

For office use only

Date issued:

Date received:

Reference:

Application to Vary a HMO Licence

This is the form to use if you are making an application to vary a House in Multiple Occupation (HMO) Licence (with the agreement of the licence holder) under Schedule 5, Paragraph 16 of the Housing Act 2004. This form may also be used to notify us of a change in information for a licence application that is still in progress.

Please note:

This form may be used for licences applying to all types of House in Multiple Occupation. Please make sure you provide all required information about the nature of the variation, and any relevant changes in circumstances, as well as the date on which you would like the variation to take effect.

Submission of this form will be taken as the agreement of the licence holder to the variation being requested. If the authority agrees to the variation, a decision will be issued taking effect on the appropriate date, and no prior notice or appeal period will be given.

Help with completing this form:

If you are uncertain how to answer any of the questions or have any queries about the process, please contact us using the details in the next section or call us on (01724) 297000.

When you've completed the form:

Please submit your completed application form to:

Environmental Health and Housing Team

North Lincolnshire Council

Church Square House

PO Box 42

Scunthorpe

North Lincolnshire

DN15 6XQ

e-mail: housing@northlincs.gov.uk

Data Protection

We need your personal data to enable the authority to issue a HMO licence. We may also use it for prevention and detection of fraud. We may share it with local or national organisations such as other Council Departments, other Local Authorities, the Police, Fire Service and the Communities and Local Governments part of our joint approach to ensuring that only fit and proper people are licensed to own or manage Houses in Multiple Occupation. Elected members of the Council may have access when considering the application.

Data held by this Local Authority in respect of the licensing of HMOs shall be kept in a Register as required by Section 232 of the Housing Act 2004. The information in this Register (with the exception of any convictions) shall be available, upon request, to public inspection.

We will keep your personal data safe and secure and will not disclose it to anyone else without your consent, unless we are required by law to do so.

Submission of this form will be taken as the agreement of the licence holder to these data protection principles.

Part 1 – General Information

This form may be used to apply to vary an existing licence or to notify us of a change of information for a licence application that is still in progress.

1.1 Please give the address of the HMO for which a licence/application is to be varied

.....
.....
.....
..... Postcode:

1.2 Has a licence been issued for this property, which is currently in force?

Yes No (If no please skip to question 1.5)

1.3 If yes, please provide the licence number of the licence to be varied

.....

1.4 Please specify when you would like the variation to take effect

As soon as possible On the date specified below

Specify date: (dd/mm/yyyy) / /

1.5 Please give the contact details of the person applying for the variation

Surname First name

1.6 Please tick the option that best describes the nature of the variation

- | | | | |
|------------------------------------|--------------------------|--------------------------------|--------------------------|
| Change of licence holder's address | <input type="checkbox"/> | Change of manager's address | <input type="checkbox"/> |
| Change/appointment of manager | <input type="checkbox"/> | Change of amenities | <input type="checkbox"/> |
| Change of number of occupants | <input type="checkbox"/> | Change of number of households | <input type="checkbox"/> |
| Request variation of conditions | <input type="checkbox"/> | | |

Please note

HMO licences cannot be transferred to a different licence holder. Therefore, if a licence is in force, and the current licence holder ceases to hold an interest in the property, the licence will cease to be valid, and a new application will need to be submitted.

1.7 If a manager is being appointed, who was not named on the original application form, please give their full name and contact details here

Name of manager (if the manager is a limited company, please give company name)

.....

Address

.....

..... Postcode

Home tel. no. Work tel. no.

Mobile tel. no. Email

If a new manager is being appointed, they must also complete the fit and proper person section at Part 2 of this form and sign the Declaration 3 at the end of this form to confirm that they agree to be named as the manager of the HMO on the licence.

1.8 Please describe the effect of, and/or reasons for the variation being requested (continue on a separate sheet if necessary).

If requesting a variation to one or more conditions, please ensure you state the number/reference of the conditions concerned.

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Part 2 – Fit and Proper Persons and Compliance with Management Conditions

(for change/appointment of manager only)

Before the local authority can vary the Licence it must be satisfied that the proposed manager is a fit and proper person in accordance with section 66 of the Housing Act 2004.

For this purpose , the following matters are relevant:

- Any unspent convictions involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- Details of any finding by a Court or Tribunal of unlawful discrimination on the part of the proposed Manager on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business.
- Details of any contravention on the part of the proposed Manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the proposed Manager.

Please note:

- Persons named in this Part may be subject to legal checks and cross checks with other regulatory bodies. Signing of this form will be deemed to be consent for any such checks.
- To comply with the fit and proper person check you must also provide a “DBS” check with this application

Please complete the following sections:

2.1 New Manager Details

Name of manager (if the manager is a limited company, please give company name)

.....

Address

.....

..... Postcode

Home tel. no. Work tel. no.

Mobile tel. no. Email

Date of Birth National Insurance No.

2.2 Have you been convicted of, or formally cautioned for any offences relating to fraud, dishonesty, violence or drugs or sexual offences as set out in Schedule 3, Sexual Offences Act 2003? (Spent convictions are not, in this context, taken into account)

Yes No (If yes please give details below)

.....

.....

2.3 Have you had a finding against you by a court or tribunal that you practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business?

Yes No (If yes please give details below)

.....
.....

2.4 Have you been convicted or formally cautioned for failing to comply with a Housing Act Notice in the past 5 years, in any local authority?

Yes No (If yes please give details below)

.....
.....

2.5 Have you been convicted of any charges relating to harassment and illegal eviction in the past 5 years?

Yes No (If yes please give details below)

.....
.....

2.6 Have you been in control of a property subject to HMO Control Order, an Interim Management Order, a Final Management Order or has any local authority carried out work in default to a premises of which you have been the owner or manager in the past 5 years?

Yes No (If yes please give details below)

.....
.....

2.7 Have you been convicted of any offence or subject to any other proceedings brought by any local Authority or other Regulatory Body (for example breaches of the Environmental Protection Act 1990, planning control or fire safety requirements)?

Part 3 – Declarations

- If a HMO Licence is currently in force, the licence holder(s) must sign **declarations 1 and 2**.
- If a new manager is being appointed, who was not named on the original application form, they must also sign **declaration 3** to confirm that they agree to be named as the manager of the HMO on the licence.
- If a new person is to be named as being bound by the conditions of the licence, they must also sign **declaration 4** (even if they have also signed as the manager)

Declaration 1 (for existing licence holders only)

I/we, being the HMO licence holder(s), hereby apply to vary the licence specified in Part 1 of this form, under Schedule 5, Paragraph 16 of the Housing Act 2004. I/we understand that submission of this form shall be taken as the agreement of the licence holder(s) to the variation being requested, and that if the authority agrees to the variation, a decision will be issued taking effect on the appropriate date, and no prior notice or appeal period will be given.

Licence holder(s)

(If the licence holder is a limited company, the Company Secretary should sign here)

Print name

Signed Date

Print name

Signed Date

Print name

Signed Date

Declaration 2

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/We commit an offence if I/We supply any information to a local housing authority in connection with any of their functions under the Housing Act 2004, that is false or misleading, and which I/We know to be false or misleading or am/are reckless as to whether it is false or misleading.

Licence holder(s)

(If the licence holder is a limited company, the Company Secretary should sign here)

Print name

Signed Date

Print name

Signed Date

Print name

Signed Date

Declaration 3 (to be signed by a newly appointed manager)

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/We commit an offence if I/We supply any information to a local housing authority in connection with any of their functions under the Housing Act 2004, that is false or misleading, and which I/We know to be false or misleading or am/are reckless as to whether it is false or misleading.

Appointed Manager

(If the licence holder is a limited company, the Company Secretary should sign here)

Print name

Signed Date

Print name

Signed Date

Print name

Signed Date

Declaration 4 (to be signed by a person agreeing to be bound by the conditions)

I/We understand that my/our signature here confirms my/our agreement to be jointly liable, with the named licence holder, for ensuring that the terms and conditions of the licence are adhered to. I/We understand that by giving such agreement, I/We may be liable to prosecution if I/We knowingly, and without reasonable excuse, permit the property to be operated otherwise than in accordance with the terms of the conditions attached to the licence.

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/We commit an offence if I/We supply any information to a local housing authority in connection with any of their functions under the Housing Act 2004, that is false or misleading, and which I/We know to be false or misleading or am/are reckless as to whether it is false or misleading.

Appointed Manager

(If the licence holder is a limited company, the Company Secretary should sign here)

Print name

Signed Date

Print name

Signed Date

Print name

Signed Date

Procedure relating to the variation of the licence

The procedure set out in Schedule 5 of the Housing Act 2004

(please note this information only applies where an application is being made to vary an existing licence)

1. Preliminary Notice

No preliminary notice is required if the Local Housing Authority considers that a variation of the licence is not material, or if the licence holder agrees to the variation and the Local Housing Authority considers it would not be appropriate to serve a Preliminary Notice. Submission of this form will be taken as the agreement of the licence holder to the variation being requested.

2. Decision of Local Housing Authority on Variation

Where the Local Housing Authority decide to vary the licence, the Local Housing Authority must serve the licence holder and any relevant person a copy of the Local Housing Authority's decision and notice setting out: reasons for the Local Housing Authority decision, date of the decision and the period within which an appeal may be made. A copy of the decision and notice must be served within seven days beginning with the day on which the decision is made.

3. Refusal to vary a licence

If the Local Housing Authority propose not to vary a licence, they must serve a Preliminary Notice on the licence holder and each relevant person and consider any representations made in response. The Preliminary Notice must state that the Local Housing Authority are proposing to refuse to vary the Notice, the reasons for that proposal and the end of the consultation period.

4. Decision not to vary

If, following their proposal, the Local Housing Authority decide not to vary the licence, they must serve on the licence holder, and each relevant person a Notice setting out: the Local Housing Authority's decision not to vary the licence, the reasons for the decision and the date on which it was made, the right of appeal and the period within which an appeal may be made. The documents must be served within seven days beginning with the day on which the decision is made.