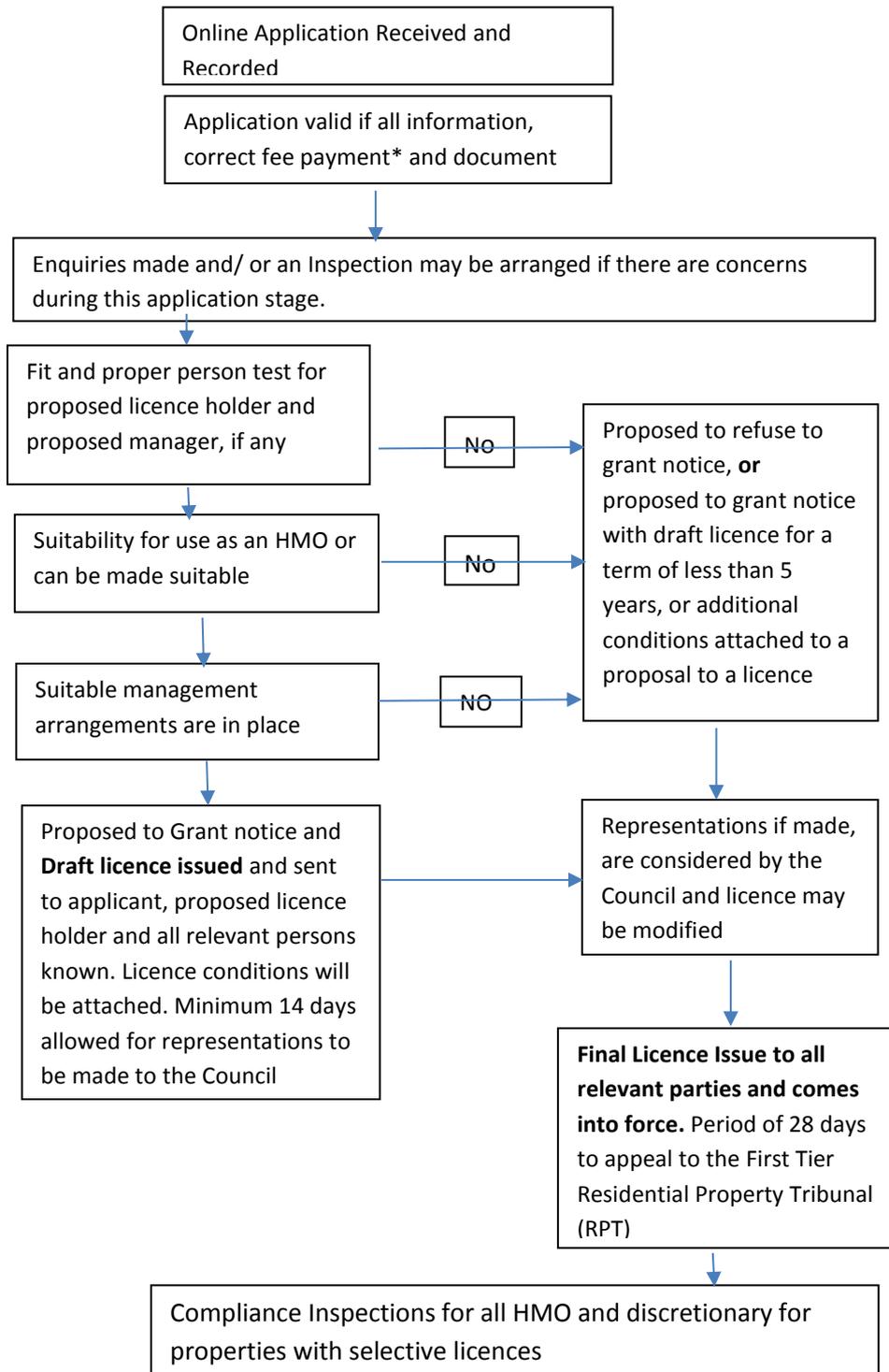
However, deductions need to be made for things like chimney breasts or intrusions in to the room as is illustrated in these two examples



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



Process for issuing a full licence



*The licence fee is for both the processing and enforcement elements

More Information and other resources available

Our website www.brent.gov.uk/prslicensing has the documents below - these pages will be updated as more information becomes available, so landlords and tenants should keep checking back for the latest information.

- Email: prslicensing@brent.gov.uk
- Property Licensing FAQs
- Conditions of the mandatory/additional HMO property licence
- Conditions of the selective licence
- Public notice for Designation of an area for selective licensing 2014
- Public notice for Designation of area for additional licensing 2014
- Public notice for Designation of area of selective licensing 2018
- Private Housing Enforcement Policy