

This newsletter is from B&NES Housing Services and is designed to provide you with current information relevant to your Licensed HMO

Mandatory HMO licensing changes

The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 was laid before Parliament on 23 February 2018 and comes into force on the 1st of October 2018. The licensing scheme was previously limited to properties with three or more storeys. From 1st of October this year all HMOs with 5 or more people sharing facilities will need to be licensed, irrespective of the number of floors.

Landlords will need to apply for a licence before 1st of October 2018. We are now accepting online applications. This [link](#) will take you to our web page.

If your HMO is licensed under the additional licensing scheme, you do not have to do anything until November/December this year when you should apply for a renewal of the licence under mandatory licensing.



#GotYaBack

This is a campaign started by Bath College and co-ordinated by the Student Community Partnership, which would like to spread the message about river and night-time safety in Bath. It is aimed to students going out and sticking with friends, planning their route home away from the river and making sure they get home safely after a night-out. For more information follow: <http://gotyaback.org/>

The legal requirement for mandatory licensing changes on 1 October 2018

If you rent a property that is lived in by 5 or more people from 2 or more families you must apply for a licence by midnight 30 September 2018 or face a penalty.

Please contact your local authority website for further information.



Applications for HMO licences

The new on-line application form is now available on our website. When applying for a licence, please have the application guidance notes open to check what is required. Soon we will launch the online renewal application form as well.

Useful links: [Guidance](#) [Online application](#) [Return to saved applications](#)

Basic DBS check is now required from proposed licence holders and the managers of HMOs. Please see the [Guidance notes](#) for more information (point 8).

You can apply for the check on this website:

<https://www.gov.uk/request-copy-criminal-record>

New Additional HMO Licensing Scheme

The Council Cabinet agreed to extend the additional HMO licensing scheme to the whole of Bath City from the 1st of January 2019. This will include the following wards: Abbey, Bathwick, Combe Down, Kingsmead, Lambridge, Lansdown, Lyncombe, Newbridge, Odd Down, Oldfield, Southdown, Twerton, Walcot, Westmoreland, Weston and Widcombe.

See [Designation Report](#) - Additional (HMO) Licensing in Bath City.

We advise landlords to start applying in the end of November 2018.

Planning – changing the property use from a single family to HMO (C3 to C4)

This is a reminder that the Council has revised its Houses in Multiple Occupation SPD and the threshold has been reduced from 25% to 10%. Also a sandwich policy has been introduced. For more information, click [here](#)

Owners of single family properties need to require planning permission from the Council to change the property use from C3 to C4. However if the property needs a licence, the landlord should apply for it regardless of the planning department decision.

Please note: planning permission is also required when a 6 bedroom HMO changes to a 7 or more bedroom HMO.

Legislation update

Financial Penalties: The Housing and Planning Act 2016 introduced the option of a financial penalty (also known as a civil penalty) for some Housing Act 2004 and Housing and Planning Act 2016 offences, as an alternative to prosecution. A financial penalty may typically be appropriate for offences where the offender has not co-operated with the Council or where there is a serious or flagrant breach of the law and a financial penalty is the most effective and appropriate sanction.

General Data Protection Regulation (GDPR): As a landlord it is likely you are responsible for processing some personal data and for that reason you are required to comply with the new regulation. The Information Commissioner's Office has produced advice on how to comply with data protection law and how to improve data protection practices, including how to keep employees' and customers' personal information secure. For more information follow the [link](#)

Banning orders: The councils can apply to the First-tier Tribunal for a banning order for the most serious offenders who contravene their legal obligations and rent out accommodation which are substandard. These landlords will be put on the new rogue landlord database, so Councils can share information between them and keep a closer eye on those with a poor track record. Banning orders will last for at least 12 months and breaching a banning order could result in a custodial sentence or unlimited fine – click [here](#) for more information

Rent Repayment Orders: Tenants and Councils are able to apply to recover rent (up to 12 months) where there is a clear offence under the Housing Act 2004 – click [here](#)

Rogue landlords database: A national database of persistent offenders of housing law, who have been convicted of offences or received more than one financial penalty within 12 months came into force this April – click [here](#) for more details

Click on the link, if you wish to report **an unlicensed HMO**:
www.bathnes.gov.uk/reportunlicensedhmo

New fees

New applications - £795

Renewal applications - £695

The fee is now payable in 2 parts: £500 at the time of application and the balance when the licence is issued. Alternatively, applicants are given the option to the full fee upfront at time of application.

A discount of £50.00 will be applied under the following circumstances:

*the fully completed application is submitted online via B&NES electronic application form and all the correct valid supporting documents are uploaded with the application
*the proposed licence holder and any managers agree to receive licences and any other relevant documents via Email.

See [our website](#) for details.

Where an inspecting officer is unable to gain entry to a property to carry out an inspection, this will be classed as a '**missed inspection**' and a charge of £25.00 may be made.

Documents required to be seen during inspection:

Gas Safety Certificate dated within 1 Year – if applicable

Electrical Installation Condition Report dated within 5 years

Grade A Fire Detection and Alarm system test certificate dated within 6 months - if applicable

Emergency Lighting test certificate dated within 6 months – if applicable

Tenancy agreement(s)

Fire Risk Assessment for Common Parts
Understanding of Good Practice signed by all tenants – see HMO licence for copy of document)

PAT certificate or own checking log for any electrical goods supplied – if applicable

[New Guidance](#) for current private residential landlords and anyone interested in letting a property in the private rented sector was published in June.

