

## SCHEDULE 1

Regulation 6(1)

### BUILDINGS WHICH ARE NOT HMOS FOR ANY PURPOSE OF THE ACT (EXCLUDING PART 1)

The enactments referred to in regulation 6(1) are—

- (a) sections 87, 87A, 87B, 87C and 87D of the Children Act 1989**(1)**;
- (b) section 43(4) of the Prison Act 1952**(2)**;
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002**(3)**;
- (d) The Secure Training Centre Rules 1998**(4)**;
- (e) The Prison Rules 1999**(5)**;
- (f) The Young Offender Institution Rules 2000**(6)**;
- (g) The Detention Centre Rules 2001**(7)**;
- (h) The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001**(8)**;
- (i) The Care Homes (Wales) Regulations 2002**(9)**;
- (j) The Children’s Homes (Wales) Regulations 2002**(10)**); and
- (k) The Residential Family Centres (Wales) Regulations 2003**(11)**).

## SCHEDULE 2

Regulation 7(1), (2) and (3)

### CONTENT OF APPLICATIONS UNDER SECTIONS 63 AND 87 OF THE ACT

1. The form of statement mentioned in regulation 7(1) is:

“You must let certain persons know in writing that you have made this application or give them a copy of it. The persons who need to know about it are—

Any mortgagee of the property to be licensed

Any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you

Any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)

The proposed licence holder (if that is not you)

The proposed managing agent (if any) (if that is not you)

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(1) 1989 c. 41.

(2) 1952 c. 52.

(3) 2002 c. 41.

(4) S.I.1998/472 amended by S.I. 2003/3005.

(5) S.I. 1999/728 amended by S.I. 2000/1794, 2000/2641, 2002/2116, 2003/3301, 2005/869 and 2005/3437.

(6) S.I. 2000/3371 amended by S.I. 2002/2117, 2005/897 and 2005/3438.

(7) S.I. 2001/238. Section 66(4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999.

(8) S.I. 2001/850.

(9) S.I. 2002/324 (W.37) amended by S.I. 2002/2622 (W.254), 2002/2935 (W.277), 2003/947 (W.128), 2003/1004 (W.144), 2004/1016 (W.133), 2004/1314 (W.139), 2004/1756 (W.188), 2004/2414 (W.222), 2005/1541, 2005/2929 (W.214) and 2005/3302 (W.256).

(10) S.I. 2002/327 (W.40) amended by S.I. 2002/2622 (W.254), 2005/774 (W.64), 2005/1541 and 2005/2929 (W.214).

(11) S.I. 2003/781 (W.92) amended by S.I. 2004/1016 (W.113), 2005/1541 and 2005/2929 (W.214).

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Any person who has agreed to be bound by any conditions in a licence if it is granted.  
You must tell each of these persons—

- Your name, address telephone number and e-mail address or fax number (if any)
- The name, address, telephone number and e-mail address or fax number (if any) of the proposed licence holder (if it will not be you)
- Whether this is an application for an HMO licence under Part 2 or for a house licence under Part 3 of the Housing Act 2004
- The address of the property to which the application relates
- The name and address of the local housing authority to which the application will be made
- The date the application will be submitted.”.

- 2.—(1) The information mentioned in regulation 7(2)(a) is—
- (a) the name, address, telephone number and e-mail address of—
    - (i) the applicant;
    - (ii) the proposed licence holder;
    - (iii) the person managing the HMO or house;
    - (iv) the person having control of the HMO or house; and
    - (v) any person who has agreed to be bound by a condition contained in the licence;
  - (b) the address of the HMO or house for which the application is being made;
  - (c) the approximate age of the original construction of the HMO or house (using the categories before 1919, 1919-45, 1945-64, 1965-80 and after 1980);
  - (d) the type of HMO or house for which the application is being made, by reference to one of the following categories—
    - (i) house in single occupation;
    - (ii) house in multiple occupation;
    - (iii) flat in single occupation;
    - (iv) flat in multiple occupation;
    - (v) a house converted into and comprising only of self contained flats;
    - (vi) a purpose built block of flats; or
    - (vii) other;
  - (e) details of other HMOs or houses that are licensed under Part 2 or 3 of the Act in respect of which the proposed licence holder is the licence holder, whether in the area of the local housing authority to which the application is made or in the area of any other local housing authority;
  - (f) the following information about the HMO or house for which the application is being made—
    - (i) the number of storeys comprising the HMO or house and the levels on which those storeys are situated;
    - (ii) the number of separate letting units;
    - (iii) the number of habitable rooms (excluding kitchens);
    - (iv) the number of bathrooms and shower rooms;

- (v) the number of toilets and wash basins;
- (vi) the number of kitchens;
- (vii) the number of sinks;
- (viii) the number of households occupying the HMO or house;
- (ix) the number of people occupying the HMO or house;
- (x) details of fire precaution equipment, including the number and location of smoke alarms;
- (xi) details of fire escape routes and other fire safety training provided to occupiers;
- (xii) a declaration that the furniture in the HMO or house that is provided under the terms of any tenancy or licence meets any safety requirements contained in any enactment; and
- (xiii) a declaration that any gas appliances in the HMO or house meet any safety requirements contained in any enactment.

**3.** The information mentioned in regulation 7(2)(b) is—

- (a) details of any unspent convictions that may be relevant to the proposed licence holder's fitness to hold a licence, or the proposed manager's fitness to manage the HMO or house, and, in particular, any such conviction in respect of any offence involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003<sup>(12)</sup>;
- (b) details of any finding by a court or tribunal of unlawful discrimination on the part of the proposed licence holder or manager on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
- (c) details of any contravention on the part of the proposed licence holder or 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 judgment being made against the proposed licence holder or manager;
- (d) information about any HMO or house which the proposed licence holder or manager owns or manages or has owned or managed and which has been the subject of—
  - (i) a control order under section 379 of the Housing Act 1985<sup>(13)</sup> in the five years preceding the date of the application; or
  - (ii) any appropriate enforcement action described in section 5(2) of the Act;
- (e) information about any HMO or house which the proposed licence holder or manager owns or manages or has owned or managed and for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of the licence; and
- (f) information about any HMO or house which the proposed licence holder or manager owns or manages or has owned or managed and which has been the subject of an interim or final management order under the Act.

**4.** The form of declaration mentioned in regulation 7(3)(a) is as follows—

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 any of Parts 1 to 4 of

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<sup>(12)</sup> 2003 c. 42.

<sup>(13)</sup> 1985 (c. 68).

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the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or am/are are reckless as to whether it is false or misleading.

Signed (all applicants)

Dated

I/We declare that I/We have served a notice of this application on the following persons who are the only persons known to me/us who are required to be informed that I/we have made this application:

<i>Name</i>	<i>Address</i>	<i>Description of the person's interest in the property or the application</i>	<i>Date of service</i>

SCHEDULE 3

Regulation 8

PRESCRIBED STANDARDS FOR DECIDING ON THE SUITABILITY FOR OCCUPATION OF AN HMO BY A PARTICULAR MAXIMUM NUMBER OF HOUSEHOLDS OR PERSONS

*Heating*

1. Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

*Washing facilities*

2.—(1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household—

- (a) where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet (which may be situated in the bathroom);
- (b) where there are five or more occupiers sharing those facilities there must be —
  - (i) one separate toilet with wash hand basin with appropriate splash back for every five sharing occupiers; and
  - (ii) at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

(2) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

### *Kitchens*

3. Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food—

- (a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities, so as to adequately enable those sharing the facilities to store, prepare and cook food;
- (b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—
  - (i) sinks with draining boards;
  - (ii) an adequate supply of cold and constant hot water to each sink supplied;
  - (iii) installations or equipment for the cooking of food;
  - (iv) electrical sockets;
  - (v) worktops for the preparation of food;
  - (vi) cupboards for the storage of food or kitchen and cooking utensils;
  - (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
  - (viii) appropriate refuse disposal facilities; and
  - (ix) appropriate extractor fans, fire blankets and fire doors.

### *Units of living accommodation without shared basic amenities*

4.—(1) Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with—

- (a) adequate appliances and equipment for the cooking of food;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

(2) Where no adequate shared washing facilities are provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either—

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation.

### *Fire precautionary facilities*

5. Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.