

**Chiltern District Council  
and  
South Bucks District Council**

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**House in Multiple Occupation Policy**

**Adopted:**

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## **1.0 Introduction**

### **1.1 Scope and Objectives**

Chiltern District Council and South Bucks District Council are two sovereign authorities with separate budgets and separate decision making processes. The two authorities have operated a shared housing service since April 2014 and have implemented a joint Private Sector Housing Strategy.

This policy sets out the way in which Chiltern District Council and South Bucks District Councils will carry out the requirements of the Housing Act 2004 in relation to Houses in Multiple Occupation (HMO). This not only includes licensing, but also how the Council will address health and safety hazards in HMOs. A summary of the Housing Act 2004 in relation to HMO licensing is contained in Appendix 1.

This policy is written in the context of the Councils' joint Private Sector Housing Strategy. The councils aim to maximise the availability of private rented accommodation and ensure that it is of a decent standard to protect the health and safety of tenants. The availability of HMO lettings is also important in order to sustain affordable housing.

This policy applies to all HMOs which fall under the definition of an HMO as contained in the Housing Act 2004 or where the local authority has made an HMO declaration. Section 3.00 applies to those HMOs which are required to be licensed under the Housing Act 2004. Any references to statutory requirements include any subsequent enactment or amendment made after this policy was adopted.

References to 'the Council' means Chiltern District Council or South Bucks District Council, depending on which administrative area the property is located.

### **1.2 Comments and Complaints**

If you have any comments or questions in relation to this policy, please contact:

Senior Housing Standards Officer  
Chiltern and South Bucks Housing  
King George V House  
King George V Road  
Amersham  
Bucks HP6 5AW

Telephone: 01494 732209  
Email: [lquinn@chiltern.gov.uk](mailto:lquinn@chiltern.gov.uk)

If you need to make a formal complaint about any matter in relation to this policy, the Council has a formal complaints procedure can be found online at [www.chiltern.gov.uk](http://www.chiltern.gov.uk) or [www.southbucks.gov.uk](http://www.southbucks.gov.uk).

## **2.0 Standards For HMOs**

This section applies to all HMOs which fall under the definition of an HMO contained in s254 of the Housing Act 2004 (unless exempted from the definition by Regulations) and to those HMOs where the authority has made an HMO Declaration under s255.

### **2.1 House Condition**

All HMOs must be free from Category 1 hazards under the Housing Health and Safety Rating System (HHSRS). The Council is under a duty to take enforcement action where a Category 1 hazard exists.

The Council will seek to ensure that Category 2 hazards are minimised, where possible.

The Council will encourage owners/managers of HMOs to carry out works to improve the energy efficiency of the HMO.

### **2.2 Fire Precautions in HMOs**

Guidance on the standards of fire precautions required for HMOs has been produced and published in consultation with the Fire Officer. However, the requirement for fire precautions in each individual case will be determined on a risk assessed basis in consultation with the Fire Officer.

The requirement for fire precautions will normally be enforced through formal enforcement procedures.

### **2.3 Amenity Standards**

The requirements for licensable HMOs are set down by The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. The Regulations (and any subsequent amendments or re-enactments) will be enforced as part of licence conditions.

In the case of non-licensable HMOs, the Council will encourage owners/managers of all HMOs to provide amenities in accordance with the national amenity standards.

The Council has published more detailed guidelines on the standards required which are available on the Council's websites or on request.

### **2.4 Management Standards**

The managers of all HMOs should comply with the Management of HMO Regulations 2006 (and any subsequent amendments or re-enactments).

### **3.0 Licensing of HMOs**

This section applies to HMOs which are required to be licensed under Part 2 of the Housing Act 2004. These are HMOs which comprise three or more storeys and are occupied by five or more persons who belong to two or more households and are not exempted under Schedule 14 or any other Regulations made under the Act.

#### **3.1 Encouraging Applications**

The Council will encourage landlords to apply for licences and provide reasonable assistance using a variety of methods:

We will

- Publicise the need to licence HMOs
- Send letters and reminders to landlords
- Offer assistance for applicants in completion application forms
- Give landlords a reasonable time to submit their application

Reasonable time means a period of three months beginning on the date on which the application documents are issued to the landlord.

#### **3.2 Licence Applications and Fees**

Applications for a licence (including a renewal and a variation of a licence) must be made on the forms prescribed by the Council and include all of the requested information, as set out in Appendix 3.

The Council will charge a fee to reflect its costs in administering licence applications (including renewals) and enforcing licence conditions. Appendix 4 contains details of how the fees have been calculated. Discounts will apply where processing times are reduced and where full and complete applications are received within 3 months of issuing the application documents. Additional costs may be charged where an inspection is required or significantly more officer time is spent securing a full application.

Fees will be reviewed annually to take account of salary and overheads changes.

An application will only be considered to be made when all of the documents requested in Appendix 3 have been provided and the fee paid.

#### **3.3 The Licence Holder and Manager**

The licence will be granted to the person who is the most appropriate person to hold the licence. In most cases, the most appropriate person is the person 'having control of the property'. This is taken to mean a person who is an owner or head leaseholder of the property.

The property must be managed either by the person having control of the property or an agent or employee of that person.

#### **3.4 Fit and Proper Persons**

The Housing Act 2004 requires that in deciding whether to grant or refuse a licence, the local authority must consider whether both the licence holder and the proposed manager of the house is a "fit and proper" person.

The applicant is required by Regulations to make a declaration about previous 'unspent' convictions for offences involving fraud, dishonesty, violence, drugs or sexual offences, unlawful discrimination or contravention of any housing or landlord and tenant law, as part of the application for a licence.

The Council will also consult with external organisations and other departments in the authority to check for any evidence of such offences.

As HMOs are often occupied by the most vulnerable members of society, including children, the Council will also require applicants (and proposed managers where this is a different person) to submit a criminal record disclosure from Disclosure Scotland in the following circumstances:

- The authority has had a history of complaints or problems with the landlord
- The applicant has been evasive or untruthful in his/her application for a licence
- The applicant is entirely unknown to the authority and has not demonstrated any history or competence of managing HMOs or other private rented property
- The HMO is housing vulnerable persons and the applicant has no proven track record of managing such properties.

Where applications are made for the same person to be the licence holder of more than one property, only one disclosure will be necessary provided that no more than 12 months has elapsed between applications.

An applicant will be assessed to be a fit and proper person where there is no evidence of any of the offences referred to above.

Where relevant previous criminal convictions or other offences are declared or otherwise identified, the decision whether to accept an applicant as a fit and proper person will be taken in consultation with the Community Safety Team and other relevant agencies. Each case will be considered on its own merits, having regard to the Rehabilitation of Offenders Act 1974 and the guidance given in Appendix 5. Unspent convictions will not necessarily exclude a landlord from holding a licence; however, the overriding consideration is the protection of the public.

Where a proposed licence holder or manager is not deemed to be a 'fit and proper' person, the applicants will be provided with a full statement of reasons and be given a right of review (see section 3.9).

Where a proposed manager is deemed not to be a 'fit and proper person' the Council will recommend that the applicant identifies an alternative manager (such as a residential letting agency) to manage the property.

### **3.5 Suitability for Multiple Occupation**

In considering whether to grant a licence, the Council must consider whether the house is suitable for occupation by the proposed number of persons (or that it can be made suitable). To be considered suitable, the house must meet the minimum standards prescribed by The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (and any subsequent amendments or re-enactments) in relation to the maximum number of occupants.

To enable an assessment of the number of occupiers permitted in the licence, applications must include a plan of the property showing details of kitchen and

bathroom facilities, the location and size of each bedroom and the location of any fire precautions and fire fighting equipment.

The Council will undertake an inspection to verify these details. An inspection will not be required if the HMO has been inspected in the previous 12 months and there have been no significant changes to the accommodation provided in that time.

The requirement for fire precautions will be determined in consultation with Bucks Fire and Rescue Service. The Council will also aim to ensure that all licensed HMOs are free from Category 1 hazards within 5 years from obtaining a licence.

Where standards are not met, the Council may grant the licence for a lesser number of occupants, and/or seek to apply conditions requiring that works are undertaken to ensure the property is suitable for the maximum number of occupants. Reasonable timescales will be allowed for licence-holders to complete any required works, determined in relation to the level of risk posed by the lack of amenities.

### **3.6 Management Arrangements**

In deciding whether to grant or refuse an application for a licence, the local authority must have regard to whether there are satisfactory arrangements in place for the management of the HMO.

The Council will consider management arrangements satisfactory where the proposed manager is a fit and proper person (see section 3.4 ) **and** there are

- suitable arrangements to identify where repair or maintenance is needed
- suitable arrangements (including clear decision making structures and funding arrangements) to rectify defects or undertake routine maintenance in a timely manner
- satisfactory tenancy management arrangements in place

Management arrangements and levels of competence will be assessed having regard to the information provided in the application form in relation to the matters referred to above.

The Council will also have regard to:

- the manager's experience or training in relation to HMO management
- its own records of management of the HMO
- any recent history of formal action it has taken under the Management Regulations or other housing legislation,

in determining whether management arrangements are satisfactory.

The requirements will be deemed to be satisfied where a landlord/manager

- is a member of a recognised accredited landlord scheme, **or**
- holds a NAEA or ARLA qualification in Residential Property Management (or other equivalent professional qualification).

The Council will seek to arrange suitable training opportunities for landlords through its Private Landlord's Forum to assist landlords in demonstrating this requirement.

The Council may require landlords to undertake training as a condition of granting the licence.

### **3.7 Licence Conditions**

The following mandatory conditions will be applied to all licences (granted on or after 1 October 2015):

- if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months
- to keep electrical appliances and furniture made available by the landlord in a safe condition and to supply to the authority on demand, a declaration by him/her as to the safety of such appliances and furniture
- to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation and to keep such alarms in working order
- to supply the authority, on demand, with a declaration by the landlord as to the condition and positioning of such alarms
- to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance, and keeps any such alarm in working order
- to supply the occupiers of the house with a written statement of the terms on which they occupy the house
- any other condition required by subsequent Regulations or amendments to Schedule 4 of the Housing Act 2004

In addition to the mandatory licence conditions, the council will apply the following conditions to all licences:

- That the landlord complies with the Management Regulations 2006
- That the landlord must work in partnership with the statutory agencies to tackle incidents of anti-social behaviour from tenants

The Council will apply other discretionary conditions to individual licences with respect to the use, management and occupation of the HMO, where appropriate and may seek evidence of compliance with conditions at any time.

### **3.8 Duration of Licence**

A licence will normally be granted for a period of five years from the date of approval. However, the Council may issue the licence for a shorter period as is considered appropriate, having regard to

- any management deficiencies
- the need for works to be carried out to put the house into a satisfactory condition
- any concerns as to the Fit and Proper Person status of the relevant person(s)

Before granting a licence for a period of less than 5 years, the Council will discuss its decision with the HMO licence applicant.

### **3.9 Licence Decisions and Rights of Appeal**

The Council has powers to grant, refuse, vary or revoke a licence. Licence decisions will be made by the Head of Healthy Communities.

The Council will advise landlords of their rights of review and appeal against licence decisions and provide information on how to make an appeal to the Residential Property Tribunal.



The Council will aim to notify applicants of its intention to grant or refuse a licence within 30 working days of receipt of all information required in the application, including the CRB check result.

The Council will allow a consultation period of 21 days before granting, refusing, varying or revoking a licence during which time the applicant can make representations in writing regarding the proposed licence decision or the terms of the licence.

Where representations are received regarding the proposed licence decision or terms of the licence within the consultation period, the matter will be reviewed by the Head of Healthy Communities in consultation with the Director of Services. The representations will be considered within a period of 14 days.

### **3.10 Temporary Exemption Notices**

A Temporary Exemption Notice will be served where an owner of a licensable HMO states in writing that he/she is taking steps to make an HMO non-licensable and the Council is satisfied that the HMO will not be licensable within three months.

The council does not wish these notices to be used routinely, and therefore a second notice will only be issued in exceptional and unforeseen circumstances. Any exception to this policy will be agreed by the Head of Healthy Communities.

### **3.11 Discretionary HMO Licensing**

The council does not currently intend to set up any additional discretionary licensing schemes for HMOs, but will keep this under review.

### **3.12 HMO Registers**

The Council will maintain a register of the following in accordance with the requirements of the relevant regulations:

- i) all licences granted and in force
- ii) all Temporary Exemption Notices served and in force
- iii) all Management Orders served and in force

The Register will be available for inspection by the public at the Chiltern District Council offices during normal opening hours, and by arrangement at the South Bucks District Council offices.

## **4.0 Enforcement**

### **4.1 General**

The Council will seek to ensure minimum standards are met in all HMOs (whether licensable or not) in relation to condition, fire precautions, amenities and management, as set out above in Section 2.00.

It will do this by undertaking regular routine inspections of all known bedsit type HMOs in its area, by providing informal advice and by taking enforcement action where appropriate. The frequency of inspection will be determined by a risk rating system and will be between six months and five years.

Enforcement action in relation to this section and to any hazards under the HHSRS will follow the principles of the Enforcement Concordat and be in accordance with the Council's Housing Enforcement Policy.

### **4.2 Identification of HMOs**

The Council will seek to identify those properties which are being occupied as HMOs. It will do this by liaising with the Council's Revenues Team, checking the property press and referring to the Electoral register.

Where a property is thought to be occupied as an HMO, the Council will aim to carry out an initial inspection within 60 days. The inspection will be undertaken within 30 days in the case of a potentially licensable HMO.

### **4.3 Breach of Management Regulations**

The Council will advise landlords in writing of any breaches of the Management Regulations and give reasonable opportunity for the landlord to comply.

The Council will provide reasonable notice to landlords where prosecution for breach of Management Regulations is being considered.

### **4.4 Breach of Licence Conditions**

The Council will advise landlords in writing of any breaches of the licence conditions and give reasonable opportunity for the landlord to comply.

The Council will provide reasonable notice to landlords where prosecution for breach of licence conditions is being considered.

### **4.5 Failure to Obtain a Licence**

The Council will make all reasonable attempts to advise landlords of the need to make an application for a licence and to assist them in making an application.

The Council will provide reasonable notice to landlords where prosecution for failure to obtain a licence is being considered.

Where a landlord fails to apply for a licence within a reasonable period, the council intends to use its powers under the Act to seek Rent Repayment Orders for repayment of twelve months' Housing Benefit or for the period since the landlord was required to license the HMO, if less. We will provide other tenants with information on how to apply.

The Council will provide reasonable notice to landlords where an application for a Rent Repayment Order is being considered.

#### **4.6 Management Orders**

The Council will seek to work with a local RSL where a Management Order is deemed necessary.

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## Summary of the Housing Act 2004 legislation in relation to HMOs

This is a summary of the legislation and should not be taken as a full interpretation of the law.

### Definition of HMO

The Housing act 2004 has amended the definition of a House Multiple Occupation (HMO).

An HMO is a building or part of a building used as living accommodation by more than two people who are not members of the same family, and they share one or more basic amenities. It includes shared houses, hostels and houses containing bedsits and some buildings containing self contained flats.

### Exemptions

HMOs which are entirely occupied by owners or long leaser holders and HMOs managed by Registered Social Landlords, educational establishments, health authorities and some other bodies will be exempt from the definition of HMO for the purposes of licensing. Houses and flats occupied by two individuals will not be treated as an HMO.

### HMO Licensing

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

HMOs comprising 3 or more storeys and occupied by five or more persons who form two or more households will require a licence. Storeys occupied by commercial units, for example, shops on the ground floor, will count as a storey, as will basements if in residential use.

### 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 can be served in exceptional circumstances.

Applications for a TEN must be made in writing specifying the steps being taken which will mean that the house will not require a licence.

### Applying for a Licence

The onus is on the HMO landlord to make an application for a licence, where one is required, though the local authority must take steps to ensure that landlords are aware of the need to apply.

The application for a licence is made by completing an application in the form prescribed by the local authority, though there are some items which must be included.

Regulations require you to notify all people with an interest in the property eg mortgagees, head leaseholders etc, of your application.

## Granting a Licence

The Housing Act 2004 requires that in deciding whether to grant or refuse an application for a licence, the local authority must have regard to the following matters:

- Whether the house is reasonably suitable for occupation by the number of persons specified in the application

National amenity standards which set out the minimum requirements for numbers of bathrooms, wc, kitchen facilities etc, will be used to determine this.

- Whether both the licence holder and the proposed manager or person having control of the house is a “fit and proper” person

In considering this matter, the local authority must have regard (amongst other things) to evidence which shows that a person has committed an offence involving fraud, dishonesty, violence, drugs or sexual offences, practiced unlawful discrimination or contravened any housing or landlord and tenant law, or any Approved Code of Practice.

- Whether the proposed management arrangements are satisfactory

In considering this matter, the authority must have regard to whether a manager has a sufficient level of competence and whether any proposed management structures and funding arrangements are suitable.

Licences will be granted where the house is reasonably suitable for occupation as a HMO, the management arrangements are satisfactory and the licensee and manager are fit and proper persons. The applicant must be the most appropriate person to hold the licence.

## Fees

The Act enables local authorities to charge a fee to accompany an application for a licence which may take into account their costs incurred in carrying out their licensing functions. The government do not intend to specify a maximum fee limit or fee structure.

## Duration

Licences will be valid for up to five years and will specify the maximum number of occupiers or households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities.

## Conditions

The following mandatory conditions must be applied to all licences:

- to provide copies of gas safety certificates annually
- to keep electrical appliances and furniture safe
- to install smoke alarms on each floor and keep them in working order
- to install a carbon monoxide alarm in each room where there is a solid fuel burning appliance and keep it in working order
- to provide tenants with written terms of their occupancy

Local authorities have powers to attach additional conditions as considered appropriate in relation to the management, use, occupation or condition and contents of the HMO.

## **Management Regulations**

The government have published Management Regulations which apply to all HMOs. These are similar in scope to the current Management Regulations and relate to keeping and maintaining the property, common parts, fire precautions etc clean and in good order.

## **Penalties and Enforcement**

It is a criminal offence to operate a HMO which is required to be licensed and is not licensed. It is a defence to show that an application for licence or TEN had been made or there was a reasonable excuse for not obtaining a licence. Upon conviction, a fine of £20,000 can be imposed.

It is a criminal offence if the person having control of or managing the house knowingly and without reasonable excuse permits more people to occupy the house than is allowed in the licence. Upon conviction, a fine of £20,000 can be imposed.

It is an offence if the licence holder (or person on whom a restriction or obligation is placed) without reasonable excuse fails to comply with any condition on the licence. Upon conviction, a fine of up to £5000 can be imposed.

In addition to the above, the local authority can decide to revoke a licence where there are serious or repeated breaches of conditions or where the authority considers that the licence holder or manager is no longer a fit and proper person.

Breaching HMO management regulations constitutes an offence for which the perpetrator can be fined up to £5000.

- **Rent Repayment Orders**

Where a landlord fails to license a HMO, the council can apply to the Residential Property Tribunal (RPT\*) for a Rent Repayment Order.. The RPT has the power to request that up to 12 months' rent is repaid to the council where a tenant is on housing benefits. Tenants can also apply to the RPT for repayment of any rents they have paid

- **Restriction on terminating tenancies**

No section 21 notice may be served under the Housing Act 1988 in relation to a shorthold tenancy of part of an unlicensed HMO.

- **Management Orders**

Where there is no prospect of an HMO being licensed, the Act requires that the council uses 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 RPT will replace the courts and will judge cases relating to offences and appeals under the Act

## **More information**

More information about HMO licensing can be found at <https://www.gov.uk/house-in-multiple-occupation-licence>

Contact Chiltern District Council or South Bucks District Council on 01494 732013 or email [housing@chiltern.gov.uk](mailto:housing@chiltern.gov.uk)

## **The Applicant**

The application should normally be made by the owner or head leaseholder of the property.

Where the property is jointly owned by two or more people or by a company the application should be made jointly or by the Company Director(s), but should nominate one person to be the 'licence holder'.

Where the property is to be managed by an Agency which is a company, the person responsible for the management should be named as the proposed Manager.

## **Initial Licence Application and Renewal Application Documentation**

A valid application for an HMO licence or HMO Licence Renewal will comprise:

- the application form as prescribed by the Council, fully completed, signed and dated.
- A sketch plan of the HMO
- all required documents as proof of compliance with relevant standards or regulations.
- Where requested, a disclosure from Disclosure Scotland dated within the last 12 months
- Proof of identity and proof of address
- the relevant fee, in full.
- any other information which is subsequently required by Regulations.

All necessary forms will be included in an application pack provided by the Council, together with guidance on making the application.

Incomplete applications may be accepted at the discretion of the Council, although normally the only accepted omissions will be documents of proof.

## **Application for Variation of Licence**

A valid application for a Variation of an HMO Licence will comprise:

- the Variation application form as prescribed by the Council, fully completed, signed and dated.

## **Verification**

All the information presented on the application form will be subject to verification processes as required. This may take the form of a site inspection, inter-departmental liaison, and/or consultation with other agencies.

## HMO Licensing Fee Structure

### First Application or Renewal Application

<b>Average time taken to administer an application or renewal of a five year HMO licence</b>	<b>480</b>	<b>minutes</b>
In hours	8	hours
Hourly recharge rate including overheads (2015/16)	£47	

Basic Fee:	<b>£376.00</b>
Plus Disclosure Scotland fee	<b>£25.00</b>
<b>Fee for a five year licence</b>	<b>£401.00</b>

### Additions

Extra assistance or advice on incomplete applications, or where property is larger and more complex	£47.00	per hour
Inspection to verify plans/amenities	£47.00	

### Deductions (Potential discount of up to £122 for qualifying circumstances)

Disclosure obtained within previous 12 months, or not required	£25.00
Professionally Qualified or Accredited landlord	£47.00
Complete application submitted within 2 months of issue of forms, or 2 months before renewal date	£50.00
	<b>£122.00</b>

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### Notes

This Fee Structure has been devised having regard to the guidance contained in the Local Government Association's HMO Licensing Fees toolkit.

Timings are based on the actual times taken to process licences during 2015/16. Timings will be reviewed on an annual basis to take into account changes in the licensing process.

The hourly re-charge rate is that for the Healthy Communities department. Hourly recharge rates are calculated by the Finance department and are reviewed annually.

The cost of a Disclosure Certificate is determined by Disclosure Scotland and may be subject to change.

### Additions

Where an application takes significantly longer to deal with than the estimated time, then an additional fee will be charged - for example, where inadequate information is provided on the application forms and the applicant has to be chased several times to provide information.

A detailed log of time spent on each application will be kept to determine whether any additional charges are due.

An inspection will not be required before a licence is issued where the property is currently known to the Council and has been inspected within in the previous 12 months.

Additional Disclosure Certificates will be required if the proposed manager is different to the proposed licence holder.



## Deductions

Where a Disclosure Certificate has been obtained within the last 12 months (for example for another property or in relation to a different activity) a further check will not be required.

Deductions for qualified or accredited landlords will only be made where:

- The landlord provides evidence of qualification or membership of an Accredited Landlord scheme
- and**
- The qualification/Accreditation Scheme is accepted by the Council as providing sufficient evidence of management competence.

NAEA/ARLA qualifications in Residential Property Management (or an equivalent professional qualification) will be accepted. The Council will develop and publish a guide to accepted accreditation schemes.

To act as an incentive for landlords to make their application quickly, a discount of £50 will apply to landlords submitting a complete application within 3 months of issue of the application forms, or in the case of a Renewal, if the application is submitted at least two full month before renewal is due.

## General

Publicity costs have not been included, nor have costs relating to enforcement activity. Fees will be reviewed annually to take account of salary and overhead inflation.

## Licence Administration Process

Initial Application/Renewal Application

### Action

**Time taken  
in minutes**

Service request entered on computer and application pack sent out	10
Advice and assistance to applicant to complete application form, or following up to ensure application is made	20
Application form received and checked. ID documents checked. Enter details on computer system	15
Acknowledge receipt or where information is missing or incomplete, return forms to applicant with a letter stating the requirements.	15
Send out consultation letters/memos and file responses.	20
Assess fit and proper person and document decision for file	20
Assess management arrangements and document decision for file	20
Assess suitability of property for multiple occupancy and document decision for file (for renewal application, carry out inspection to check current conditions)	60
Consider whether additional conditions are required and licence duration and document decision for files	30
Consult with Head of Healthy Communities for confirmation of decision	15
Prepare licence and Schedule 5 Notice and issue to applicant and relevant persons	90
Prepare, check, sign and issue licence documents	60
Update computer system	5
Annual checks on gas safety certificates etc (4 x 10 minutes checks during the five year licence period - costs charged at application)	40
Routine inspection to ensure compliance with licence conditions, during the period of the licence	60

Total

**480**

minutes

**Guidance on determining Fit and Proper persons**

Evidence of any offences not referred to in section 66 of the Housing Act 2004 must be disregarded.

Where any evidence of previous offences causes the Council to question the 'fit and proper' status of an applicant, it will invite him/her to submit an explanation of their circumstances. The applicant will be required to account for the failure to comply with legislation, and satisfy the Council that this will not recur.

The local authority will consult with the Community Safety Team, Thames Valley Police Public Protection Team and the legal section as necessary, for advice on whether the applicant is a fit and proper person to hold a licence (and/or manage an HMO).

The decision to accept them as being a fit and proper person will be taken on the basis of:

- The severity of the offence
- The number of offences
- The time which has elapsed since the last offence and their conduct since it occurred
- The relevance of the offence to the management of HMOs and their occupation
- The evidence that the applicant has accepted the need to conduct his business in accordance with the appropriate standards
- The training received since the offence occurred.