Fit and Proper Person Declaration

IMPORTANT NOTES
When deciding whether a licence applicant is a 'fit and proper person' the Local Authority must have regard, among other things, to evidence which shows that the applicant or any person associated or formally associated with him/her, whether personally or on a work basis is a fit and proper person.

To do this we must have regard to matters laid down in legislation (Housing Act 2004 section 66). These questions are asked in order to enable us to satisfy this legal requirement.

In making a decision on whether or not to grant a licence on the basis of information given in this section, each case will be considered on its merits. That is, minor infringements that happened a long time ago will not necessarily mean that a licence will be refused. Conversely recent serious infringements relating directly to the business of running and managing an HMO may well imply to the Council that an applicant or manager is not a fit and proper person. There are appeal provisions if you are aggrieved by the Council's determination.

In addition please note:
1. The questions should be answered in the name of the individual or company who has applied for the licence.
2. In the case of a limited company or partnership, offences attributed to both the company and directors or partners must be included.
3. In answering questions concerning previous convictions, etc., details should be given in respect of all properties owned or managed by the applicant, whether in Rugby or in other Local Authority areas.
4. The Council will treat all responses received in the strictest confidence.

Please note:
It is a criminal offence to knowingly supply information, which is false or misleading for the purposes of obtaining a licence. 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 licence may be cancelled or other action taken.

Name of Applicant: …………………………………………….

Address of HMO to be licensed: ………………………………………………………

…………………………………………………………………………………………….

The Council **must** satisfy itself that the licence applicant **and** the manager (if they are different people) are **fit and proper persons** to hold a licence or to manage a House in Multiple Occupation. To enable us to satisfy this legal requirement please answer the following questions:

If the manager and the licence applicant are two different people, then both should complete this form. You do **not** have to disclose convictions which are spent under the Rehabilitation of Offenders Act 1974.

The following questions relate to all properties that you have/had control of. Please tick "**Yes**" or "**No**".

1. Have you been convicted of failing to comply with a major Housing Act Notice in the past 5 years?
    Yes ☐   No ☐

2. Has any house of which you were the owner or manager been subject to a Control Order made under Section 379 of the Housing Act 1985 in the past 5 years?
    Yes ☐   No ☐

3. Has any Local Authority carried out work in your default in respect of a major Housing Act Notice in the past 5 years?

Yes ☐   No ☐

4. Have you been in control of any property and as a result have been subject to any legal proceedings brought by any Local Authority (for example under Planning or Environmental Protection Law or Compulsory Purchase proceedings) in the last 5 years?

Yes ☐   No ☐

5. Have you committed any offence involving fraud, dishonesty, violence, drugs or offences listed in schedule 3 of the Sexual Offences Act

Yes ☐   No ☐

6. Has any tribunal found that you practised, or have you been convicted of practising, unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in or in connection with any business?

Yes ☐   No ☐

7. Have you contravened any Housing or Landlord and Tenant Law, (including harassment, illegal eviction and any civil proceedings taken against you).

Yes ☐   No ☐

8. Have you been refused a licence or had a licence revoked under the HMO licensing provisions of the Housing Act 2004?

Yes ☐   No ☐

9. Have you had a licence revoked due to breach of conditions on an HMO licence under the Housing Act 2004 for any property?

Yes ☐   No ☐

10. Have you been in control of any property which has been the subject of an interim management order, or final management order under the Housing Act 2004?

Yes ☐   No ☐

11. Have you been found by any Local Authority to have contravened any Approved Code of Practice under the Housing Act 2004 Section 233?

Yes ☐   No ☐

12. To the best of your knowledge, has any person associated or formerly associated with you (whether on a personal, work or other basis) done any of the things set out in 5.1 to 5.11 above.

Yes ☐   No ☐

13. To the best of your knowledge, has any person proposed to be involved with the management of the property (except the manager) done any of the things set out in 5.1 to 5.11 above.

Yes ☐   No ☐

If you have answered "Yes" to any questions in section 5, please give details (including dates):

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We may require your co-operation in obtaining CRB information for the above. We have to also approach other authorities such as the Police authority, Fire and Rescue Service, Office of Fair Trading, etc., for information and confirmation. Signing of this application will be taken as your agreement to any such action.

It is a criminal offence if you supply information to the Council which you know is false or misleading, or you are reckless as to whether or not it is false or misleading. A person who supplies you with information which they know will be used in this application may commit a criminal offence if they know it is false or misleading, or they are reckless as to whether or not it is false or misleading.

This may result in legal action being taken against you or that other person and your licence being revoked. If you are convicted of such an offence, you may be liable to a fine of level 5 on the standard scale.

I declare that the information contained on this application is correct to the best of my knowledge. I understand that I commit an offence if I 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 know is false or misleading or are reckless as to whether it is false or misleading.

Signed ....

Print Name ....

Company *(if applicable)* ....

Position in Company *(if applicable)* ....

Date ....

Applicant ☐   Manager ☐ *(please tick appropriate box)*