

Application to Vary 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 of 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 contained within the application form, or how to obtain any of the supplementary information required, please contact us at the address above.

Please answer each question unless directed otherwise, and tick boxes where appropriate. Please read the notes, where available, before answering the questions to which they relate. You may not be required to complete all sections of the application form, so please look out for notes which will direct you to the relevant sections of the form.

If a question does not provide enough space for your answer, please continue your answer on a separate sheet of paper and mark the sheet with your name (or in the case of a company, the company name) and the question number. Please make sure you enclose all additional sheets with your application.

When you've completed the form

Please submit your completed application form to:

The Housing Renewal Licensing Team
Hastings Borough Council, **Muriel Matters** House, Breeds Place, Hastings, East Sussex, TN34 3UY

Tel. (01424) 451031

or email: licensingrentedproperty@hastings.gov.uk

Data Protection

The information collected on this form will be stored on a computer system registered under the Data Protection Act 1998. We may use the information for the purposes that the Council has registered with the Data Protection Commissioner.

We may also get information about you and any other person mentioned within the application, from certain third parties, or give information to them, to check the accuracy of information; to prevent or detect crime; as permitted by law. These third parties include other government departments, local authorities and other public authorities.

Signing of this application will be taken as your agreement to any such action.

In these instructions and the accompanying form and notes, "the Act" means the Housing Act 2004. Unless otherwise stated, all references to sections are to sections of the Act.

Form HMO-VAR

For office use only

Date Issued

Date Received

Processed by

M3 Reference No.

Version January 2016

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 property for which a licence/application is to be varied

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..... 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

WK/.....

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

Address

.....

..... Postcode

Home tel. no. Work tel. no

Mobile tel. no Fax no.....

Email

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

- | | |
|---|---|
| <input type="checkbox"/> 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 | |

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.

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

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

.....

Address

.....

..... Postcode

Home tel. no. Work tel. no

Mobile tel. no Fax no.....

Email

If a new manager is being appointed, they must also sign 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.

1.6 Please describe the effect of, and/or reasons for the variation being requested (continue on 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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Please ensure you attach any separate sheets to your application form before submitting

Part 2 – Declarations

- If an 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 property 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 house in multiple occupation 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 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 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 manager is a 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 manager is a 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 is 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.

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Housing Renewal Licensing Team

Muriel Matters House, Breeds Place, Hastings, East Sussex,
TN34 3UY

Tel: 01424 451031

Email: licensingrentedproperty@hastings.gov.uk

Web: www.hastings.gov.uk/hmo