

**FIT AND PROPER PERSON**:

Please carefully read the notes below and the guidance supplied:

**When considering an application to license a HMO, the Local Authority must be satisfied that the proposed Licence holder is a “Fit and Proper” person to hold a Licence. It is therefore necessary that the following details be supplied about the proposed Licence holder and any other person that the applicant proposes will be involved in the management of the house. *NOTE: The Council* may *enquire with the Police in respect to item a) below, and may undertake additional checks as appropriate during the term of the Licence. The Council reserves the right to also require Licence holders, Licence applicants, or any other person involved in the management of the HMO to undertake checks with the Criminal Records Bureau at any stage of the application or Licence lifespan.***

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| **a) Does anyone involved in the management of the HMO have unspent convictions in respect of an offence involving fraud, dishonesty, violence, drugs or any offences listed in Schedule 3 of the Sexual Offences Act 2003.** | **YES/NO** |
| **b) Has the proposed Licence holder been found by a court or tribunal to have practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins, or disability in, or in connection with, carrying out of any business.** | **YES/NO** |
| c) Has the proposed Licence holder contravened any provision of Housing Law (e.g. non compliance with a formal notice that required specified works carried out to a rented house) or Landlord & Tenant Law (e.g. illegal eviction or harassment of a tenant). Includes any civil proceedings in which judgement was made against the proposed Licence holder. | **YES/NO** |
| d) Has the proposed Licence holder ever owned any property which has been subject to a control order (made under Section 379 of the Housing Act 1985(a)) in the last five years. | **YES/NO** |
| e) Has the proposed Licence holder ever been refused a Licence under Parts 2 and 3 of the Housing Act 2004. | **YES/NO** |
| f) Has the proposed Licence holder ever breached any condition of a Licence granted under Parts 2 or 3 of the Housing Act 2004. | **YES/NO** |
| g) Has any act on the part of the Licence holder been otherwise than in accordance with a Code of Practice approved under Section 233 of the Housing Act 2004. This relates to any property owned, or has been owned  by the proposed Licence holder. | **YES/NO** |
| h) Has the proposed Licence holder ever owned any property that has been the subject of any proceedings (whether in court or otherwise) by a local authority. Includes any work that the local authority has carried out as a result of default on the part of the proposed Licence holder. | **YES/NO** |
| i) Has the proposed Licence holder ever owned any property that has been the subject of an interim or final management order or a special interim management order made under the Housing Act 2004. | **YES/NO** |
| **All the above questions must be answered.** | |
| **If you have answered “YES” to any of the above, please provide details below:**  **(Please read attached guidance notes)** | |

**GUIDANCE ON COMPLETING THE FORM**

**FIT & PROPER PERSON**

**If you have answered ‘yes’ to any of the questions you will need to provide additional information on the page immediately following the questions. This guidance explains the type of information that you need to provide, in relation to each question. The letters below (a, b, c, etc.) relate directly to the questions.**

1. Please state which person/persons has/have the unspent conviction(s) and what offence it is/they are in relation to. Please also provide the date of the offence(s), date of any court hearings and the address of the court hearing the case(s).
2. Please specify the type of discrimination, i.e. sex, race, colour, ethnic or national origin, disability. Please give the date of the court or tribunal hearing and the address of the court hearing the case(s).
3. If a works notice was not complied with, please specify the type of notice that was not complied with, the date on the notice and the address to which it related, e.g. Housing Act 1985 section 372, dated 1st April 2005 for number 1 Any Street. If landlord and tenant law was contravened, please explain how, the date of the occurrence and the address to which it relates, e.g. illegal eviction of tenants on 1st April 2005, from number 1 Any Street. Please give dates of any court hearings, address of the court hearing the case(s) and details (including dates) of any judgements made against the proposed licence holder.
4. Please give the address of the property concerned and the date on which the order was made. Please also confirm whether the control order is still in force.
5. Please give the address of the property or properties where a licence has been refused and the date of the decision.
6. Please give the address of the property where licence conditions were breached and the date of the breach. Please also state which condition was breached, if known.
7. Please state what action the licence holder has taken that is not in accordance with the Approved Code of Practice for Management. Please also give the date of the action and the address of the property that this action relates to.
8. Please give the address of the property concerned and state what action/proceedings were taken by the local authority, including the dates and details of any works carried out in default.
9. Please give the address of the property and type of order that has been made, including the date the order was made.