

SCHEDULES

SCHEDULE 5

LICENCES UNDER PARTS 2 AND 3: PROCEDURE AND APPEALS

PART 2

PROCEDURE RELATING TO VARIATION OR REVOCATION OF LICENCES

Variation of licences

- 14 Before varying a licence, the local housing authority must—
- (a) serve a notice under this paragraph on the licence holder and each relevant person, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.
- 15 The notice under paragraph 14 must state that the local housing authority are proposing to make the variation and set out—
- (a) the effect of the variation,
 - (b) the reasons for the variation, and
 - (c) the end of the consultation period.
- 16 (1) This paragraph applies where the local housing authority decide to vary a licence.
- (2) The local housing authority must serve on the licence holder and each relevant person—
- (a) a copy of the authority's decision to vary the licence, and
 - (b) a notice setting out—
 - (i) the reasons for the decision and the date on which it was made,
 - (ii) the right of appeal against the decision under Part 3 of this Schedule, and
 - (iii) the period within which an appeal may be made (see paragraph 33(2)).
- (3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Exceptions from requirements of paragraph 14

- 17 The requirements of paragraph 14 do not apply if—
- (a) the local housing authority consider that the variation is not material, or
 - (b) the variation is agreed by the licence holder and the local housing authority consider that it would not be appropriate to comply with the requirements of that paragraph.

Status: This is the original version (as it was originally enacted).

- 18 The requirements of paragraph 14 do not apply if the local housing authority—
- (a) have already served a notice under that paragraph in relation to a proposed variation, and
 - (b) consider that the variation which is now being proposed is not materially different from the previous proposed variation.

Refusal to vary a licence

- 19 Before refusing to vary a licence, the local housing authority must—
- (a) serve a notice under this paragraph on the licence holder and each relevant person, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.
- 20 The notice under paragraph 19 must state that the authority are proposing to refuse to vary the licence and set out—
- (a) the reasons for refusing to vary the licence, and
 - (b) the end of the consultation period.
- 21 (1) This paragraph applies where the local housing authority refuse to vary a licence.
- (2) The authority must serve on the licence holder and each relevant person a notice setting out—
- (a) the authority’s decision not to vary the licence,
 - (b) the reasons for the decision and the date on which it was made,
 - (c) the right of appeal against the decision under Part 3 of this Schedule, and
 - (d) the period within which an appeal may be made (see paragraph 33(2)).
- (3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Revocation of licences

- 22 Before revoking a licence, the local housing authority must—
- (a) serve a notice on the licence holder under this paragraph and each relevant person, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.
- 23 The notice under paragraph 22 must state that the authority are proposing to revoke the licence and set out—
- (a) the reasons for the revocation, and
 - (b) the end of the consultation period.
- 24 (1) This paragraph applies where the local housing authority decide to revoke a licence.
- (2) The authority must serve on the licence holder and each relevant person—
- (a) a copy of the authority’s decision to revoke the licence, and
 - (b) a notice setting out—
 - (i) the reasons for the decision and the date on which it was made,
 - (ii) the right of appeal against the decision under Part 3 of this Schedule,and

Status: This is the original version (as it was originally enacted).

(iii) the period within which an appeal may be made (see paragraph 33(2)).

- (3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Exception from requirements of paragraph 22

- 25 The requirements of paragraph 22 do not apply if the revocation is agreed by the licence holder and the local housing authority consider that it would not be appropriate to comply with the requirements of that paragraph.

Refusal to revoke a licence

- 26 Before refusing to revoke a licence, the local housing authority must—
- (a) serve a notice under this paragraph on the licence holder and each relevant person, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.

- 27 The notice under paragraph 26 must state that the authority are proposing to refuse to revoke the licence and set out—
- (a) the reasons for refusing to revoke the licence, and
 - (b) the end of the consultation period.

- 28 (1) This paragraph applies where the local housing authority refuse to revoke a licence.
- (2) The authority must serve on the licence holder and each relevant person a notice setting out—
- (a) the authority's decision not to revoke the licence,
 - (b) the reasons for the decision and the date on which it was made,
 - (c) the right of appeal against the decision under Part 3 of this Schedule, and
 - (d) the period within which an appeal may be made (see paragraph 33(2)).
- (3) The notices required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Meaning of “the end of the consultation period”

- 29 (1) In this Part of this Schedule “the end of the consultation period” means the last day on which representations may be made in respect of the matter in question.
- (2) That date must be at least 14 days after the date of service of the notice in question.
- (3) In sub-paragraph (2) “the date of service” of a notice means, in a case where more than one notice is served, the date on which the last of the notices is served.

Meaning of “licence” and “relevant person”

- 30 (1) In this Part of this Schedule “licence” means a licence under Part 2 or 3 of this Act.
- (2) In this Part of this Schedule “relevant person”, in relation to a licence under Part 2 or 3 of this Act, means any person (other than a person excluded by sub-paragraph (3))—
- (a) who, to the knowledge of the local housing authority concerned, is—

Status: This is the original version (as it was originally enacted).

- (i) a person having an estate or interest in the HMO or Part 3 house in question, or
 - (ii) a person managing or having control of that HMO or Part 3 house (and not falling within sub-paragraph (i)), or
 - (b) on whom any restriction or obligation is or is to be imposed by the licence in accordance with section 67(5) or 90(6).
- (3) The persons excluded by this sub-paragraph are—
- (a) the licence holder, and
 - (b) any tenant under a lease with an unexpired term of 3 years or less.