

SCHEDULES

SCHEDULE 4

Section 24.

Variation and revocation of HMO licences: procedure

Notice of proposal to vary or revoke

1.—(1) This paragraph applies where the council proposes to vary or revoke a licence.

(2) The council must serve a notice under this paragraph on—

- (a) the owner,
- (b) if the proposal is in response to an application under section 22(2)(b), the applicant, and
- (c) the statutory authorities.

(3) If the proposal is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), the council must also serve a notice on that person.

(4) A notice under this paragraph must—

- (a) state what the council proposes to do,
- (b) if the council proposes to vary the licence, set out the proposed variation,
- (c) state the reasons for the proposed decision, and
- (d) specify the date by which written representations by the recipient of the notice must be made.

Notice of proposal not to vary

2.—(1) This paragraph applies where the council proposes to refuse an application under section 22(2)(a) or (b) to vary a licence.

(2) The council must serve a notice under this paragraph on—

- (a) the owner,
- (b) if the application was made under section 22(2)(b), the applicant, and
- (c) the statutory authorities.

(3) A notice under this paragraph must—

- (a) state that the council proposes to refuse the application,

- (b) state the reasons for the proposed decision, and
- (c) specify the date by which written representations by the recipient of the notice must be made.

Hearings

3.—(1) This paragraph applies if the council decides (whether on a submission by an applicant under section 22(2)(a) or (b), or on its own initiative) to hear oral representations about a proposal mentioned in paragraph 1 or 2.

- (2) The council must serve notice of the hearing on—
 - (a) the owner,
 - (b) if the proposal is in response to an application under section 22(2)(b), the applicant,
 - (c) if the proposal is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), that person, and
 - (d) any other person the council considers to be appropriate.
- (3) The notice must state the date, time and place of the hearing.
- (4) The notice must be served not less than 7 days before the date of the proposed hearing.

Consideration of application

4. In determining whether (and in what way) to vary a licence, or whether to revoke a licence, the council must consider—

- (a) any written representations made by a recipient of a notice under paragraph 1 or 2 before the date specified under paragraph 1(4)(d) or 2(3)(c), and
- (b) any oral representations made at a hearing under paragraph 3.

Notice of determination

5.—(1) The council must serve on—

- (a) the owner,
- (b) if the decision was made on an application under section 22(2)(b), the applicant, and
- (c) the statutory authorities.

notice of its decision whether to vary or revoke an HMO licence.

(2) If the decision is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), the council must also serve a notice on that person.

- (3) The notice must—
 - (a) state the council’s decision,
 - (b) if the decision is to vary a licence, be accompanied by a copy of the licence as varied,
 - (c) if the licence is varied in terms different from those applied for, include a statement of the reasons for that difference, and
 - (d) state the date on which the decision was made.
- (4) The notice must be served before the end of the period of 7 days beginning with the day on which the decision is made.

Effective date of decision

- 6. A variation or revocation has effect from—
 - (a) the last date on which the decision to vary or revoke the licence may be appealed in accordance with section 67(4), or
 - (b) if such an appeal is made, the date on which the appeal is finally determined.