



TO COUNCILLOR:

S S Athwal
G A Boulter
M H Charlesworth

J K Chohan
H E Darling
F S Ghattoraya

J Kaufman
C D Kozlowski (Chair)
C J R Martin (Vice-Chair)

I summon you to attend the following meeting for the transaction of the business in the agenda below.

Meeting: Licensing & Regulatory Committee
Date & Time: Thursday, 4 December 2025, 6.30 pm
Venue: Civic Suite 2, Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ
Contact: Democratic Services
t: (0116) 257 2775
e: democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices
Oadby
26 November 2025

Anne E Court
Chief Executive



Meeting ID: 2948

ITEM NO.

AGENDA

PAGE NO'S

Meeting Live Broadcast | Information & Link

This meeting will be broadcast live.

Press & Public Access:

A direct link to the live broadcast of the meeting's proceedings on the Council's Civico platform is below.

<https://civico.net/oadby-wigston/22960-Licensing-Regulatory-Committee>

1. Apologies for Absence

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

2. Appointment of Substitutes

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

3. Declarations of Interest

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

4. Minutes of the Previous Meeting

4 - 5

To read, confirm and approve the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

5. Action List Arising from the Previous Meeting

To read, confirm and note the Action List arising from the previous meeting.

6. Petitions and Deputations

To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

7. House in Multiple Occupation (HMO) Policy

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Report of the Selective Licensing Team Leader

8. Review of Statement of Licensing Policy (2025-2030)

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Report of the Senior Strategic Development Manager

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**MINUTES OF THE MEETING OF THE LICENSING & REGULATORY COMMITTEE HELD AT
CIVIC SUITE 2, BROCKS HILL COUNCIL OFFICES, WASHBROOK LANE, OADBY,
LEICESTER, LE2 5JJ ON THURSDAY, 18 SEPTEMBER 2025 COMMENCING AT 6.30 PM**

PRESENT

C J R Martin Vice-Chair



Meeting ID: 2919

COUNCILLORS

S S Athwal
G A Boulter
F S Ghattoraya
C S Gore
J Kaufman

OFFICERS IN ATTENDANCE

S J Ball	Legal & Democratic Services Manager / Monitoring Officer (Solicitor)
B Clark-Monks	Selective Licensing Team Leader
J Wells	Senior Strategic Development Manager
S Wheeliker	Senior Democratic & Electoral Services Officer

9. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors R H Adams, H E Darling and C D Kozlowski.

10. APPOINTMENT OF SUBSTITUTES

Councillor C S Gore substituted for Councillor H E Darling.

11. DECLARATIONS OF INTEREST

None.

12. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 19 June 2025 be taken as read, confirmed and approved.

13. ACTION LIST ARISING FROM THE PREVIOUS MEETING

None.

14. PETITIONS AND DEPUTATIONS

None.

15. STATEMENT OF GAMBLING POLICY (2025-2028)

The Committee gave consideration to the report and appendix (as set out at pages 5 – 40 of the agenda reports pack) which presented the draft Statement of Gambling Policy (2025-2028) for recommendation to Full Council for final approval.

It was moved by the Vice-Chair, seconded by Councillor J Kaufman, and

UNANIMOUSLY RESOLVED THAT:

- i) The Draft Statement of Gambling Policy (2025- 2028) be recommended to Full Council for approval, subject to any amendments arising from the consultation process; and**
- ii) The delegated authority be granted to the Chief Finance Officer / Section 151 Officer to consider any other amendments as may be necessary in consultation with the Chair of Licensing & Regulatory Committee.**

16. REVIEW OF SELECTIVE LICENSING SCHEME (2020-2025)

Councillor C S Gore entered the meeting at 6:39pm and Councillor S S Athwal entered the meeting at 6:42pm.

The Committee gave consideration to the report (as set out at pages 41 – 49 of the agenda reports pack) which provided Members with information regarding the outcomes, successes and challenges faced by the Selective Licensing Scheme (2020-2025).

It was moved by the Vice-Chair, seconded by Councillor J Kaufman, and

UNANIMOUSLY RESOLVED THAT:

The content of the report be noted and recommended for final approval by Full Council.

THE MEETING CLOSED AT 6.45 pm



Licensing and Regulatory Committee	Thursday, 04 December 2025	Matter for Information and Decision
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Report Title: **House in Multiple Occupation (HMO) Policy**

Report Author(s): **Ben Clark-Monks (Selective Licensing Team Leader)**

Purpose of Report:	To present to members the draft house in multiple occupation policy to help ensure that the licensing of HMOs within the Borough is transparent, consistent and clearly defined to potential applicants.
Report Summary:	The report and appendices outline the requirements expected from a potential applicant and property. Along with how the Council will look to determine their application and outline proposed fees that the applicants or property owners may incur.
Recommendation(s):	A. Approve the House in Multiple Occupation (HMO) Policy attached at Appendix 1; B. Approve the Fee Structure outlined in paragraph 4; and C. Approve the Amenity and Space Standard for Private Rented Sector at Appendix 2.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Colleen Warren (Chief Finance Officer / S151 Officer) (0116) 257 2759 colleen.warren@oadby-wigston.gov.uk Jon Wells (Strategic Manager) (0116) 257 2692 jon.wells@oadby-wigston.gov.uk Ben Clark-Monks (Selective Licensing Team Leader) (0116) 257 2883 ben.clark-monks@oadby-wigston.gov.uk
Strategic Objectives:	Our Council (SO1) Our Communities (SO2) Our Communities (SO2)
Vision and Values:	"Our Borough - The Place To Be" (Vision) Customer & Community Focused (V1) Proud of Everything We Do (V2)
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	The implications are as set out at paragraph(es) 4 of this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report.

Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. House in Multiple Occupation (HMO) Policy 2. Amenity and Space Standard for Private Rented Sector 3. Amenity Standards for Houses in Multiple Occupation (Current)

1. Background

- 1.1 The Council are required to licence, houses in multiple occupation that meet the criteria of a property that houses five or more occupants living in two or more separate households. This is referred to as a mandatory licence and is empowered under Part 2 of the Housing Act 2004.
- 1.2 Following a review of HMO provision within the Borough and changes to the internal processes for receiving applications, managing licences and completing inspections, it was decided that an overarching policy was required to support officers undertaking this function and to ensure transparency and consistency across the service. Along with bringing several factors inline with processes within the Selective Licensing team to ensure that wider property licensing functions are aligned within the department.

2. Why Adopt a Policy

- 2.1 Adoption of a policy in relation to applications will ensure increased transparency with the decision-making process and ensure greater consistency with officer decision making when determining licences.
- 2.2 The policy will also help to support any appeal the Council may face should a decision to refuse or revoke be challenged by the applicant/licence holder.

3. Amenity and Space Standard

- 3.1 The Council currently has an adopted amenity standard, noted as **appendix 3** in this report. An updated version of this document, noted as **appendix 2** is recommended for approval by the Committee.
- 3.2 The document outlines the required level of amenity required for each property to be compliant and the space required for each room or shared amenity such as bathrooms, living rooms and kitchen.

4. Fees, Charges and Discounts

- 4.1 At present licence fees for HMOs mirror the fee structure of the original Selective Licensing fee as outlined in the table below.

Application Fee	Enforcement Fee	Total Fee
£590.00	£250.00	£840.00

- 4.2 Along with the application fee there is also currently an additional fee of £216.00 when the Council identify an unlicensed property, however at present it is not clear when this fee would be applied.
- 4.3 Discounts are available for applicants registered with an accredited bodies such as the National Residential Landlords Association (NRLA), Decent and Safe Homes (DASH) and East Midlands Property Owners (EMPO). The discount is £100.00 per application.
- 4.4 There are also discounts available for multiple property owners of £30.00.
- 4.5 From benchmarking within the local vicinity, it appears our fees are below the level of neighbouring authorities

Authority	Standard Fee Levels
Leicester City Council	£900.00
Northwest Leicestershire District Council	£912.00
Charnwood Borough Council	£700.00
Hinckley and Bosworth Borough Council	£800.00 (Small HMO) £1,000.00 (Large HMO)
Peterborough City Council (Acting on behalf of Rutland CC)	£1,100.00
Melton Borough Council	£964.00 (Up to 5 occupiers) £1,116.00 (6-12 occupiers) £1,274.00 (13-20 occupiers) £1,476.00 (21 and above)
Harborough District Council	£950.00
Blaby District Council	£965.00

- 4.6 Therefore, it proposed as requested in recommendation B that the fees associated with HMO licensing within the Borough be amended to the figures outlined in the table below.

Application Fee	Subsistence Fee	Total Fee
£550.00	£450.00	£1,000.00

- 4.7 It is proposed that the Council do not provide a reduced fee for renewal applications, as the substantive work undertaken by officers is comparable for a new application and a renewal, the Council is not required to provide a discount for a Services Directive (Amendment) (EU Exit) Regulations 2019 outlines that the fee paid by the applicant must be reasonable and proportionate to the cost of the authorisation (licensing) procedure.
- 4.8 Following the case of Hemming v Westminster it is a requirement to provide a two part fee, at present the Council refers to these fees as an "Application" and "Enforcement" fees, it is proposed that the name of these fees be amended to "Application" and "Subsistence" fees as the term Enforcement has previously caused concern with both Selective and Mandatory

licensing applicants and causes potential confusion between a standard part of the licensing process and formal action being undertaken by the Authority.

- 4.9 It is also proposed that the current £216.00 identified/late application fee be increased to £300.00 to reflect the work completed identifying properties and bring the charges in line with the Selective Licensing scheme.
- 4.10 This identified/late application penalty will be imposed along with the subsistence fee by invoice at the point the licence is issued, to recover the costs of investigatory works undertaken.
- 4.11 In relation to discounts, it is proposed that these will mirror the discounts provided under the Selective Licensing scheme with accredited landlords receiving a £100.00 on their application fee and multiple property owners receiving a £50.00 on their application fee so subsequent properties after the first application is made incurring the standard fee.

House in Multiple Occupation (HMO) Policy

November 2025

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1. Background

1.1 This Policy responds to the legislation on Houses in Multiple Occupation (HMO). It sets the policy for licensing under the Housing Act 2004 and ensuring that all licensable HMOs have appropriate arrangements in place to ensure that they are satisfactorily managed by fit and proper persons.

1.2 The use of specific provisions relating to the licensing of HMOs is in addition to the enforcement powers under the Housing Act 2004, Housing, Health and Safety Rating System (HHSRS). Therefore, this policy works alongside the Amenity and Space Standard and any subsequent Housing Enforcement Policy

1.3 A House in Multiple Occupation is defined as 'a house which is occupied by persons who do not form a single household and who share one or more facilities'. Typical dwellings include shared houses, bedsits and hostels.

1.4 The risk to health and risk of death and injury from fire is greatly increased in this type of dwelling and persons who live in such properties tend to be more vulnerable than persons in other types of accommodation. The Government has therefore introduced a mandatory licensing scheme for certain types of HMO and has also introduced standards specific to these properties over and above those expected of normal rented dwellings.

1.5 We recognise that good quality, well managed HMOs provide a valuable source of affordable accommodation for many single people, some of whom are unable to access any other type of housing.

1.6 We aim to ensure that the occupiers of Houses in Multiple Occupation live in safe and healthy homes by providing advice, education and where appropriate enforcing the relevant provisions of the Housing Acts. We are taking a proactive approach by actively identifying and inspecting HMOs in the district and operating a licensing scheme for those HMOs that meet the mandatory licensing criteria.

1.7 This policy sets out our approach to licensing of HMOs. In particular it covers:

- How we identify and inspect HMOs in the Borough
- Our approach to HMO licensing
- Licensing criteria and the how the Council will make a decision to determine:
 - The property is reasonably suitable for occupation
 - The proposed licence holder and/or manager are a fit and proper person
 - There are adequate management arrangements in place
- Licence Conditions
- Fees
- Temporary Exemption
- Licence Procedures and Appeals (Schedule 5 Housing Act 2014)

1.8 This policy works alongside the following legislation:

- The Housing Act 2004
- The Housing Act 1985

- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006
- The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006
- The Regulatory Reform (Fire Safety) Order 2005
- The Furniture and Furnishings (Fire)(Safety) Regulations 1988
- The Gas Safety (Installation and Use) Regulations 1998
- Electrical Equipment (Safety) Regulations 1994

2. Identification and Inspection

2.1 Potential HMO premises are identified through Council records, housing surveys, referrals, complaints and from local information. The details of these properties are added to a premises database. Local Housing Authorities have powers to obtain information from certain benefit and tax records to assist with the functions under the Housing Act 2004.

2.3 Licensed HMOs will have certain details regarding the property and licence holder held on a public register, available upon request to the public and the Government who monitor the Council's activities in relation to HMOs.

2.3 Following identification of an HMO or as part of the scheduled routine inspection under the licensing system, HMOs shall be inspected in accordance with the Health and Housing Safety Rating System set out in the Housing Act 2004 and assessed for compliance with standards set out in regulations made under the Act. Notification of any required improvements will be issued to the owner or person responsible.

2.4 All licensed properties will be inspected at least once in the 5 year licence period. All other HMO properties will be inspected on a risk based approach or in response to a complaint. Properties deemed to be higher risk will be inspected and any required action taken to reduce identified risks. Lower risk properties will not normally be subject to routine inspection if they meet the required standards.

3. HMO Licensing

3.1 The Housing Act 2004 requires that certain HMOs will be subject to mandatory licensing.

These are classified as properties occupied by 5 persons or more who do not form a single household and share facilities.

3.2 Applications for an HMO Licence must be made to Oadby and Wigston Borough Council using the online form available on the Council's website - https://www.oadby-wigston.gov.uk/pages/houses_in_multiple_occupancy or by means of a pre-arranged phone appointment.

3.3 The Council may vary or revoke a licence in accordance with the Housing Act 2004 S.69.

3.4 Licences may be granted when the Council is satisfied that:

- The house is reasonably suitable for occupation.
- The proposed licence holder and/or manager are a fit and proper person.
- There are adequate management arrangements.

Suitability for Occupation

3.5 In deciding if the house is reasonably suitable for occupation the Council shall have regard for the number of persons occupying the dwelling and whether the property complies with statutory and local prescribed standards for fire safety, overcrowding and the provision of amenities.

3.6 The Council also actively liaises with the Leicestershire and Rutland Fire and Rescue Service in considering appropriate fire precautions required in particular properties. The Council also uses relevant British Standards and other guidance as models for standards where appropriate, for example British Standard 5839 Part 1 and Part 6, Fire Detection and Alarm Systems.

3.7 The Standard Fire Precaution Requirements and HMO Amenity and Space Standards that all HMOs are required to meet are set out in detail in the Council's Amenity and Space Standard document also available from the Council's website.

Fit and Proper Person and Management of the HMO

3.8 Before the Council can issue an HMO licence, the Housing Act 2004 says that it must be satisfied that the proposed licence holder for the property is a fit and proper person. The Council must also be satisfied that the proposed manager of the HMO is a fit and proper person to manage the house. If not, the licence will be refused unless other satisfactory arrangements can be agreed.

3.9 A licence can be revoked where the Council no longer consider the licence holder to be a fit and proper person and/or that the management of the house is no longer being carried out by persons who are in each case fit and proper persons to be involved in its management.

3.10 The fit and proper person test is designed to ensure that those responsible for operating and managing the property are of sufficient integrity and good character to be involved in the management of an HMO and that as such they do not pose a risk to the welfare or safety of persons occupying the property.

3.11 In deciding that the licence holder and/or manager is a fit and proper person the Council shall in particular have regard to whether that person:

- Is appropriate and competent to carry out that function;
- Has committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- Has practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
- Has contravened any provision of the law relating to either housing or landlord and tenant law; or
- Has acted otherwise than in accordance with any applicable code of practice approved under Section 233 Housing Act 2004.

3.12 Applicants are required to complete a fit and proper person self-declaration as part of the application process, this is built into the application process and does not need to be evidenced separately, unless requested by the case officer upon review of the application.

3.13 Where there is evidence of an offence, unlawful discrimination, contravention or breach of the Code of Practice, the Council may decide that the person is not fit and proper. Each case will be considered on its own grounds and such evidence will not automatically lead to the conclusion that a person is not a fit and proper person. The Council will exercise its discretion and act reasonably, proportionately and consistently in its approach when making a decision. It will take into account those factors considered to be relevant in regard to holding a licence and/or manage an HMO and disregard those which it considers are not relevant.

3.14 Upon deciding upon whether evidence should lead to the conclusion that a person is not a fit and proper person, the Council will take into account, among any other relevant things, the following:-

- The relevance of the offence, any unlawful discrimination, contravention or breach of the Code of Practice in relation to the person's character and integrity and any bearing this has on the management of an HMO;
- The severity of the offence, any unlawful discrimination, contravention or breach of the Code of Practice, in terms of its impact on residents and the wider community;
- The time of the offence, unlawful discrimination, contravention or breach of the Code of Practice;
- Any mitigating circumstances;
- Any other relevant matters;

A landlord with an unspent conviction for the unlawful eviction of the harassment of tenants for example, would not normally be considered to be a fit and proper person. On the other hand, evidence of minor contraventions of housing or landlord and tenant law, will not automatically lead to the conclusion that a person is not fit and proper.

Similarly, where an offence is isolated and/or mitigating circumstances can be properly shown, the Council may not decide that a person is not a fit and proper person.

Multiple offences or a series of offences over a period of time may however demonstrate a pattern of inappropriate behaviour, which is likely to lead the Council to conclude that someone is not fit and proper. This is also more likely to be the case where the victim of an offence or vulnerable person.

Poor management practices are not wrongdoings for the purposes of the fit and proper person test, unless those wrongdoings are in themselves, an offence, unlawful discrimination, contravention or breach of Code of Practice. A person cannot be deemed unfit, simply because of poor management, although that may be relevant to determining any question concerning a person's competence to manage the building or the suitability of management structures.

Consideration of 'persons associated or formally associated' with proposed licensing holder or manager

3.15 If there is evidence that a person associated, or formally associated with a proposed licence holder or manager, has committed any of the wrongdoings specified in section 66(2) of the Housing Act 2004, that evidence may be taken into account in determining the proposed licence holders or managers fitness (even if that person has an unblemished record). The purpose of this requirement is to ensure that only fit and proper persons hold licences or are in anyway involved in the management

of the licensed properties. 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 they were not unfit, would be otherwise entitled to be the manager or licence holder.

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 a relevant offence, then it is reasonable to assess whether or not he is a fit and proper person. The Council may then refuse to grant his wife a licence because of her association with him.

Likewise if a landlord with an unsatisfactory record nominated a 'managing agent' who had a clean record, but had acted for him whilst the wrongdoings were committed, the Council may consider the managing agent by association not to be a fit and proper person.

3.16 A decision that a person is not a fit and proper person and a refusal to grant a licence on that basis, will normally only be made if:

- There is actual evidence of an offence, unlawful discrimination, contravention or breach of the Code of Practice by an associated person; and
- The associate's fitness is directly relevant to the applicant, proposed licence holder or managers fitness to manage the property or hold the licence.

3.17 In relation to an offence, only unspent convictions will be taken into consideration.

Duration

3.18 If someone is found not to be a fit and proper person, this will usually remain the case for a period of 5 years. However, if a licence application is re-submitted at any time during that period, the Council will reconsider the case on the merits of the application made.

The Council will have regard to this policy and the applicant(s) will need to provide sufficient evidence that they are now a fit and proper person.

Evidence of offences, unlawful discrimination, contraventions or breaches of the Code of Practice

3.19 As an applicant for a licence must disclose information about whether they and/or a proposed manager has committed any relevant offences, practiced unlawful discrimination, contravened any provision of the law relating to housing or landlord and tenant law or breached the code of practice, the Council should normally have sufficient information to decide a person's fitness based on the application. If the Council is not satisfied that it has sufficient information to make a determination, it may require the applicant to provide further details before it can make a decision about whether or not a person is fit and proper.

The following examples are intended to give guidance about the Council's approach to the fit and proper person test and the factors to be taken into account where it has satisfactory evidence of relevant wrongdoing or that such has been disclosed to them in the licence application.

3.19.1 Does the contravention relate to a provision of the law relating to housing or landlord and tenant law?

Where this is the case, careful consideration should be given to an application for a licence. Account will be taken of among things, evidence of poor management leading to contraventions, prosecutions, simple cautions, judgements and other matters where relevant, in particular under:

- The Public Health Acts 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Act 1976 and 1982
- The Housing Grants, Construction and Regeneration Act 1996
- The Local Government and Housing Act 1989
- The Housing Act 2004
- The Landlord and Tenant Act 1985

The term 'contravention' in this context could refer to a contravention following which the Council has served a statutory notice, carried out the remedial action itself by way of works in default, or taken a prosecution. The nature of the contravention and its relevance to the management of an HMO and the potential harm associated with the contravention are factors to be taken into account.

In relation to any contravention of a provision of the law relating to housing, the Council will take into account whether in relation to a proposed licence holder or manager:

- They have had a licence refused, been convicted of breaching the conditions of a licence under Parts 2 and 3 of the Housing Act 2004;
- They own or manage or have owned or managed an HMO or house which has been subject of either a control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or any appropriate enforcement action described in section 5(2) of the Housing Act 2004 (in relation to category 1 hazards);
- They own or have previously owned a property that has been subject of an interim or final management order under the Housing Act 2004.

It may also be relevant to consider the circumstances surrounding the contravention, whether there has been more than one contravention, the number of them and of any evidence demonstrating good character since the contravention took place. Again, it is important to consider the merits of each individual case.

3.19.2 Have any offences been committed involving a fraud?

The licence holder or manager of an HMO occupies a position of trust and their responsibilities almost certainly include a need to enter the property from time to time, be engaged in financial dealings and/or handle a tenant's personal data.

A person will not normally be found to be fit and proper where they have an unspent conviction for an offence in which the victim has been deprived of money, property or other benefits by misrepresentation and/or deception and this includes:

- Theft

- Burglary
- Fraud
- Benefit fraud (including housing benefit fraud)
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking
- Being struck off as a company director
- Any other similar offence

3.19.3 Have any offences been committed that have involved violence?

A person will not normally be found to be fit and proper where they have an unspent conviction for an offence involving violence including:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm with intent or not
- Actual bodily harm
- Robbery
- Racially aggravated criminal damage
- Common assault whether racially aggravated or not
- Assault occasioning actual bodily harm
- Possession of an offensive weapon
- Possession of a firearm

3.19.4 Have any offences been committed involving drugs?

In a deciding whether a person is a fit and proper person, careful consideration should be given to any unspent convictions for drug related offences. The nature of the offence, the quantity and class of drugs that may have been involved and the relevance of the offence in relation to the management of an HMO must all be taken into account.

3.19.5 Have any sexual offences been committed?

Offences of this kind are of particular concern because of the need for licence holders and/or their managers or others involved in the management of an HMO to visit the tenants of a property.

A person will not normally be found to be a fit and proper person where they have an unspent conviction for an offence under Schedule 3 of the Sexual Offences Act 2003.

3.19.6 Has any unlawful discrimination been practised?

In deciding whether a person is a fit and proper person, careful consideration should be given to any evidence of unlawful discrimination that has been practiced by them on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.

Again the nature of the lawful discrimination and the relevance of it to the management of an HMO will be taken into account.

Most appropriate person to be the licence holder

3.20 Under the Act, the licence holder is deemed to be the most 'appropriate person', that they have management responsibility and are locally resident – this is intended to ensure that unfit landlords cannot use "front men" to apply for licences.

3.21 The licence holder could be the owner or the manager and this is likely to be the person who receives the rent (this meets the presumption under S66 (4) that the 'person having control' would be the most appropriate person).

3.22 Where an absentee landlord/owner proposes a property manager to manage an HMO whilst they are an absent licence holder an agreement should be provided to determine the cover of management in place.

3.23 If a person concerned simply lacks experience or knowledge of standards then a licence could be granted with a condition that the person undergoes relevant training.

Adequate Management Arrangements

3.24 The Council must consider licence holders, managers and others involved in the management of the property. Before granting a licence, the Council must be satisfied that the proposed management arrangements for the HMO are satisfactory.

3.25 A reliable system of management shall be in place to ensure the repair, cleaning and maintenance of kitchens, bathrooms, WC's, circulation areas, staircases and outbuildings.

3.26 All means of escape from fire in the house and all fire safety installations and firefighting equipment are in and are maintained in good order and repair and are kept free from obstruction at all times.

3.27 The manager shall ensure a competent engineer undertakes an annual service of fire alarm systems, emergency lighting and firefighting equipment and provide an annual safety certificate.

3.28 A person involved in the management of the property, is a person who is able to comply with any licence conditions and deal with the day-to-day issues that arise with an HMO as well as being able to deal with longer term management issues. Typically but not exclusively, these will include such matters as;

- Emergency repairs and other issues
- Routine repairs and maintenance to the property and its grounds
- Cyclical maintenance
- The management and the provision of services to the building and its grounds

- The management of tenancies or occupants, including dealing with rent matters and tenants enquiries
- The management of the behaviour of tenants, occupants and their visitors to the property
- Neighbourhood issues (including disputes)
- Engagement with the local authority, police and other agencies, where appropriate.

4. Licence Conditions

4.1 Licences will be valid for five years, providing all the relevant conditions are met. The licence may not be transferred to another person, and the existing licence holder should notify the Council in formally, either in writing or by using the online change or circumstances form - https://myaccount.oadby-wigston.gov.uk/service/Selective_Licensing_Change_of_Circumstances, should a change in ownership occurs.

4.2 A licence may include such conditions, as the Council considers appropriate for management, use and occupation of the house. Any required improvement, alteration or repairs to the house such as structural works or installation of fire detection system will be enforced separately but must be satisfactorily completed within the first licence period.

4.3 All licences will require at least the national minimum standards set out in regulations under the Housing Act 2004. These regulations are:

- The Management of Houses in Multiple Occupation (England) Regulations 2006.
- The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006.

4.4 The following standard conditions will be applied to all licences where appropriate:

- Compliance with this policy must be achieved and adhered to.
- Only persons deemed fit and proper shall undertake management functions as set out in this policy.
- A copy of the licence to be displayed in the property.
- Contact details for the manager/ emergency call out/ repairs to be displayed in the property.
- To keep electrical appliances and furniture made available by the licence holder in the house in a safe condition.
- To supply the authority, on demand, with a declaration by the licence holder as to the safety of the appliances and furniture detailed in condition 3.
- Ensure that all of the emergency warning systems (e.g. fire, lighting etc) within the house are kept in a safe and proper working order.
- To supply the authority with details of any changes made to the emergency warning systems within the house including locations and specifications.
- The licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it. For example, a tenancy agreement.

- Notification in writing must be submitted to the Council if there is a sale of the house, a change in ownership of the house or a change in management of the house.

4.5 In addition to the standards set out in the above regulations, the Council also specifically requires the annual submission of the following:

- Copies of safety certificates, details of occupation, works carried out in the past 12 months and works planned for the coming 12 months including annual gas safety certificate if applicable.
- A copy of the building insurance certificate.
- Copies of the fire precautions, maintenance records and safety certificate.
- Copies of any new tenancy agreements.
- Any amended or new details for the landlord, manager, emergency contact, key competent contractors used.

4.6 A fit and proper person status check is valid for 5 years (life of the licence), after which it needs to be completed again. Licence holders and managers etc, must inform the Council if they are cautioned or convicted within this time, so that their suitability can be reconsidered.

4.7 Under the Act the local authority can revoke a licence at a later date if it no longer considers a licence holder, or anyone involved in the management of the HMO, to be fit and proper.

4.8 Persons who fail to licence premises or fail to comply with licence conditions commit an offence. Offences and appeals under these provisions will be heard by a Residential Property Tribunal (RPT) who can judge cases relating to offences make fines and order the repayment of up to twelve months rent back to tenants and in the case of Housing Benefit, back to the Council

Data Sharing

4.9 Information obtained and used for the purpose of determining whether a licence holder or manager is a fit and proper person may be shared with other councils, council departments or statutory bodies. Licence applicants consent to this when they sign the application form.

5. Fees

5.1 The Council is able to charge a reasonable fee to cover costs associated with the licensing scheme. The fee has therefore been determined taking into account the various administrative, inspection, assessment and liaison costs involved over the 5 year period.

5.2 The fees and charges will be reviewed annually. Details of these fees can be found in the Council's Fees and Charges information on the website.

5.3 The Council will also provide discounts for landlords that are a member of an accredited landlord association or own multiple properties, further discounts may be created or amended at the discretion of the Chief Finance Officer.

Enforcement Charges

1.4 In addition to the licensing fee, should separate investigation or enforcement action be needed, a charge may be incurred for an inspection and report where contraventions are identified. In addition any investigation costs will also be charged, for example if an unlicensed property is identified by the Council then an identified property/late payment penalty will be applied to the subsistence fee of the licence.

6. Temporary Exemption

6.1 An owner or manager of a HMO may apply to the Authority for a Temporary Exemption Notice (TEN). If a TEN is granted the HMO is exempt from licensing and accordingly the owner or manager does not commit the offence of operating an HMO without a licence. A TEN can only be granted for a maximum period of three months, but in exceptional circumstances the Authority may issue a second TEN. Temporary exemption from licensing may be granted to landlords that wish to change the use of a dwelling to that other than a HMO.

7. Licence Procedures and Appeals (Schedule 5 Housing Act 2004)

8.1 The applicant or any relevant person may appeal to a Residential Property Tribunal against a decision made by the Local Housing Authority to refuse to grant the licence, or to grant the licence, (in relation to licence conditions) to vary or revoke a licence, or to refuse to vary or revoke a licence.

8.2 Appeals must usually be made within 28 days from the notification of decision. The Residential Property Tribunal may allow a late appeal if it is satisfied that there is good reason for the failure to appeal before the end of that period.

Amenity and Space Standard for Private Rented Sector

The Council operates a Selective Licensing Scheme and Mandatory HMO licensing scheme and this guidance may form the basis for licence conditions or form the basis of works required to a property.

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Introduction

This document gives advice to anyone involved with letting out housing in the private rented sector, whether as an individual letting or as a House in Multiple Occupation (HMO). Higher risk HMOs and properties within a designated area of Selective Licensing require licences to operate and this guidance may form the basis of condition attached to the licence or the basis of works required to ensure that any rental property is compliant.

The document sets out the legal framework and gives guidance for living space amenities, fire safety and good management, adopted in this local authority area. It is not meant to explain the detail of the law. If this is needed you should seek independent legal advice or refer to the specific legislation.

Definitions & Categories

[Part 1 of the Housing Act 2004](#) introduced a new method of assessing whether housing conditions are a risk to the health and safety of the occupiers, called the Housing Health & Safety Rating System (HHSRS). It is broken down into 29 hazards, such as falls on the stairs, damp and mould and entry by intruders and assesses the likelihood of an incident occurring that causes harm and the likely severity of that harm, as outlined with the [HHSRS Operating Guidance](#).

If the local authority assesses a hazard as Category 1 (severe), the authority has a duty to take action to reduce the hazard to an acceptable level. In less severe cases, referred to as a Category 2, the authority has the power to take action, rather than a duty. The range of actions available include requiring the owner of a property to carry out improvements, prohibiting the use of the whole or parts of the property, the authority taking emergency action itself, serving an enforcement notice or, where appropriate, requiring demolition of the property.

HHSRS applies to all residential property irrespective of how it is occupied. In privately rented property, it will be the main method of the authority making judgements about whether enforcement action is needed to remedy unsatisfactory conditions, and the action to be taken.

In relation to Houses in Multiple Occupation (HMOs), [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) sets out the responsibilities of the manager of a HMO. [Section 17](#) gives further information and regulation are linked above.

[Part 2 of the Housing Act 2004](#) requires the licensing of higher risk HMOs. When considering an application, the authority must be satisfied that the property is reasonably suitable for occupation by the number of people proposed to be living there. Some standards are prescribed in the [Licensing and Management of Houses in Multiple Occupation \(Miscellaneous Provisions\) \(England\) Regulations 2006](#), the authority also has powers to specify other standards.

[Section 67 of the Housing Act 2004](#) enables a local authority to issue a licence subject to conditions.

This guidance has been based on those recommended by the Chartered Institute of Environmental Health and subsequently amended following changes in the law.

The structure of this document identifies;

Legal requirements which are set out in bold type, and;

Guidance that gives greater explanation of what is required set out in italics.

Definitions and Categories of Property

House in Multiple Occupation (HMO)	A house which is occupied by people who do not form a single household and share basic amenities such as bathroom, toilet and kitchen facilities.
House	'House' is not conclusively defined in legislation but includes flats, blocks of flats and the grounds, outbuildings and boundaries.
Household	Each of these is a single household • A single person • Co-habiting couples • Families of related people.
Licensable HMO	A property requires a mandatory Licence when five or more occupants living in two or more separate households occupy the property.
Selective Licence	A house which is occupied by a single household and have exclusive use of the amenities, some tenancies are exempt as outlined in The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006

Further advice and Information

If you need help in applying these standard to your own situation or you require information regarding property licensing please visit the Council website using the links below;

Information regarding Houses in Multiple Occupation - https://www.oadby-wigston.gov.uk/pages/houses_in_multiple_occupancy

Information regarding Selective Licensing - https://www.oadby-wigston.gov.uk/pages/selective_licensing_scheme

Information regarding Private Sector Housing - https://www.oadby-wigston.gov.uk/pages/private_housing_information

Alternatively please contact the Private Sector Housing team

By Phone - 0116 257 2637.

By Email - privatesectorhousing@oadby-wigston.gov.uk.

By using web enquiry form - https://myaccount.oadby-wigston.gov.uk/service/Selective_Licensing_General_Enquiry

1 Heating

1.1 Each property or unit of living accommodation in a HMO must be equipped with adequate means of space heating

1.2 Heating shall be provided in every habitable room and bathroom capable of maintaining a temperature of 20°C (Degrees Celsius) when the outside temperature is -1°C. *The provision of insulation can assist in meeting this standard.*

1.3 The heating provision must be capable of being safely used at any time and be suitably guarded.

1.4 Heating may be by means of:

- a) Central Heating, or
- b) Gas heaters connected to a suitable flue and terminal outlet, or
- c) Oil heaters connected to a suitable flue and terminal outlet, or
- d) Electricity, in some circumstances the sole use of electricity may be acceptable to heat a dwelling but if propose to use this method heating you must discuss this with your local authority. Individual heaters must be a fixed installation.
- e) Solid fuel, if solid fuel is used, proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation. *Fuel must be in the form of an authorised smokeless fuel or alternatively solid fuel burnt in a smokeless appliance.*
- f) Air or Ground Source Heat Pump.

1.5 Wherever practicable, heaters (excluding radiators) shall be fixed to an existing chimney breast or otherwise positioned so as to direct heat towards the centre of the room.

1.6 All appliances shall be maintained by a competent person. Gas appliances shall be inspected annually and certified in accordance with the [Gas Safety \(Installation and Use\) Regulations 1998](#).

1.7 The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (bottled gas heaters) are prohibited whether provided by the landlord or the tenant. *If temporary heaters are provided due to failure of the primary fixed heating system whilst repairs are undertaken this shall be communicated to the Council.*

2 Washing Facilities and Sanitary Conveniences

2.1 Where all or some of the of the units of living accommodation in a HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:

- a) Where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet, *which must be situation in the bathroom.*
- b) Where there are five or more occupiers sharing those facilities there must be:
 - i) One separate toilet with a wash hand basin and appropriate splash back for every five occupiers sharing; and
 - ii) At least one bathroom *which may contain a toilet* with a fixed bath or shower for every five occupiers sharing.

2.2 The provision of washing facilities shall be for exclusive use wherever possible but otherwise as follows:

Number of occupiers sharing	Washing Facilities
Up to five people	One bathroom with wash hand basin and bath or shower
Six to ten people	Two Bathrooms

2.3 Wash Basins, approximately sized 550mm x 400mm with a 300 waterproof splash back with cold and constant hot running water shall be supplied in each shared bath/shower room serving a maximum of five occupiers

2.4 Bath and Shower Facilities, should be readily accessible, standard sized bath in a bathroom or a standard sized shower in a suitable room together with adequate drying and changing space shall be provided. A 300mm waterproof splash back to the bath is to be provided. In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the showerhead and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed. Any shower shall have fully tiled walls, alternative waterproof finish, or a complete self-standing cubicle.

2.5 The provision of toilet facilities it outlined as follows:

Number of occupiers sharing	Toilet facilities required
One to Four Occupiers	One toilet may be incorporated within the bathroom
Five Occupiers	One toilet to be separate from the bathroom, although may be within a second bathroom
Six to Eight Occupiers	Two toilets may be sited within two separate bathrooms
Nine to Ten Occupiers	Two toilets, one toilet must be separate from any bathrooms
Eleven Occupiers or Above	Three toilets, one toilet must be separate from any bathrooms or provision of a fourth toilet separate from any bathroom.

2.6 Each separate toilet compartment shall be provided with a suitable wash basin with cold and constant hot water and a 300mm tiled splash back.

2.7 External toilets shall be ignored.

2.8 Having regard to the age and character of the HMO, the size and layout of each unit of accommodation and its existing provision for wash hand basins, toilets and bathrooms, where reasonably practical there must be a wash hand basin with appropriate splash back in each unit except where a sink has been provided. *In some circumstances a wash basin may not be required at the discretion of the case officer.* Where wash hand basins are required, the splash back to a wash basin shall be a minimum of 300mm high and at least equal to the width of the wash basin and all joints shall be adequately sealed.

2.9 All baths, showers and wash hand basins in a HMO or single dwelling must be equipped with taps providing an adequate supply of cold and constant hot water and shall be available at all times.

- 2.10 All bathrooms in a HMO must be suitably and adequately heated and ventilated (See [section 1](#) for details relating to heating and [section 7](#) for ventilation).
- 2.11 All bathrooms and toilets in a HMO must be of an adequate size and layout (See [section 16](#) for space standards and room sizes).
- 2.12 All baths, toilets and wash hand basins in a HMO must be fit for purpose as outlined below
- 2.12.1 The walls and floor of any toilet, bathroom or shower room must be reasonably smooth, non-absorbent and capable of being easily cleaned.
- 2.12.2 Any sanitary fittings must be of a non-absorbent material and capable of being easily cleaned.
- 2.13 All bathrooms and toilets in a HMO must be suitably located in or in relation to the living accommodation in the HMO.
- 2.13.1 A bathroom has be no more than one floor distant in relation to the bedroom.
- 2.13.2 A toilet shall be no more than one floor distant from living and bedrooms
- 2.13.3 Where shared, these facilities must be accessible from a common area.

3 Kitchens (Shared)

- 3.1 Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food:
- 3.1.1 There must be a kitchen, suitably located in relation to the living accommodation, and of such layout, size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food.
- 3.1.2 The kitchen must be equipped with the following, which must be fit for purpose and supplied in sufficient quantity for the number of those sharing the facilities

Facility	Requirements
a) Sinks with draining boards	A suitable sink and drainer in a good condition and of minimum dimensions of 500 x 1000mm set on a stable base or support shall be supplied at the ratio of one sink for 5 occupiers. Where a house is occupied by 6-10 occupiers, either the provision of a double bowled sink or a dishwasher in addition to a single sink may be treated as meeting this requirement, where the Council considers that such provision adequately meets the occupiers needs. Where practicable, a waterproof splash back shall be provided to the sink and draining board and all joints adequately sealed. The sink(s) shall be connected to the

	drainage system via a suitable trap and provided with plug and chain or equivalent.
b) Adequate supply of cold and constant hot water to each sink supplied.	An adequate supply of cold drinking water and constant hot water. Stand alone water heaters are not a satisfactory supply of hot water.
c) Installations of equipment for the cooking of food.	1-5 Occupiers – 1 Full sized cooker with a minimum of 4 ring burners, a standard sized oven and grill. 6-10 Occupiers – 2 full sized cookers with a minimum of four ring burners, a standard sized oven and grill or 1 full sized cooker plus microwaves as required.
d) Electrical Sockets.	Four sockets per five occupiers sharing the kitchen shall be provided to be sited above the worktops, plus one socket for each fixed appliance. Electrical cookers shall be provided with a dedicated cooker point outlet, suitable for the rating of the cooker. Fixed electric space or water heating appliances sited in the kitchen shall be provided with a separate, dedicated point.
e) Worktops for preparation of food.	A worktop or table of smooth and impervious material of a minimum size of 500mm x 1500mm per 5 occupiers and suitably located; this is to be in addition to any space taken up by any large appliance, sink unit or cooker.
f) Cupboards for the storage of food and kitchen or cooking utensils.	Each separate household shall with provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One double wall cupboard or single base unit is required is required per household for the storage of dry goods and utensils. Although households larger than 1 person will require additional space.
g) Refrigerators with an adequate freezer compartment (or where the freezer compartment is no adequate for sufficient separate freezers)	If possible, separate fridges should be provided per household, otherwise each separate household shall be provided with at least one shelf of refrigerator space either within the kitchen, or in an adjacent and readily available position. Adequate freezer space shall also be provided.
h) Appropriate refuse disposal facilities	See section 9
i) Appropriate extractor fans, fire blankets and fire doors	See section 5 All kitchens shall be ventilated by means of suitability sited extractor fan compliant with standards outlined within Building Regulations

	2010, Approved document F or any subsequent standard.
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4 Units of Living Accommodation Without Shared Basic Amenities

- 4.1 Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with the following facilities

Facility	Requirements
a) Adequate appliances and equipment for the cooking of food	The minimum requirement is two rings/hot plates together with a minimum of 1 cubic foot/28 litre oven and a grill for one person or four rings/hot plates together with a minimum of a full size oven and grill if provided for more than one person. A microwave oven can be substituted for one or two rings subject to the agreement of the case officer and/or their immediate line manager or departmental manager. All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be maintained by a competent person.
b) A sink with adequate supply of cold and constant hot water	A full size sink with a draining board with a plug and a chain and a waterproof splash-back 300mm high to be provided. A wash hand basin shall not be used in place of a sink. Stand alone water heaters are not a satisfactory supply of hot water.
c) A work top for the preparation of food	A worktop or table of smooth and impervious material that is capable of being easily cleaned and of minimum size of 500mm x 1000mm for single person units or 500mm x 1500mm for two person units. A suitable waterproof splash-back 300mm high should be provided where any work surface abuts a wall and joints shall be adequately sealed.
d) Sufficient electrical sockets	Four power sockets in addition to any serving major appliances set at a convenient height and safe position above the work surface.
e) A cupboard for the storage of the kitchen utensils and crockery	Each separate occupancy shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One double wall cupboard or a single base unit is required per occupancy for the storage of dry goods and utensils, although occupancies comprising more than one individual will require additional space. If located in a communal room, the dry goods storage shall be lockable or otherwise secure. The space in a

	unit below the sink will not be accepted for the above purposes.
f) A refrigerator	If possible separate fridges should be provided with at least one shelf of refrigerator space in a readily accessible room. Adequate freezer space shall also be provided.

- 4.2 Where there are no adequate shared washing facilities provided for a unit of living accommodation, as mentioned in section 2, an enclosed and adequately laid out and ventilated room with a toilet, bath or fixed shower and hand basin with the adequate supply of cold and constant hot water much be provided for the exclusive use of the occupiers for that unit either

Within the living accommodation; or

Within reasonable proximity to the living accommodation.

- 4.3 Washing facilities should ideally be for exclusive use but where this is not possible the following should apply.
- 4.4 "Reasonable proximity to the living accommodation" shall mean no more than one floor away from the living accommodation.
- 4.5 One standard sized wash basin, (Approx 550mm x 400mm with a 300mm waterproof splash back with cold and constant hot water shall be supplied in each shared bath/shower room serving a maximum of five occupiers.
- 4.6 Each occupancy shall be provided, where practicable, with a bath or shower in a separate room. Otherwise, a readily accessible, standard sized bath in a bathroom, or a standard sized shower in a suitable room together with adequate drying and changing space, shall be provided. A 300mm waterproof splash back to the bath is to be provided. In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the shower head and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints should be adequately sealed. Any shower shall have fully tiled walls or a complete free-standing cubicle.
- 4.7 Each separate toilet compartment shall be provided with a suitable wash hand basin with cold and constant hot water and a 300mm tiled splash back.
- 4.8 External toilets shall be ignored.
- 4.9 The bath/shower, with adequate cold and hot water supplies, shall be available at all times.
- 4.10 The walls and floor of any toilet, bathroom or shower much be reasonably smooth and non-absorbent and capable of being easily cleaned.
- 4.11 All sanitary fitments must be of non-absorbent material and capable of being easily cleaned.

5 Fire Precaution Facilities

- 5.1 Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.
- 5.2 The property shall be provided with an adequately protected means of escape from fire, together with other fire precautions including so far as necessary, a detection and a warning system with emergency lighting to the satisfaction of the case officer.
- 5.3 Guidance is available in a separate document, linked below

LACORS, Housing Safety
[Guidance on fire safety provisions for certain types of existing housing](#).
- 5.4 The following matters are not covered specifically in the regulations but must be considered in regard to the Housing Health and Safety Rating System and for the purposes of HMO licensing they may form part of the licence conditions.
- 5.5 When designing or amending the building compliance with [Building Regulation, Approved Document B](#) must be adhered to.

6 Natural and Artificial Lighting

- 6.1 All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window, windows and/or door(s), the glazed area to be equivalent to at least 1/10th of the floor area and to extend normally to a point 1.75m above floor level. The window shall be positioned that the light from the window is able to illuminate most of the room.
- 6.2 Windows to bathrooms and toilets are to be glazed with obscured glass.
- 6.3 Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and toilets. All lighting to common parts to be provided, maintained and paid for by the landlord. Lighting to staircases, landing and passages may be controlled by time switches or other devices having a similar effect and be illuminated for ease of location. Two-way switches shall be provided on stairs and passageways as necessary.

7 Ventilation

- 7.1 All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than 1/20th of the floor area of that room. Alternatively, a whole house ventilation system, suitable for use in habitable rooms will satisfy this standard providing it is installed and serviced with accordance with the manufacturers recommendations and has room by room control.
- 7.2 All bathrooms shall have intermittent mechanical humidistat ventilation providing a minimum of 15 litres per second of extraction and interlinked to the light fitting.

- 7.3 All toilet compartments must have either an openable window or mechanical ventilation providing a minimum 6 litres per second, this requirement can be agreed with the case officer.
- 7.4 A kitchen shall have cooker hood extraction to the outside providing a minimum of 30 litres per second of extraction or where a cooker hood is not practical an extractor fan providing a minimum of 60 litres per second shall be installed. The table below outlines the requirements for room type below.

Room	Intermittent Extract Rate (Litres per second l/s)
Kitchen (cooker hood extracting to the outside)	30
Kitchen (no cooker hood or cooker hood does not extract to the outside)	60
Utility Room	30
Bathroom	15
Sanitary Accomodation	6

- 7.5 All extraction shall be installed in line with [Building Regulations, Approved Document F](#).
- 7.6 See [Section 16](#) on how to measure a room.

8 Drainage

- 8.1 All new drainage shall comply with standards outlined in [Building Regulation, Approved Document H](#) or any subsequent documents.
- 8.2 The whole house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

9 Refuse, Storage and Disposal

- 9.1 Refuse and recycling bins or containers shall be provided in sufficient numbers to meet the needs of the house and an acceptable means of disposal provided.
- 9.2 All refuse containers should be located away from habitable rooms and wherever practicable at the rear of the premises. All bins to be positions so that they do not cause obstruction to the footways and access ways and do not obscure natural lighting from the windows below bin height.
- 9.3 Refuse containers should presented on your curtilage (kerbside), as demonstrated by 6.30am on your collection day. Bins should be removed from the kerbside as soon as possible after collection but no later than 10pm on the day of collection. With the lid closed and no side waste left next to the container will be taken.
- 9.4 Specifications for refuse containers are outlined in the image below and requirements and storage locations can be agreed with the case officer.

Container	Dimensions (mm)		Floor space	
1100 litre communal bin	Width	1360	1560 x 1420	
	Depth	1070		
	Height	1465		
	Height with lid open	2400		
240 litre wheeled bin	Width	580	780 x 930	
	Depth	730		
	Height	1080		
	Height with lid open	1700		
140 litre wheeled bin	Width	480	680 x 760	
	Depth	560		
	Height	1080		
	Height with lid open	1500		

10 Electrical Safety

10.1 Electrical socket outlets shall be provided to individual rooms to a minimum standard as below:

Room Type	Number of Sockets required
Living Room	6 Sockets
Bedroom/Study	6 Sockets
Bedroom within a letting comprising more than one room	4 Sockets
Bedsits containing cooking facilities	4 in Kitchen area plus 6 elsewhere

10.2 In bedsit kitchen area, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.

10.3 All socket outlets shall be located in positions which permit safe convenient and proper use at all times, having regard to the room layout. They shall not be positioned where appliance cables are likely to pose a safety hazard.

10.4 All new electrical shall comply with standards outlined in [Building Regulations, Approved Document P](#) or any subsequent standard.

10.5 All installations shall be checked at 5 yearly intervals to ensure compliance with [The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector \(England\) Regulations 2020](#). With the satisfactory Electrical Installation Condition Report (EICR) provided to the Council.

10.6 Portable appliances provided by the landlord must be visually inspected when undertaking management inspections of the property, see [section 17](#) for management expectations. With portable appliance testing (PAT) to be completed annually by a competent person with a certificate provided upon completion and a copy must be shared with the Council.

11 Gas Safety

- 11.1 [The Gas Safety \(Installation and Use\) Regulations 1998](#) requires landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. An annual safety check must be carried out by a [Gas Safe](#) registered engineer. A copy of the annual safety check certificate must be provided to each tenant and if the HMO is licenced a copy must be sent to the Council.
- 11.2 The landlord must comply with the requirements of the [Gas Safety \(Installation and Use\) Regulations 1994 \(as amended\)](#). These regulations are enforced by the Health and Safety Executive but are a requirement under the Management Regulations 2006 and form part of any licence.

12 Furniture Safety

- 12.1 [The Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988](#) (as amended) set down levels of fire resistance for items of domestic upholstered furniture, furnishings and other products containing upholstery. They require certain furniture included in accommodation that is made available for let complies with fire safety requirements detailed in the regulations. Landlords and estate and letting agents who let accommodation, therefore have duties under the above regulations.
- 12.2 In a licenced premises the furniture safety requirements form part of the licence conditions. Further information can be obtained from your local Trading Standards Service or from the Department for Business and Trade.

13 Personal Safety and Security

- 13.1 Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and tenant's own rooms to prevent unauthorised access but permit safe egress. Windows must also be capable of being effectively secured against entry without compromising the means of escape in the case of fire.
- 13.2 All doors and windows shall be installed with keyless egress to ensure there is no impediment to means of escape in the event of a fire.
- 13.3 Appropriate arrangements must be in place to control the issue or return of keys upon change of tenancy, or the locks being changed.
- 13.4 Simple locks must be provided to communal bathrooms and toilets to provide privacy.
- 13.5 When designing security features within the property consideration should be given to [Building Regulations, Approved Document Q](#).

14 Thermal Efficiency

- 14.1 All dwellings should be capable of achieving and maintaining suitable room temperature without undue heat loss. To achieve this additional insulation or other works may be required.

15 Asbestos

- 15.1 Landlords have a duty to identify and manage Asbestos containing materials in their property. If the material is in good condition and not liable to damage or disruption then it may be appropriate to remain in place with effective encapsulation to reduce the risk posed by the material, this is at the discretion of the case officer and would require the submission of an Asbestos Survey and report confirming that the material remaining is the most effective option.
- 15.2 If you are aware of any Asbestos containing materials you should keep a record of the location, type of material and confirm that it is in a sound condition. You should then check every 6 months to see there has been no damage and date and sign the record to show that you have done this.
- 15.3 Where a property is being converted to a House of Multiple Occupation or when works are being completed in single residential dwelling, it is recommended that an Asbestos Survey be undertaken prior to works commencing.

16 Space Standards

- 16.1 The number of people sharing included babies and children. Everyone must have their own allocation of space.
- 16.2 The following rules will be used to determine the size of accommodation needed by a household. A separate bedroom is needed for each of the following:
- Every adult married or cohabiting couple or single parent
 - Every person aged 16 years or more
 - Two children aged 10-16 of the same sex (sharing a room)
 - Two children aged 10 years regardless of sex (sharing a room)
 - Any other child

These requirements coincide with the standards outlined within the [Council's Housing Allocations Policy](#).

- 16.3 All habitable rooms, kitchens, bathrooms and toilet compartments shall have a minimum floor to ceiling height of 2130mm. In the case of rooms with sloping ceilings, there shall be a minimum height of 2130mm over half of the floor area of the room. Measurements shall be taken on a plan 1500mm above the floor. Any floor area where the ceiling height is less than 1500mm high shall be disregarded.

16.4 The standard are based on useable floor area. Certain layouts may require an increased floor area.

16.5 One Person Units of Accommodation

One room units	
Including kitchen facilities in the room	11m ²
Separate individual or shared kitchen	8m ²

These room sizes can be reduced by up to 1.5m² down to a minimum of 6.5m² at the discretion of the case officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standards.

Two or more room units	
Each living room/kitchen	10m ²
Each living room	8.5m ²
Each bedroom	6.5m ²

Trade off between room sizes in 2 or more roomed units may be acceptable at the discretion of the case officer, providing the proposed layout is acceptable and the aggregate habitable floor area is not less than 14.5m².

A staircase, landing or any room that has been appointed as kitchen or bathroom, shall not be used as sleeping accommodation.

16.6 Two Person Units of Accommodation

One room units	
Including kitchen facilities in the room	16m ²
Separate individual or shared kitchen	13m ²

Not normally suitable for persons who are not either married or co-habiting couples.

Room sizes can be reduced by up to 2m² at the discretion of the case officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standards.

Trade off between room sizes in 2 or more roomed units may be acceptable at the discretion of the case officer, providing the proposed layout is acceptable and aggregate habitable room area of the rooms is not less than 19.5m².

16.7 Common Rooms

Kitchens	If more than 5 occupiers are sharing a kitchen and there is no separate dining area then facilities must be doubled and the installation and circulation space must be adequate, see section 3 .
Numbers Sharing	Minimum Floor Area
Used by 1-5 occupiers	6m ²
Used by 6-10 occupiers	11m ²

The kitchen must be sited no more than one floor distance from the bedroom or suitable dining area.	
Dining/kitchens	
Used by 1-5 occupiers	8.5m ²
Used by 6-10 occupiers	12.5m ²
Living Room or Dining Rooms	
Used by 1-5 occupiers	8.5m ²
Used by 6-10 occupiers	12.5m ²

The above minimum space standard based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space standard to ensure that there is sufficient space to fit in all facilities required and provide a circulation area which permits safe use of the kitchen for the number of users.

A staircase, landing or any room, used as kitchen or bathroom, shall not be used as sleeping accommodation.

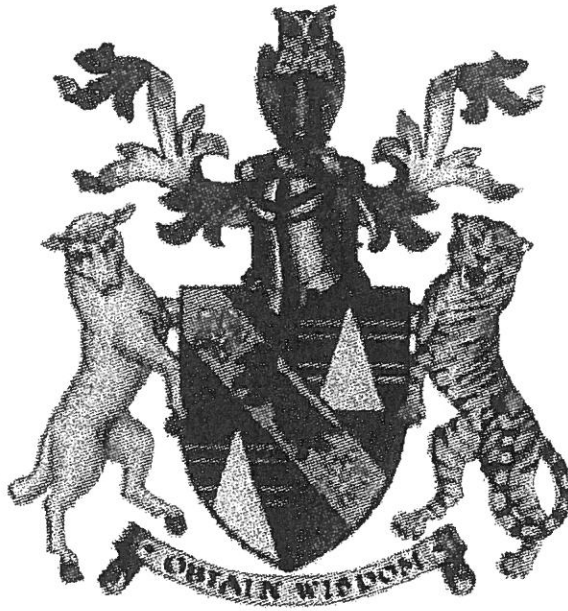
17 Management

- 17.1 The manager/operator of the house is ultimately responsible for maintaining standards within the building. Where the manager/operator is not a resident they must make suitable arrangements to ensure that conditions and facilities are kept in good order.
- 17.2 Where a property is subject to a licence, the requirements outlined in section 17.1 shall also apply to the licence holder.
- 17.3 In order to fulfil their duties managers/operators/licence holders must undertake to regularly visit the property either personally or via a representative to ensure standards are maintained and improved where necessary.
- 17.4 Managers/operators/licence holders should retain records relating to property inspections noting when they attended and any concerns identified.
- 17.5 The manager of a HMO must comply with [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#). These duties are outlined below and greater information can be found within the Regulations and linked within this document.
 - 17.5.1 Duty of manager to provide information to occupier ([Regulation 3](#)).
 - 17.5.2 Duty of manager to take safety measures ([Regulation 4](#)).
 - 17.5.3 Duty of manager to maintain water supply and drainage ([Regulation 5](#)).
 - 17.5.4 Duty of manager to supply and maintain gas and electricity ([Regulation 6](#)).
 - 17.5.5 Duty of manager to maintain common parts, fixtures, fittings and appliances ([Regulation 7](#)).
 - 17.5.6 Duty of manager to maintain living accommodation ([Regulation 8](#)).
 - 17.5.7 Duty to provide waste disposal facilities ([Regulation 9](#)).
 - 17.5.8 Duties of occupiers to HMOs ([Regulation 10](#)).

- 17.6 A good standard of management shall be observed in the house, in particular this shall ensure the repair, maintenance, cleaning and good order of:
- 17.6.1 All means of water supply and draining in and serving the house.
 - 17.6.2 All means of escape from fire and all apparatus, systems and other things provided by way of fire precautions and alarm.
 - 17.6.3 Kitchen, bathrooms and toilets in common use.
 - 17.6.4 Sinks and wash basins in common use, common staircases, corridors and passages.
 - 17.6.5 Outbuildings, yards and gardens in common use.
 - 17.6.6 The repair and maintenance of all lettings and facilities within lettings
 - 17.6.7 To make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions.

18 Enforcement

- 18.1 The Council will encourage managers/operators/licence holders to comply with their legal obligations with information, advice and support. Where managers/operators/licence holders are unwilling to meet their obligations or where failures are significant, the Council will take appropriate enforcement action in accordance with the enforcement policy to protect the health, safety or wellbeing of occupiers and other affected.
- 18.2 Where formal enforcement action is taken this may affect future decisions as whether someone associate with a licence or property is a fit and proper person and future applications licences.



Amenity Standards for Houses in Multiple Occupation

This document gives advice to anyone involved with letting out housing in the private rented sector, whether as an individual letting or as a House in Multiple Occupation (HMO). Higher risk HMOs require licences and this guidance may well form the basis of conditions attaching to a licence.

**Oadby & Wigston Borough Council,
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INTRODUCTION

This document gives advice to anyone involved with letting out housing in the private rented sector, whether as an individual letting or as a House in Multiple Occupation (HMO). Higher risk HMOs require licences and this guidance may well form the basis of conditions attaching to a licence.

The document sets out the legal framework and gives guidance for living space, amenities, fire safety and good management, adopted in this local authority area. It is not meant to explain the detail of the law – if this is needed you should seek legal advice or refer to the specific legislation.

Legislative Background.

Part 1 of the Housing Act 2004 introduced a new method of assessing whether housing conditions are a risk to the health of the occupiers, called the Housing Health & Safety Rating System, or 'HHSRS'. It looks at 29 hazards, such as falls on stairs, and assesses the likelihood of an incident occurring that causes harm, and the likely severity of that harm. If the local authority assesses a hazard as Category 1 (severe), the authority has a duty to take action to reduce the hazard to an acceptable level. In less severe cases, referred to as Category 2, the authority has the power to take action, rather than a duty. The range of actions available include requiring the owner of a property to carry out improvements, prohibiting the use of parts of a property, the authority taking emergency action itself, serving an enforcement notice or, where appropriate, requiring the demolition of the property.

HHSRS applies to all residential property irrespective of how it is occupied. In privately rented property, it will be the main method of the authority making judgements about whether enforcement action is needed to remedy unsatisfactory conditions, and the action to be taken.

The Management of Houses in Multiple Occupation (England) Regulations 2006 (SI2006/372) sets out the responsibilities of the manager of an HMO. Section 17 gives further information and the actual regulations are attached as Appendix A.

Part 2 of the Housing Act 2004 requires the licensing of higher risk HMOs. When considering an application, the authority must be satisfied that the property is reasonably suitable for occupation by the number of people 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). The Authority also has power to specify other standards.

Section 67 of the Housing Act 2004 enables a local authority to issue a licence subject to conditions.

This guidance has been based on those recommended by the Chartered Institute of Environmental Health and subsequently amended following changes in the law. They have been prepared in co-operation with all local authorities in Hertfordshire and Bedfordshire to provide a consistent approach to housing across the counties. This authority has considered local needs before adopting them for use in this borough.

The structure of this document identifies

- **legal requirements which are set out in bold type, and**
- Guidance that gives greater explanation of what is required is set out in boxes that follow each legal requirement.

Definitions and Categories of Property.

House in Multiple Occupation	A house which is occupied by people who do not form a single household and share basic amenities such as bathroom, toilet and kitchen facilities.
House	'House' is not conclusively defined in legislation but includes flats, blocks of flats and the grounds, outbuildings and boundaries.
Household	Each of these is a single household • a single person; • co-habiting couples whether or not of the opposite sex; • families of related people.
Licensable HMO	An HMO that is

- 3 or more storeys high including habitable basements and attics and commercial property, **and**
- occupied by 5 or more people, **and**
- occupied by people as their only or main home.

Further Advice and Information .

If you need help in applying these standards to your own situation, or you have an alternative proposal for meeting a particular standard, contact

Oadby and Wigston Borough Council – Environmental Health Department:
Leicester (0116) 288 8961

[http://env.health@oadby-wigston.gov.uk](mailto:env.health@oadby-wigston.gov.uk)

Planning Permission may be required if an owner is considering major conversions, extensions or a change of use from a single family home or if the property has protected status. For more details contact:

Oadby and Wigston Borough Council - Planning Department:
Leicester (0116) 257 2636

http://www.oadby-wigston.gov.uk/contacts/development_control

Building Regulation approval may be required if an owner is considering conversion, adaptation or structural alterations. For more details contact

http://www.oadby-wigston.gov.uk/contacts/building_control

The Building Control Division, Oadby and Wigston Borough Council.
Leicester (0116) 257 2657

1 HEATING

- .1 Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.**

- .1** Heating shall be provided in every habitable room and bathroom capable of maintaining a temperature of 20 degrees Celcius (°C) when the outside temperature is -1 °C. (The provision of insulation can assist in meeting this standard.)
- .2** The heating provision must be capable of being safely used at any time and be suitably guarded.
- .3** Heating may be by means of:-
- .1** Central Heating, or
 - .2** Gas heaters connected to a suitable flue and terminal outlet, or
 - .3** Oil heaters connected to a suitable flue and terminal outlet, or
 - .4** Electricity. In some circumstances, the sole use of electricity may be acceptable to heat a dwelling but if you propose to use this method of heating you must discuss it with your local authority. Individual heaters must be a fixed installation.
 - .5** Solid Fuel (in the form of an authorised smokeless fuel or alternatively solid fuel burnt in a smokeless appliance.) If solid fuel is used, proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation.
- .4** Wherever practicable, heaters (excluding radiators) shall be fixed to an existing chimney breast or otherwise positioned so as to direct heat towards the centre of the room.
- .5** All such appliances shall be maintained by a competent person. Gas appliances shall be inspected annually and certificated in accordance with the Gas Safety (Installation & Use) Regulations 1998.
- .6** The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (bottled gas heaters) are prohibited under any circumstances, whether provided by the landlord or the tenant.

2 WASHING FACILITIES, SANITARY CONVENIENCES (Shared)

.1 Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:

(a) where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet (which may be situated in the bathroom);

(b) where there are five or more occupiers sharing those facilities there must be:

(i) one separate toilet with wash hand basin and appropriate splash back for every five sharing occupiers; and

(ii) at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

The provision of **washing facilities** shall be for exclusive use wherever possible but otherwise, as follows:

Number of occupiers sharing	Washing Facilities
Up to 5 people	One bathroom with wash basin and bath or shower
6 to 10 people	Two bathrooms

.1 Wash Basins

One standard sized washbasin, (approx 550mm x 400mm) with a 300mm waterproof splash back with cold and constant hot running water shall be supplied in each shared bath/shower room serving a maximum of five occupiers.

.2 Bath and Shower Facilities

A readily accessible, standard sized bath in a bathroom, or a standard sized shower in a suitable room together with adequate drying and changing space, shall be provided. A 300mm waterproof splash back to the bath is to be provided. In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the showerhead and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed. Any shower shall have fully tiled walls or a complete self-standing cubicle.

Toilet Facilities

Number of occupiers sharing	Toilet Facilities required
1- 4 occupiers	1 toilet may be incorporated within the bathroom
5 occupiers	1 toilet to be separate from the bathroom (although may be in second bathroom)
6 – 8 occupiers	2 toilets may be sited within 2 separate bathrooms
9-10 occupiers	2 toilets. 1 toilet must be separate from any bathrooms
11+ occupiers	3 toilets. 1 toilet must be separate from any bathrooms or provision of a 4th toilet separate from any bathroom.

.3 Each separate toilet compartment shall be provided with a suitable wash basin with cold and constant hot water and a 300mm tiled splash back.

.4 External toilets shall be ignored.

.2 Having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash hand basins, toilets and bathrooms, where reasonably practicable there must be a wash basin with appropriate splash back in each unit except where a sink has been provided

.1 In some circumstances, a wash basin may not be required, you will need to discuss this with your licensing officer. Where wash basins are required, the splash back to a wash basin shall be a minimum of 300mm high and at least equal to the width of the wash basin and all joints shall be adequately sealed.

- .3 All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.**

.1 The bath/shower, with adequate cold and constant hot water supplies, shall be available at all times.

- .4 All bathrooms in an HMO must be suitably and adequately heated and ventilated.**

.1 Heating provisions are detailed in 1.1 above and the ventilation provisions are detailed in paragraph 7.0 below.

- .5 All bathrooms and toilets in an HMO must be of an adequate size and layout.**

.1 See space standards and room sizes in '16', below.

- .6 All baths, toilets and wash hand basins in an HMO must be fit for the purpose.**

.1 The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being easily cleaned.

.2 All sanitary fittings must be of non-absorbent material and capable of being easily cleaned.

- .7 All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.**

.1 A bathroom shall be no more than one floor distant in relation to the bedroom.

.2 A toilet shall be no more than one floor distant from living and bedrooms.

.3 Where shared, these facilities must be accessible from a common area.

3 KITCHENS (Shared)

3.1 Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food:

(a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

(b) the kitchen must be equipped with the following, which must be fit for the purpose and supplied in sufficient quantity for the number of those sharing the facilities –

(i) sinks with draining boards;

.1 A suitable sink and drainer in good condition and of minimum dimensions 500 x 1000 mm set on a stable base or support shall be supplied at the ratio of one sink for 5 occupiers.

.2 Where a house is occupied by 6 -10 occupiers, either the provision of a double bowled sink or a dishwasher in addition to a single sink may be treated as meeting this requirement, where the Council considers that such provision adequately meets the occupiers needs. Where practicable, a waterproof splash back shall be provided to the sink and draining board and all joints shall be adequately sealed. The sink(s) shall be connected to the drainage system via a suitable trap and provided with a plug and chain or equivalent.

(ii) an adequate supply of cold and constant hot water to each sink supplied;

.4 An adequate supply of cold drinking water and constant hot water. Stand alone water heaters are not a satisfactory supply of hot water.

(iii) installations or equipment for the cooking of food;

Number of occupiers sharing	Cooking Facilities required
1- 5 occupiers	1 full sized cooker with a minimum of 4 ring burners, a standard size oven and a grill.
6-10 occupiers	2 full sized cookers with a minimum of 4 ring burners, a standard size oven and a grill or 1 full size cooker plus microwaves as required.

(iv) electrical sockets;

- .5 Four sockets per five occupiers sharing the kitchen shall be provided to be sited above the worktops, plus one socket for each fixed appliance. See 4.1.4.
- .6 Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.
- .7 Fixed electric space or water heating appliances sited in the kitchen shall be provided with a separate, dedicated point.

(v) worktops for the preparation of food;

- .8 A worktop or table of smooth and impervious material of minimum size 500mm x 1500mm per 5 occupiers and suitably located; this is to be in addition to any space taken up by any large appliance, sink unit or cooker.

(vi) cupboards for the storage of food and kitchen or cooking utensils;

- .9 Each separate occupancy shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One double wall cupboard or a single base unit is required per occupancy for the storage of dry goods and utensils, although occupancies comprising more than one individual will require additional space. If located in a communal kitchen, the dry goods storage shall be lockable or otherwise secure. The space in a unit below the sink will not be accepted for the above purposes.

- (vii) **refrigerators with an adequate freezer compartment (or where the freezer compartment is not adequate, sufficient separate freezers);**

.10 If possible, separate fridges should be provided per occupancy. Otherwise, each separate occupancy shall be provided with at least one shelf of refrigerator space either within the kitchen, or in an adjacent and readily accessible position. Adequate freezer space shall also be provided.

- (viii) **appropriate refuse disposal facilities (see 9.0); and**

- (ix) **appropriate extractor fans, fire blankets and fire doors (for fire precautions see 5.0).**

.11 All kitchens shall be ventilated by means of suitably sited extractor fan providing a minimum of one air change per hour. Cooker hoods are not suitable unless extracting to the outside air

4 UNITS OF LIVING ACCOMMODATION WITHOUT SHARED BASIC AMENITIES.

4.1 Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with:-

- (a) adequate appliances and equipment for the cooking of food**

.1 The minimum requirement is two rings/hot plates together with a minimum of a 1cubic foot/28litre oven and a grill for one person, or four rings/hot plates together with a minimum of a full size oven and a grill if provided for more than one person. A microwave oven could be substituted for one or two rings subject to agreement with the licensing officer. All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be maintained by a competent person.

- (b) a sink with an adequate supply of cold and constant hot water;**

.2 A full size sink with a draining board with a plug and a chain and a waterproof splash-back 300mm high to be provided. A wash basin shall not be used in place of a sink. Stand alone water heaters are not a satisfactory supply of hot water.

(c) a work top for the preparation of food;

.3 A worktop or table of smooth and impervious material that is capable of being easily cleaned and of minimum size 500mm x 1000mm for single person units, or 500mm x 1500mm for two person units. A suitable waterproof splash-back 300mm high should be provided where any work surface abuts a wall and all joints shall be adequately sealed.

(d) sufficient electrical sockets;

.4 Four power sockets in addition to any serving major appliances set at a convenient height and safe position above the work surface.

(e) a cupboard for the storage of kitchen utensils and crockery; and

.5 Each separate occupancy shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One double wall cupboard or a single base unit is required per occupancy for the storage of dry goods and utensils, although occupancies comprising more than one individual will require additional space. If located in a communal room, the dry goods storage shall be lockable or otherwise secure. The space in a unit below the sink will not be accepted for the above purposes.

(f) a refrigerator.

.6 If possible, separate fridges should be provided per occupancy. Otherwise, each separate occupancy shall be provided with at least one shelf of refrigerator space in a readily accessible room. Adequate freezer space shall also be provided.

4.2 Where there are no adequate shared washing facilities provided for a unit of living accommodation, as mentioned in paragraph, 2 an enclosed and

adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either-

(a) within the living accommodation; or

(b) within reasonable proximity to the living accommodation.

- .1 Washing facilities should ideally be for exclusive use but where this is not possible the following should apply
- .2 "Reasonable proximity to the living accommodation" shall mean no more than one floor away from the living accommodation.
- .3 One standard sized wash basin, (approx 550mm x 400mm) with a 300mm waterproof splash back with cold and constant hot water shall be supplied in each shared bath/shower room serving a maximum of five occupiers.
- .4 Each occupancy shall be provided, where practicable, with a bath or shower in a separate room. Otherwise, a readily accessible, standard sized bath in a bathroom, or a standard sized shower in a suitable room together with adequate drying and changing space, shall be provided. A 300mm waterproof splash back to the bath is to be provided. In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the shower head and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed. Any shower shall have fully tiled walls or a complete free-standing cubicle.
- .5 Each separate toilet compartment shall be provided with a suitable wash basin with cold and constant hot water and a 300mm tiled splash back.
- .6 External toilets shall be ignored.
- .7 The bath/shower, with adequate cold and hot water supplies, shall be available at all times.
- .8 The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being easily cleaned.
- .9 All sanitary fitments must be of non-absorbent material and capable of being easily cleaned.

5 FIRE PRECAUTIONARY FACILITIES

5.1 Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

- .1 The property shall be provided with an adequately protected means of escape from fire, together with other fire precautions including so far as necessary, a detection and a warning system with emergency lighting to the satisfaction of the inspecting officer.

Guidance is available in a separate document entitled - 'Guide to Fire Precautions in Houses in Multiple Occupation'

OTHER MATTERS

The following matters are not covered specifically in the Regulations but must be considered in regard to the Housing Health and Safety Rating System and for the purposes of HMO licensing they may form part of the licence conditions.

6 NATURAL AND ARTIFICIAL LIGHTING

- .1 All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows and/or door(s), the glazed area to be equivalent to at least 1/10th of the floor area and to extend normally to a point 1.75m above floor level. The window shall be so positioned that the light from the window is able to illuminate most of the room.
- .2 Windows to bathrooms and toilets are to be glazed with obscured glass.
- .3 Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and toilets. All lighting to common parts to be provided, maintained and paid for by the landlord. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect and be illuminated for ease of location. Two-way switches shall be provided on stairs and passageways as necessary.

7 VENTILATION

- .1 All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than 1/20th of the floor area of that room. Alternatively a whole house ventilation system, suitable for use in habitable rooms will satisfy this standard providing it is installed and serviced in accordance with manufacturers recommendations and has room by room control.
- .2 All bathrooms shall have mechanical ventilation providing a minimum of 4 air changes an hour. Such an installation shall be fitted with an overrun device. In the case of bathrooms, this will usually be to the lighting circuit of the room but in certain cases, for example, where the fan is humidity controlled, this may not be possible.
- .3 All toilet compartments must have either an openable window or mechanical ventilation providing at least one air change per hour.
- .4 A kitchen shall have extract ventilation capable of providing at least one air change per hour.
- .5 See 16.4 for how to measure a room

8 DRAINAGE

- .1 All new drainage shall comply with current Building Regulations.
- .2 The whole house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

9 REFUSE, STORAGE AND DISPOSAL

- .1 Refuse and recycling bins or containers shall be provided in sufficient numbers to meet the needs of the house and an acceptable means of disposal provided.
- .2 All refuse containers should be located away from habitable rooms and wherever practicable at the rear of the premises. All bins to be positioned so that they do not cause obstruction of footways and access ways and do not obscure natural lighting from windows below bin height.

10 ELECTRICITY SUPPLY

- .1 Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as follows:

Living room	- 6 sockets
Bedroom/study	- 6 sockets
Bedroom within a letting	
comprising more than one room	- 4 sockets
Bedsits containing cooking facilities	- 4 in kitchen area
	plus 6 elsewhere
- .2 In bedsit kitchen area, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.
- .3 All socket outlets shall be located in positions which permit safe convenient and proper use at all times, having regard to the room layout. They shall not be positioned where the appliance cables are likely to pose a safety hazard.
- .4 All new electrical installations shall comply with Building Regulations and shall be suitably certified.
- .5 Installations must be checked at 5 yearly intervals and a certificate obtained.
- .6 Portable appliances provided by the landlord must be visually inspected either on a change of tenancy or at least annually, whichever comes first. Portable appliances must be tested at regular intervals (to be discussed with the local authority), with a certificate being provided by a competent person on completion of testing.

11 GAS SAFETY

Gas Installations

- .1 The Gas Safety (Installation and Use) Regulations 1998 requires landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. An annual safety check must be carried out by a CORGI registered plumber and records kept for 2 years. A copy of the safety record must be provided to each tenant and if the HMO is licensed, a copy must be sent to the Council.
- .2 The landlord must comply with the requirements of the Gas Safety (Installation & Use) Regulations 1994 (as amended). These Regulations are enforced by the Health and Safety Executive but are a requirement under the Management Regulations 2006 and form part of any licence

12 FURNITURE SAFETY

- .1 The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) set down levels of fire resistance for items of domestic upholstered furniture, furnishings and other products containing upholstery. They require that certain furniture included in accommodation that is made available for let complies with the fire safety requirements detailed in the regulations. Landlords, estate agents and letting agents who let accommodation during the course of a business therefore have duties under the above regulations.
- .2 In a licensed premises the furniture safety requirements form part of the licence conditions. Further information can be obtained from your local Trading Standards Service or from the Department of Trade and Industry.

13 PERSONAL SAFETY AND SECURITY.

- .1 Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and tenant's own rooms to prevent unauthorised access but permit safe egress. Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire. Appropriate arrangements must be in place to control the issue of return of house keys on changes of tenancy, or the changing of locks. Any advice on crime prevention measures provided by the Police Crime Prevention Officer must be acted on. Simple locks must be provided to communal bathrooms and toilets to provide privacy.

14 THERMAL EFFICIENCY

- .1 All dwellings should be capable of achieving and maintaining a suitable room temperature without undue heat loss. To achieve this, you may need to install cavity wall insulation and/or loft insulation and or other works. You should contact your local authority or your energy provider for details of any grant aid that may be available.

15 ASBESTOS

- .1 Landlords have a duty to identify and manage any Asbestos containing materials in their property. If the material is in good condition and not liable to damage or disruption, for example during alteration work, then it is normally appropriate to leave it alone. If in doubt, you should seek further advice. If you are aware of any Asbestos containing materials you should keep a record of the location and type of material and confirm that it is in a sound condition. You should then check every 6 months to see there has been no damage etc, and date and sign the record to show that you have done this.

16 SPACE STANDARDS

- .1 The number of people sharing includes babies and children. Everyone must have their own allocation of space.
- .2 Everyone over the age of 10 years must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative or with someone of the opposite sex unless they are living together/co-habiting.
- .3 'Close relative' means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.
- .4 All habitable rooms, kitchens, bathrooms, and toilet compartments shall have a minimum floor to ceiling height of 2130mm. In the case of rooms with sloping ceilings, there shall be a minimum height of 2130mm over half of the floor area of the room. Measurements shall be taken on a plane 1500mm above the floor. Any floor area where the ceiling height is less than 1500mm high shall be disregarded.
- .5 The standards are based on usable floor area. Certain layouts may require an increase in floor area.

.1 One Person Units Of Accommodation

(i) One room units

including kitchen facilities in the room	11m²
separate individual or shared kitchen	8m²

Note: These room sizes can be reduced by up to 1.5m² down to a minimum of 6.5m² at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standards.

(ii) Two or more room units

As a guide, rooms in two or more roomed units of accommodation should meet the following sizes:

Each living room/kitchen	10m²
Each Living room	8.5m²
Each bedroom	6.5m²

Note: Trade off between room sizes in 2 or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 14.5m²

.1 A staircase, landing or any room that has been appointed as a kitchen or bathroom, shall not be used as sleeping accommodation.

.2 Two Person Units Of Accommodation

(i) One room units

including kitchen facilities	16m²
where provided with a separate individual or shared kitchen	13m²

NB. Not normally suitable for persons who are not either married couples or co-habitees.

Note: Room sizes can be reduced by up to 2m² at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standards.

Note: Trade off between room sizes in 2 or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 19.5m²

.3 Common Rooms

(i) Kitchens

If more than 5 occupiers are sharing a kitchen and there is no separate dining area then the facilities must be doubled and the installation and circulation space must be adequate. The kitchen must be sited no more than one floor distance from the bedroom or suitable dining area.

	Numbers Sharing	Minimum Floor Area
(i) Kitchens		
	Used by 1-5 occupiers	6m ²
	Used by 6-10 occupiers	11m ²
The kitchen must be sited no more than one floor distant from the bedroom or living/dining room.		
(ii) Dining/kitchens		
	Used by 1-5 occupiers	8.5m ² .
	Used by 6-10 occupiers	12.5m ² .
(iii) Living Rooms or Dining Rooms		
	Used by 1-5 occupiers	8.5m ² .
	Used by 6-10 occupiers	12.5m ² .

Note: If more than 5 occupiers are sharing a kitchen, additional sets of facilities are required (See Section 3).

Note: the above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the kitchen for the number of users.

A staircase, landing or any room, used as a kitchen or bathroom, shall not be used as sleeping accommodation.

.4 Hostel/ Dormitory/ Board and Lodgings

This is dealt with under separate guidance. Please ask your local officer for details.

17 MANAGEMENT

.1 Introduction

- .1 The manager of the house is ultimately responsible for maintaining standards within the building. Where the manager is not resident he or she must make suitable arrangements to ensure that conditions and facilities are kept in good order.

In order to fulfil their duties managers must undertake to regularly visit the property either personally or via a representative_ to ensure standards are maintained and where necessary improved.

.2 General Management Duties

- .1 The manager of an HMO must comply with the Management Regulations 2006. These are set out in Appendix A.

A good standard of management shall be observed in the house. In particular this shall ensure the repair, maintenance, cleaning and good order of -

- a) all means of water supply and drainage in and serving the house;
- b) all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions and alarm;
- c) kitchens, bathrooms and toilets in common use;
- d) Sinks and wash basins in common use; common staircases, corridors and passages, and outbuildings, yards and gardens in common use;
- e) The repair and maintenance of all lettings and facilities within lettings;
- f) And to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions

.3 **Enforcement**

1 The Council will encourage owners to comply with their legal obligations with information, advice and support. Where owners or managers are unwilling to meet their obligations or where failures are significant, the Council will take appropriate enforcement action in accordance with the enforcement policy to protect the health, safety or well-being of occupiers and others affected.

This may include

- any of the actions available to the Council in Part 1 of the Housing Act 2004 following a Housing Health & Safety Rating System ('HHSRS') assessment;
- prosecution for breaches of the Management Regulations or licence conditions;
- the making of Interim and Final Management Orders where the health, safety or wellbeing of tenants is of serious concern, and,
- taking action to revoke the licence.

.2 Where formal enforcement action is taken this may affect future decisions as to whether someone associated with a licence or property is a fit and proper person and future applications for the grant, renewal or variation of licences.

.4 **PROSECUTION**

.1 A Council can prosecute a manager if it can show that there were relevant defects in the house and that the defendant failed to comply with the Regulations without reasonable excuse.

APPENDIX A

The Housing (Management of Houses in Multiple Occupation) Regulations 2006

(S.I. 2006 No. 372)

STATUTORY INSTRUMENTS

2006 No. 372

HOUSING, ENGLAND

The Management of Houses in Multiple Occupation (England) Regulations 2006

<i>Made</i>	<i>15th February 2006</i>
<i>Laid before Parliament</i>	<i>22nd February 2006</i>
<i>Coming into force</i>	<i>6th April 2006</i>

The Secretary of State, in exercise of the powers conferred by section 234 of the Housing Act 2004 makes the following Regulations:

Citation, commencement and application

1. —(1) These Regulations may be cited as The Management of Houses in Multiple Occupation (England) Regulations 2006 and shall come into force on 6th April 2006.

(2) These Regulations apply to any HMO in England other than a converted block of flats to which section 257 of the Act applies.

Interpretation

2. In these Regulations—

- (a) "the Act" means the Housing Act 2004;
- (b) "fixtures, fittings or appliances" are—
 - (i) lighting, space heating or water heating appliances;
 - (ii) toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;
 - (iii) cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
 - (iv) washing machines or other laundry appliances; and
- (c) "the manager", in relation to an HMO, means the person managing the HMO.

Duty of manager to provide information to occupier

3. The manager must ensure that—

- (a) his name, address and any telephone contact number are made available to each household in the HMO; and
- (b) such details are clearly displayed in a prominent position in the HMO.

Duty of manager to take safety measures

4. —(1) The manager must ensure that all means of escape from fire in the HMO are—

- (a) kept free from obstruction; and
- (b) maintained in good order and repair.

(2) The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.

(3) Subject to paragraph (6), the manager must ensure that all notices indicating

the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.

(4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to—

(a) the design of the HMO;

(b) the structural conditions in the HMO; and

(c) the number of occupiers in the HMO.

(5) In performing the duty imposed by paragraph (4) the manager must in particular—

(a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and

(b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

(6) The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

Duty of manager to maintain water supply and drainage

5. —(1) The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that—

(a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and

(b) any water fitting which is liable to damage by frost is protected from frost damage.

(2) The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

(3) In this regulation "water fitting" means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

Duty of manager to supply and maintain gas and electricity

6. —(1) The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.

(2) In paragraph (1), "recognised engineer" means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.

(3) The manager must—

(a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;

(b) obtain a certificate from the person conducting that test, specifying the results of the test; and

(c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.

(4) The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

Duty of manager to maintain common parts, fixtures, fittings and appliances

7. —(1) The manager must ensure that all common parts of the HMO are—

- (a) maintained in good and clean decorative repair;
- (b) maintained in a safe and working condition; and
- (c) kept reasonably clear from obstruction.

(2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that—

- (a) all handrails and banisters are at all times kept in good repair;
- (b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
- (c) any stair coverings are safely fixed and kept in good repair;
- (d) all windows and other means of ventilation within the common parts are kept in good repair;
- (e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
- (f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.

(3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

(4) The manager must ensure that—

- (a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition

and good order;

(b) any garden belonging to the HMO is kept in a safe and tidy condition; and

(c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

(5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

(6) In this regulation—

(a) "common parts" means—

(i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;

(ii) all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and

(iii) any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

Duty of manager to maintain living accommodation

8. —(1) Subject to paragraph (4), the manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.

(2) Subject to paragraphs (3) and (4), the manager must ensure, in relation to each part of the HMO that is used as living accommodation, that—

(a) the internal structure is maintained in good repair;

- (b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order; and
 - (c) every window and other means of ventilation are kept in good repair.
- (3) The duties imposed under paragraph (2) do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.
- (4) The duties imposed under paragraphs (1) and (2) (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- (5) For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

Duty to provide waste disposal facilities

9. The manager must—

- (a) ensure that sufficient bins or other suitable receptacles that are provided are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
- (b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

Duties of occupiers of HMOs

10. Every occupier of the HMO must—

- (a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
- (b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any

living accommodation or other place occupied by that person;

(c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;

(d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;

(e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and

(f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

General

11. Nothing in these Regulations shall—

(a) require or authorise anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment; or

(b) oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.

(2) Any duty imposed by these Regulations to maintain or keep in repair are to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.

Signed by authority of the First Secretary of State

Kay Andrews

Parliamentary Under Secretary of State Office of the Deputy Prime Minister

15th February 2006

Agenda Item 8



Licensing and Regulatory Committee	Thursday, 04 December 2025	Matter for Information and Decision
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Report Title: **Review of Statement of Licensing Policy (2025-2030)**

Report Author(s): **Jon Wells (Senior Strategic Development Manager)**

Purpose of Report:	To obtain Committee approval to consult on the proposed Draft Statement of Licensing Policy (2025-2030).
Report Summary:	The report sets out changes to the Statement of Licensing Policy which reflect the current legislative position.
Recommendation(s):	To approve the revised Draft Statement of Licensing Policy shown at Appendix 1 for the purpose of consultation with relevant parties.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Colleen Warren (Chief Finance Officer / Section 151 Officer) (0116) 257 2759 colleen.warren@oadby-wigston.gov.uk Jon Wells (Senior Strategic Development Officer) (0116) 257 2692 jon.wells@oadby-wigston.gov.uk Stephen Eyre (Licensing Enforcement Officer) (0116) 257 2646 stephen.eyre@oadby-wigston.gov.uk
Strategic Objectives:	Our Economy (SO3)
Vision and Values:	Customer & Community Focused (V1)
Report Implications:-	
Legal:	Section 5 of the Licensing Act 2003 imposes a statutory requirement on the Council (as the Licensing Authority) to prepare and publish a 'Statement of Licensing Policy' (known as a Policy) once every five years. Following public consultation, any amendments to the Policy are required to be considered at this Committee and then approved by Full Council.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	Licensing Act 2003 applications and notifications are not assessed based on the characteristics of the applicant; they are issued in accordance with the law and depend on the application being correctly submitted.
Human Rights:	There are no implications arising from this report.

Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	• The Chief Officer of Leicestershire Police • Leicestershire Fire and Rescue Service • Leicestershire County Council (Public Health) • All other responsible authorities identified under the Act • Relevant Trade Associations • The general public
Background Papers:	None.
Appendices:	1. Draft Statement of Licensing Policy (2025-2030)

1. Background

- 1.1 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.
- 1.2 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 1.3 The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect during 2020.
- 1.4 In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. Therefore, a new Statement of Principles must be published by 31 December 2025.

2. Consultation

- 2.1 When revising its Statement of Licensing Policy, the Council is required to consult with:

- the chief officer of police for the authority's area;
- the fire and rescue authority for that area;

3. Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;

- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
- such other persons as the licensing authority considers to be representative

of businesses and residents in its area.

4. Changes to the Draft Policy

- 4.1 The draft revised policy is based on the same template as the existing policy.
- 4.2 The revised policy only minor amendments and formatting changes as there have been no changes in the legislation that would affect the policy.
- 4.3 The changes that have been made are shown in red within the document at Appendix 1 and include a section on premises licences where the licence holder has died, become incapacitated or insolvent and a paragraph on advice for counter terrorism measures.
- 4.4 Consultation on the revised draft Statement of Principles will take place with all relevant parties including:
 - The Chief Officer of Leicestershire Police
 - Leicestershire Fire and Rescue Service
 - Leicestershire County Council (Public Health)
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - The general public
- 4.5 The consultation will also be made available for comment via the Council's website and publicised via social media and also through the local press. Given the few changes being proposed to the Council's existing Statement of Licensing Policy, it is proposed that consultation commences on 1 December 2025 for a period of 6 weeks.
- 4.6 Should any representations be made after the consultation is closed, it is proposed they are resolved by delegated authority.
- 4.7 Any responses received during the consultation exercise will be reported back to the Licensing and Regulatory Committee on 5 March 2026 before Full Council is asked to approve the revised Statement of Licensing Policy on 14 April 2026.

Statement of Licensing Policy (2025-2030)

Policy Version Number: 3.0
Policy Owner: Chief Finance Officer/S151 Officer
Date of Approval: 2025
Date of Policy Review: 2030

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1.0 Introduction

Oadby and Wigston Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 (“the Act”) for the Borough of Oadby and Wigston (“the Borough”).

The Act came into force on 24 November 2005 and merged six separate licensing regimes into one Act (alcohol, entertainment, cinemas, theatres, late night refreshment houses and night café).

The Licensing Authority is under a duty to carry out its functions under the Act with a view to promoting the four Licensing Objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

When making decisions to grant, refuse, revoke or add conditions to Licences, the Act requires the Licensing Authority to have regard to:

- Its own Statement of Licensing Policy (this “Policy”); and
- Guidance issued by the Secretary of State.

2.0 The role of this policy

The Licensing Authority is required by Section 5 of the Act to determine and publish a Statement of Licensing Policy every five years and to have regard to it when determining applications made under the Act.

This policy will:

- Be used as a guide by members of the Licensing Authority in their decision making;
- Inform applicants about how applications will be considered;
- Inform applicants of the expectations the Licensing Authority will have of them;
- Inform residents and local businesses about how applications are considered and how they can engage in the Licensing process; and
- Be used to support decisions made by the Licensing Authority should its decisions be challenged.

3.0 Licensable activities

There are three broad categories of licensable activity under the Act.

- The sale and/or supply of alcohol;
- The provision of regulated entertainment;
- The provision of late night refreshment.

4.0 Sale and/or supply of alcohol

A licence is needed for alcohol to be sold by retail from any premises whether or not that alcohol is sold for consumption off the premises, on the premises or both.

The sale by retail of alcohol requires two forms of permission, a premises licence for the premises and an individual holding a personal licence to authorise the sale of alcohol. One individual holding a personal licence must be named on the licence as the designated premises supervisor.

The supply of alcohol by or on behalf of a members club to, or to the order of, a member of that club requires only a club premises certificate .

5.0 Regulated entertainment

A number of entertainment activities are regulated by the Act. These are:

- The performance of a play
- The exhibition of a film
- Indoor sporting events
- The provision of live music
- The provision of recorded music
- Boxing, wrestling or mixed martial arts
- Performance of dance

Exempt Entertainment

There are a number of exemptions as to when entertainment is deemed not to be regulated under the Act and does not require a licence.

Individuals and businesses should ensure that they are aware of all the legislative requirements that apply to an exemption and can evidence that any exempt entertainment is carried out in accordance with them.

The person providing the activity should take their own legal advice before providing an activity if they are unsure if it requires a licence or not.

The provision of hot food and of hot drink is licensable between the hours of 23:00 and 05:00. This means that during these times a number of businesses such as restaurants, take-aways, hotels and bars will require a licence.

6.0 Late night refreshment

The Licensing Authority has no ability to regulate activities relating to the provision of hot food and drink outside of the above times.

Conditions attached to a premises licence that authorises late night refreshment will only apply to the provision of hot food and drink between the hours of 23:00 and 05:00.

Late Night Refreshment – Local Powers to Deregulate

Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.

This amendment created a discretionary power to licensing authorities to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment.

The powers allow a relevant Licensing Authority to exempt the supply of late night refreshment if it takes place:

- On or from premises which are wholly situated in a designated area;
- On or from premises which are of a designated description, or
- During a designated period (beginning no earlier than 23:00 and ending no later than 05:00).

The Licensing Authority does not currently consider it appropriate to exercise the discretionary powers within Paragraph 2A of Schedule 2 to the Licensing Act 2003.

If the Licensing Authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

7.0 Carrying out licensable activities

It is the position of the Licensing Authority that persons carrying out licensable activities do so in full knowledge and understanding of the legal requirements. The onus is on the businesses or individuals carrying out the activities to make appropriate enquiries as to whether or not they need an authorisation from the Licensing Authority before they carry out that activity.

Where an authorisation is held, the Licensing Authority expects that the licence or certificate holder or the premises user understands how to comply with the terms of it and the legislation it is granted under or will have sought advice from the Licensing Authority on how to comply.

This Policy is available from the Council offices and its website and is the primary source of information provided by the council as to the Act and its application in the borough. It is expected that before carrying out any licensable activity individuals and businesses will have consulted this Policy and if unsure will have asked relevant questions in writing of the Licensing Authority.

This Policy is not, and cannot be, a thorough examination and explanation of the Act, its regulations and the various decisions that have been and will be in the future made on the interpretation of the Act by the Courts. Applicants and businesses are encouraged to obtain their own separate and independent legal advice where they believe it is necessary.

8.0 Types of authorisations

There are four types of authorisations for licensable activities:

- Premises licences;
- Club premises certificates;
- Temporary event notices; and

- Personal licences.

All licensable activities will require an authorisation for the premises from which those activities are provided on or carried out from and this can be authorised by a premises licence, club premises certificate or temporary event notice.

The Act provides for a two-tiered licensing system where the licensable activity involves the sale by retail of alcohol (namely premises licences and personal licences).

A personal licence is required where the sale of alcohol is provided from a premises authorised to sell alcohol under a premises licence. In such cases a personal licence holder must be named on the premises licence as the Designated Premises Supervisor (DPS).

A personal licence holder is not required to authorise the sales of alcohol from premises that hold a club premises certificate or from premises carrying out activities under a Temporary Event Notice provided that the alcohol is sold or supplied in accordance with that authorisation.

The permissions are explained further below.

9.0 Premises licences

Premises licences are the most common type of authorisation for licensable activities and are necessary for businesses such as pubs, nightclubs, supermarkets, off- licences, restaurants, take-aways, hotels, theatres, cinemas and many other types of premises.

The Act allows for any person who uses or carries on a business from a premise to apply for a premises licence, whether it is an individual partnership or company. Additionally a number of other legal entities including a recognised members club, charity, educational and health institutions may apply.

A premises licence can authorise all types of licensable activities other than the supply of alcohol under member's clubs conditions which can only be authorised by a club premises certificate. Additionally a provisional premises licence can be applied for in certain instances, such as when the applicant is not in a position to use a premise for licensed purposes (i.e. it is yet to be built) but wishes to ensure that he can get the appropriate permission.

Death, Incapacity or Insolvency of a Licence Holder

Where a premises licence has lapsed owing to the death, incapacity, or insolvency of the holder, an 'interim authority' notice may be given to the Licensing Authority within 28 consecutive days beginning the day after the licence lapsed. Further information is detailed within the statutory guidance.

In cases where premises licences have lapsed through death, incapacity or insolvency, and the period during which an interim notice can be served has expired the Council will, on application, generally grant a new licence on similar terms to the lapsed licence.

Any reapplication will be treated in the same way as other applications. Should representations be received and not resolved the matter will be decided by a hearing.

The Council will take into account the previous history of the premises, the length of time the premises has been closed, and any problems at the premises, and will impose conditions that reflect current good practice for the type of business proposed at the premises.

10.0 Club Premises Certificates

Club premises certificates (“CPC’s”) are similar to a premises licence but can only be applied for by, and granted to, qualifying clubs. These are, ordinarily, traditional working men’s clubs and institutes that are governed by club rules.

The key difference between such clubs and other businesses or individuals that require a licence is that the members of the club collectively own and hold the possessions of the club. Alcohol, therefore, is not sold but supplied to members.

The holding of a CPC means that the club does not require a personal licence holder to be present or to be named on the premises licence as the DPS as the members of the club share the responsibility for any offences committed.

There are more restrictions and limitations imposed on a CPC than a premises licence. A qualifying club must have at least 25 members at all times, it cannot admit non-members to the premises unless as a bona fide guest of a member, and new members cannot be supplied with alcohol unless 48 hours have elapsed since their application to become a member was approved by the Club. The Club must also have and maintain club rules that comply with the requirements of the Act.

A members club is permitted to apply for and hold a premises licence, rather than a CPC if they wish, but only a members club can hold a CPC.

11.0 Temporary event notices

A Temporary Event Notice (TEN) allows licensable activities to be carried out on a temporary basis without the applicant applying for a permanent permission such as a premises licence or club premises certificate.

Despite using the term “event” the Act does not require an actual event to take place or be intended in order for the authorisation to be applied for. TEN’s can be used for a variety of instances such as a local park fete, the sale of wine at a church gathering or for extending the hours of premises licence.

A TEN is simply a notice given by an individual who signs to state that they will be responsible for providing licensable activities on the occasion stated. The Notice must be served in accordance with strict statutory timescales, on the Licensing Authority, the Police and the Council’s Environmental Health Team.

The Licensing Authority does not approve or grant a validly given notice but simply acknowledges that it has been received.

If the notice is not served correctly and within the prescribed timescales it is invalid. The Licensing Authority is not under a duty to inform the person who served the notice that it is invalid. It is the responsibility of the person giving the notice to ensure that they have served it correctly and are authorised to carry out the licensable activities they require before they do so.

If the notice served exceeds the permitted requirements of the Act the Licensing Authority is required to serve a ‘Counter Notice’ on the notice giver. These permitted requirements are amended from time to time but relate the number of notices that can be given to an individual not holding a personal licence, the number of notices that can be given by a personal licence holder,

the period of time that one notice can cover and the number of notices that can be given in respect of one premises licence.

Carrying out licensable activities without an authorisation is a criminal offence that can result in a custodial sentence and/or a substantial fine.

A TEN must be served on the Licensing Authority, Police and Environmental Health at least 10 clear working days before the day of the event. "Clear working days" does not include the date the notice was given or the day of the event.

If an objection is made against the application by the Police or Environmental Health the Council is required to hold a hearing.

The Act also provides for a "Late TEN" to be given with 5 clear working days' notice. However, if either the Police or Environmental Health object to the notice the event cannot go ahead and the person who served the notice has no right of appeal.

12.0 Personal licences – new applications

A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.

Applications for personal licences should be made to the Licensing Authority for the area where the applicant is ordinarily resident at the time they make their application.

- a) The applicant is aged 18 or over;
- b) The applicant is entitled to work in the United Kingdom;
- c) The applicant possesses a licensing qualification or is a person of a prescribed description;
- d) The applicant has not forfeited a personal licence in the five year period prior to their application being made;
- e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty.

The Licensing Authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.

Where the applicant meets the requirement in (a) to (d) but does not meet the requirements of (e), the Licensing Authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days give the Licensing Authority a notice to that effect.

Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the Licensing Authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on the grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

Where an objection to the grant of a personal licence is received from either the chief officer of police of the Home Office, the applicant is entitled to a hearing before the Licensing Authority. If no objections are received, the Licensing Authority must grant the application.

At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the Licensing Authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits;
- The duty to promote the crime prevention objective;
- The objection notice given by the Police or Home Office;
- The guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003;
- The seriousness of the relevant offence;
- The sentence or penalty imposed on the applicant for the relevant offence;
- Any representations made by the applicant; and
- Any other evidence as to the previous character of the applicant.

If, having considered all of the circumstances, the Licensing Authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.

If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the Licensing Authority's determination. The Licensing Authority will therefore record in full the reasons for any decision it makes.

13.0 Personal licences – suspension and revocation

Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a Licensing Authority to suspend or revoke personal licence that it has issued with effect from 6 April 2017.

When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a Licensing Authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.

The process which must be undertaken by the Licensing Authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

The Licensing Authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of.

Where an appeal is not lodged, the Licensing Authority may not take action until the time limit for making an appeal has expired.

If a Licensing Authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The Licensing Authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the Licensing Authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the Licensing Authority is aware, and any other information which the Licensing Authority considers relevant.

The Licensing Authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the Licensing Authority to find this out before making a decision themselves. Where the Court has considered the personal licence and decided not to take action, this does not prevent the Licensing Authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the Licensing Authority to come to its own decision about the licence.

If the Licensing Authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposed not to revoke the licence it must give notice to the chief officer of police in the Licensing Authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they received the notice from the Licensing Authority.

Any representations made by the chief officer of police must be taken into account by the Licensing Authority in deciding whether to suspend or revoke the licence.

Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the Licensing Authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the Licensing Authority area, because it is the local chief officer who must provide representations if the Licensing Authority proposes not to revoke the licence.

Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the Licensing Authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

In deciding whether to suspend or revoke a personal licence, the Licensing Authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits;
- The duty to promote the licensing objectives;
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003;

- The seriousness of the relevant offence;
- The sentence or penalty imposed on the licence holder for the relevant offence;
- Any representations made by the Police or Home Office Immigration Enforcement;
- Any representations made by the holder of the licence; and
- Any evidence as to the previous character of the holder of the licence.

The Licensing Authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the Licensing Authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

If the personal licence holder is a DPS, the Licensing Authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

The Licensing Authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

14.0 Designated premises supervisor

The designated premises supervisor (DPS) is an important role created by the Act and applies only when a premises licence authorises the sale and/or supply of alcohol. In order to be able sell or supply alcohol from the premises an individual holding a personal licence must be named on the premises licence as the DPS. This is because all sales of alcohol must be made or at least authorised by a personal licence holder and gives certainty to the responsible authorities that a personal licence holder will be at the premises.

There can only be one DPS named on the licence although more than one personal licence holder can work and authorise sales from the premises. The Licensing Authority recommend that all premises have more than one personal licence holder employed to ensure appropriate cover for annual leave and sickness.

The DPS is only required to hold a personal licence and consent to being named on the premises licence. The Act places no further obligation on the DPS to either be at the premises, to manage the premises or to authorise the sale of alcohol. It is permissible for the DPS to simply be a figurehead named on the licence and for another personal licence holder to be employed to authorise the sale of alcohol.

However, the intention of the role of the DPS, as expressed by the Governments guidance, is that the person in day to day control of the premises should be named on the licence as a contact point for all authorities and bears a level of individual responsibility for the activities carried out from the premises. Normally this will be the manager of the premises.

The expectation of the Licensing Authority is that the DPS will be a responsible person and will ensure that the provision of all licensable activities from the premises do not undermine the licensing objectives. The DPS should take the lead on training and authorising other members of staff in their duties under the Act and ensure that the terms and conditions of the premises licence and the Act are complied with.

The Licensing Authority expects that the DPS will take regular training and remain up to date with the Act and other applicable legislation affecting their role of responsibility. The Licensing Authority would be concerned, should its discretion be engaged, that a DPS has not continued with a course of regular training unless satisfied that the DPS has exceptional experience that makes such training unnecessary.

15.0 Immigration Act 2016 – entitlement to work

Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence application, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Leicestershire Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

16.0 Application Process

Before applying for a licence or certificate it is recommended that potential applicants ensure that they are familiar with this Policy and discuss their application with the responsible authorities who are able to advise them on the measures that they would expect to see offered in their application.

References to a premises licence in this part of the Policy should also be taken as including club premises certificates as the process is largely the same.

The statutory process for applying for a premises licence can take some time and must be followed by applicants carefully. If the application is not made and advertised as prescribed by the regulations the application will be deemed invalid and the Licensing Authority will be unable to grant the licence.

Applicants are therefore advised to consider carefully the statutory process and seek their own independent legal advice.

The Application Form

Applications must be on a prescribed form and be accompanied by the statutory fee. The application form, known as an operating schedule, must be accompanied by a plan of the premises (in the statutory prescribed form) and if the sale or supply of alcohol will be a licensable activity a form of consent from the proposed DPS must be submitted. Clubs applying for a CPC will not require a DPS consent form but will instead need to provide a copy of their club rules to prove that they are a qualifying club under the Act.

The Applicant must complete the relevant application form correctly. If the application form is not completed correctly the application may be rejected as invalid. Where there are very minor omissions or mistakes within an application form that in the opinion of the relevant Licensing Officer do not affect the consideration of the application by other responsible authorities or other persons, the Licensing Officer will allow the application to be amended.

For example, spelling mistakes, address errors and other inconsequential matters will be allowed to be corrected rather than resulting in rejection.

The Applicant is required to state the steps proposed to be taken to promote the licensing objectives. The failure to do this for a new premises licence application will result in the application being rejected. Where a variation application has been submitted the applicant may choose not to state any further steps and rely on those already conditioned to the licence – it is however recommended that the applicant makes this intention clear to avoid representations. Further details about promoting the objectives follow.

If the application includes the sale of alcohol a consent form signed by the proposed DPS must also be provided. If at the time of the application the proposed DPS does not hold a personal licence (for instance he or she is in the process of applying for it) the application will still be valid. However if the licence is granted no sale of alcohol will be able to be made until the DPS has been granted their personal licence.

The applicant must also provide a plan of the premises that he wishes to licence in accordance with the regulations. If a plan does not accord with the regulations the application will be invalid. The regulations vary from time to time but are available from the Council or the Government's website.

Service of Applications

An applicant is required to serve his application on the statutory responsible authorities. All responsible authorities must be given a copy of the application on the same day that the Licensing Authority is served with the application. The 28 day representation period cannot begin until all responsible authorities have a copy of the application.

Representation Period

Once an application has been made there will be a period of 28 days in which representations can be made either in support of or against an application. The application must be advertised by the applicant to start this period.

Advertising the Application

The process of advertising the application is designed to bring the application to the attention of persons that may be affected by it, such as local residents and local businesses – known in the Act as “other persons”.

The Applicant is required to advertise his application in two ways. Firstly the applicant must display a blue notice on or near the premises in the prescribed form. Where the premises to be licensed are set back from the public highway, obscured or situated within private grounds, the applicant must place a blue notice on the nearest public highway.

The Applicant is also required to advertise the making of the application in a local newspaper that circulates in the area on one working day, within the first 10 working days of the application being given to the Licensing Authority.

It is expected that the Applicant will ensure that he makes every effort to bring an application to the attention of other persons by displaying the blue notice in an appropriate position.

Invalid Advertising

If the Licensing Authority is not satisfied that the application has been advertised correctly in accordance with the regulations the application will be deemed invalid and rejected. In most cases, rather than return the application, the Licensing Authority will simply request that the applicant re-advertises the application in the correct manner and the 28 day representation period will begin again.

17.0 Operating Schedule

The operating schedule is a mandatory requirement of a premises licence application and the prescribed form allows the applicant to detail this.

It will include details such as descriptive information about the premises, the proposed licensable activities, details of any risks associated with the location or size of the premises, and the times that the proposed licensable activities will occur. Importantly the Applicant must also state the steps that will be taken to promote the licensing objectives.

Stating the steps that will be taken to promote the licensing objectives is the Applicants opportunity to show the responsible authorities and other persons who may have concerns that they have considered carefully the provision of the proposed activities and their impact on the local area and can prevent the licensing objectives from being undermined. The measures offered in the operating schedule will be translated into conditions on the premises licence and will therefore be binding on the Applicant should the licence be granted.

An incomplete or inadequate operating schedule is likely to result in representations being made against the application and will either delay the grant of the licence or result in its refusal.

It is recommended that before submitting an application the Applicant considers very carefully what they propose to do and discuss their application with the responsible authorities prior to making it.

It is expected that Applicants will outline clear steps within their operating schedule as to the measures that they will take to promote the licensing objectives. Responsible Authorities will rightly have concerns where it appears to them that the Applicant wishes to be considered responsible enough to be licensed to provide licensable activities but cannot take the time to think carefully about the implications of them doing so.

18.0 Representations

During the 28 day representation period responsible authorities and other persons may write to the Licensing Authority either objecting to or supporting the application. A valid representation must be made in writing and within the 28 day representation period and the representation must relate to the effect of the application on the licensing objectives.

Representations may suggest conditions or actions that may be taken to remedy the concern. Responsible authorities will have received a copy of the application and will be able to consider more carefully the application made. Persons other than the responsible authorities will not normally have seen the application just the blue notice displayed at the premises or the advert in the local newspaper. It is therefore recommended that before a representation is made the application is viewed either at the Council Offices, or, if available, on the Council's website.

Applicants should note that their application is a public document and may be shown to other members of the public and may be viewed on the Council website.

The Act permits the Council to ignore representations that are in its opinion vexatious or frivolous.

Persons who submit a representation against an application should be aware that the applicant has a right to see these representations under the Act as they are submitted against the grant of an application that the applicant is legally entitled to apply for and be granted. In rare instances a person submitting a request can express a wish to remain anonymous and the Council will consider this request in line with the Governments guidance. If the Council determines that it will not permit a person to be anonymous it will advise the individual and give them the opportunity to either confirm that they wish the objection to be treated as a relevant representation under the Act and provided to the applicant or to withdraw their representation.

Decisions on whether or not a representation is valid in accordance with the Licensing Act 2003 will be made by the appropriate Officer dealing with the application in consultation, where necessary, with the relevant advice from the Head of Law and Governance.

19.0 Determining and Granting Applications

Where there has not been any representations made against an application the Act provides that the Licensing Authority must grant the application. The application will be granted on the terms applied for and subject to the mandatory licensing conditions prescribed by regulations and the measures offered in the applicants Operating Schedule.

Where relevant representations have been submitted and are not resolved between the applicant and the objector the Act requires the Licensing Authority to hold a hearing within statutory timescales.

If a representation is submitted by a responsible authority or other person outlining concerns about the application but suggests steps or conditions that can be taken by the Applicant to resolve those concerns the Licensing Authority will permit the Applicant to amend their operating schedule to incorporate the proposed suggestions or conditions. If the responsible authority or other person is content and withdraws their representation and both parties agree a hearing is not necessary the application will be determined by the Licensing Authority without a hearing.

It is considered that the above is the most sensible and efficient way to promote the licensing objectives and is the least inconvenient and cost effective method of giving action to Parliaments intention.

The Licensing Authority will not however allow an applicant to amend their Operating Schedule to place them in a better position than that which has been advertised or which is likely to affect other persons differently than that advertised.

The hearing process allows the Council to consider the application and representations that have been made and determine the application on its individual merits in order to promote the licensing objectives.

Hearings will normally be heard before a sub-committee of Councils Licensing and Regulatory Committee. The Council has published a Code of Practice for Licensing Hearings, which explains how hearings will be held and should be referred to for further details.

When making decisions at a hearing the sub-committee will do so as permitted by the Act and based on the individual merits of the application, having had regard to this policy and the Governments guidance and giving due consideration to the representations submitted.

Any person who has made a representation and the applicant are invited to the hearing and can, if they chose, be represented by any of their choosing whether legally qualified or not.

It is not mandatory for those who have applied for a licence or those who have submitted a representation in respect of one to attend a hearing. However, the Licensing Authority assume that those who have engaged the statutory process and who have been notified in writing of the date and time of the hearing within the statutory timescales have had sufficient opportunity to attend and the Council will in most cases decide to hold the hearing in their absence.

20.0 Conditions

Conditions on premises licences are necessary to promote the licensing objectives and will be attached to premises licences and club premises certificates by one of the following methods:

- A mandatory condition imposed under the Act;
- A condition offered in the applicants operating schedule;
- Following a licensing sub-committee hearing; or
- Following a review hearing.

Applicants should be aware that the Licensing Authority is required to attach conditions to a licence that are consistent with the applicants operating schedule.

When the discretion of the Licensing Authority has been engaged by the making of a relevant representation or by the application to review a premises licence the relevant sub-committee determining the application may attach such conditions to the licence which it deems appropriate for the promotion of the licensing objectives.

The Licensing Authority will however ensure that all conditions placed on a licence once its discretion has been engaged are tailored to the individual characteristics of the premises to be licensed and based upon the merits of that application and the representations received in respect of that application.

The Act is not the primary mechanism for the general control of nuisance, crime and anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence. No condition will be attached to a licence requiring a licence holder to resolve issues beyond their control.

21.0 Mandatory Conditions

The Licensing Act 2003 (Mandatory Conditions) Order 2014 sets out the mandatory licence conditions relating to irresponsible marketing of alcohol that apply to all licensed premises and those with a club premises certificate. These conditions include:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth;
- Selling or supplying alcohol in association with promotional posters or flyers;
- Provision of free or discounted alcohol as a prize to reward purchase of alcohol over 24-hour period;
- Ensure that customers have access to free tap water so that they can space out their drinks and not get intoxicated too quickly;
- Require an age verification policy to be in place to prevent underage sales; and
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

Substantially similar activities to those described are also prohibited.

In respect of on-trade premises, such as a pub, hotel or bar, or a member's club, all five conditions apply. In the case of off-trade premises, such as an off-licence or supermarket, only the conditions relating to age verification apply.

The legislation makes clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children."

If there is any doubt as to whether the promotion planned falls foul of the mandatory conditions, operators are advised to discuss proposals with the Council or Police beforehand.

These conditions apply to all licence holders specified within the mandatory conditions. Where the Home Secretary makes changes to the mandatory conditions after the grant of a licence, it is for

the licence holder to ensure compliance with those conditions. Unless instructed by legislation to do so, the Licensing Authority are not obliged to inform licence holders of any changes to the mandatory conditions.

22.0 Alternative Mandatory Condition

The 'alternative mandatory condition' applies only to a premises licence and permits a licence holder or applicant for a licence, in respect of a community premises to replace the mandatory requirement of the DPS with the alternative condition that the supply of alcohol will be made or authorised by a management committee instead. This can be applied for at the time of a new premises licence or by submitting a variation application.

23.0 Annual Fees

All holders of a premises licence or CPC are required to pay a statutory prescribed fee each year on the anniversary of the issue date of their premises licence or CPC. The fee is based on the rateable value of the premises and is set by the Government through the regulations that are issued under the Act.

Under the regulations premises that have a high rateable value and that are primarily used for the supply of alcohol for consumption on the premises are required to pay either double or triple their prescribed annual fee.

The payment of the annual fee is a statutory requirement and an obligation on the licence holder. The Licensing Authority are not responsible for reminding licence holders of their statutory duty to pay their annual fee.

24.0 Suspension of Licences and Club Premises Certificates where Annual Fee is not Paid

As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend premises licences and club premises certificates if the holder of the relevant authorisation fails to pay their annual fee.

However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21 day period, the licence or certificate will be suspended.

When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The Police and any other relevant responsible authorities will also be notified of the suspension at the same time.

A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence

at the time it was suspended; however, it may be more likely in practice that the new holder will actually make the payment.

Once payment has been received, a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The Police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time. Continuing to trade after a premises licence or CPC has been suspended is a criminal offence and will result in a prosecution. The holder of a licence or certificate who is prosecuted for carrying out activities whilst a licence is suspended may in addition, or as an alternative to prosecution, have their premises licence reviewed.

25.0 Other Applications

There are a number of other applications that may be served in respect of premises licences (and CPC's).

Minor Variation

The Minor variations procedure under Section 41A of the Act allows small changes to be made to a premises licence after it has been granted.

Minor variations may be suitable for small changes such as the alteration of plans where small refurbishment has taken place, the removal of conditions, addition of conditions, removal of licensable activities or the alteration of hours or addition of activities (in certain circumstances).

The Licensing Authority will not accept as a minor variation any application to remove conditions imposed by the Licensing Authority within the preceding two years unless satisfied that the reason(s) those conditions were imposed in the first place are no longer appropriate due to a change in style or management of the premises.

The Act prevents the Licensing Authority from accepting as a minor variation any application to extend the hours in which alcohol can be sold within, or to amend the hours that alcohol can be sold between the hours of 23:00 and 07:00.

The applicant must advertise a minor variation by placing a notice on their premises for 10 working days and the Licensing Authority must determine the application within 15 days. Upon receipt of a minor variation application the relevant Licensing Officer will determine whether the application is suitable for variation, and if so, will consult with any responsible authority they feel appropriate. If the Licensing Officer believes that the granting of the application could undermine the licensing objectives the application will be rejected.

Full Variations

Any changes that are required to be made to a premises licence that are not minor or do not relate to the change of a DPS will be required to be submitted as a major variation. The process for this is the same as applying for a new premises licence or CPC.

Transfer of Premises Licence

Premises licences may be transferred from the premises licence holder to another person upon the application of that person. The applicant will need to obtain the premises licence and the consent

of the existing premises licence holder in order to make the application and be in position to use the premises for licensable activities.

Where the consent of the premises licence holder cannot be obtained the Licensing Authority may exempt the applicant from the requirement if the applicant can satisfy the authority that he has taken all reasonable steps to do so.

The Police may object to an application in exceptional circumstances where they believe that the granting of the licence will undermine the licensing objectives of the prevention of crime and disorder.

Variation of Designated Premises Supervisor

Whilst on a number of occasions the DPS will be the same person as the premises licence holder on others the DPS will simply be an employee and may be changed regularly. The premises licence holder is therefore able to submit an application to replace the DPS named on the licence with another person providing that other person holds a personal licence and consents to being named as the DPS.

The Police may object to an application in exceptional circumstances where they believe that the granting of the licence will undermine the licensing objective prevention of crime and disorder.

26.0 Responsible Authorities and the Licensing Objectives

The Licensing Authority is required to carry out its functions under the Act with a view to promoting the licensing objectives. The Licensing Authority also expects that holders of premises licences, personal licences, club premises certificates and those who have given Temporary Event Notices to actively promote the four licensing objectives.

Where the discretion of the Licensing Authority is engaged and it is considering whether to grant an application for a licence or certificate, to revoke a licence or certificate or to add conditions to a licence or a certificate the Licensing Authority will consider carefully the evidence before it.

Licensing Objective - Prevention of crime and disorder

The Licensing Authority expects that on issues of Crime and Disorder the Leicestershire Police will be the primary source of information and evidence that the objectives will be undermined.

Licensing Objective - Public safety

The Licensing Authority expects that on issues of public safety the primary responsible authorities will be the Leicestershire Fire and Rescue Service and the Councils Environmental Health team.

Licensing Objective - Prevention of public nuisance

It is expected that the primary responsible authority that will deal with public nuisance concerns is the Councils Environmental Health Team. However it is also acknowledged that the Councils Planning Team may also have concerns or evidence about the effect of licensed premises on the amenity of its local area.

Licensing Objective - Protection of children from harm

The Leicestershire Police are also the responsible authority that take the lead on child protection issues within the Borough and will be the primary source of evidence for concerns in this regard . It is also noted that the Leicestershire Trading Standards Service are the primary authority for dealing with the sale and supply of alcohol to under age persons from Off Licences within the Borough.

Whilst the above sets out who the Licensing Authority expect and acknowledge as being the appropriate authority for responding to applications and providing evidence under the above four objectives it does not stop any other responsible authority or other person raising issues under any of the objectives and providing evidence to the Licensing Authority.

In the absence of any evidence the Licensing Authority will ordinarily assume that where the primary responsible authority for relevant objective above has not raised concerns there is on the balance of probabilities likely not to be any .

The Licensing Authority is also a responsible authority in its own right and able to object to applications and review premises licences and CPC's. The Licensing Authority will not however use these powers where they should rightly be exercised by one of the above responsible authorities unless it considers it appropriate to do so.

27.0 Steps to promote the Licensing Objectives

Licence applications should be accompanied by an Operating Schedule that includes the steps that the licensee proposes to take to promote the 4 licensing objectives.

The Licensing Authority strongly recommends that the process of developing the operating schedule includes a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.

Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities.

Examples as to the steps that may be required by the above authorities to promote the licensing objectives and which may reduce objections to applications follow below.

It is for the applicant to decide which of these are appropriate for inclusion in their operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority can only impose conditions that have been offered in the operating schedule of an application, or following a hearing in which the Authority has agreed with a representation. If the licensing application complies with all other legal requirements, and there are no relevant representations, then the Licensing Authority must grant the application.

Where their applications converge with other Council policies eg planning, street trading, cultural policies etc applicants should show they have an awareness of those policies by including details in their application.

The Prevention of Crime and Disorder

Counter Terrorism Measures

Applications that relate to staging of high-profile events should include details, in the operating schedule, of how the licence holders intend to deal with any possible terrorism threats. Counter terrorism advice from the relevant authorities may change over time and we expect our licence holders to keep up to date with current thinking, in this area.

Closed Circuit Television (CCTV)

CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. The Licensing Authority will therefore support the provision of CCTV in town centre premises including take-aways or restaurants open late at night. The CCTV should be installed and maintained on the advice of the Leicestershire Police Crime Prevention Officer.

Glassware

Although the original legislation which enabled the implementation of street drinking bans has been repealed (Designated Public Places Orders) and the Council has not yet found it necessary to replace them with Public Space Protection orders, the Licensing Authority still considers that it is still appropriate for town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons. In certain circumstances polycarbonate glasses may be sensible, such as where there are incidents of violence or events are held which make it dangerous to use glass.

Irresponsible sales

Mandatory conditions prevent the holding of irresponsible drink promotions from licensed premises. The Licensing Authority expect the management of licensed premises to be responsible and not to sell alcohol to those who are already drunk or to engage in promotions that will encourage excessive drinking.

Premises licensed to sell alcohol for consumption off the premises should ensure that their promotions do not fall below the mandatory condition specifying minimum prices and do not market their alcohol in a way that encourages bulk buying or purchases by children.

Drugs

The Licensing Authority expects all premises licensed within the Borough to have a firm anti-drugs policy and to report all suspected drug related activity to the Police.

Door Staff

The use of Security Industry Authority (SIA) registered door staff can assist licence holders in controlling entry into its premises, verifying the age of customers and controlling customers inside and outside. Door staff can also assist in making customers feel safe within premises.

Age Policy

A mandatory conditions imposed on all licences that sell alcohol requires premises licence holders to have an age verification policy. The Licensing Authority encourages all licence holders and applicants to adopt a 'Challenge 25' policy in order to ensure that underage sales are prevented.

Pub Watch

Licence holders running pubs and clubs are encouraged to participate in the Oadby and Wigston Pub Watch group where best practice and concerns within in the local area can be shared.

Public Safety

The Health and Safety at Work Act and the Regulatory Reform (Fire Safety) Order 2005 are aimed at protecting public safety and the Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.

Licence holders should have documented risk assessments for their day to day business and carry out further risk assessments should they be intending to carry out events or functions that they do not normally hold.

Such steps may include the setting of a capacity limit for all, or separate parts, of the premises or the use of door staff or stewards to control admission and to control customers inside premises and at outdoor events.

The Prevention of Public Nuisance

The Licensing Authority recommends that before an application is made, the applicant identifies the impact that their potential licence would have on its neighbourhood and identify controls to minimise that impact. Advice and assistance in undertaking this task should be sought from the Environmental Health team.

The primary sources of public nuisance occur from entertainment activities and the noise of customers. The later into the evening such activities occur the more likely it is to be considered a nuisance. A nuisance is also more likely to arise where the premises are situated within a residential area as opposed to a more commercial town centre.

To control such nuisance it may be appropriate for there to be a limitation on hours of operation or on the hours of certain activities. For instance, it may be appropriate to allow premises to open until midnight but for entertainment activities to cease at 23:00 p.m. Measures such as keeping windows and doors closed when entertainment occurs, positioning speakers away from neighbouring properties or the use of a noise limiter may be of consideration.

Steps to prevent noise, disturbance and anti-social behaviour arising from the external use of the premises such as people arriving at, or leaving the premises, the opening and closing of car doors or the use of smoking shelters and beer gardens also need to be considered.

Stricter controls offered by an applicant will be seen as appropriate in areas that are closer in proximity to residential accommodation.

The Protection of Children from Harm

Licences may be sought for a wide variety of premises and it is not possible for a Policy to anticipate every situation where children may be at risk. The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm.

The Licensing Authority considers that it will be appropriate for the protection of children to restrict access of children to premises where:

- Entertainment or services of an adult or sexual nature are provided.
- There have been convictions or fixed penalty notices issued due serving alcohol to minors.
- There is a strong element of gambling on the premises in excess of that considered by the Licensing Authority to be ancillary to the general use of the premises.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Conditions will not be imposed on a license so as to require the admission of children as that is a matter for the discretion of the licensee.

Children and films

Licence holders for premises authorised to show films are expected to prevent children from viewing films outside of the British Board of Film Classification or other film classification board approved by the Licensing Authority.

Children and Entertainment Events

Where a significant number of unaccompanied children will be present during an entertainment event, the Licensing Authority will expect that an adequate number of adult staff are present to control and ensure the safety of the children.

Proof of Age Cards

The Licensing Authority expects all responsible licensed premises to have an adopted age verification policy evidenced in writing. The authority would suggest as best practice that premises that sell alcohol adopt the "Challenge 25" and only accept photographic ID as proof of age. The most reliable proof of age includes a passport, a photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS).

Refusals Registers

All licence holders of premises that authorise the sale of alcohol are expected to maintain and use written refusals registers. This requires the licence holder, DPS, or members of staff to record all occasions where a customer has sought to purchase alcohol and has been refused.

Some operators may go one step further and maintain a written challenge register and record all people challenged for appropriate ID and the outcome, whether acceptable ID was shown and the sale made or the sale refused.

28.0 Reviews of Premises Licences

Once a licence has been granted the Act allows for the licence to be reviewed by one or more of the Responsible Authorities or any other person affected by its activities such as a resident or local business.

This ensures that those who hold a premises licence continue to operate in such a manner that does not undermine the licensing objectives.

If a review has been applied for a further hearing will be held before a sub-committee of the Licensing Authority to consider the evidence of the alleged activities or conduct undermining the licensing objectives.

Where a standard review of a premises licence has been applied for the Licensing Authority are responsible for advertising the review by placing a notice on the premises and on its website.

The Licensing Authority will check the notice displayed on the premises regularly but is aware that the licence holder may be tempted to remove the notice in order to frustrate the Licensing Authority in complying with the regulations and determining the review application.

The Council does not believe that it is in the interest of the licensing objectives and the residents of the borough to have a review delayed in such a manner so as to allow premises to continue to trade when concerns have been raised that it is undermining the licensing objectives.

In such instances the Council will use its best endeavours to ensure that it complies with the regulations but will not deem the review application to be invalidated when intentionally frustrated by the licence holder of the premises being reviewed.

Where there are more serious instances of crime and disorder occurring from a premises within the Borough, Leicestershire Police have powers to call for a Summary Review to enable the Licensing Authority to hold a hearing within 48 hours to put in place interim steps that must be followed by the licence holder until a full hearing can be heard, which must be within 28 days of the application for review having been made.

It is not mandatory for a premises licence holder who is having their premises licence reviewed to attend the hearing; however, the Licensing Authority assumes that those who intend to operate legally and responsibly will attend in order to work with the Licensing Authority and other responsible authorities. The Licensing Authority will therefore take into consideration the evidence before it as to the alleged incidents undermining the objectives, the risks to members of the public of such incidents being allowed to continue and the licence holders conduct and communication with the authorities leading up to the review. The Licensing Authority will either adjourn the hearing or continue with it in the applicant's absence where it is of the opinion that it is appropriate, necessary and proportionate to do so for the promotion of the licensing objectives.

29.0 Early Morning Restriction Orders

The Police Reform and Social Responsibility Act 2011 inserted section 172A into the Act which enables the Licensing Authority to make an early morning restriction order (EMRO). An EMRO will be made by the Licensing Authority if it deems it appropriate for the promotion of the licensing objectives and if made will restrict the sale of alcohol during a specified period between midnight and 6am.

If an EMRO is in effect, it will prevent the sale or supply of alcohol during the times specified in that Order and will override the provisions of any premises licences, club premises certificates and temporary event notices that may have been granted.

The intention of such an Order is to reduce alcohol related issues in local areas and the problems caused by late night drinking.

Prior to making an Order the Licensing Authority is required to follow a statutory process that requires the proposed order to be advertised for a minimum of 42 days on its website, in a local newspaper and by sending notice of the Order to all affected licence holders.

During this 42 day period representations either for or against the proposed Order can be submitted in writing to the Licensing Authority. Representations will be considered at a hearing.

After a hearing the Licensing Authority will then determine whether or not to go ahead with making the Order and if it does so must ensure that it is advertised for at least further 28 days before it comes into effect.

EMROs do not apply to the following:

- Premises which are a hotel, guest house, lodging house or hostel where the supply of alcohol from midnight – 6am is made only to guests staying at the hotel who shall consume it in their room;
- Premises which are authorised to supply alcohol for consumption from midnight – 6am on New Year's Day, but are not authorised to supply alcohol at these times on any other day of the year; or
- To the sale and or supply of alcohol provided at time authorised by a licensing hours orders made by the Secretary of State under s172 of the Licensing Act 2003 for special occasions deemed to be of 'exceptional international, national or local significance' by the Secretary of State (unless the licensing hours order provides otherwise).

The making of an EMRO is a restriction that is contrary to the original intention of the Act by recreating arbitrary fixed trading hours and affects the rights of businesses in the area. The Licensing Authority will not make such an Order lightly and will require evidence to be placed before it that it is appropriate for the licensing objectives for such an Order to be made. The Licensing Authority will normally expect the Police to provide the majority of this evidence but will consider the evidence of any other authority or person on its own merits.

If the licensing objectives are being undermined within the Borough or in a part of the Borough that suggests an EMRO is necessary, the Licensing Authority will expect the Responsible Authorities to have at first worked with those premises in the Borough or part of the Borough that are causing the concerns to resolve the issues. The Licensing Authority shall be satisfied that sufficient efforts have been made to promote the licensing objectives without requiring an Order before such an Order is made.

30.0 Late Night Levy

The cost of policing the night-time economy can result in members of the public unfairly contributing to costs of public authorities resulting from the business activities of premises that profit from the provision of licensable activities late at night.

A late night levy (LNL) is a contribution from the holders of a premises licence or club premises certificates that hold 'late night authorisations' and operate during the hours of midnight and 6am to the policing of the late night economy.

In deciding whether to impose this levy, the Licensing Authority will consider;

- the costs of policing and any other such arrangements which would be required to address crime or disorder in relation to the supply of alcohol from midnight – 6am; and
- the desire to raise revenue for the local policing body for the purposes of reducing crime and public nuisance, promoting public safety and the cleaning of any relevant highways or land in the area.

A LNL would apply to the whole of the Borough. The amount payable by each premises is prescribed by regulations and will vary based on the rateable value of the premises.

The Licensing Authority is required to decide the date on which the LNL will come into force, the times of the 'late night supply period' and any permitted exemption/reduction categories and the amount of the net amount of LNL payments which is to be given to the local policing body.

Before introducing a LNL, the Licensing Authority is required to consult the Chief Officer of Leicestershire Police and those that hold a relevant premises licence or CPC will be required to pay the levy should it come to affect. The Licensing Authority will also advertise the proposed LNL on its website and in a local newspaper or other such circular/document.

The Regulations provide for the following categories of premises to be exempt from the requirement to pay a levy:

- Hotels, guest houses, lodging houses, hostels
- Theatres
- Cinemas
- Bingo halls
- Community Amateur Sports Clubs (CASCs)
- Community premises
- Country village pubs
- Business Improvement Districts (BIDs)
- Premises authorised to supply alcohol between midnight – 6am on New Year's Day but otherwise not authorised to do so on any other day of the year

The regulations also provide that reductions to the levy will be given to premises that are members of a relevant arrangement authorised by the Licensing Authority – such as a best practice scheme or premises that are in receipt of Small Business Rate Relief and have a rateable value of less than £12,000.

Presently the Licensing Authority are not satisfied that the costs of policing the night time economy in the Borough justify the imposition of a LNL.

31.0 Cumulative Impact

The Licensing Authority recognises that there can be confusion about the difference between “need” and “cumulative impact” of premises on the licensing objectives; for example, on crime and disorder. “Need” concerns the commercial demand for another pub, restaurant, etc. and is not a matter for a Licensing Authority in discharging the licensing functions or for this statement of licensing policy, but is a matter for planning committees and for the commercial market.

Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area; for example, when leaving premises at peak times or when queuing at fast food outlets or for public transport.

Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customer of individual premises.

These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs; for example, on smaller high streets with high concentrations of licensed premises.

With effect from 6 April 2018, the Policing and Crime Act 2017 introduced the concept of cumulative impact assessments into the Licensing Act 2003 by inserting into the Act a new section: 5A.

A cumulative impact assessment (CIA) may be published by a Licensing Authority to help it to limit the number of types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club certificates in a specified area. At the current time the Licensing Authority has not published a CIA as there is not currently an evidential basis on which to base such a decision.

If the Licensing Authority were to consider the publication of a CIA in the future, it would do so in accordance with the requirements of section 5A of the Licensing Act 2003 and with regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

32.0 Other Regulatory Regimes

Gambling Act 2005

The Gambling Act 2005 provides a variety of exemptions and special provisions for premises that hold a premises licence or club premises certificate.

Further details on such provisions are available from the Council by viewing its Statement of Gambling Policy or from the Gambling Commission.

When providing activities under the Gambling Act from a licensed premises the designated premises supervisor (DPS) takes on a special role for compliance (known as the designated person) and is legally responsible for ensuring that those activities are carried out in accordance with the Gambling Act and the codes of practice issued under it.

The Licensing Authority are aware that whilst small scale gambling within bars and clubs can be an enjoyable pastime for many people there is the potential for alcohol to play a role in customers gambling more than they can afford. The Licensing Authority therefore expects premises that provide gambling related facilities to act responsibly.

The Licensing Authority believes that a failure to organise gambling related activities responsibly undermines the licensing objectives and if such conduct results in the review of a premises licence the Licensing Authority may revoke the premises licence or remove the designated premises supervisor from the licence.

Planning

Licensing and planning are separate regulatory regimes with separate considerations. Premises conducting licensable activities will require the appropriate planning permission as well as a licence under the Act. The grant of one does not avoid the need for the other.

Planning considerations are not considerations for the Licensing Authority. However, where a representation is made by the Local Planning Authority suggesting that planning permission is not likely to be granted as it will have an effect on the local amenity (i.e. cause public nuisance) and undermine the licensing objectives the Licensing Authority will consider the evidence and expertise of the planning authority.

When making such a decision the Licensing Authority will consider whether or not it is appropriate for the promotion of the licensing objectives to grant a licence for premises in excess of the hours permitted under planning legislation for that premises. A key consideration will be the evidence of the planning authority as to the reasons why such consent will not be granted and how those reasons relate to the licensing objectives.

Building Control

Building regulations are separate to the licensing regime and Building Control are not a responsible authority and unable to object to licence applications or review premises licences. However, building regulations are designed to ensure the safety of members of the public within premises and evidence of lack of compliance with, or failure to correctly carry out work required by Building Control could be used by the Fire and Rescue Service or Environmental Health as evidence of a public safety risk to review or object to a premises licence.

It is therefore imperative that applicants for licences and existing licence holders ensure that they comply with building regulations.

Fire Safety

The Regulatory Reform (Fire Safety) Order 2005 requires business operators to carry out a thorough assessment of the risks of fire to members of the public on their premises.

It is not the place of the Leicestershire Fire and Rescue service or the Licensing Authority to carry out, or condition, these assessments, as it is a legal duty under the above Order.

Failure to do so by a licence holder will endanger members of the public and is a ground for the Licensing Authority to hear a review of a premises licence upon the application of a responsible authority.

Health and Safety

Licensed premises, as an employer of staff and by inviting members of the public onto their premises, have a number of duties under health and safety legislation. This legislation relates to numerous areas such as the hours worked by staff, the risks of broken glass to staff members and customers, food safety and hygiene and many more areas. Applicants and licence holders should ensure that they are familiar with the appropriate and relevant legislation and are able to comply with it.

Duplication

The Licensing Authority recognises that it is unnecessary and inappropriate to duplicate existing legislative requirements by placing similar conditions on a premise licence. However, in certain instances it may be appropriate for the promotion of the licensing objectives where it is clear to the Licensing Authority that the applicant or licence holder lacks the knowledge and awareness of the legislation and to not condition the premises licence would undermine the licensing objectives.

33.0 Live Music Act 2012 & Other Entertainment Licensing and Deregulation

Amendments made to the Licensing Act 2003 made by the Live Music Act 2012 came into force on 1 October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:

- Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
- Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment);
- Unamplified 'live' music between 8am and 11pm in all venues; and
- The provision of entertainment facilities.

Where licensable activities continue to take place on premises, any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new or reinstate existing conditions following a review.

When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the Licensing Authority if in doubt.

There was a further deregulation of entertainment licensing when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 8am and 11pm on any day:

- A performance of a play in the presence of any audience of no more than 500 people;
- An indoor sporting event in the presence of any audience of no more than 1000 people; and
- A performance of dance in the presence of any audience of no more than 500 people.

Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014 which came into force on 6 April 2015. This Order deregulated entertainment licensing in the following ways:

- The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 8am and 11pm on the same day, with no audience limit.
- The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 8am and 11pm on the same day was raised from 200 to 500.
- Local authorities, health care providers, and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 8am and 11pm on the same day for audiences of up to 500.
- Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 8am and 11pm on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all description of entertainment, except an exhibition of a film or boxing or wrestling entertainment, where the entertainment or sport takes place between 8am and 11pm on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 8am and 11pm for audiences of up to 1000 people.
- An exhibition of a film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is now exempt from licensing.

The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015.

No licence is required for an exhibition of a film on community premises between 8am and 11pm on any day provided that:

- The film entertainment is not provided with a view to profit;
- The film entertainment is in the presence of an audience of no more than 500 people;
- The admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant Licensing Authority regarding the admission of children; and
- A person concerned in the organisation or management of the exhibition of the film has obtained prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

The Council has adopted a policy in relation to sexual entertainment Venues.

34.0 Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for a personal licence		If the Police or Home Office given an Objection Notice	If no Objection Notice is given by the Police or Home Office
Decision whether to suspend or revoke a personal licence		All Cases	
Application for premises licence/club premises certificate		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application for provisional statement		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application to vary premises licence/club premises certificate		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application to vary designated personal licence holder		If the Police or Home Office given an Objection Notice	If no Objection Notice is given by the Police or Home Office
Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied		If a Police representation is made	All other cases

Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of premises licence		If the Police or Home Office given an Objection Notice	If no Objection Notice is given by the Police or Home Office
Application for interim authority		If the Police or Home Office given an Objection Notice	If no Objection Notice is given by the Police or Home Office
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious, etc.			All cases
Decision for Licensing Authority to act in their capacity as a responsible authority			All cases
Acknowledgement of receipt of a temporary events notice		All cases	
Determination of a Police or Environmental Health objection to a temporary events notice		All cases	
Decision to suspend a licence or certificate for non-payment of the annual fee			All cases

35.0 Enforcement

The Licensing Authority believes that legislative requirements and the need for certain activities to be licensed are undermined if not proactively enforced. The Licensing Authority also accepts that excessive enforcement can be burdensome to businesses within the Borough.

Enforcement activities will be targeted and risk assessed so that premises that promote the licensing objectives well and work with the Authority are not unduly troubled and more focus is placed on those businesses that undermine the objectives.

The Licensing Authority will ensure compliance with Council's Corporate Enforcement Policy as may be amended from time to time. The Licensing Authority aims to ensure that enforcement is open, fair, reasonable and proportionate.

Enforcement activities by the Licensing Team will be designed to ensure compliance with the conditions attached to licences and the requirements of the Licensing Act itself.

The Licensing Authority also acknowledges that the responsible authorities set out in the Act have a legislative duty to take the lead on issues within their remit. Where concerns are identified by the Licensing Team that relate to the role and duties of another responsible authority the Licensing Team will expect that authority to lead on the investigation and resolution of the issues .

The Authority recognises that other controls are available outside of the Act to promote the Licensing objectives and responsible authorities should not use the Act as a more convenient method to resolve issues that are better suited for resolution under other legislation which they have the power to enforce.

36.0 Duration and Review of this Policy

The Act requires the Licensing Authority to keep this Policy under review and to formally review and adopt a new Policy at least every 5 years.

Before adopting a new Policy the Licensing Authority are required to at least consult with the Leicestershire Police, the Leicestershire Fire and Rescue Service, the Local Health Board, individuals or organisations representative of licence holders within the Borough and individuals or organisations representative of businesses and residents within the Borough.

Minor changes may be made to this Policy by the Licensing Authority without consultation where those changes are simply to keep this Policy updated with legislative amendments or to clarify and make clear a Policy intention already expressed in this document and having already been consulted on.