



NORWICH City Council

Committee Name: Licensing

Committee Date: 03/03/2022

Report Title: HMO Licensing Policy

Portfolio: Councillor Jones - Safer, stronger neighbourhoods

Report from: Head of planning and regulatory services

Wards: All Wards

OPEN PUBLIC ITEM

Purpose

For members to consider the changes to the draft HMO Licensing Policy following a period of consultation ending in November 2021 and consider further proposed officer amendments, in respect of Houses of Multiple Occupation licensed under the Housing Act 2004.

Recommendation:

That members note the consultation responses and amendments to the policy and resolve to agree the draft HMO Licensing Policy and recommend to Cabinet for adoption subject to there being no substantive additional issues raised through this further round of consultation.

Policy Framework

The Council has three corporate priorities, which are:

- People living well
- Great neighbourhoods, housing and environment
- Inclusive economy

This report meets the corporate priorities of people living well and great neighbourhoods, housing and environment.

Report Details

1. A House in Multiple Occupation is commonly referred to as an HMO. There are approximately 3,000 HMOs in Norwich but only certain properties are required to be licensed under the national mandatory scheme.
2. An HMO is defined under sections 254 and 257 of the Housing Act 2004. An HMO can be a building or part of a building if it is:
 - occupied by persons who form more than one household and where those persons share (or lack) one or more basic amenity, such as a toilet, bathroom and cooking facilities
 - a converted building containing one or more units of accommodation that do not consist entirely of self-contained flats. (There is no requirement that the occupiers share facilities).
 - a converted building consisting entirely of self-contained flats, where the building work undertaken in connection with the conversion did not comply with the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.
3. The Housing Act 2004 requires mandatory licensing of properties fitting certain criteria. The legislation also provides for 'additional' and 'selective' licensing, where local housing authorities may adopt other locally defined criteria for properties required to be licensed. Norwich does not operate any additional or selective licensing, only the mandatory scheme.

What is different in the proposed policy

4. Following an initial consultation which took place between 23 August 2021 and 14 November 2021 the draft policy has been amended to include the following changes. (A full summary of the representations made can be found at appendix 2.):
 - i. Refunds - Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
 - ii. Promotion of electronic and online communications to assist the application and issuing of licences.
5. The following changes have been made to the policy following officer consultation:

- i. Term of licence changed from 1 year to up to 5 years, with shorter licences for those properties/landlords that may cause concern (as per the criteria set out in the table in paragraph 14.2 of the policy and as detailed below. This list is not exhaustive, and each case will be considered on its own merits.

1 year licence

- Operating without voluntarily applying for a licence
- Existence of significant hazards at the property
- Serious failure to comply with the conditions of a previous or current licence
- Serious failure to comply with HMO management regulations
- Serious concerns raised by the Police or other enforcement agency

3 year licence

- Failure to comply with the conditions of a previous or current licence
- Failure to comply with HMO management regulations
- Failure to comply with Planning requirements
- Council tax payment not up to date
- History of substantiated complaints in respect of the property
- Non-compliance with Building Regulations
- Previous failure to provide up-to-date certificates on time
- No provision of written tenancy or licence agreements
- The existence of hazards at the property
- Concerns raised by the Police or other enforcement agency

5 year licence

- All other instances

- ii. Introduction of an inspection before a licence may be issued.

6. The introduction of a 5-year licence will provide stability and certainty for those landlords who maintain and manage their properties in a suitable condition with adherence to relevant legislation. This will ultimately reduce the regulatory burden upon those within this category. Resources can then be diverted to those landlords who are less than adequate and allowing staff focus on the properties of most concern. The result will be better quality of housing for those tenants living in houses in multiple occupation.
7. The Corporate Leadership Team and Head of Service have agreed and approved an increase in fees charged for an HMO licence based on cost recovery for the service. Consequently, the increase in fees will allow for a dedicated HMO Inspections officer on the establishment (subject to recruitment) enabling the inspection before issue of licence to be carried out.

Consultation

8. Due to the addition of a number of officer changes a re-consultation is being held between 28 February 2022 and 28 March 2022. The consultation will be undertaken with the stakeholders identified in paragraph 9 below and the wider public via Norwich City Council's website. Since the policy has previously been consulted on this public consultation will run for 4 weeks concurrently to this report being presented to Licensing Committee.
9. The legislation does not provide for any statutory consultees that must be consulted on any proposed policy. It is proposed to consult with the following:
 - Chief Officer of Police
 - Existing licence holders
 - Trade organisations
 - One or more persons who appear to the authority to represent the interests of persons operating Houses of Multiple Occupation
 - One or more persons who appear to the authority to represent the interests of persons likely to be affected by the exercise of the authorities licensing functions under the Housing Act 2004
 - All elected members
10. The portfolio holder has been consulted and briefed on the revised draft policy via portfolio holder briefings with the Head of Planning and Regulatory Services and the Environmental Health & Public Protection Manager.

Summary

11. The latest draft policy is attached at Appendix A for committee agreement. Following the short formal consultation, the draft policy will be listed for Cabinet for approval and adoption. Where additional amendments are made, a further report will be brought to the Licensing Committee.
12. The policy seeks to re-focus our activities regarding HMOs on improving and driving up housing standards, whilst also reducing administrative tasks.
13. Following formal adoption, the policy will remain in force for a 5-year period after which it should be reviewed and formally adopted for a further five year period, and so on. However, the Council will reserve the right to review the policy sooner should it be required, or make such revisions to their policy, at such times as considered appropriate, following a further consultation exercise.

Implications

Financial and Resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2019-22 and Budget.

14. Licensing administration and inspection of licensed HMO's should be cost neutral to the Licensing Authority. The licence fee charged may only cover the cost to the authority of providing the function - i.e., the fee must be set to cover the costs only and not to make a profit.
15. Any extra resource required to administer the policy if implemented, would be funded by a review of the licence fees to ensure the continued cost neutrality.

Legal

16. There is no legal requirement to adopt a policy, but it is considered good practice to do so, as detailed in para. 8

Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	An equality and diversity impact assessment of the policy will be undertaken after the proposed consultation and any amendments applied to the policy, prior to further consideration by members.
Health, Social and Economic Impact	The statutory requirement to licence certain HMO's is intended to ensure that certain housing standards are met in the private rented sector, particularly in relation to health, welfare and wellbeing of the occupants. Implementation of a policy on administration and inspection of licensed properties will underpin this requirement and ensure standards are maintained.
Crime and Disorder	Implementation of a policy in relation to HMO administration and inspection of licensed properties is not considered to have any implications for crime and disorder, but this will be reviewed more fully following the proposed consultation with stakeholders, including the Police.
Children and Adults Safeguarding	The statutory requirement to licence certain HMO's is intended to ensure that certain housing standards are met in the private rented sector, particularly in relation to health, welfare and wellbeing of the occupants, including adults and children. Implementation of a policy on administration and inspection of licensed properties will underpin this requirement and ensure standards are maintained.

Environmental Impact	Implementation of a policy in relation to HMO administration and inspection of licensed properties is not considered to have any implications regarding environmental impact, but this will be reviewed more fully following the proposed consultation with stakeholders.
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Risk Management

Risk	Consequence	Controls Required
If a policy is not implemented the Licensing Authority is not able to set out its approach to fulfilment of its statutory licensing function	Inconsistency in approach to administering the licensing regime, confusion with stakeholders with regard to their expectations, leading to dispute from applicants and costly tribunal appeals.	Agree and implement policy

Other Options Considered

17. As previously outlined in the report the policy broadly reflects the current practices, with 1 exception - a move from annual licensing to up to 5-year licensing. Shorter term licensing has been considered and is currently being used. However, this creates an administration burden and diverts fee income from inspections of the properties to support the administration function, making it difficult to ensure licensing/housing standards are being maintained or improved. If short term licensing were to be maintained, licensing fees would need to be reviewed and likely increased, potentially making licensing prohibitively expensive, which would either drive up rents for the tenants or encourage landlords to evade licensing, resulting in more enforcement work.

Reasons for the decision/recommendation

18. Adoption of a policy on administration of this licensing regime is considered good practice for the reasons set out in the report. To ensure robust policy setting, it is imperative to consider the opinions of all stakeholders, and the recommendation is for members to authorise the public consultation of this draft policy. This will enable relevant opinions to be gathered and ensure a more informed policy to be presented to members after the consultation.

Background papers:

[Report to Licensing Committee – 8 July 2021](#)

Appendices: Appendix 1 – HMO Policy DRAFT

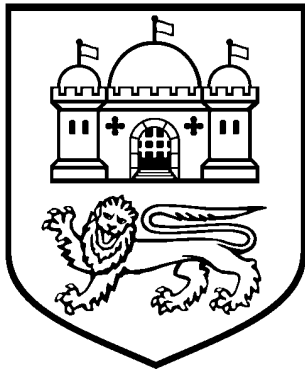
Appendix 2 – Consultation responses

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NORWICH City Council

HMO Licensing Policy

DRAFT

Adopted **????** 2022

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1. Introduction

- 1.1. Under Part 2 of the Housing Act 2004 there are two types of licensing schemes that relate to Houses in Multiple Occupation (HMOs), the national Mandatory HMO Licensing scheme and Additional Licensing of HMOs.
- 1.2. Under the national Mandatory HMO Licensing scheme all properties that meet the following criteria will require a mandatory HMO licence:
 - Is occupied by five or more persons
 - Is occupied by persons living in two or more separate households; and meets—
 - The standard test under section 254(2) of the Act
 - The self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or
 - The converted building test under section 254(4) of the Act.
- 1.3. Additional Licensing of HMOs covers those HMOs that are not licensed under the Mandatory Scheme but where the Council has used its power to designate areas of the city subject to Additional Licensing of HMOs.
- 1.4. This document sets out the structure of the scheme and the fees and charges and criteria the council will apply to all licences in relation to the Mandatory HMO Licensing schemes.

2. HMO Licensing in Norwich

- 2.1. The council has a responsibility under Section 55 of the Housing Act 2004 to secure the licensing of all Mandatory HMOs and has been implementing its scheme in response to this duty since 2006.
- 2.2. The council does not currently undertake any Additional Licensing but reserves the right to consider implementation of a scheme of additional licensing at any point in the future. This would be subject to further consultation.
- 2.3. The HMO Licensing scheme in operation in Norwich therefore covers only mandatory licensable HMOs and all licence applications are to be accompanied with a fee determined by the Council. Once a licence is issued it is not transferable to another person or property.
- 2.4. The Council has exercised its powers to charge under Section 63(3) and (7) of the Housing Act 2004 and does so taking into account the Provision of Services Regulations 2009, which themselves implement the EU Services Directive.
- 2.5. Under Part 2 of the Housing Act 2004, an HMO is required to be licensed unless:

- a temporary exemption notice is in force in relation to it under section 62, or
- an interim or final management order is in force in relation to it under Chapter 1 of Part 4.

2.6. The Council must take all reasonable steps to secure that applications for licences are made to them in respect of HMOs in their area which are required to be licensed under this Part but are not.

3. Legislation

3.1. Below is the key legislation covering housing related licensing:

- Housing Act 2004
- Main provision for licencing - set out under Parts 2 & 3.
- Provisions to allow Local Housing Authorities (LHA) to charge for administering licensing under Parts 2 & 3.
- Definition of a House in Multiple Occupation (HMO)
- Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018
- Amendment of the definition of an HMO required to be licenced (effective as of 1st October 2018).
- Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- Licensing of Housing in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018
- Management of Houses of Multiple Occupation (England) Regulations 2006
- Housing, Health & Safety Rating System Enforcement (England) Regulations 2005
- Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment) (England) Regulations 2012

4. Consultation and adoption of policy

4.1. The Housing Act 2004 and other associated HMO licensing regulations do not set out a formal process or list of statutory consultees for adoption of a policy.

4.2. Before adopting a policy, the Council consulted with the following:

- Chief Officer of Police
- Existing licence holders
- Trade organisations
- One or more persons who appear to the authority to represent the interests of persons operating Houses in Multiple Occupation,
- One or more persons who appear to the authority to represent the interests of persons likely to be affected by the exercise of the authorities licensing functions under the Housing Act 2004, such as the National Residential Landlords Association

- 4.3. Prior to formal adoption of the Policy consultation responses have been reviewed by the Licensing Committee.
- 4.4. This Policy was formally adopted at a meeting of the Cabinet on **(date)**
- 4.5. The Policy will be reviewed at least every 5 years, or sooner if deemed necessary by the council as local housing authority.

5. Interaction with other regulation, policies and strategies

- 5.1. The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for the council to act in a way that is incompatible with a convention right. Particular regard will be given to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:
- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
 - Article 8 that everyone has the right to respect for their home and private life, and
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.
- 5.2. In addition to the requirements of the council to promote the licensing objectives, there is a statutory duty under the Equality Act 2010 to:
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between different communities.
 - Eliminate discrimination, harassment and victimisation, which are all prohibited conduct in the Equality Act 2010.
- 5.3. So far as possible, the council will avoid duplication with other regulatory regimes, and will not use its powers under the Housing Act 2004 and associated licensing regulations to achieve outcomes that can be achieved by other legislation and other enforcement agencies.
- 5.4. In particular, the council's licensing functions will be discharged separately from its functions as the local planning authority.
- 5.5. The council's planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for HMO licences should normally be from operators with relevant consents for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. It should be noted that licensing decisions are not bound by decisions made by a planning committee, and vice versa.

- 5.6. The granting of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate. Premises operating in breach of their planning permission may be open to enforcement action under planning law.
- 5.7. If other statutory requirements apply to the operation of a licenced property, the licence holder is responsible for complying with these. It is not a requirement of any licensing decision to address other regulatory matters, it is necessary for the licensee to conform with all relevant legislation.

6. Licence Fees

- 6.1. Section 63 of the Housing Act 2004 permits the Council to require any application for a licence under Part 2 is accompanied by a licence fee and that this fee may properly cover all costs incurred by the Council in carrying out its functions.
- 6.2. In developing its fee structure, the Council has had regard to the European Court of Justice ruling in *R (Hemming) V Westminster City Council* (Case C-316/15) and the High Court decision in *R (Gaskin) v LB Richmond Upon Thames* (2018) EWHC 1996 (Admin) which held that the EU's Provision of Services Directive, which is enshrined in UK law as the Provision of Services Regulations 2009 should apply to property licensing fees and the processes involved in implementing and delivering such schemes.
- 6.3. The Services Directive in particular should be interpreted as precluding charging in advance for costs other than those directly related to the authorisation process of the scheme. In other words, the Council is not permitted to demand fees in advance for anything other than the costs of administering the application for a licence even if it makes it clear that unsuccessful applicants are provided with a refund of the remaining part of the fee. The Council may legitimately recover its wider costs, over and above those relating to the administration of applications, but this should be at the point at which the Council has determined that a licence is to be granted.
- 6.4. The judgements in *Hemming* and *Gaskin*, which require the overall licence fee to be paid in two stages, has therefore had the effect that the fee for a licence under Part 2 of the 2004 Act must be levied in two separate parts.
- 6.5. The Council is not allowed to demand fees in the Stage 1 process for anything other than the costs of administering and processing the application for a licence. Furthermore, this element of the fee is non-refundable should the application be unsuccessful. See also para. 6.12 below.
- 6.6. In the case of Stage 2 payments these can only be requested if the initial application is successful and will be charged to cover the costs of running and enforcing the scheme.

- 6.7. As such the Council, when setting its fees, has adopted the two-stage approach. Fees and charges will be reviewed and set on an annual basis by the Head of Planning and Regulatory Services and will be published on the council's website.
- 6.8. Under Section 67 (5) of the Housing Act 2004 the Council has the power to impose a restriction/ obligation on a particular person. In accordance with this power the Council will require the licence holder to pay the Stage 2 fee in advance of the draft licence being issued, this will be required as part of the application process.
- 6.9. In addition, the Council will attach a condition to all HMO licences requiring this Stage 2 payment to be made. This approach is consistent with that set out in the Hemming case.
- 6.10. Failure to make the Stage 2 payment will result in the Council taking action through, either the revocation or refusal of the licence or by enforcing the non-compliance of the licence condition associated with the making of the Stage 2 payment.
- 6.11. The licence fees include the average costs of administering applications and inspection of the HMO before a licence is issued and/or during the period of the licence, where applicable. If hazards, management failures or failures to comply with any licence conditions are identified during the licensing inspection the cost of any follow-up work by the council will not be included in the licence fee. This is because there are other ways for us to recover our costs directly from the landlord of a non-compliant HMO, without passing that cost to all licence holders.

Refunds

- 6.12. The fees charged at stage 1 and stage 2 are designed to reflect the council's costs in administering the licence application process, including property inspections. Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing.

7. Making an application and communication

- 7.1. The primary communication medium for the application will be assumed to be electronic unless alternative prior arrangements are made.
- 7.2. Application forms will be available and completed via the council's website, and applicants must provide an email address and telephone number to facilitate ongoing communication. All necessary documentation needed to support the application should be submitted in an electronic format, and licences/draft licences will be also sent electronically.
- 7.3. Printed copies of licences etc. can be provided upon specific request.

8. Licence criteria

8.1. A valid application will include:

- An application form and all supporting information submitted including details of the following:
 - The proposed licence holder, as per the requirements set out in paragraph 11.6
 - The proposed manager, as per the requirements set out in paragraph 11.6
 - Bank or mortgage company if there is an existing mortgage on the property
 - Any additional owners or any other interested parties' details
 - A layout plan of each floor of the property¹
 - The property itself including
 - the extent of any existing fire precautions
 - the types of soft furnishings
 - the number and type of each room (eg, how many bedrooms)
 - the size of habitable rooms
 - the number of occupants
 - The number and type of amenities (eg, baths, cookers etc)
 - The energy rating of the house, where applicable, (from the energy performance certificate) and type of heating
 - Servicing information and safety certification for gas appliances, the electrical installation and the fire detection system
 - Stage 1 Payment
 - Signed declaration returned

Once a valid application is received the Council will assess each application on its own merits against relevant criteria. The Council has discretion to offer any length of licence it considers appropriate, up to a maximum of 5 years.

¹ This will only apply to certain properties where specifically requested by the Licensing Team

9. Processing the application

9.1. Under the Housing Act 2004 the Council can either grant or refuse a licence. In determining whether to grant or refuse a licence the Council must satisfy itself of the following:

- That the property is reasonably suitable for occupation by a maximum number of people; and
- That the proposed licence holder and manager of the HMO is a fit and proper person and the most appropriate person to hold the licence; and
- That there are satisfactory management arrangements in place or that such arrangements can be put in place by the imposition of conditions in the licence.
- That no banning order under section 16 of the Housing and Planning Act 2016 is in force against a person who— (i) owns an estate or interest in the house or part of it, and (ii) is a lessor or licensor of the house or part of it.

Tests for fitness etc. and satisfactory management arrangements.

9.2. The council must be satisfied that “the proposed management arrangements are satisfactory” before granting an HMO licence. Those arrangements include (but are not limited to) consideration of whether:

- the persons proposed to be involved in the management of the premises has a sufficient level of competence to be involved
- the persons proposed to be involved with the management of the premises are actually involved in the management
- those persons are ‘fit and proper’, and
- the proposed management structures and funding arrangements are suitable.

9.3. If there are minor concerns about how the property is proposed to be managed as an HMO, for example, provision of bins, procedures for ASB etc, and these can be overcome by the imposition of appropriate conditions, then such conditions will be imposed to ensure that the necessary arrangements are in place. However, if such conditions will still not be possible or practical to impose then it may be necessary to refuse to grant a licence.

9.4. It is for a Council to determine whether a person has sufficient competence to be involved in the management of HMOs and, of course, the level of competence required will in some measure be determined by the complexity of the management challenges posed. The council will therefore be looking at the applicant’s experience and track record of managing HMOs and, in particular where he/she is the existing manager, the premises to which the application relates, and whether they belong to a recognised trade association or are a member of an accreditation scheme.

9.5. The management structures must be such that the manager is able to comply with any licence conditions and deal with the day-to-day operation management issues that arise as well as being able to deal with longer term management issues. In considering whether the structures are appropriate the Council may take account of the following:

- evidence as to whether the systems in place are sufficient to enable the manager to comply with any condition of a licence or if such systems can be put in place through a condition of a licence to ensure compliance
- evidence of the systems for dealing with:
 - emergency repairs and other issues
 - routine repairs and maintenance to the premises and its curtilage
 - cyclical maintenance
 - management and the provision of services (if any) to the building and its curtilage
 - management of tenancies or occupants
 - management of the behaviour of tenants, occupant’s and their visitors to the premises

- neighbourhood issues (including disputes)
 - evidence of structures for engagement with the local authority, police, and other agencies, where appropriate
- 9.6. The manager or a competent representative will need to operate within a reasonable proximity to the HMO, so that he/ she can attend to matters promptly and retain an overview on the condition of the premises and the management of the tenancies.
- 9.7. The Council must also be satisfied that the financial arrangements relating to the HMO are suitable. In that regard the manager must be sufficiently funded or have access to funding to carry out his obligations under the licence and his/her general management functions.
- 9.8. The council can vary or revoke a licence at any time during the licence period if there is sufficient evidence to support these decisions. Unannounced visits of licensed properties may therefore be undertaken during the licence period to check for compliance with the licensing and management regimes which apply. This is consistent with the powers provided under Section 239 of the Housing Act 2004.
- 9.9. Breach of any such legislation is a strict offence for which further action will be taken. The Housing, Health and Safety Rating System (HHSRS) also applies to rented properties and (if appropriate) remedial works can be enforced via The Housing Act 2004, which will be separate to the powers provided under the licensing scheme.

The Fit and Proper Test

- 9.10. In deciding to grant a licence the council must be satisfied that the proposed licence holder “is a fit and proper person to be the licence holder ...” and that “the proposed manager of the house is a fit and proper person to be the manager of the house ...”
- 9.11. This requirement is to ensure that those responsible for operating the licence and managing the HMO are of sufficient integrity and good character to be involved in the management of the particular residential premises to which the application relates and as such they do not pose a risk to the health, safety or welfare of persons occupying and visiting the HMO.
- 9.12. When considering whether a person is ‘fit and proper’ the council will have regard to any wrong doings of the relevant person concerned. This is evidence that the person has:
- committed any offence involving fraud or other dishonesty, violence or drugs and certain types of sexual offences
 - practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability, in connection with the carrying out of business
 - contravened any provision of housing or landlord and tenant law; or

- acted otherwise than in accordance with an approved code of practice.
- 9.13. The above list is not exhaustive, and the council can and will consider whether a relevant person has committed other relevant wrong doings, for example, discrimination under Regulation 5 of the Equality Act (Sexual Orientation) Regulations 2007. A relevant person will not be deemed unfit, simply because of poor management, although this is highly relevant to determining any question of suitability or competence.
- 9.14. The council do not adopt a blanket policy with its consideration of factors under a fit and proper person test. Each case will be considered on its own merits and regard will be had to information provided / omitted from an application form; historical information already held by the council relating to the premises and / or any relevant person connected with the licence application.
- 9.15. In an application for a licence the applicant must provide details of the following in relation to him/herself and the proposed manager (if the applicant is not to be the licence holder):-
- unspent convictions
 - any findings of a court/tribunal that the person has practised unlawful discrimination
 - any judgement entered against that person in relation to a contravention of housing or landlord and tenant law (and, in so far it relates to the housing or landlord and tenant law, any contravention of any enactment relating to public or environmental health)
 - any control order made in respect of any HMO under his/her management or ownership (and in respect of any former HMO he/she owned or managed);
 - any enforcement action in respect of any house or HMO under his/her management or ownership (and any former HMO or house he/she owned or managed) under the housing health and safety rating system in Part 1 of the Housing Act 2004 so far as that enforcement action related to a category one hazard
 - details of any refusal to grant a licence, or details of the revocation of a licence granted for non-compliance of a condition or conditions in respect of any house or HMO under his/her management or ownership (and in relation to any former HMO or house he owned or managed) and
 - details of any interim or final management orders made by an LHA in respect of any house or HMO under his management (and in respect of any former HMO or house he owned or managed).
- 9.16. An applicant for a licence must disclose any wrong doings which relate to themselves, the proposed manager and any other relevant person, if any. The council should therefore have sufficient information to decide a person's fitness based on the application.
- 9.17. If the council is not satisfied that it has sufficient information (being that supplied in connection with the application) to make a determination, it may require

the applicant to provide further details and / or undertake their own further enquiries with other relevant Council departments and external bodies as it deems necessary, including for example a Standard Disclosure & Barring Service checks (DBS check), provided at the applicant's expense.

9.18. The completion and signing of the Licence application form will be taken as an agreement to any such action and the sharing of information between other local authorities for all relevant persons associated with the property and application.

9.19. Checks may also be made internally with other council departments such as Licensing, Trading Standards, Planning, Building Control, Council Tax and Housing Benefit.

9.20. The council are also able to request information on criminal convictions, and although this is not undertaken as a matter of routine a DBS check will be requested where there is sufficient evidence to suggest that this is necessary.

9.21. Such reasons for requiring a DBS check may include that:

- The council have evidence of a history of complaints or problems with the landlord (which in themselves might not amount to 'evidence' of unfitness to meet the test), but further investigation may be required
- the applicant has been evasive or untruthful in their application for a licence
- the applicant, or proposed manager, is unknown to the council and has not demonstrated any history or competence of managing HMOs or other private rented properties
- The council has reasonable grounds to suspect that the applicant, or the proposed manager, has committed an offence which is relevant to the determination of any question of his/her fitness; or
- The premises provide accommodation mainly to vulnerable persons. In deciding whether a misdemeanour (including a criminal offence) is relevant to the determination of a person's fitness a Council may wish to consider the following factors:
 - the relevance of the misdemeanour(s) in relation to the person's character and integrity to manage residential premises and in particular the type of premises to which the licence relates
 - the seriousness of the misdemeanour(s) in terms of impact, or potential impact, upon the residents and the wider community, including if more than one misdemeanour has been carried out the cumulative impact
 - the length of time since any misdemeanour; and
 - any mitigating circumstances.

Consideration of ‘Persons Associated or Formerly Associated’ with the Proposed Licence Holder or Manager.

- 9.22. If there is evidence that a person associated, or formally associated, with the person proposed to be the licence holder or manager of the HMO, has committed any wrong doings, that evidence may be taken into account in determining the proposed licence holder’s or manager’s fitness (even if that person has himself or herself an unblemished record).
- 9.23. The purpose of this requirement is to ensure that only fit and proper persons hold licences or are in any way involved in the management of licensed HMOs. It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a ‘front’ for someone else who, if he or she were not unfit, would be entitled to be the manager or licence holder.
- 9.24. An example might be that of a husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. If there is evidence that the husband has committed wrong doings and those wrong doings are relevant to the wife’s management of the property or licence, then the Council may refuse to grant her a licence.
- 9.25. Likewise, if a landlord with an unsatisfactory record nominated a” manager” who had a clean record but had acted for him whilst the wrong doings were committed, the council may consider the managing agent by association to be unfit too.

10. Amenity standards and licence conditions

- 10.1. All licensed Houses in Multiple Occupation need to be supplied with amenities such as heating, insulation, kitchen facilities, washing facilities and toilets. The number and type of amenities depend on the type and size of the house.
- 10.2. In considering an application for a licence the Council must be satisfied that the property is reasonably suitable for occupation by the number proposing to live there. Some standards are prescribed in the Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006(SI2006/373).
- 10.3. Minimum room sizes are also set out in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
- 10.4. The Council also has power to specify other standards, and these are laid out in the Private Sector Housing Amenity Standards document attached at Appendix A.
- 10.5. This document outlines those standards which should be interpreted as guidance to landlords as to what the local authority is likely to consider reasonable

taking account of property type and layout. It should also be noted that a Local Authority may consider, in certain justified circumstances that a higher standard than specified in this guidance is required and landlords are advised to discuss their specific property with council officers prior to carrying out alterations.

10.6. Licences will be issued with all relevant mandatory conditions set out in the Housing Act 2004 and associated regulations, as well as conditions chosen on a case-by-case basis to ensure wellbeing and protection of occupiers. As well as the amenity standards attached at Appendix A, the council also provides guidance on fire precautions and further details are available on our website.

10.7. Every licence issued will have conditions attached. The conditions can vary from property to property, but the majority of licenses issued by the council will have conditions attached covering the following:

- number of occupiers
- room sizes
- changes to the licensed property or licence holder
- fit and proper person
- fire protection
- electrical installation
- gas supply
- amenities
- furniture and appliances
- appearance
- refuse and waste
- terms of occupation
- anti-social behaviour

11. Issuing a licence

11.1. All new HMOs subject to licensing will be inspected prior to the issuing of a draft licence, to ensure that the HMO is reasonably suitable for occupation by the number of people being requested on the licence application, and to ensure that there are satisfactory management arrangements are in place.

11.2. Properties requiring a renewal of a licence may also need inspecting prior to the issuing a draft licence, where there has not been a recent inspection during the period of the previous licence, or there are outstanding concerns or compliance matters requiring addressing.

11.3. All HMOs will also remain subject to further inspections during the lifetime of the licence to check compliance with licence conditions, management responsibilities and minimum standards. Frequency of inspection will be driven by a risk assessment of all the data relevant to the property and/or licence holder/manager.

- 11.4. In certain cases, the Council may decide to carry out such inspections without prior notice being given to the owner, licence holder and /or manager. This is consistent with the powers set out in Section 239 of the Housing Act 2004.
- 11.5. Where the inspection has been pre-arranged then licence holders, or applicants where applicable, will be required to provide access to all rooms in the HMO at a suitably arranged appointment.
- 11.6. All contact with the licence holder and relevant person(s) will be made using the contact information provided by the applicant on the original application – the primary medium for this will be electronic as set out in paragraph 7.1 of this document. Accordingly, it is the licence holder’s responsibility to ensure that all contact details are up to date and you must notify the council of any change in details. The council will not be held responsible for any delay in communication if it is as a result of any contact information changing.
- 11.7. Where it is deemed appropriate to issue a draft licence, the stage 2 payment will be requested, upon receipt of which, the draft licence with all relevant conditions will be sent to all relevant persons and interested parties for consultation.
- 11.8. The relevant persons will have an opportunity to make any representations, and these must contain all the relevant information to be considered by the authority. No further opportunities will be extended to add to or make further representations.
- 11.9. Representations must be submitted to the HMO Licensing Team within 21 days of the date the draft licence is sent. Representations received outside of this period will not be considered.
- 11.10. Representations will be considered by a suitably qualified/experienced member of the licensing team; and the licence modified or issued as necessary.
- 11.11. Where the inspection has been pre-arranged then licence holders, or applicants where applicable, will be required to provide access to all rooms in the HMO at a suitably arranged appointment. When this process is complete a full licence with the conditions will be issued. Again, copies will be sent to all interested parties.
- 11.12. If the licence holder is still dissatisfied with the conditions or terms of the licence, they will have an opportunity to appeal to the First-tier Property Tribunal. The details of how this appeal can be made will be provided with the Licence.

12. Renewal Applications

- 12.1. The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment) (England) Regulations 2012 set out amendments to “renewal applications”, which reduces the burden on landlords applying for the renewal of a licence.

- 12.2. In the case of renewal applications an applicant must provide a complete application form and sign the declarations provided.
- 12.3. It is important to note that the regulations define a “renewal application” as “an application for a licence under section 63 of the Act where, at the time the application is made a licence of the kind applied for is already held by the applicant and has effect in respect of the HMO or house”.
- 12.4. The effect of this part of the Regulations is that in order for the Council to treat any application as a “renewal” the application must be made during the active period of the current licence. If a renewal application is received after expiry of the previous licence, then the application will be treated as refused and a new licence application will need to be submitted, along with the appropriate fee.

It is important to note that it is the licence holder’s responsibility to apply to renew the licence at the appropriate time. The council may send reminders prior to the expiry of any current licence, but these should not be relied upon to prompt a timely application.

13. Revocation or Variation of a Licence

- 13.1. If circumstances regarding the HMO change during the licence period, the licence holder must notify the council directly so the licence can be re-assessed and varied if the HMO is considered suitable to accommodate the variation request.
- 13.2. The types of change requiring a variation to the licence would be:
- there is a change in the number of kitchens (including bedsits) or bathrooms provided
 - there is a change to the design or layout of the property
 - there is a change of management or ownership
 - there is a change of mortgage provider.
- 13.3. Similarly, if the HMO is no longer going to be occupied as an HMO or the licence holder changes, then the licence holder must make an application for the licence to be revoked. Any remaining period of the licence will be forfeited and a there will be no right to refund of the original payment.
- 13.4. Where there is a change of licence holder, there is no facility to transfer the licence to another party. A new licence application must be submitted, and the old licence revoked.
- 13.5. As well as voluntary revocation set out above, The Housing Act 2004, s. 70 and 70A also set out other circumstances where the council may take action to revoke a licence. This action falls mainly into 2 categories:

- Circumstances relating to licence holder or other person, such as:
 - where the authority considers that the licence holder or any other person has committed a serious breach of a condition of the licence or repeated breaches of such a condition
 - where the authority no longer consider that the licence holder is a fit and proper person to be the licence holder; and
 - where the authority no longer consider that the management of the house is being carried on by persons who are in each case fit and proper person to be involved in its management.
 - Where a banning order is made under section 16 of the Housing and Planning Act 2016 against the licence holder, or a person who— (i) owns an estate or interest in the house or part of it, and (ii) is a lessor or licensor of the house or part of it.
- Circumstances relating to HMO concerned, such as:
 - where the authority considers at any time that, were the licence to expire at that time, they would, for a particular reason relating to the structure of the HMO, refuse to grant a new licence to the licence holder on similar terms in respect of it.

14. Licence Period

14.1. HMO licences will be granted for 1, 3 or 5 years. Where there are no concerns regarding the property, applicant or management controls, then a licence would normally be issued for 5 years.

14.2. Where there are relevant concerns, but it is not appropriate to refuse a licence, a licence will be issued for 1 or 3 years depending on the severity of the issues. The following is a list of matters that may be taken into consideration when determining the period for which an HMO licence is granted. This list is not exhaustive, and each case will be considered on its own merits.

1 year licence

- Operating without voluntarily applying for a licence
- Existence of significant hazards at the property
- Serious failure to comply with the conditions of a previous or current licence
- Serious failure to comply with HMO management regulations
- Serious concerns raised by the Police or other enforcement agency

3 year licence

- Failure to comply with the conditions of a previous or current licence
- Failure to comply with HMO management regulations
- Failure to comply with Planning requirements
- Council tax payment not up to date
- History of substantiated complaints in respect of the property

- Non-compliance with Building Regulations
- Previous failure to provide up-to-date certificates on time
- No provision of written tenancy or licence agreements
- The existence of hazards at the property
- Concerns raised by the Police or other enforcement agency

15. Fire Risk Assessments for Licensed HMOs

- 15.1. Having a fire risk assessment for certain classes of licensed HMO is a legal requirement under the Regulatory Reform (Fire Safety) Order 2005, which is enforced by Norfolk Fire and Rescue Service.
- 15.2. The duty is placed on the 'responsible person' who could be the landlord/licence holder or an agent with full management control. The assessment must be 'suitable and sufficient', and assistance from an appropriately competent person should be sought as necessary to achieve this.
- 15.3. The Council will accept a signed self-certification forms declaring that a suitable and sufficient fire risk assessment is in place for the HMO, however the Council may request and audit the fire risk assessment, where applicable, and other records at any time during the lifetime of the licence and may be requested during an inspection of the premises prior to determining an application. If any documents requested cannot be provided within 7 days of the request, the Council may revoke the licence.
- 15.4. The acceptance of a fire risk assessment/self-declaration does not protect the responsible person from any action required by Norfolk Fire and Rescue Service.
- 15.5. Further information and guidance on completing a fire risk assessment is available from the Chief Fire Officers Association and the Gov.uk website.

16. Decision Making - Delegation of Authority

- 16.1. All decisions regarding the grant, refusal, modification and revocation of HMO licences are delegated to the post of head of planning and regulatory services, or any subsequent post fulfilling the responsibilities of overseeing the HMO licensing function.

17. How long will it take to process an application?

- 17.1. Upon receiving a valid application, the Council will aim to provide a decision as soon as is reasonably practicable. However each case will require different processes to be completed before issuing a decision, and will be dependent on the applicant supplying the required information and necessary payments within

timescales, and that no representations are made. Where information or payments are late, or representations made, then this could extend the time it takes to process your application.

17.2. It is therefore the Council's aim to process all valid applications and provide the relevant persons with a decision within 20 weeks of receipt. This will require the full co-operation of the applicant with the Council's requirements for determining a licence application.

17.3. Tacit consent does not apply to HMO licence applications. It is in the public interest that we check that the HMO meets the prescribed standards, which may include arranging a full property inspection, before a licence can be granted.

18. Public Registers

18.1. A register of HMO licences is available on the council's website. Full details are also available by request to the HMO Licensing Team.

19. Appeals

19.1. If an application for an HMO Licence is refused, or the terms of a licence granted are disputed, there is a right to appeal this decision within 28 days to the First-tier Tribunal (Property Chamber - Residential Property). The details of this will be provided with the relevant documentation relating to the refusal or granting of the licence.

Appendix 2 Consultation Responses

Summary of Consultation Responses

No.	Respondent type	Summary of representation	Response
1	Not stated	Support for 5 year licences Allow renewals up to 30 days after expiry of licence – para 15.4 Clarify position re change of licence holder/manager – para 16.4 Require firmer commitment to investigate unlicensed properties – para 2.6 and 20.6	No policy amendment proposed. 15.4 - The legislation requires that a renewal application can only be considered as a renewal, provided that it is submitted prior to the expiry of the current licence, therefore a 30 day extension is not possible. 16.4 – The legislation does not make provision for the transfer of a licence to another party. Where this is the case a new licence must be applied for. 2.6 and 20.6 – This draft policy is intended primarily to deal with the administration of the licensing process and not intended as an enforcement policy relating to unlicensed properties.
2	Landlord	Support for 5 year licences Suggests all new licence properties inspected	This has been included in the amended policy
3	Not stated	Should be a limit set on the number of student housing in one area. Too many students in HMO's in Penryn Close, Primula Drive and Salter Avenue	No policy amendment proposed. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
4	Not stated	Support for proposed changes that will save all involved in the process considerable time, and result in fewer delays	No policy amendment necessary.
5	Landlord	Support for 5 year licences	No policy amendment necessary.

6	Landlord and letting agent	Section on fit and proper test too subjective. Document woolly and provides no clear grounds for landlords to comply with. Concerns regarding PSH Amenity Standards Doc	No policy amendment proposed. Determining whether a relevant person is fit and proper requires careful consideration of a wide range of matters and is therefore difficult to provide a concise policy. All such matters will be considered on their own merits. PSH Amenity Standards document is not being reviewed at this time.
7	Landlord	Support for longer licences	No policy amendment necessary.
8	Landlord	Support for 5 year licences PSH Amenity Standards should be guidelines not standards, consider amending wording from 'specify' to 'recommend' – para 13.4 Strengthen wording re electronic communication – paras 14.1, 14.2, 14.6 Possibility to transfer licence? Consider refunds for mid-term revoked licence (e.g. - sale of property) – para. 16.4 Docs request change from 7 to 14 days – para 18.3	Para 13.4 – No policy amendment proposed Paras 14.1,14.2,14.6 – Happy make amendments to strengthen bias towards electronic comms. i. Para 16.4 – legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable. Para 18.3 – No policy amendment proposed. Licence holder should be in possession of docs referred to and they should be up to date, so provision of them upon request should not be an issue.
9	Landlord	Support for 5 years licences	No policy amendment necessary.

10	Resident	<p>General comments regarding the number of student HMO's in vicinity of Primula Drive.</p> <p>No specific response to draft policy, but supportive of additional licensing, enforcement of licensing failures and Article 4 direction (Planning legislation)</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p>
11	Resident	<p>Raises concerns regarding ASB/Noise and also with moving to 5 year licences – advocates more supervision rather than less.</p> <p>Supportive of Article 4 direction (Planning legislation) to limit nos. of HMOs</p>	<p>No policy amendment proposed.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p> <p>Moving to 5 year licensing will enable resource to be diverted from admin tasks to inspection and enforcement, increasing supervision of licensed properties</p>
12	Resident	<p>Raises concerns with the numbers of student HMOs in the vicinity of Jasmine Close.</p> <p>Supportive of Additional Licensing and Article 4 Direction (Planning legislation) to manage the high rate of student occupancy</p>	<p>No policy amendment proposed.</p> <p>Additional licensing not being considered at this time.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p>
13	Resident	<p>Raises issues relating to ASB and other behaviour of tenants. Also in relation to the preservation of the character of the area due to the large numbers of HMOs</p>	<p>No policy amendment proposed.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties, or direct consideration of likely disturbance from tenants.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>

14	Resident	Raises issues with the number of HMOs in vicinity of Salter Avenue, and supports Additional Licensing and Article 4 Direction (Planning legislation) to limit the number of properties becoming HMOs	No policy amendment proposed. Additional licensing not being considered at this time. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
15	Landlord	Concerns regarding flexibility of longer term licences where requirement to licence fluctuates due to no. of tenants being either 4 or 5.	As in 8. Above, legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
16	Landlord	No response to draft policy, only in relation to PSH Amenity Standards.	No policy amendment proposed. PSH Amenity Standards are not being reviewed at this time.
17	Landlord	Support for 5 year licences	No policy amendment necessary.

18	Landlord	Concerns raised with 5 year licensing in relation to i. Large payment in one go. ii. Refund if no longer licensable mid term? iii. Could licence be transferred?	legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
19	Not stated	Support for Article 4 Direction (Planning legislation) to control the nature and balance of Norwich's housing stock.	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
20	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs Also supports residents being consulted on licensing applications	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications.
21	Landlord	Support for 5 year licences Raises concern regarding letting agents being considered suitable due to being registered with a relevant association.	No policy amendment proposed, policy wording only states " may (officer <i>emphasis added</i>) be regarded as having the necessary competence"

22	Resident	Support for Article 4 Direction (Planning legislation) and additional licensing to limit numbers of HMOs	No policy amendment proposed. Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
23	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs. Also supports residents being consulted on licensing applications/policy. Supports licence term remaining at 1 year to enable landlords to be more easily held accountable for tenants ASB. Highlights Human Rights Act 1988 and "...right to peaceful enjoyment of possessions..." and claims that this is not being afforded to residents.	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications. Moving to 5 year licensing will enable resource to be diverted from admin tasks to inspection and enforcement, increasing supervision of licensed properties and compliance with management regulations. Peaceful enjoyment of property can be enforced via other ASB/nuisance legislation.
24	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs. Also supports residents being consulted on licensing applications/policy. Raises ASB and poorly maintained gardens/properties associated with students.	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications. Behaviour of tenants can be addressed via other ASB/nuisance legislation.

25	Landlord	Support for 5 year licences	No policy amendment required.
26	Landlord	Support for 5 year licences Suggests better online application visibility to track applications and upload docs. Keep possibility of 1 year licence	No policy amendment proposed legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
27	Not stated	Is it possible to align renewal dates for licences under same management?	No policy amendment proposed. Difficult to consider aligning renewal dates without leaving properties unlicensed for a period of time, or cutting short existing licences once new ones applied for, which could prove expensive for the licence holders
28	Landlord	Support for 5 year licences	No policy amendment required.
29	Resident	Should be minimum amount of non-communal space per tenant Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs. Residents in Salter Ave area should be consulted on HMO licensing applications/policy. HMO licence for 5 years too long, landlords to be kept accountable.	No policy amendment proposed. Minimum room sizes are already stipulated within the legislation. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications. Moving to 5 year licensing will enable resource to be diverted from admin tasks to inspection and enforcement, increasing supervision of licensed properties and compliance with management regulations.

30	Resident	<p>Supports residents being consulted on licensing applications.</p> <p>Supports enhanced ASB complaint handling and integration into licensing decisions for revocation/renewal of licences. 1 year licensing should be retained to enable this.</p> <p>HMOs should be limited to 25% in area.</p> <p>Supports additional licensing for 3 or more occupants.</p> <p>Raises ASB and poorly maintained gardens/properties associated with students.</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning option to limit numbers of HMOs.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
31	Landlord	<p>Support for 5 year licences.</p> <p>Suggests adopting a 'staggering system' to help spread out applications.</p>	<p>No policy amendment proposed.</p> <p>Accept that a blanket 5 year licence would lead to peaks every 5 years but policy allows for shorter licences where there are concerns, and peaks will smooth out over time.</p>
32	Resident	<p>Raises ASB, car parking and litter associated with student accommodation.</p> <p>Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs and additional licensing for less than 5 occupants</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning option to limit numbers of HMOs.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
33	Landlord	<p>Support for 5 year licences.</p>	<p>No policy amendment required.</p>

34	Resident	Requests enhanced information on consideration of ASB and outcomes for licensee and tenants. Police should be able to enforce noise complaints.	No policy amendments proposed. Behaviour of tenants can be addressed via other ASB/nuisance legislation. Police enforcement of noise falls outside of the remit of this policy.
35	Landlord	Support for 5 year licences.	No policy amendment required.
36	Landlord	Support for 5 year licences. Requires clarification on provision of electrical and gas safety certificates. Suggests part refund if licence no longer required during 5 year period.	legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable. Query on gas/elec certificates falls outside of policy and can be addressed by licensing team
37	Prospective landlord	Support for 5 year licences.	No policy amendment required.
38	Landlord	Support for 5 year licences.	No policy amendment required.
39	Landlord	Support for 5 year licences. Requests clearer and more intuitive website/online provision to aid communication	No policy amendment required.

40	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs and additional licensing for 3 or more occupants.	No policy amendment proposed. Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
41	Letting Agent	Support for 5 year licences for compliant properties.	No policy amendment required. Options included within policy for issuing a shorter licence where necessary
42	Not stated	Request for cost of new 5 year licences, and whether they would be transferable?	legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
43	Letting Agent	Support for 5 year licences.	No policy amendment necessary.
44	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs. Raises ASB, and waste management issues associated with student accommodation.	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties. Behaviour of tenants can be addressed via other ASB/nuisance legislation.

45	Resident	<p>Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs and additional licensing.</p> <p>Raises ASB issues associated with student accommodation.</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
46	Resident	<p>Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs and additional licensing.</p> <p>Raises ASB issues associated with student accommodation.</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
47	Resident	<p>Support for limiting numbers of HMOs and requiring all to have council permission before becoming an HMO, and also additional licensing, particularly in the Salter Ave area.</p> <p>Raises ASB issues associated with student accommodation.</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
48	Landlord	<p>No specific comments on draft policy, but would like to see better communication from Licensing, and NCC should consider providing an advice service that landlords could pay for.</p>	<p>No policy amendments proposed</p>

		Would like to see larger fines, rather than education for unlicensed properties.	
49	Landlord	Support for 5 year licensing providing fee partially refundable if licence is no longer necessary during term.	legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
50	Landlord	Support for 5 year licensing	No policy amendment required.

Appendix 2 Consultation Responses

Summary of Consultation Responses

No.	Respondent type	Summary of representation	Response
1	Not stated	Support for 5 year licences Allow renewals up to 30 days after expiry of licence – para 15.4 Clarify position re change of licence holder/manager – para 16.4 Require firmer commitment to investigate unlicensed properties – para 2.6 and 20.6	No policy amendment proposed. 15.4 - The legislation requires that a renewal application can only be considered as a renewal, provided that it is submitted prior to the expiry of the current licence, therefore a 30 day extension is not possible. 16.4 – The legislation does not make provision for the transfer of a licence to another party. Where this is the case a new licence must be applied for. 2.6 and 20.6 – This draft policy is intended primarily to deal with the administration of the licensing process and not intended as an enforcement policy relating to unlicensed properties.
2	Landlord	Support for 5 year licences Suggests all new licence properties inspected	This has been included in the amended policy
3	Not stated	Should be a limit set on the number of student housing in one area. Too many students in HMO's in Penryn Close, Primula Drive and Salter Avenue	No policy amendment proposed. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
4	Not stated	Support for proposed changes that will save all involved in the process considerable time, and result in fewer delays	No policy amendment necessary.
5	Landlord	Support for 5 year licences	No policy amendment necessary.

6	Landlord and letting agent	Section on fit and proper test too subjective. Document woolly and provides no clear grounds for landlords to comply with. Concerns regarding PSH Amenity Standards Doc	No policy amendment proposed. Determining whether a relevant person is fit and proper requires careful consideration of a wide range of matters and is therefore difficult to provide a concise policy. All such matters will be considered on their own merits. PSH Amenity Standards document is not being reviewed at this time.
7	Landlord	Support for longer licences	No policy amendment necessary.
8	Landlord	Support for 5 year licences PSH Amenity Standards should be guidelines not standards, consider amending wording from 'specify' to 'recommend' – para 13.4 Strengthen wording re electronic communication – paras 14.1, 14.2, 14.6 Possibility to transfer licence? Consider refunds for mid-term revoked licence (e.g. - sale of property) – para. 16.4 Docs request change from 7 to 14 days – para 18.3	Para 13.4 – No policy amendment proposed Paras 14.1,14.2,14.6 – Happy make amendments to strengthen bias towards electronic comms. i. Para 16.4 – legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable. Para 18.3 – No policy amendment proposed. Licence holder should be in possession of docs referred to and they should be up to date, so provision of them upon request should not be an issue.
9	Landlord	Support for 5 years licences	No policy amendment necessary.

10	Resident	<p>General comments regarding the number of student HMO's in vicinity of Primula Drive.</p> <p>No specific response to draft policy, but supportive of additional licensing, enforcement of licensing failures and Article 4 direction (Planning legislation)</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p>
11	Resident	<p>Raises concerns regarding ASB/Noise and also with moving to 5 year licences – advocates more supervision rather than less.</p> <p>Supportive of Article 4 direction (Planning legislation) to limit nos. of HMOs</p>	<p>No policy amendment proposed.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p> <p>Moving to 5 year licensing will enable resource to be diverted from admin tasks to inspection and enforcement, increasing supervision of licensed properties</p>
12	Resident	<p>Raises concerns with the numbers of student HMOs in the vicinity of Jasmine Close.</p> <p>Supportive of Additional Licensing and Article 4 Direction (Planning legislation) to manage the high rate of student occupancy</p>	<p>No policy amendment proposed.</p> <p>Additional licensing not being considered at this time.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p>
13	Resident	<p>Raises issues relating to ASB and other behaviour of tenants. Also in relation to the preservation of the character of the area due to the large numbers of HMOs</p>	<p>No policy amendment proposed.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties, or direct consideration of likely disturbance from tenants.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>

14	Resident	Raises issues with the number of HMOs in vicinity of Salter Avenue, and supports Additional Licensing and Article 4 Direction (Planning legislation) to limit the number of properties becoming HMOs	No policy amendment proposed. Additional licensing not being considered at this time. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
15	Landlord	Concerns regarding flexibility of longer term licences where requirement to licence fluctuates due to no. of tenants being either 4 or 5.	As in 8. Above, legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
16	Landlord	No response to draft policy, only in relation to PSH Amenity Standards.	No policy amendment proposed. PSH Amenity Standards are not being reviewed at this time.
17	Landlord	Support for 5 year licences	No policy amendment necessary.

18	Landlord	Concerns raised with 5 year licensing in relation to i. Large payment in one go. ii. Refund if no longer licensable mid term? iii. Could licence be transferred?	legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
19	Not stated	Support for Article 4 Direction (Planning legislation) to control the nature and balance of Norwich's housing stock.	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
20	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs Also supports residents being consulted on licensing applications	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications.
21	Landlord	Support for 5 year licences Raises concern regarding letting agents being considered suitable due to being registered with a relevant association.	No policy amendment proposed, policy wording only states " may (officer <i>emphasis added</i>) be regarded as having the necessary competence"

22	Resident	Support for Article 4 Direction (Planning legislation) and additional licensing to limit numbers of HMOs	No policy amendment proposed. Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
23	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs. Also supports residents being consulted on licensing applications/policy. Supports licence term remaining at 1 year to enable landlords to be more easily held accountable for tenants ASB. Highlights Human Rights Act 1988 and "...right to peaceful enjoyment of possessions..." and claims that this is not being afforded to residents.	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications. Moving to 5 year licensing will enable resource to be diverted from admin tasks to inspection and enforcement, increasing supervision of licensed properties and compliance with management regulations. Peaceful enjoyment of property can be enforced via other ASB/nuisance legislation.
24	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs. Also supports residents being consulted on licensing applications/policy. Raises ASB and poorly maintained gardens/properties associated with students.	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications. Behaviour of tenants can be addressed via other ASB/nuisance legislation.

25	Landlord	Support for 5 year licences	No policy amendment required.
26	Landlord	Support for 5 year licences Suggests better online application visibility to track applications and upload docs. Keep possibility of 1 year licence	No policy amendment proposed legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
27	Not stated	Is it possible to align renewal dates for licences under same management?	No policy amendment proposed. Difficult to consider aligning renewal dates without leaving properties unlicensed for a period of time, or cutting short existing licences once new ones applied for, which could prove expensive for the licence holders
28	Landlord	Support for 5 year licences	No policy amendment required.
29	Resident	Should be minimum amount of non-communal space per tenant Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs. Residents in Salter Ave area should be consulted on HMO licensing applications/policy. HMO licence for 5 years too long, landlords to be kept accountable.	No policy amendment proposed. Minimum room sizes are already stipulated within the legislation. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications. Moving to 5 year licensing will enable resource to be diverted from admin tasks to inspection and enforcement, increasing supervision of licensed properties and compliance with management regulations.

30	Resident	<p>Supports residents being consulted on licensing applications.</p> <p>Supports enhanced ASB complaint handling and integration into licensing decisions for revocation/renewal of licences. 1 year licensing should be retained to enable this.</p> <p>HMOs should be limited to 25% in area.</p> <p>Supports additional licensing for 3 or more occupants.</p> <p>Raises ASB and poorly maintained gardens/properties associated with students.</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning option to limit numbers of HMOs.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
31	Landlord	<p>Support for 5 year licences.</p> <p>Suggests adopting a 'staggering system' to help spread out applications.</p>	<p>No policy amendment proposed.</p> <p>Accept that a blanket 5 year licence would lead to peaks every 5 years but policy allows for shorter licences where there are concerns, and peaks will smooth out over time.</p>
32	Resident	<p>Raises ASB, car parking and litter associated with student accommodation.</p> <p>Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs and additional licensing for less than 5 occupants</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning option to limit numbers of HMOs.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties or provide for public consultation on applications.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
33	Landlord	<p>Support for 5 year licences.</p>	<p>No policy amendment required.</p>

34	Resident	Requests enhanced information on consideration of ASB and outcomes for licensee and tenants. Police should be able to enforce noise complaints.	No policy amendments proposed. Behaviour of tenants can be addressed via other ASB/nuisance legislation. Police enforcement of noise falls outside of the remit of this policy.
35	Landlord	Support for 5 year licences.	No policy amendment required.
36	Landlord	Support for 5 year licences. Requires clarification on provision of electrical and gas safety certificates. Suggests part refund if licence no longer required during 5 year period.	legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable. Query on gas/elec certificates falls outside of policy and can be addressed by licensing team
37	Prospective landlord	Support for 5 year licences.	No policy amendment required.
38	Landlord	Support for 5 year licences.	No policy amendment required.
39	Landlord	Support for 5 year licences. Requests clearer and more intuitive website/online provision to aid communication	No policy amendment required.

40	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs and additional licensing for 3 or more occupants.	No policy amendment proposed. Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.
41	Letting Agent	Support for 5 year licences for compliant properties.	No policy amendment required. Options included within policy for issuing a shorter licence where necessary
42	Not stated	Request for cost of new 5 year licences, and whether they would be transferable?	legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
43	Letting Agent	Support for 5 year licences.	No policy amendment necessary.
44	Resident	Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs. Raises ASB, and waste management issues associated with student accommodation.	No policy amendment proposed. Article 4 Direction is a Planning matter. Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties. Behaviour of tenants can be addressed via other ASB/nuisance legislation.

45	Resident	<p>Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs and additional licensing.</p> <p>Raises ASB issues associated with student accommodation.</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
46	Resident	<p>Support for Article 4 Direction (Planning legislation) to limit numbers of HMOs and additional licensing.</p> <p>Raises ASB issues associated with student accommodation.</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
47	Resident	<p>Support for limiting numbers of HMOs and requiring all to have council permission before becoming an HMO, and also additional licensing, particularly in the Salter Ave area.</p> <p>Raises ASB issues associated with student accommodation.</p>	<p>No policy amendment proposed.</p> <p>Additional licensing will be considered in the future once the evidence base for HMOs across the whole city is updated.</p> <p>Article 4 Direction is a Planning matter.</p> <p>Relevant matters for consideration in deciding to grant a licence are set out in s.64 of the Housing Act 2004. This does not include the setting of limits of licensed properties.</p> <p>Behaviour of tenants can be addressed via other ASB/nuisance legislation.</p>
48	Landlord	<p>No specific comments on draft policy, but would like to see better communication from Licensing, and NCC should consider providing an advice service that landlords could pay for.</p>	<p>No policy amendments proposed</p>

		Would like to see larger fines, rather than education for unlicensed properties.	
49	Landlord	Support for 5 year licensing providing fee partially refundable if licence is no longer necessary during term.	legislation does not allow for licences to be transferred, Under some circumstances a refund of monies amounting to the costs not yet incurred by the council may be appropriate. Further details will be included in the council's published fees and charges for HMO licensing. The stage 1 payment will not be refunded in any circumstance as this cost covers the cost of processing the licence and inspection of the property prior to licensing. Stage 2 refunds will be considered on a case by case basis. If a refund is requested before any stage 2 inspection is carried out then a partial refund will be made, less any administration costs. If a refund is requested after a stage 2 inspection is carried out, no refund will be applicable.
50	Landlord	Support for 5 year licensing	No policy amendment required.