

Wandsworth policy on licensing overseas landlords

Licensing requirements (general)

Before granting a licence, the council must be satisfied that there are proper management arrangements and systems in place for:

- dealing with day-to-day emergencies
- carrying out repairs to the property when a problem is reported, or if the council identifies a hazard. This includes systems in place for funding such works
- carrying out regular property checks and routine maintenance
- responding to and dealing with complaints about antisocial behaviour by the tenants.
- preventing over-occupation in excess of the maximum permitted number

Every licence contains legally binding conditions that regulate these issues. It is the licence holder's responsibility for ensuring the property is being managed in accordance with the licence.

Licensing requirements for overseas landlords who live outside the UK

One of the main aims of licensing is to ensure there is a suitable person, or company, who is legally accountable for managing the property and complying with the licence conditions. This means the person must reside in the United Kingdom. If a company, the company must be registered in the United Kingdom. The person or company will be named on the licence as responsible for complying with the licence conditions. If the licence conditions are breached, then legal action can be taken against this person or company.

For landlords who are resident overseas (including offshore companies) there are 2 options:

1. Appoint a UK based person or company to be the manager for the HMO and this manager consents to be bound by the terms of the licence. With this option the overseas landlord will be named as the licence holder on the licence and the manager named as having the responsibility to comply with the licence conditions. The manager will be asked to sign a declaration agreeing to be bound the licence conditions
2. Appoint a UK based person or company to hold the licence on behalf of the overseas landlord with the responsibility to comply with the licence. Under this option the overseas landlord would not be named on the licence. However, under this arrangement, if the overseas landlord needs to change agents during the term of the licence (normally 5 years), they will have to apply for a new licence. This is because in law licences are not transferrable.

Before agreeing to either of the 2 options above the council will still need to be satisfied that the proposed management structures are satisfactory. Any person or company who agrees to be the licence holder or bound by the licence must be 'fit and proper' and competent to comply with the licence conditions. The council will expect to see the signed contract/management agreement in place to ensure that any appointed person or agent is able to comply with all the licence conditions.