

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

RECORD OF DECISION TAKEN BY OFFICERS UNDER DELEGATED POWERS

This is a record of a decision taken by an officers under delegated powers and where necessary taken in consultation with members and officers.

Delegated Power

Specify the particular delegated power being exercised by reference to the Delegation Scheme or Cabinet minute and date.

In accordance with the Council's scheme of delegation.

Decisions Taken

To update the HMO licensing fees and to specifically to modify the HMO licence application and renewal fees into a two stage fee structure in order to comply with legislation, case law and legal advice.

To clarify a licence application period in order to ensure that licensees are clear as to the length of time it will generally take to process a licence application by the authority.

Reasons for the Decisions

In order to ensure full cost recovery to the Council of the licensing process and to modify the fee to a two stage fee in order to comply with relevant case law and legal advice obtained.

To ensure that applicants are clearly aware of the licence application period and to clarify such matters so as to mitigate any implications surrounding tacit consent.

Options considered

The authority can seek to recover the costs of the licensing process and it is considered appropriate to do so.

The Housing Act 2004 also permits the full cost recovery of all HMO licensing activities, including the investigation and identification of unlicensed HMO's etc however at this stage it has not been possible to adequately quantify these types of activities and therefore it is proposed that the fees only be amended to reflect the costs of the licencing processing and monitoring itself.

Any declarations of interest and details of any dispensations granted in respect of interests.

None

List of Background papers**Authorisation**

Post Held: D Gates, Executive Director

Signature:



Date:

21/07/2020.

Consultation with members/officer

If the decision is taken following consultation with the members/officers, please give details:

Signed by Member as consulted:

Date:

Proposed HMO Licence Fees

The Housing Act 2004 s63 permits the local housing authority to require a fee for those activities associated with the processing of an HMO licence application and the renewal of an HMO licence application.

The fee charges have been reviewed in consideration of the EU Directive 2006/123/EC ('the Directive'), The Housing Act 2004 and current case law and in order to comply with the above and to more accurately reflect the costs of the licensing process to the authority.

The current HMO licence fees are;

New licence application - **£685** (up to ten rooms, plus **£39.37** for every additional habitable room).

Licence Renewal Application - **£596** (up to ten rooms, plus **£39.37** for every additional habitable room).

It is proposed that these fees be updated to reflect the actual cost to the Council but to also be split into two separate parts in order to comply with the Directive and case law referenced above.

New Licence Application

The proposed new licence fees will be calculated based upon the number of bedrooms within the HMO (see table 1 below).

Part 1 will be for the processing of a licence application to the point that a decision to licence is made only.

Part 2 will be for the issuing of the licence and the ongoing inspection of the HMO over the period of the licence, which is 5 years.

Table 1

	<i>Total</i>	<i>Part 1</i>	<i>Part 2</i>
3 bedroom	£768	£380	£388
4 bedroom	£815	£399	£416
5 bedroom	£861	£418	£443
6 bedroom	£953	£455	£498
7 bedroom	£999	£474	£525
8 bedroom	£1,046	£493	£553
9 bedroom	£1,092	£512	£580
10 bedroom	£1,138	£531	£607
11 bedroom	£1,230	£568	£662
12 bedroom	£1,277	£587	£690
13 bedroom	£1,323	£606	£717
14 bedroom	£1,369	£625	£744
15 bedroom	£1,415	£643	£772

Both parts of the fee can be paid at the outset and the following refunds will apply;

Withdrawal of application before processing, full Part 1 & Part 2 refund;

Withdrawal before the property inspection has been undertaken, **£158** plus full Part 2 refund;

Post property inspection, nil refund of Part 1 and full refund of Part 2.

Licence Renewal

The proposed new fee for the renewal of a licence would be calculated based upon the number of bedrooms within the HMO (see table 2 below);

Table 2

	<i>Total</i>	<i>Part 1</i>	<i>Part 2</i>
3 bedroom	£649	£299	£350
4 bedroom	£684	£312	£372
5 bedroom	£719	£325	£394
6 bedroom	£788	£351	£437
7 bedroom	£823	£364	£459
8 bedroom	£858	£376	£481
9 bedroom	£892	£389	£503
10 bedroom	£927	£402	£525
11 bedroom	£996	£428	£568
12 bedroom	£1,031	£441	£590
13 bedroom	£1,066	£454	£612
14 bedroom	£1,101	£467	£633
15 bedroom	£1,135	£480	£655

Both parts of the licence renewal fee can be paid at the outset and the following refunds will apply;

Withdrawal of application before processing, full Part 1 & Part 2 refund;

Before the property inspection has been undertaken, **£129** plus full Part 2 refund;

Post property inspection, nil refund of Part 1 and full refund of Part 2.

At present the Part 2 fees only include the actual costs associated with the enforcement of the licence. Other general HMO enforcement activities can be included in accordance with s63 of the Housing Act 2004 however these resources and costs will be subject to ongoing assessment and a further update of this fee element may be proposed during the next fee review period.

It is proposed that future fee adjustments will be approved and published by the relevant Assistant Director in consultation with the relevant Executive Director.

Licence Application Period

At present the Council does not publish a licence processing period as it was deemed that tacit consent would not apply to the processing of HMO licence applications.

Given recent case law and legal advice we would propose to adopt and publish a target processing period of 16 weeks from the date of submission of a full and valid application however this period may be extended where applications relate to a large HMO or where such management or ownership arrangements are complex. The applicant will be notified of any additional time required to process such applications.

The above will be published on the relevant Council web page to ensure that all applicants are aware of this proposed timescale.

e-Screening Equality Impact Assessment

Borough Council of
King's Lynn &
West Norfolk



Name of policy/service/function	HMO Licensing				
Is this a new or existing policy/ service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	To update and clarify the fee structure and timescale relating to the licensing of HMOs.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
Other (eg low income)			x		
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	Actions:			
		Actions agreed by EWG member: Name: GJH			
Assessment completed by: Gordon Jackson-Hopps					
Job title Housing Standards Manager	Date May 2020				
Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.					

HMO New Licence Fee

Officer	Grade	Rate	
Housing Standards Support Officer	HSSO	PG11	£23.59
Housing Standards Officer	HSO	PG9	£31.66
Senior Housing Standards Officer	SHSO	PG8	£35.68
Housing Standards Manager	HSM	PG7	£39.86

2020 mid points with on costs

Part 1	Officer	Time	Rate	Cost	Refund Stages		
Part 1							
Licence Application Activity							
Check online application form submitted and check all supporting documents	HSSO	40	£23.59	£15.73	Application withdrawn		
Check stage 1 payment received	HSSO	15	£23.59	£5.90			
Check upload of all application docs including FPP to Idox	HSSO	30	£23.59	£11.80			
Validate application and send validation notification to applicant	HSSO	20	£23.59	£7.86			
Upload validation etc onto Idox record	HSSO	15	£23.59	£5.90			
Check planning and other Idox records relating to property	HSSO	30	£23.59	£11.80			
Review and make enquires re FPP declarations	SHSO	45	£35.68	£26.76			
Licence application reviewed by SHSO	SHSO	30	£35.68	£17.84			
Allocate case to Housing Standards Officer	SHSO	10	£35.68	£5.95			
Update Idox record	HSSO	10	£23.59	£3.93			
HSO review licence file and supporting documents (plans etc)	HSO	40	£31.66	£21.11			
HSO to undertake assessment of occupancy numbers etc	HSO	60	£31.66	£31.66			
Coordinate inspection date/time with landlord and tenants	HSSO	40	£23.59	£15.73		£157.52	Prior to property inspection
Update Idox record	HSSO	15	£23.59	£5.90			
Travel time (including return)	HSO	40	£31.66	£21.11			
Inspection (common parts and external)	HSO	60	£31.66	£31.66		small 3 bed HMO common parts only (kitchen(15),bathroom(15),louge(15), halls, external(15))	
Prepare inspection schedule for conditions	HSO	60	£31.66	£31.66		common parts only (4x15)	
Schedules etc reviewed by SHSO	SHSO	20	£35.68	£11.89	common parts only (4x5)		
Update Idox record	HSO	15	£31.66	£7.92			
Consult with local fire authority	HSO	30	£31.66	£15.83			
Issue Notice of intent to grant or refuse licence & issue draft licence with conditions	HSO	30	£31.66	£15.83	£0.00	Nil refund	
				£323.74			

Part 1		mins	rate	cost
Inspection	HSO	15	£31.66	£7.92
Schedule	HSO	15	£31.66	£7.92
Schedules review	SHSO	5	£35.68	£2.97
			Total	£18.80
Part 2				
Assess/HHSRS	HSO	15	£35.68	£8.92
HHSRS Schedule	HSO	15	£31.66	£7.92
Inspect w/r conditions	HSO	5	£31.66	£2.64
Resolve issues	HSO	5	£31.66	£2.64
Periodic Inspection	HSO	5	£31.66	£2.64
Resolve matters	HSO	5	£31.66	£2.64
			Total	£27.39
			Rate per Bedroom	£46.19

Part 2	Officer	Time	Rate	Cost	
Part 2					
Check Part 2 payment received	HSSO	15	£23.59	£5.90	
Update Idox record	HSSO	10	£23.59	£3.93	
Consider landlords representations	HSO	30	£31.66	£15.83	
Finalise licence and conditions	HSO	45	£31.66	£23.75	
Licence reviewed by SHSO	SHSO	30	£35.68	£17.84	
Licence submitted to and signed by HSM	HSM	10	£39.86	£6.64	
Update Idox record	HSSO	15	£23.59	£5.90	
Issue licence	HSSO	30	£23.59	£11.80	
Undertake HHSRS assessment (common parts only)	HSO	60	£31.66	£31.66	small 3 bed HMO common parts only (4x15)
Prepare HHSRS schedule (common parts only)	HSO	60	£31.66	£31.66	common parts only (4x15)
Update HMO Idox record & risk assessed programme inspection	HSSO	30	£23.59	£11.80	
Include HMO licence on the public register	HSSO	30	£23.59	£11.80	
Arrange for licence conditions check inspection	HSSO	40	£23.59	£15.73	
Travel time (including return)	HSO	40	£31.66	£21.11	
Undertake inspection to check compliance with licence conditions	HSO	20	£31.66	£10.55	common parts only (4x5)
Resolve outstanding matters with licensee	HSO	20	£31.66	£10.55	common parts only (4x5)
Update Idox record	HSSO	15	£23.59	£5.90	
Arrange for programmed licensing inspection year 2 or year 3	HSSO	40	£23.59	£15.73	
Travel time (including return)	HSO	40	£31.66	£21.11	
Undertake periodic inspection year 2 or year 3	HSO	20	£31.66	£10.55	common parts only (4x5)
Resolve any matters identified with licensee	HSO	20	£31.66	£10.55	common parts only (4x5)
Update Idox record	HSSO	15	£23.59	£5.90	
				Sub-Total	£306.17

Base Rate £629.90

	Total	Part 1	Part 2	
3 bedroom	£768	£380	£388	
4 bedroom	£815	£399	£416	
5 bedroom	£861	£418	£443	
6 bedroom	£953	£455	£498	plus x1 room rate for extra common parts
7 bedroom	£999	£474	£525	plus x1 room rate for extra common parts
8 bedroom	£1,046	£493	£553	plus x1 room rate for extra common parts
9 bedroom	£1,092	£512	£580	plus x1 room rate for extra common parts
10 bedroom	£1,138	£531	£607	plus x1 room rate for extra common parts
11 bedroom	£1,230	£568	£662	plus x2 room rate for extra common parts
12 bedroom	£1,277	£587	£690	plus x2 room rate for extra common parts
13 bedroom	£1,323	£606	£717	plus x2 room rate for extra common parts
14 bedroom	£1,369	£625	£744	plus x2 room rate for extra common parts
15 bedroom	£1,415	£643	£772	plus x2 room rate for extra common parts

Renewal Fee

Officer
 Housing Standards Support Officer
 Housing Standards Officer
 Senior Housing Standards Officer
 Housing Standards Manager

2020 mid points with on costs

	Grade	Rate
HSSO	PG11	£23.59
HSO	PG9	£31.66
SHSO	PG8	£35.68
HSM	PG7	£39.86

Part 1

Licence Application Activity	Officer	Time	Rate	Cost	Refund Stages			
Check online application form submitted and check all supporting documents	HSSO	30	£23.59	£11.80	Application withdrawn	£260.11		
Check stage 1 payment received	HSSO	15	£23.59	£5.90				
Check upload of all application docs including FPP to Idox	HSSO	20	£23.59	£7.86				
Validate application and send validation notification to applicant	HSSO	20	£23.59	£7.86				
Upload validation etc onto Idox record	HSSO	15	£23.59	£5.90				
Check planning and other Idox records relating to property	HSSO	15	£23.59	£5.90				
Review and make enquires re FPP declarations	SHSO	45	£35.68	£26.76				
Licence application reviewed by SHSO	SHSO	30	£35.68	£17.84				
Allocate case to Housing Standards Officer	SHSO	10	£35.68	£5.95				
Update Idox record	HSSO	10	£23.59	£3.93				
HSO review licence file and supporting documents (plans etc)	HSO	30	£31.66	£15.83				
HSO to undertake assessment of occupancy numbers etc	HSO	30	£31.66	£15.83				
Coordinate inspection date/time with landlord and tenants	HSSO	40	£23.59	£15.73			Prior to property inspection	£128.76
Update Idox record	HSSO	15	£23.59	£5.90				
Travel time (including return)	HSO	40	£31.66	£21.11				
Inspection (common parts and external)	HSO	40	£31.66	£21.11				
Prepare inspection schedule for conditions	HSO	40	£31.66	£21.11				
Schedules etc reviewed by SHSO	SHSO	16	£35.68	£9.51				
Update Idox record	HSO	15	£31.66	£7.92				
Consult with local fire authority	HSO	20	£31.66	£10.55				
Issue Notice of intent to grant or refuse licence & issue draft licence wth conditions	HSO	30	£31.66	£15.83				
						£0.00		
						£260.11		

Part 2

Check stage 2 payment received	HSSO	15	£23.59	£5.90	small 3 bed HMO common parts only (4x10) common parts only (4x10) common parts only (4x5) common parts only (4x5) common parts only (4x5) common parts only (4x5)			
Update Idox record	HSSO	10	£23.59	£3.93				
Consider landlords representations	HSO	30	£31.66	£15.83				
Finalise licence and conditions	HSO	45	£31.66	£23.75				
Licence reviewed by SHSO	SHSO	30	£35.68	£17.84				
Licence submitted to and signed by HSM	HSM	10	£39.86	£6.64				
Update Idox record	HSSO	15	£23.59	£5.90				
Issue licence	HSSO	30	£23.59	£11.80				
Undertake HHSRS assessment (common parts only)	HSO	40	£31.66	£21.11				
Prepare HHSRS schedule (common parts only)	HSO	40	£31.66	£21.11				
Update HMO Idox record & risk assessed programme inspection	HSSO	30	£23.59	£11.80				
Include HMO licence on the public register	HSSO	30	£23.59	£11.80				
Arrange for licence conditions check inspection	HSSO	40	£23.59	£15.73				
Travel time (including return)	HSO	40	£31.66	£21.11				
Undertake inspection to check compliance with licence conditions	HSO	20	£31.66	£10.55				
Resolve outstanding matters with licensee	HSO	20	£31.66	£10.55				
Update Idox record	HSSO	15	£23.59	£5.90				
Arrange for programmed licensing inspection year 2 or year 3	HSSO	40	£23.59	£15.73				
Travel time (including return)	HSO	40	£31.66	£21.11				
Undertake periodic inspection year 2 or year 3	HSO	20	£31.66	£10.55				
Resolve any matters identified with licensee	HSO	20	£31.66	£10.55				
Update Idox record	HSSO	15	£23.59	£5.90				
								£285.06
								£545.17

Part 1		mins	rate	cost
Inspection	HSO	10	£31.66	£5.28
Schedule	HSO	10	£31.66	£5.28
Schedules review	SHSO	4	£35.68	£2.38
			Total	£12.93
Part 2				
Assess/HHSRS	HSO	10	£35.68	£5.95
HHSRS Schedule	HSO	10	£31.66	£5.28
Inspect w/r conditions	HSO	5	£31.66	£2.64
Resolve issues	HSO	5	£31.66	£2.64
Periodic Inspection	HSO	5	£31.66	£2.64
Resolve matters	HSO	5	£31.66	£2.64
			Total	£21.78
			Rate per Bedroom	£34.71

	Total	Part 1	Part 2	
3 bedroom	£649	£299	£350	
4 bedroom	£684	£312	£372	
5 bedroom	£719	£325	£394	
6 bedroom	£788	£351	£437	plus x1 room rate for extra common parts
7 bedroom	£823	£364	£459	plus x1 room rate for extra common parts
8 bedroom	£858	£376	£481	plus x1 room rate for extra common parts
9 bedroom	£892	£389	£503	plus x1 room rate for extra common parts
10 bedroom	£927	£402	£525	plus x1 room rate for extra common parts
11 bedroom	£996	£428	£568	plus x2 room rate for extra common parts
12 bedroom	£1,031	£441	£590	plus x2 room rate for extra common parts
13 bedroom	£1,066	£454	£612	plus x2 room rate for extra common parts
14 bedroom	£1,101	£467	£633	plus x2 room rate for extra common parts
15 bedroom	£1,135	£480	£655	plus x2 room rate for extra common parts