

## Who should be the licence holder?

Section 64 & 88 of the Housing Act 2004 direct that the licence holder must be;

- A 'fit and proper person'
- The 'most appropriate person' to hold the licence.
- The person having control of the premises or their agent or employee.

In the majority of cases this will be the premises owner, manager or managing agent.

It is relatively clear-cut where the whole of the HMO to be licensed, has but a single owner however, there are circumstances where determining who should be the licence holder, is more difficult.

For example, in the case of some 'Section 257 HMOs' where individual flats in a converted block, might be owned and let by different landlords..... and/ or where there is mixed ownership and tenure, with some rented flats and some owner-occupied flats, all in the same converted block.

In many such circumstances, an agent may have been appointed to manage the block and so could be the most appropriate person to apply for and to hold the licence.

Otherwise the list of persons named in the following order, would be regarded as 'the most appropriate person' to hold the licence, namely;

1. A person who has been granted a 'right to manage' the HMO under Part 2 of the ***Commonhold & Leasehold Reform Act 2002***
2. A person who has been appointed as a manager by a Leasehold Valuation Tribunal under section 24 of the ***Landlord and Tenant Act 1987***
3. A person who is a Lessee of the whole HMO (whether or not held on an 'under lease') or the Freeholder (if there's no lessee for the whole).
4. A manager appointed by such a lessee, or by the Freeholder, or by a person who has acquired a 'right to manage'.