

**Decision under Delegated Powers
Private Sector Housing Licensing Fees for Houses in Multiple
Occupation for 2019/20**

Officer Requesting Decision

Rebecca Short - Private Sector Housing Manager

Officer Making the Decision

Alison Simmons – Head of Strategic and Private Sector Housing

Recommendation

To approve the Private Sector Housing Fees for Houses in Multiple Occupation Licensing from 1st September 2019.

Reason

To deliver the annual review of Private Sector Housing fees and charges for services provided.

To implement the findings of a review of the fee structure to reflect the current assessment process for licence applications, including the separation of the fee into two identifiable elements, in light of R (Gaskin) v LB Richmond upon Thames (2018).

Authority for Decision

By virtue of Item 1 of the delegations to Heads of Service in section 8.3 of the Constitution which gives authority to Heads of Service to undertake the periodic review of fees and charges raised within their service areas and falling within the scope of the Council's Income and Charging Policy Framework.

Decision and Date



Alison Simmons
Head of Strategic and
Private Sector Housing

25th July 2019

Background

A fee is charged for each individual House in Multiple Occupation (HMO) that is required to be licensed under the Housing Act 2004.

A review of the fee structure to reflect the current assessment process for licence applications has been undertaken, which includes the separation of the HMO licence fee into 2 identifiable elements in light of R (Gaskin) v LB Richmond Upon Thames (2018).

The first element of the licence fee is for the assessment and processing of the application to the point of issuing the decision and, where applicable, the proposed licence. The first element of the fee must be paid at the time of the HMO licence application submission.

The second element of the HMO licence fee is for the property compliance inspection, management assessment and associated communications. The second element of the fee will only be applicable in respect of applications where a decision is reached to grant the licence and a draft licence is issued.

The request for payment of the second element of the licence fee will be issued with the draft licence and the fee must be paid within the timescales specified.

Applicants will be entitled to a refund of licence fee payments in the following situations:

- on review of an application it is decided that the property does not need a licence at the time of application (for example, it falls under one of the exemptions);
- a duplicate application is made;

Refunds will not be provided in the following situations:

- the property needs to be licensed at the time of application;
- the property is subsequently sold at any point during the application process;
- the Council refuses the application and does not grant a licence;
- the application is withdraw at any point during the application process;
- the Council revokes (takes away) the licence;
- the Council varies the licence and reduces the amount of time it remains operationally valid;
- the property is refused planning permission.

The fees are not connected to the length of a licence. If a licence is no longer required and the licence holder must requests a revocation to cancel the licence before it expires, the Council cannot give a refund for any unused time.

Charnwood Borough Council works in partnership with the Decent and Safe Homes (DASH) Landlord Accreditation Scheme. Dash promotes good housing so that Tenants of DASH Accredited Landlords can expect:

- responsible Landlords with better housing standards
- quick repairs and maintenance
- fair tenancy agreements

Landlords benefit from a market advantage, resource materials and training, as well as inclusion on the DASH register of accredited landlords.

A reduced Basic HMO Licence Application fee is offered to DASH Accredited proposed Licence Holders.

The table below details the breakdown of the HMO licence fees;

Application Type	First Payment	Second Payment	Total Fee
Basic Licence Application Fee	£395	£305	£700
Re-licence application (where the application is received by the Council <i>prior</i> to expiry of the existing licence)	£395	£220	£615
Fees for DASH Accredited Licence Holders			
Basic Licence Application Fee where the proposed Licence Holder is DASH Accredited	£395	£220	£615
Re-licence application	£395	£220	£615
Additional Fees (applied to all applications)			
Extra Bedroom Fee (fee per additional bedroom over 6 bedrooms)	Not Applicable	+ £10 per additional room	+ £10 per additional room

In the case of a re-licence application, the duration of the licence issued will never be more than a period of 5 years from the expiry date of the previous licence. Re-licence applications can be submitted up to 2 months prior to the expiry date of the existing licence.

The changes to HMO Licensing Fees will be published and publicised prior to implementation.

Financial Implications

Income for services is included in the overall budgets for the Private Sector Housing Service.

Risk Management

There are no risks associated with this decision

Key Decision: No

Background Papers: None
