

# **Application for a temporary exemption notice from licensing a house in multiple occupation (HMO)**

## **Housing Act 2004 Part 2**

## **APPLICATION FOR A TEMPORARY EXEMPTION NOTICE IN LIEU OF A HMO LICENCE. SECTION 62: PART 2: HOUSING ACTING 2004**

The local authority can serve a Temporary Exemption Notice when the landlord or manager of a property which is required to be licensed, but is not, informs the authority that he/she intends to take particular steps to ensure that the property is no longer required to be licensed. The notice exempts the property from the licence requirements for 3 months from the date of service.

The local authority can serve a second temporary exemption notice providing a further period of 3 months exemption running from the expiry date of the first notice if the landlord/manager notifies that it is required. The authority has to consider that there are exceptional circumstances that justify a second notice.

Please complete this form in **BLOCK CAPITALS** using **BLACK INK**

If you require more space to answer questions, please use additional sheets of paper and attach the sheet(s) firmly to this application form.

Please note that a separate application form is required for every property that requires a Temporary Exemption Notice.

Should you require assistance completing the form or have any queries please contact the Environmental Health Department on 0116 272 7784.

### **Section 238 - Housing Act 2004: False or Misleading information.**

A person commits an offence if:

- he/she supplies any information to a local housing authority in connection with any of their functions under any of Parts 1-4 or 7 of the Housing Act, the information is false or misleading, and he/she knows that it is false or misleading or is reckless as to whether it is false or misleading.
- a person commits an offence if he supplies information to another person which is false or misleading, he/she knows that it is false or misleading or is reckless as to whether it is false or misleading, and he/she knows that the information is to be used for the purpose of supplying information to a local housing authority in connection with any of their functions under any of Parts 1-4 or 7 of the Housing Act.

A person who commits an offence, as detailed above, is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently unlimited). "false or misleading" means false or misleading in any material respect.

## Data Protection Privacy Notice

Blaby District Council (BDC) is the data controller collecting this personal information from you. BDC can be contacted by telephone on 0116 275 0555 or email [customer.services@blaby.gov.uk](mailto:customer.services@blaby.gov.uk)

Council Service	Environmental Health – HMO Licensing
The information we are collecting from you	Name Address Contact details Property interests
Why we use it	This information is required to process the temporary exemption notice application and determine whether the licence can be issued.
Why we are allowed to use your information	We are allowed to use your information because it is necessary for compliance with a legal obligation (Housing Act 2004). To use legal obligation the processing has to be actually necessary for compliance with a common law or statutory obligation.  We are allowed to use your information because it is necessary for the performance of a task carried out in the public interest, or so that we can undertake our official duties under part 2 of the Housing Act 2004.  We are also allowed to use your information because you have given us consent to process your information for this specific purpose.
Who we may share it with	We may also share your information with the police or other regulatory or law enforcement bodies where it is lawful to do so.

We do not use computers to make any decisions about you, and we do not send your information to other countries.

How long we keep your information, depends on why we need it, but we will only keep information for as long as there is a legal or business need for us to do so. You can find out how long we keep information for in our Records Retention Schedule available on the Council's website.

You have a number of legal rights in respect of your personal data which are: the right to be informed about how it is being used and why; the right the right of access to it to check that we are acting lawfully and, in some cases, the right to rectify it or to

have it erased; the right to restrict our processing of it; the right of data portability; and the right to object to automated decision taking.

## **Contact us**

If you have any questions about the way in which Blaby District Council handles your personal information, or want to raise a concern, you may contact:

Name: Louisa Horton, Data Protection Officer

Telephone: 0116 275 0555

Email: [gdpr@blaby.gov.uk](mailto:gdpr@blaby.gov.uk)

You can also contact the Information Commissioner's Office (The ICO) to find out more about your rights as a data subject (a person that we hold personal data about) if you think there is a problem by email to [casework@ico.org.uk](mailto:casework@ico.org.uk) or by telephone on 0303 123 1113. You can also visit the ICO's website [www.ico.org.uk](http://www.ico.org.uk)

# PART 1: DETAILS OF THE APPLICANT AND PROPERTY

## PLEASE INDICATE WHO IS MAKING THIS APPLICATION:

Who is applying?

The owner

A person or agent acting on behalf of the proposed licence holder

Other (please specify) .....

Name (in full)

Company, Partnership or Trust Name (if applicable)

Address (or address of registered head office)

Postcode

Telephone number 

Home: <input type="text"/>	Mobile: <input type="text"/>
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Email

Address of the property to which this application refers

Postcode



## **PART 3: CONDITIONS OF A TEMPORARY EXEMPTION NOTICE**

If a Temporary Exemption Notice (TEN) is served on the property as outlined in Section 1, the property will not require a licence during the period for which the notice is in force.

A Temporary Exemption Notice is in force for a period of 3 months beginning with the date on which it is served.

If the Local Authority:

-receives a further notification; and

-considers that there are exceptional circumstances that justify the services of a second temporary exemption notice in respect of the house that would take effect from the end of the period of three months applying to the first notice,

The Local Authority may serve a second such notice on the person having control of or managing the house.

If the Local Authority decides **not** to serve a temporary exemption notice in response to a notification they must inform the applicant of:

- the decision;
- the reasons for it and the date on which it was made;
- the right to appeal against the decision; and
- the period within which an appeal may be made.

The person concerned may appeal to a residential property tribunal against the decision within the period of 28 days beginning with the date on which it was made.

### **Note to Applicants**

Please note that it is a criminal offence to knowingly supply information, which is false or misleading for the purposes of obtaining a temporary exemption notice. Evidence of any statements made in this application with regard to the property concerned may be required at a later date. If we subsequently discover something, which is relevant and which you should have disclosed or which has been incorrectly stated or described, your temporary exemption notice may be revoked or other appropriate action taken.

## PART 4: DECLARATION

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

Signed

Print name  Date

Relationship to property

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Signed

Print name  Date

Relationship to property

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Signed

Print name  Date

Relationship to property

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Signed

Print name  Date

Relationship to property

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**In the case of Partnerships or Trustees, all partners or trustees must sign. In the case of a limited company, the form must be signed by a director or company secretary or other authorised officer.**