



LONDON BOROUGH OF
HARROW

Houses in Multiple Occupation and Selective Licensing Policy

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1. Introduction

London Borough of Harrow ('The Authority') is committed to working with landlords and private tenants to ensure that the private sector remains a safe place to live, that standards are maintained and affordable housing is sustained. In contrast, the Authority will continue to work to target "rogue" landlords and non-compliant tenants, which undermine the rest of the sector.

The Housing Act 2004 ('**the Act**') outlines the way the Council regulates standards in private rented housing and introduced such factors as the Housing Health and Safety Rating System (HHSRS) as well as licensing of certain types of premises under Part 2 and Part 3 of the Act.

This policy sets out the way the Authority implements the requirements of the Housing Act 2004 in relation to HMO and Selective licensing as well as health and safety hazards. It also outlines how the Council intends to use the discretionary powers in the Act to ensure fair and equitable enforcement.

2. General Obligations

The Housing Act 2004 imposes certain general obligations on the Council, including:

- Duty to arrange for inspections to be carried out to determine whether any hazards exist in dwellings and their severity;
- To take appropriate enforcement action to protect residents from serious hazards; and
- To implement an HMO licensing regime and to process applications for HMO licensing (Mandatory HMO Licensing).

3. Aims of the Policy

The main aims of this Policy are to:

- Set out the residential licensing process for London Borough of Harrow
- Set out the overarching approach to regulating and setting the standards for licensed premises
- Provide the basis for the Private Sector Housing Enforcement Policy as well as Amenity Standards and Licensing Conditions

4. Housing Licensing Legislation

Housing Act 2004

Part 1 of the Act describes the actions the Council must take in relation to reports of hazards in residential properties. These actions include:

- Taking the appropriate enforcement action to protect residents from harm.
- Carrying out assessments using the HHSRS to determine whether any category 1 or 2 hazards exist

Under **Part 1** of the Act, the Council's enforcement options include, but not limited to,:

- Improvement Notices;
- Prohibition Orders
- Hazard Awareness Notices.

In cases where there is a category 1 hazard and an imminent risk of serious harm exists, the Council also has the following additional options available:

- Emergency Remedial Action (costs being recoverable); and
- Emergency Prohibition Order

Part 2 of the Act places the obligation on Local Authorities to set up a scheme to licence certain Houses in Multiple Occupation (Mandatory Licensing) which was amended in October 2018. It also allows an Authority to introduce a discretionary scheme for Houses in Multiple Occupation. Section 55 to 78 covers provisions around Houses in Multiple Occupation Licensing

Part 3 of the Act allows for the introduction of a Selective Licensing Scheme to be introduced in part or all of an area subject to certain requirements being met. This relates to Section 79 to 100, including Section 80 (designation) and 87 (levying of fees)

Management of Houses in Multiple Occupation (England) Regulations 2006

Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

All HMOs, regardless of whether they are licensable or not, are subject to the requirements of these pieces of legislation

5. HMO Licensing

The aim of HMO licensing is to ensure the highest risk properties in the private rental market meet the legal standards and are properly managed.

5.1 Premises that need licensing

Harrow Council currently operate both the mandatory and an additional HMO licensing scheme that covers the whole of the Borough. Therefore for the purposes of a House in Multiple Occupation, a license is required if:

- Its rented to 3 or more people who form more than one household
- Tenants share toilet, bathroom or kitchen facilities

Additionally, Section 257 of the Housing Act 2004 requires self-contained flats to have a HMO licence if:

- If a building or part of a building has been converted into, and consist of self-contained flats; and
- Building works undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and
- Less than 2/3 of the self contained flats are owner-occupied

For the purposes of demonstrating compliance to building control regulations, it would be expected to see a building compliance certificate.

The expectation of the law, and therefore the Authority, is that the person responsible for the premise proactively applies for the licence if required, and does not operate without one. By failing to do so, they leave themselves open to enforcement action being taken and a reduction in the length of any licence subsequently taken, as well as a potential increase in fee charged.

5.2 Exemptions

The Act and the regulations made under it exclude certain types of buildings as HMOs for all purposes except enforcement under Part 1. The following types of buildings will at present not need to be licensed:

- those managed or owned by a public body such as the police, the NHS, the Council or an RSL.
- where the residential accommodation is ancillary to the main use of the building e.g. religious establishments etc.
- those entirely occupied by freeholders or long leaseholders and their households.
- those occupied by no more than two households each of which comprise of a single person.
- those owned or managed by educational establishments and occupied principally by full time students, e.g. halls of residence.
- those regulated elsewhere e.g. care homes, bail hostels, etc.
- those that are owner-occupied and have no more than two lodgers residing within them.

5.3 Bed and Breakfast Premises

The Council will declare bed and breakfast hotels as HMOs where 25% of the total number of sleeping rooms are regularly occupied for 30 days or more by persons in receipt of Housing Benefit, or who are paying a weekly or monthly rent, as opposed to overnight charges.

The Council believes that where this accommodation is used as a main residence, the same standards as for other HMOs should be met. People who use a hotel as a main residence are likely to be either homeless, placed there by a local authority, or their home will be in another country.

5.4 Granting a licence

The Council may grant a licence where it is satisfied:

- the house is reasonably suitable for occupation as an HMO.
- the management arrangements are satisfactory.
- the proposed licence holder and manager are fit and proper persons.
- the proposed licence holder is the most appropriate person to hold the licence.

It is therefore of utmost importance that the application form is fully completed to allow such initial assessments to take place. Failure to complete **any** section is likely to see the application rejected. Additionally, the application is not complete if not accompanied by full and proper payment.

In assessing whether the licence holder and manager are fit and proper persons, due regard is given to:

- has no unspent convictions relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
- has no unspent convictions relating to unlawful discrimination on grounds of sex, race, or disability
- has no unspent convictions relating to housing or landlord and tenant law
- has no unspent convictions for breaches of planning, compulsory purchase, environmental protection or other legislation enforced by local authorities
- has not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the act within the last five years
- has not been in control of a property subject to an Interim Management Order (“IMO”) or Final Management Order (“FMO”) or had work in default carried out by a local authority.

5.5 Overseas Landlords

Harrow Council will not normally issue a licence to a person who is not a resident within the jurisdiction of the UK Courts. The reason is that the licensing scheme requires a person or company who is legally accountable for the licence.

The licence puts responsibility on the licence holder for the proper management of the rented property, for preventing nuisance or antisocial behaviour by the residents and for keeping the property safe and in good order. Every licence contains legally binding conditions that govern these issues.

Therefore the Authority will only issue a licence to a person based abroad if a signed legal undertaking is in place with a person / company based in the UK is in place for them to take responsibility for ensuring compliance to the Licence Conditions.

5.6 False Information

The application form allows for a self-declaration of fitness. If false information is provided in this part, as with any part of the application process, then an offence will have occurred under Section 238 of the Housing Act 2004, and the application (and any subsequent licence) made invalid. The Authority reserves the right to ask for and consider any information where it is felt that the information is not accurate. Should an inspection find the information is false, then the application can be rejected or, if a licence already granted, the licence revoked, and consideration to enforcement given.

5.7 Licence application period and length of grant

Licences will be issued up to a period of 5 years, but it can vary on the discretion of the Officer in conjunction with the Principal / Manager dependant on matters of compliance at the premise and by the licence holder. For example, a HMO that had not been licensed and had to be “found” by Officers, or a HMO that has not got the correct planning permission, will get shorter licensed periods such as 1 year duration.

Officers aim to issue draft licences within **12 weeks** of a full application. However, during periods where there are high numbers of applications received, processing of licence applications will take longer. Delays in processing and issuing **DOES NOT** give tacit consent to the premise in the case of HMO applications but is given for Selective Licensing applications.

A draft licence must be served on all relevant persons, allowing at least fourteen days for representations before granting the actual licence.

5.8 Conditions

The Housing Act 2004 as amended requires certain mandatory conditions to be applied to all HMO licences (Part 4, Section 67)

The Council also has discretion to impose other conditions as per Part 2, Section 67 of the Housing Act 2004. For the purposes of House In Multiple Occupations in the London Borough of Harrow, all conditions and amenity standards are set out in the document “**Houses in Multiple Occupation Conditions and Amenity Standards**”

5.9 Temporary Exemption Notice

The Council may serve a Temporary Exemption Notice (“TEN”) where a landlord is, or shortly will be, taking steps to make an HMO non-licensable. A TEN can only be granted for a maximum period of three months. A second three-month TEN will only be served in exceptional circumstances. A decision in writing to any request will be forthcoming within 28 days.

Where a licensable HMO is not licensed, the landlord cannot evict an occupier under section 21 of the Housing Act 1988 until the HMO is licensed, unless a TEN is in force.

5.10 Appeals

Appeals against licensing decisions can be brought to the First-tier Tribunal – Property Chamber (Residential Property), including refusals to grant a licence, licence conditions that have been imposed, refusal of a TEN and the maximum number of permitted occupiers.

5.11 Inspections

An inspection will take place of any premise that is a House in Multiple Occupation to ensure compliance to legislative requirements. The intention of the Authority is to try, where feasible, to conduct the inspection before the final licence is issued to ensure that the licence accurately reflects what was stated on the application (NOTE: See Section 5.5). Where this is not feasible, due to quantity of inspections, timelines or other work reason, an inspection will take place within the first year of the licence being granted.

The inspection will highlight any areas that need to be addressed and, should it be required, a defects letter produced setting out all works needed and a timescale. Due to the nature of these works, failure to carry them out can result in formal action being taken including, depending on the works, action for failing to meet licensing condition(s)

Please see section 5.10 especially the need for the Licence Holder to be proactive in understanding legal requirements and ensuring they are being met.

5.12 Enforcement

Where a landlord fails to licence an HMO or breaches any of the conditions without reasonable excuse, they will commit a criminal offence.

The requirement is on the licence holder to ensure compliance with the legislation, and the requirements of any licence issued, at all times. It is not the position of the Officer to act as a consultant or for the Licence Holder to wait for an inspection to understand the legal requirements or ensure they are met.

The Authority will seek to recover all costs incurred through having to take enforcement. This cost is **not** covered by the application fee.

Information about enforcement options and procedures is set out in the “***Private Rented Sector Enforcement Policy***”

5.13 HMO Options

Where there is no prospect of an HMO being licensed, the Act requires that the Council use its interim management powers. This enables the Council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In extreme cases this can be extended to five years, with the Council also having the power to grant tenancies. The Council will put into place a mechanism to ensure the most appropriate management of such properties.

If the Council finds that there has been a change of circumstances in an HMO since it was licensed, it has the power to vary the licence. If there is a serious breach or there are repeated breaches of the licence conditions or the licence holder or managers are no longer deemed to be

fit and proper persons, the licence can be revoked and the licence holder may be liable for prosecution. The licence can also be revoked if the property is no longer a licensable HMO or if the condition of the property means it would not be licensable were an application to be made at a later time.

5.14 HMO Fees

The Council has the right to set a fee for licensing under Section 63 of the Housing Act 2004. When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (5)) take into account—

- a) all costs incurred by the authority in carrying out their functions under this Part, and
- b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs (so far as they are not recoverable under or by virtue of any provision of that Chapter)

Consideration must also be given to the Provision of Services Regulations 2009

The Authority will review their fees on an annual basis, or on changes to any relevant legislative requirement, to ensure they meet the above. In setting the fees, the Authority will seek to recover all public money spent on the licensing function, including:

- Receiving, processing and checking the application fee
- Receiving and processing payments
- Setting up the necessary worksheets and work tasks for the purposes of licensing
- Contacting all relevant parties for the purpose of the draft and final licence
- Producing draft and final licences
- Inspection of the Premise for the purpose of ensuring the application form information is correct and the premise meets the criteria under Section 5.4
- Fit and Proper Person checks and other checks as set out under 5.4

5.15 HMO Additional Documents and Policies

The Council has put in additional documents and policies to assist with HMOs including:

- Private Rented Sector Enforcement Policy
- HMO Conditions and Amenity Standards

Such documents, as well as this Policy, will be updated as a matter of course when there has been a change to legislation, guidance or Council approach.

6. Selective Licensing

Local authorities have powers to introduce selective licensing of privately rented homes in order to tackle problems in their areas, or any part or parts of them, caused by low housing demand and/or significant anti-social behavior

Due regard must be given to Government Guidance issued around Selective Licensing which can be found at <https://www.gov.uk/government/publications/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities>

6.1 Premises that need licensing

Where an area has been designated under Section 80 of the Housing Act 2004, any private rented accommodation (subject to exemptions under **section 6.3**) within that area which are let or occupied under licence are required to be licensed by the Authority.

The expectation of the law, and therefore the Authority, is that the person responsible for the premise proactively applies for the licence if required, and does not operate without one. By failing to do so, they leave themselves open to enforcement action being taken and a reduction in the length of any licence subsequently taken, as well as a potential increase in fee charged.

6.2 Designations

A Local Authority can designate part or all of an area for the purposes of Selective Licensing as long as conditions set out by the Government Guidance are met and evidenced.

From 1st April 2015, a new General Approval came into force. Local authorities will be required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area.

Currently Harrows approach is to introduce Selective Licensing Designations where they can have the most effect and where the majority of issues identified under the Guidance are met.

6.3 Exemptions

Under the Selective Licensing of Houses (Specified Exemption) (England) Order 2006 sets out those premises that are exempt from licensing under Selective Licensing, being:

- (a) a tenancy or licence of a house or dwelling that is subject to a prohibition order made under section 20 of the Act whose operation has not been suspended in accordance with section 23 of the Act;
- (b) a tenancy described in any of the following provisions of Part 1 of Schedule 1 to the Housing Act 1988, which cannot be an assured tenancy by virtue of section 1(2) of that Act—
 - (i) paragraph 4 (business tenancies);
 - (ii) paragraph 5 (licensed premises);
 - (iii) paragraph 6 (tenancies of agricultural land); or
 - (iv) paragraph 7 (tenancies of agricultural holdings etc);
- (c) a tenancy or licence of a house or a dwelling that is managed or controlled by —
 - (i) a local housing authority;

- (ii) a police authority established under section 3 of the Police Act 1996;
- (iii) the Metropolitan Police Authority established under section 5B of the Police Act 1996;
- (iv) a fire and rescue authority under the Fire and Rescue Services Act 2004; or
- (v) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
- (d) a tenancy or licence of a house which is not a house in multiple occupation for any purposes of the Act (except Part 1) by virtue of—
 - (i) paragraph 3 of Schedule 14 to the Act (buildings regulated otherwise than under the Act); or
 - (ii) paragraph 4(1) of that Schedule (buildings occupied by students);
- (e) a tenancy of a house or a dwelling where—
 - (i) the full term of the tenancy is more than 21 years;
 - (ii) the lease does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term; and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or any members of such person's family;
- (f) a tenancy or licence of a house or a dwelling granted by a person to a person who is a member of his family where—
 - (i) the person to whom the tenancy or licence is granted occupies the house or dwelling as his only or main residence;
 - (ii) the person granting the tenancy or licence is the freeholder or the holder of a lease of the house or dwelling the full term of which is more than 21 years; and
 - (iii) the lease referred to in sub-paragraph (ii) does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term;
- (g) a tenancy or licence that is granted to a person in relation to his occupancy of a house or a dwelling as a holiday home; or
- (h) a tenancy or licence under the terms of which the occupier shares any accommodation with the landlord or licensor or a member of the landlord's or licensor's family.

6.4 Multi-Property Premises

Section 85 (1) requires that all Part 3 Houses must be licensed (unless exempt). Section 99 states the definition of a house as:

- *“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling;*
- *“house” means a building or part of a building consisting of one or more dwellings;*

and references to a house include (where the context permits) any yard, garden, outhouses and appurtenances belonging to, or usually enjoyed with, it (or any part of it).

Therefore under Part 3 of the Housing Act 2004, it is possible for the Authority to grant a “multi-property” Licence which covers more than one separate dwelling as long as:

- Each of the dwellings are separate dwellings (usually self contained flats) all connected to each other in the same building; and
- Each of the dwellings are occupied under non “exempt tenancies”; and

- Each of the dwellings are within common ownership and management control

The issue with such an approach is if any dwelling that falls under the multi-property licence is sold or circumstances change, then the license would be revoked as no longer reflects the “house” that led to it being granted and a new application would need to be submitted.

Additionally, if the Authority were to seek to take action against the license, for example for failure to meet the conditions in one premise, this would affect the whole license and puts it at risk.

The Council will therefore seek to grant individual property licenses that removes these risks and bureaucracy to the landlord. This means:

- A flat can be sold without affecting the licenses of the other premises
- A flat can be let on the basis of an exempt tenancy without affecting the other dwellings
- Enforcement can be targeted where the issue is rather than against the whole premise
- The conditions for the license for each premise can be looked at in terms of what is applicable rather than cover everything as a property
- Tenants are more reassured that the checks necessary for their particular premise (e.g. fire safety, gas safety etc.) are in place rather than generically

6.5 Granting a licence

The Council may grant a licence where it is satisfied:

- the house is reasonably suitable for occupation as an HMO.
- the management arrangements are satisfactory.
- the proposed licence holder and manager are fit and proper persons.
- the proposed licence holder is the most appropriate person to hold the licence.

It is therefore of utmost importance that the application form is fully completed to allow such initial assessments to take place. Failure to complete **any** section is likely to see the application rejected. Additionally, the application is not complete if not accompanied by full and proper payment.

In assessing whether the licence holder and manager are fit and proper persons, due regard is given to:

- has no unspent convictions relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
- has no unspent convictions relating to unlawful discrimination on grounds of sex, race, or disability
- has no unspent convictions relating to housing or landlord and tenant law
- has no unspent convictions for breaches of planning, compulsory purchase, environmental protection or other legislation enforced by local authorities

- has not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the act within the last five years
- has not been in control of a property subject to an Interim Management Order (“IMO”) or Final Management Order (“FMO”) or had work in default carried out by a local authority.

6.5 Overseas Landlords

Harrow Council will not normally issue a licence to a person who is not a resident within the jurisdiction of the UK Courts. The reason is that the licensing scheme requires a person or company who is legally accountable for the licence.

The licence puts responsibility on the licence holder for the proper management of the rented property, for preventing nuisance or antisocial behaviour by the residents and for keeping the property safe and in good order. Every licence contains legally binding conditions that govern these issues.

Therefore the Authority will only issue a licence to a person based abroad if a signed legal undertaking is in place with a person / company based in the UK is in place for them to take responsibility for ensuring compliance to the Licence Conditions.

6.6 False Information

The application form allows for a self-declaration of fitness. If false information is provided in this part, as with any part of the application process, then an offence will have occurred under Section 238 of the Housing Act 2004, and the application (and any subsequent licence) made invalid. The Authority reserves the right to ask for and consider any information where it is felt that the information is not accurate. Should an inspection find the information is false, then the application can be rejected or, if a licence already granted, the licence revoked, and consideration to enforcement given.

5.7 Licence application period and length of grant

Licences will be issued up to a period of 5 years, but it can vary on the discretion of the Officer in conjunction with the Principal / Manager dependent

on matters of compliance at the premise and by the licence holder. For example, a HMO that had not been licenced and had to be “found” by Officers, or a HMO that has not got the correct planning permission, will get shorter licensed periods.

Officers aim to issue draft licences within **12 weeks** of a full application. However, during periods where there are high numbers of applications received, processing of licence applications will take longer. Delays in processing and issuing **DOES NOT** give tacit consent to the premise

A draft licence must be served on all relevant persons, allowing at least fourteen days for representations before granting the actual licence.

5.8 Conditions

The Housing Act 2004 as amended requires certain mandatory conditions to be applied to all HMO licences (Part 4, Section 67)

The Council also has discretion to impose other conditions as per Part 2, Section 67 of the Housing Act 2004. For the purposes of House In Multiple Occupations in the London Borough of Harrow, all conditions and amenity standards are set out in the document "***Houses in Multiple Occupation Conditions and Amenity Standards***"

5.9 Temporary Exemption Notice

The Council may serve a Temporary Exemption Notice ("TEN") where a landlord is, or shortly will be, taking steps to make an premise non-licensable for instance by selling the property to a person who intends to live in it, or to move back in to it themselves. A TEN can only be granted for a maximum period of three months. A second three-month TEN will only be served in exceptional circumstances. A decision in writing to any request will be forthcoming within 28 days.

Where a licensable property is not licensed, the landlord cannot evict an occupier under section 21 of the Housing Act 1988 until the it is licensed, unless a TEN is in force. Additionally, on expiry of a TEN, if the premise remains licensable then an application must be made otherwise enforcement action can be taken.

5.10 Appeals

Appeals against licensing decisions can be brought to the First-tier Tribunal – Property Chamber (Residential Property), including refusals to grant a licence, licence conditions that have been imposed, refusal of a TEN and the maximum number of permitted occupiers.

5.11 Inspections

An inspection will take place of any premise that is a House in Multiple Occupation to ensure compliance to legislative requirements. The intention of the Authority is to try, where feasible, to conduct the inspection before the final licence is issued to ensure that the licence accurately reflects what was stated on the application (NOTE: See Section 5.5). Where this is not feasible, due to quantity of inspections, timelines or other work reason, an inspection will take place within the first year of the licence being granted.

The inspection will highlight any areas that need to be addressed and, should it be required, a defects letter produced setting out all works needed and a timescale. Due to the nature of these works, failure to carry them out can result in formal action being taken including, depending on the works, action for failing to meet licensing condition(s)

Please see section 5.10 especially the need for the Licence Holder to be proactive in understanding legal requirements and ensuring they are being met.

5.12 Enforcement

Where a landlord fails to licence an HMO or breaches any of the conditions without reasonable excuse, they will commit a criminal offence.

The requirement is on the licence holder to ensure compliance with the legislation, and the requirements of any licence issued, at all times. It is not the position of the Officer to act as a consultant or for the Licence Holder to wait for an inspection to understand the legal requirements or ensure they are met.

The Authority will seek to recover all costs incurred through having to take enforcement. This cost is **not** covered by the application fee.

Information about enforcement options and procedures is set out in the “***Private Rented Sector Enforcement Policy***”

5.13 HMO Options

Where there is no prospect of an HMO being licensed, the Act requires that the Council use its interim management powers. This enables the Council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In extreme cases this can be extended to five years, with the Council also having the power to grant tenancies. The Council will put into place a mechanism to ensure the most appropriate management of such properties.

If the Council finds that there has been a change of circumstances in an HMO since it was licensed, it has the power to vary the licence. If there is a serious breach or there are repeated breaches of the licence conditions or the licence holder or managers are no longer deemed to be fit and proper persons, the licence can be revoked and the licence holder may be liable for prosecution. The licence can also be revoked if the property is no longer a licensable HMO or if the condition of the property means it would not be licensable were an application to be made at a later time.

5.14 Selective Licensing Fees

The Council has the right to set a fee for licensing under Section 87 of the Housing Act 2004. When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (5)) take into account—

- c) all costs incurred by the authority in carrying out their functions under this Part, and
- d) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to Part 3 houses (so far as they are not recoverable under or by virtue of any provision of that Chapter)

Consideration must also be given to the Provision of Services Regulations 2009

The Authority will review their fees on an annual basis, or on changes to any relevant legislative requirement, to ensure they meet the above. In setting the fees, the Authority will seek to recover all public money spent on the licensing function, including:

- Receiving, processing and checking the application fee
- Receiving and processing payments
- Setting up the necessary worksheets and work tasks for the purposes of licensing
- Contacting all relevant parties for the purpose of the draft and final licence
- Producing draft and final licences
- Inspection of the Premise for the purpose of ensuring the application form information is correct and the premise meets the licensing criteria
- Fit and Proper Person checks and other checks

The European Court of Justice R (Hemming) v Westminster City Council determined that any fee must clearly show cost to determine the application and the part for on going management and enforcement, and only the first part can be asked for at the time of submitting the application.

No on going enforcement cost is built into the fee, as the intention would be to recover this through the enforcement process be it a Civil Penalty Notice or Prosecution.

Failure to submit payment at the time of the application is in contravention of section 87(2) and (3) and the applicant will be given 7 days to make such payment or the application rejected as incomplete.

5.15 HMO Additional Documents and Policies

The Council has put in additional documents and policies to assist with HMOs including:

- Private Rented Sector Enforcement Policy
- HMO Conditions and Amenity Standards

Such documents, as well as this Policy, will be updated as a matter of course when there has been a change to legislation, guidance or Council approach.