

## Process to issue or vary a licence for a shortened period

In determining an application for an HMO licence under the Housing Act 2004, the Council must decide whether to grant or refuse a licence. Where the Council is minded to grant a licence there is no prescribed duration period except insofar as the legislation sets a maximum licence period not exceeding five years.

In granting a licence the Council will ordinarily do so for this maximum five-year period allowed by law. However, where there is evidence that a landlord (or other person in control) or a property manager give the Council cause for concern, the Council will consider granting a licence for a shortened period of one year only. The shorter licence period will mean that the landlord will need to submit a new licence application on expiry of the shorter-term licence after one year. The granting of the licence will enable the property to be legally rented, but also allow the landlord to remedy issues that gave rise to the reduced term licence or satisfy the Council as to future conduct.

The circumstances that may give rise to such cause for concern will include, but are not limited to, the following:

- Failure to submit an application when the property has become licensable.
- Continuing to let an HMO on an expired licence, or submitting a late application to re-licence an HMO ('late renewals')
- Where the licence is a renewal and the inspection reveals works required on a previous licence have not been carried out.
- The re-letting of rooms which had been given a "zero" occupancy on the previous licence.
- Management deficiencies and failings
- Failing to comply with obligations to tenants.
- A history of complaints to the Council regarding the property.
- Failure to pay relevant charges, fines or penalties to the Council (including Council Tax)
- Failure to possess a current Electrical Installation Condition Report (EICR) or where provided, the failure to have obtained it from a suitably qualified contractor who is registered with a competent person scheme specifically for the purposes of undertaking inspection and testing.

A more comprehensive list of examples can be found at Appendix B of the Private Sector Housing Service [enforcement policy](#).

In cases where the above circumstances come to light after a licence has been granted then the licence may be varied to reduce the licence period. Any decision to issue a licence for a shortened licence period will be made taking account of the generality and wider context of the Council's enforcement policy and will not preclude, or be dependent upon, any other action under this policy.