



House in Multiple Occupation (HMO) Policy

November 2025

Contents

1. Background.....	2
2. Identification and Inspection	3
3. HMO Licensing.....	3
Suitability for Occupation	4
Fit and Proper Person and Management of the HMO.....	4
Consideration of ‘persons associated or formally associated’ with proposed licensing holder or manager	5
Duration	6
Evidence of offences, unlawful discrimination, contraventions or breaches of the Code of Practice	6
Adequate Management Arrangements	9
4. Licence Conditions	10
Data Sharing.....	11
5. Fees	11
Enforcement Charges.....	11
6. Temporary Exemption.....	12
7. Licence Procedures and Appeals (Schedule 5 Housing Act 2004)	12

1. Background

1.1 This Policy responds to the legislation on Houses in Multiple Occupation (HMO). It sets the policy for licensing under the Housing Act 2004 and ensuring that all licensable HMOs have appropriate arrangements in place to ensure that they are satisfactorily managed by fit and proper persons.

1.2 The use of specific provisions relating to the licensing of HMOs is in addition to the enforcement powers under the Housing Act 2004, Housing, Health and Safety Rating System (HHSRS). Therefore, this policy works alongside the Amenity and Space Standard and any subsequent Housing Enforcement Policy

1.3 A House in Multiple Occupation is defined as 'a house which is occupied by persons who do not form a single household and who share one or more facilities'. Typical dwellings include shared houses, bedsits and hostels.

1.4 The risk to health and risk of death and injury from fire is greatly increased in this type of dwelling and persons who live in such properties tend to be more vulnerable than persons in other types of accommodation. The Government has therefore introduced a mandatory licensing scheme for certain types of HMO and has also introduced standards specific to these properties over and above those expected of normal rented dwellings.

1.5 We recognise that good quality, well managed HMOs provide a valuable source of affordable accommodation for many single people, some of whom are unable to access any other type of housing.

1.6 We aim to ensure that the occupiers of Houses in Multiple Occupation live in safe and healthy homes by providing advice, education and where appropriate enforcing the relevant provisions of the Housing Acts. We are taking a proactive approach by actively identifying and inspecting HMOs in the district and operating a licensing scheme for those HMOs that meet the mandatory licensing criteria.

1.7 This policy sets out our approach to licensing of HMOs. In particular it covers:

- How we identify and inspect HMOs in the Borough
- Our approach to HMO licensing
- Licensing criteria and the how the Council will make a decision to determine:
 - The property is reasonably suitable for occupation
 - The proposed licence holder and/or manager are a fit and proper person
 - There are adequate management arrangements in place
- Licence Conditions
- Fees
- Temporary Exemption
- Licence Procedures and Appeals (Schedule 5 Housing Act 2014)

1.8 This policy works alongside the following legislation:

- The Housing Act 2004
- The Housing Act 1985

- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006
- The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006
- The Regulatory Reform (Fire Safety) Order 2005
- The Furniture and Furnishings (Fire)(Safety) Regulations 1988
- The Gas Safety (Installation and Use) Regulations 1998
- Electrical Equipment (Safety) Regulations 1994

2. Identification and Inspection

2.1 Potential HMO premises are identified through Council records, housing surveys, referrals, complaints and from local information. The details of these properties are added to a premises database. Local Housing Authorities have powers to obtain information from certain benefit and tax records to assist with the functions under the Housing Act 2004.

2.3 Licensed HMOs will have certain details regarding the property and licence holder held on a public register, available upon request to the public and the Government who monitor the Council's activities in relation to HMOs.

2.3 Following identification of an HMO or as part of the scheduled routine inspection under the licensing system, HMOs shall be inspected in accordance with the Health and Housing Safety Rating System set out in the Housing Act 2004 and assessed for compliance with standards set out in regulations made under the Act. Notification of any required improvements will be issued to the owner or person responsible.

2.4 All licensed properties will be inspected at least once in the 5 year licence period. All other HMO properties will be inspected on a risk based approach or in response to a complaint. Properties deemed to be higher risk will be inspected and any required action taken to reduce identified risks. Lower risk properties will not normally be subject to routine inspection if they meet the required standards.

3. HMO Licensing

3.1 The Housing Act 2004 requires that certain HMOs will be subject to mandatory licensing.

These are classified as properties occupied by 5 persons or more who do not form a single household and share facilities.

3.2 Applications for an HMO Licence must be made to Oadby and Wigston Borough Council using the online form available on the Council's website - https://www.oadby-wigston.gov.uk/pages/houses_in_multiple_occupancy or by means of a pre-arranged phone appointment.

3.3 The Council may vary or revoke a licence in accordance with the Housing Act 2004 S.69.

3.4 Licences may be granted when the Council is satisfied that:

- The house is reasonably suitable for occupation.
- The proposed licence holder and/or manager are a fit and proper person.
- There are adequate management arrangements.

Suitability for Occupation

3.5 In deciding if the house is reasonably suitable for occupation the Council shall have regard for the number of persons occupying the dwelling and whether the property complies with statutory and local prescribed standards for fire safety, overcrowding and the provision of amenities.

3.6 The Council also actively liaises with the Leicestershire and Rutland Fire and Rescue Service in considering appropriate fire precautions required in particular properties. The Council also uses relevant British Standards and other guidance as models for standards where appropriate, for example British Standard 5839 Part 1 and Part 6, Fire Detection and Alarm Systems.

3.7 The Standard Fire Precaution Requirements and HMO Amenity and Space Standards that all HMOs are required to meet are set out in detail in the Council's Amenity and Space Standard document also available from the Council's website.

Fit and Proper Person and Management of the HMO

3.8 Before the Council can issue an HMO licence, the Housing Act 2004 says that it must be satisfied that the proposed licence holder for the property is a fit and proper person. The Council must also be satisfied that the proposed manager of the HMO is a fit and proper person to manage the house. If not, the licence will be refused unless other satisfactory arrangements can be agreed.

3.9 A licence can be revoked where the Council no longer consider the licence holder to be a fit and proper person and/or that the management of the house is no longer being carried out by persons who are in each case fit and proper persons to be involved in its management.

3.10 The fit and proper person test is designed to ensure that those responsible for operating and managing the property are of sufficient integrity and good character to be involved in the management of an HMO and that as such they do not pose a risk to the welfare or safety of persons occupying the property.

3.11 In deciding that the licence holder and/or manager is a fit and proper person the Council shall in particular have regard to whether that person:

- Is appropriate and competent to carry out that function;
- Has committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- Has 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;
- Has contravened any provision of the law relating to either housing or landlord and tenant law; or
- Has acted otherwise than in accordance with any applicable code of practice approved under Section 233 Housing Act 2004.

3.12 Applicants are required to complete a fit and proper person self-declaration as part of the application process, this is built into the application process and does not need to be evidenced separately, unless requested by the case officer upon review of the application.

3.13 Where there is evidence of an offence, unlawful discrimination, contravention or breach of the Code of Practice, the Council may decide that the person is not fit and proper. Each case will be considered on its own grounds and such evidence will not automatically lead to the conclusion that a person is not a fit and proper person. The Council will exercise its discretion and act reasonably, proportionately and consistently in its approach when making a decision. It will take into account those factors considered to be relevant in regard to holding a licence and/or manage an HMO and disregard those which it considers are not relevant.

3.14 Upon deciding upon whether evidence should lead to the conclusion that a person is not a fit and proper person, the Council will take into account, among any other relevant things, the following:-

- The relevance of the offence, any unlawful discrimination, contravention or breach of the Code of Practice in relation to the person's character and integrity and any bearing this has on the management of an HMO;
- The severity of the offence, any unlawful discrimination, contravention or breach of the Code of Practice, in terms of its impact on residents and the wider community;
- The time of the offence, unlawful discrimination, contravention or breach of the Code of Practice;
- Any mitigating circumstances;
- Any other relevant matters;

A landlord with an unspent conviction for the unlawful eviction of the harassment of tenants for example, would not normally be considered to be a fit and proper person. On the other hand, evidence of minor contraventions of housing or landlord and tenant law, will not automatically lead to the conclusion that a person is not fit and proper.

Similarly, where an offence is isolated and/or mitigating circumstances can be properly shown, the Council may not decide that a person is not a fit and proper person.

Multiple offences or a series of offences over a period of time may however demonstrate a pattern of inappropriate behaviour, which is likely to lead the Council to conclude that someone is not fit and proper. This is also more likely to be the case where the victim of an offence or vulnerable person.

Poor management practices are not wrongdoings for the purposes of the fit and proper person test, unless those wrongdoings are in themselves, an offence, unlawful discrimination, contravention or breach of Code of Practice. A person cannot be deemed unfit, simply because of poor management, although that may be relevant to determining any question concerning a person's competence to manage the building or the suitability of management structures.

Consideration of 'persons associated or formally associated' with proposed licensing holder or manager

3.15 If there is evidence that a person associated, or formally associated with a proposed licence holder or manager, has committed any of the wrongdoings specified in section 66(2) of the Housing Act 2004, that evidence may be taken into account in determining the proposed licence holders or managers fitness (even if that person has an unblemished record). The purpose of this requirement is to ensure that only fit and proper persons hold licences or are in anyway involved in the management

of the licensed properties. It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a 'front' for someone else who, if they were not unfit, would be otherwise entitled to be the manager or licence holder.

An example might be that of a husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. If there is evidence that the husband has committed a relevant offence, then it is reasonable to assess whether or not he is a fit and proper person. The Council may then refuse to grant his wife a licence because of her association with him.

Likewise if a landlord with an unsatisfactory record nominated a 'managing agent' who had a clean record, but had acted for him whilst the wrongdoings were committed, the Council may consider the managing agent by association not to be a fit and proper person.

3.16 A decision that a person is not a fit and proper person and a refusal to grant a licence on that basis, will normally only be made if:

- There is actual evidence of an offence, unlawful discrimination, contravention or breach of the Code of Practice by an associated person; and
- The associate's fitness is directly relevant to the applicant, proposed licence holder or managers fitness to manage the property or hold the licence.

3.17 In relation to an offence, only unspent convictions will be taken into consideration.

Duration

3.18 If someone is found not to be a fit and proper person, this will usually remain the case for a period of 5 years. However, if a licence application is re-submitted at any time during that period, the Council will reconsider the case on the merits of the application made.

The Council will have regard to this policy and the applicant(s) will need to provide sufficient evidence that they are now a fit and proper person.

Evidence of offences, unlawful discrimination, contraventions or breaches of the Code of Practice

3.19 As an applicant for a licence must disclose information about whether they and/or a proposed manager has committed any relevant offences, practiced unlawful discrimination, contravened any provision of the law relating to housing or landlord and tenant law or breached the code of practice, the Council should normally have sufficient information to decide a person's fitness based on the application. If the Council is not satisfied that it has sufficient information to make a determination, it may require the applicant to provide further details before it can make a decision about whether or not a person is fit and proper.

The following examples are intended to give guidance about the Council's approach to the fit and proper person test and the factors to be taken into account where it has satisfactory evidence of relevant wrongdoing or that such has been disclosed to them in the licence application.

3.19.1 Does the contravention relate to a provision of the law relating to housing or landlord and tenant law?

Where this is the case, careful consideration should be given to an application for a licence. Account will be taken of among things, evidence of poor management leading to contraventions, prosecutions, simple cautions, judgements and other matters where relevant, in particular under:

- The Public Health Acts 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Act 1976 and 1982
- The Housing Grants, Construction and Regeneration Act 1996
- The Local Government and Housing Act 1989
- The Housing Act 2004
- The Landlord and Tenant Act 1985

The term 'contravention' in this context could refer to a contravention following which the Council has served a statutory notice, carried out the remedial action itself by way of works in default, or taken a prosecution. The nature of the contravention and its relevance to the management of an HMO and the potential harm associated with the contravention are factors to be taken into account.

In relation to any contravention of a provision of the law relating to housing, the Council will take into account whether in relation to a proposed licence holder or manager:

- They have had a licence refused, been convicted of breaching the conditions of a licence under Parts 2 and 3 of the Housing Act 2004;
- They own or manage or have owned or managed an HMO or house which has been subject of either a control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or any appropriate enforcement action described in section 5(2) of the Housing Act 2004 (in relation to category 1 hazards);
- They own or have previously owned a property that has been subject of an interim or final management order under the Housing Act 2004.

It may also be relevant to consider the circumstances surrounding the contravention, whether there has been more than one contravention, the number of them and of any evidence demonstrating good character since the contravention took place. Again, it is important to consider the merits of each individual case.

3.19.2 Have any offences been committed involving a fraud?

The licence holder or manager of an HMO occupies a position of trust and their responsibilities almost certainly include a need to enter the property from time to time, be engaged in financial dealings and/or handle a tenant's personal data.

A person will not normally be found to be fit and proper where they have an unspent conviction for an offence in which the victim has been deprived of money, property or other benefits by misrepresentation and/or deception and this includes:

- Theft

- Burglary
- Fraud
- Benefit fraud (including housing benefit fraud)
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking
- Being struck off as a company director
- Any other similar offence

3.19.3 Have any offences been committed that have involved violence?

A person will not normally be found to be fit and proper where they have an unspent conviction for an offence involving violence including:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm with intent or not
- Actual bodily harm
- Robbery
- Racially aggravated criminal damage
- Common assault whether racially aggravated or not
- Assault occasioning actual bodily harm
- Possession of an offensive weapon
- Possession of a firearm

3.19.4 Have any offences been committed involving drugs?

In a deciding whether a person is a fit and proper person, careful consideration should be given to any unspent convictions for drug related offences. The nature of the offence, the quantity and class of drugs that may have been involved and the relevance of the offence in relation to the management of an HMO must all be taken into account.

3.19.5 Have any sexual offences been committed?

Offences of this kind are of particular concern because of the need for licence holders and/or their managers or others involved in the management of an HMO to visit the tenants of a property.

A person will not normally be found to be a fit and proper person where they have an unspent conviction for an offence under Schedule 3 of the Sexual Offences Act 2003.

3.19.6 Has any unlawful discrimination been practised?

In deciding whether a person is a fit and proper person, careful consideration should be given to any evidence of unlawful discrimination that has been practiced by them on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.

Again the nature of the lawful discrimination and the relevance of it to the management of an HMO will be taken into account.

Most appropriate person to be the licence holder

3.20 Under the Act, the licence holder is deemed to be the most 'appropriate person', that they have management responsibility and are locally resident – this is intended to ensure that unfit landlords cannot use "front men" to apply for licences.

3.21 The licence holder could be the owner or the manager and this is likely to be the person who receives the rent (this meets the presumption under S66 (4) that the 'person having control' would be the most appropriate person).

3.22 Where an absentee landlord/owner proposes a property manager to manage an HMO whilst they are an absent licence holder an agreement should be provided to determine the cover of management in place.

3.23 If a person concerned simply lacks experience or knowledge of standards then a licence could be granted with a condition that the person undergoes relevant training.

Adequate Management Arrangements

3.24 The Council must consider licence holders, managers and others involved in the management of the property. Before granting a licence, the Council must be satisfied that the proposed management arrangements for the HMO are satisfactory.

3.25 A reliable system of management shall be in place to ensure the repair, cleaning and maintenance of kitchens, bathrooms, WC's, circulation areas, staircases and outbuildings.

3.26 All means of escape from fire in the house and all fire safety installations and firefighting equipment are in and are maintained in good order and repair and are kept free from obstruction at all times.

3.27 The manager shall ensure a competent engineer undertakes an annual service of fire alarm systems, emergency lighting and firefighting equipment and provide an annual safety certificate.

3.28 A person involved in the management of the property, is a person who is able to comply with any licence conditions and deal with the day-to-day issues that arise with an HMO as well as being able to deal with longer term management issues. Typically but not exclusively, these will include such matters as;

- Emergency repairs and other issues
- Routine repairs and maintenance to the property and its grounds
- Cyclical maintenance
- The management and the provision of services to the building and its grounds

- The management of tenancies or occupants, including dealing with rent matters and tenants enquiries
- The management of the behaviour of tenants, occupants and their visitors to the property
- Neighbourhood issues (including disputes)
- Engagement with the local authority, police and other agencies, where appropriate.

4. Licence Conditions

4.1 Licences will be valid for five years, providing all the relevant conditions are met. The licence may not be transferred to another person, and the existing licence holder should notify the Council in formally, either in writing or by using the online change or circumstances form - https://myaccount.oadby-wigston.gov.uk/service/Selective_Licensing_Change_of_Circumstances, should a change in ownership occurs.

4.2 A licence may include such conditions, as the Council considers appropriate for management, use and occupation of the house. Any required improvement, alteration or repairs to the house such as structural works or installation of fire detection system will be enforced separately but must be satisfactorily completed within the first licence period.

4.3 All licences will require at least the national minimum standards set out in regulations under the Housing Act 2004. These regulations are:

- The Management of Houses in Multiple Occupation (England) Regulations 2006.
- The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006.

4.4 The following standard conditions will be applied to all licences where appropriate:

- Compliance with this policy must be achieved and adhered to.
- Only persons deemed fit and proper shall undertake management functions as set out in this policy.
- A copy of the licence to be displayed in the property.
- Contact details for the manager/ emergency call out/ repairs to be displayed in the property.
- To keep electrical appliances and furniture made available by the licence holder in the house in a safe condition.
- To supply the authority, on demand, with a declaration by the licence holder as to the safety of the appliances and furniture detailed in condition 3.
- Ensure that all of the emergency warning systems (e.g. fire, lighting etc) within the house are kept in a safe and proper working order.
- To supply the authority with details of any changes made to the emergency warning systems within the house including locations and specifications.
- The licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it. For example, a tenancy agreement.

- Notification in writing must be submitted to the Council if there is a sale of the house, a change in ownership of the house or a change in management of the house.

4.5 In addition to the standards set out in the above regulations, the Council also specifically requires the annual submission of the following:

- Copies of safety certificates, details of occupation, works carried out in the past 12 months and works planned for the coming 12 months including annual gas safety certificate if applicable.
- A copy of the building insurance certificate.
- Copies of the fire precautions, maintenance records and safety certificate.
- Copies of any new tenancy agreements.
- Any amended or new details for the landlord, manager, emergency contact, key competent contractors used.

4.6 A fit and proper person status check is valid for 5 years (life of the licence), after which it needs to be completed again. Licence holders and managers etc, must inform the Council if they are cautioned or convicted within this time, so that their suitability can be reconsidered.

4.7 Under the Act the local authority can revoke a licence at a later date if it no longer considers a licence holder, or anyone involved in the management of the HMO, to be fit and proper.

4.8 Persons who fail to licence premises or fail to comply with licence conditions commit an offence. Offences and appeals under these provisions will be heard by a Residential Property Tribunal (RPT) who can judge cases relating to offences make fines and order the repayment of up to twelve months rent back to tenants and in the case of Housing Benefit, back to the Council

Data Sharing

4.9 Information obtained and used for the purpose of determining whether a licence holder or manager is a fit and proper person may be shared with other councils, council departments or statutory bodies. Licence applicants consent to this when they sign the application form.

5. Fees

5.1 The Council is able to charge a reasonable fee to cover costs associated with the licensing scheme. The fee has therefore been determined taking into account the various administrative, inspection, assessment and liaison costs involved over the 5 year period.

5.2 The fees and charges will be reviewed annually. Details of these fees can be found in the Council's Fees and Charges information on the website.

5.3 The Council will also provide discounts for landlords that are a member of an accredited landlord association or own multiple properties, further discounts may be created or amended at the discretion of the Chief Finance Officer.

Enforcement Charges

1.4 In addition to the licensing fee, should separate investigation or enforcement action be needed, a charge may be incurred for an inspection and report where contraventions are identified. In addition any investigation costs will also be charged, for example if an unlicensed property is identified by the Council then an identified property/late payment penalty will be applied to the subsistence fee of the licence.

6. Temporary Exemption

6.1 An owner or manager of a HMO may apply to the Authority for a Temporary Exemption Notice (TEN). If a TEN is granted the HMO is exempt from licensing and accordingly the owner or manager does not commit the offence of operating an HMO without a licence. A TEN can only be granted for a maximum period of three months, but in exceptional circumstances the Authority may issue a second TEN. Temporary exemption from licensing may be granted to landlords that wish to change the use of a dwelling to that other than a HMO.

7. Licence Procedures and Appeals (Schedule 5 Housing Act 2004)

8.1 The applicant or any relevant person may appeal to a Residential Property Tribunal against a decision made by the Local Housing Authority to refuse to grant the licence, or to grant the licence, (in relation to licence conditions) to vary or revoke a licence, or to refuse to vary or revoke a licence.

8.2 Appeals must usually be made within 28 days from the notification of decision. The Residential Property Tribunal may allow a late appeal if it is satisfied that there is good reason for the failure to appeal before the end of that period.