

HMO LICENCING POLICY

29/06/2026

- **POLICY AND RESOURCES COMMITTEE**

PART I

**HMO LICENCING POLICY
(ADCCC)**

1 Summary

- 1.1 The HMO Licencing Policy aims to set out the council will exercise its statutory duties and discretionary powers in relation to the licencing of Houses in Multiple Occupation (HMOs) by Officers within the council's Residential Environmental Health team.
- 1.2 This includes the granting of new licenses following application to the council and applications received by the council for the renewal of an HMO Licence currently held.
- 1.3 The Policy will ensure that any HMO granted a licence within the district continues to be safe and suitable for occupation, properly managed and maintained, provides adequate amenities for occupants and is contributing positively to the housing options within the district.
- 1.4 The Policy will provide transparency to current and prospective HMO licence holders, current and future tenants of HMOs in the district and residents of the district on the considerations made by Officers when deciding whether to grant/renew any HMO Licence.

2 Recommendation

- 2.1 That:

The Policy and Resources Committee adopt the council's HMO Licencing Policy.
Report prepared by: Jason Hagland, Strategic Housing Manager

3 Details

- 3.1 The definition of a House of Multiple Occupation (HMO) is set out within Sections 254–259 of the Housing Act 2004.
- 3.2 In general terms, a property is considered a HMO if it is occupied by three or more people, who are from two or more households and who share basic facilities such as a kitchen, bathroom or toilet.
- 3.3 Under the mandatory licencing scheme that is currently operated by the council, a property must be granted a HMO Licence by the council if it is occupied by five or more people, forming two or more households and who share basic amenities.
- 3.4 The HMO Licencing Policy sets out what information and documentation the council will require from any applicant to effectively consider a HMO Licence application in full and the legislation that the council will rely upon during this consideration.

- 3.5 The Policy sets out the timeframes in which the council will aim to provide a decision following an application and the circumstances when this timeline can be extended.
- 3.6 The Policy confirms what the council will consider a 'Fit and Proper Person' to hold a HMO Licence in the district and, to aid Officers to make this assessment, introduces the requirement for the prospective licence holder to provide the council a DBS Certificate, dated within 6 months of the application to the council.
- 3.7 The Policy refers to the HMO Amenity Standards that have been adopted by the council and confirm that no HMO Licence will be granted by the council unless there is strict adherence to these standards.
- 3.8 These standards have been reviewed by the council's Senior Housing Enforcement Officer and are attached an appendix to the Policy.
- 3.9 The Policy sets out that the council will undertake inspection visits to the HMO during the application process, during the licence period and in response to any complaints received about the HMO. Furthermore, the Policy is clear that these visits are expected to be facilitated by the licence holder, and if they are not, then the licence will be refused, or in the case of a renewal application, revoked.
- 3.10 The Policy confirms that the council reserve the right to consult with Hertfordshire Fire and Rescue on the fire safety provisions that have been provided within a HMO and if the Fire Service are not satisfied with the mitigation, the council will refuse any HMO Licence application on these grounds.
- 3.11 In addition to the above, the Policy sets out the mandatory conditions that will be placed on any HMO Licence granted by the council and confirm that the council may impose additional licence conditions if considered appropriate and proportionate.
- 3.12 These will be considered on a case-by-case basis.
- 3.13 At the Full Council meeting of 21 October 2025, the council's Lead Member for Community Engagement, Public Safety and Housing committed that the council would explore the options for a formal mechanism for resident input on HMO licence conditions and for the council to improve transparency through a publicly accessible online register of all HMO licence applications and decisions, alongside clear communication channels for councillors, parish councils and residents.
- 3.14 The report considering these options was presented to the Policy and Resources committee on 26 January 2026.
- 3.15 Following the consideration of these options, the recommendations by Officers, that were accepted by members of the Committee, was the following -
- 3.15.1 Officers find it appropriate that that the upcoming HMO Licensing Policy will contain a provision that ensure that Officers inform Ward, County and Parish (where applicable) Councillors.
- 3.15.2 Officers find it appropriate that the upcoming HMO Licensing Policy will contain a provision to receive resident input into an HMO licence application.

- 3.15.3 Officers find it appropriate that the upcoming HMO Licensing Policy will contain provision to inform neighbours of a property that is subject to an HMO licence application.
- 3.15.4 The council's Data Protection and Resilience Manager has confirmed that the request to publish any address on the council's Public HMO Register that is subject to an HMO Licence application that is being considered by Officers could be undertaken, however, the council would only be able to publish the address of the property.
- 3.16 To confirm, these four options have been included within the HMO Licencing Policy.
- 3.17 Section 14 of the Policy confirms that the following parties will be formally informed on receipt of any HMO Licence application to the council –
- Ward Councillors for the Ward the property is located within
 - County Councillor/s for the electoral division the property is located within
 - Parish Councillors for the parish the property is located within (if applicable)
 - The council's Antisocial Behaviour Team
- 3.18 Furthermore, Section 14 of the Policy states that the council will formally inform the immediate neighbours of the property identified within any HMO Licence application once received.
- 3.19 This correspondence to Councillors and immediate neighbours of the property subject to the application will contain the contact details required to make formal representations to the Officer considering the HMO Licence application.
- 3.20 However, to confirm, the council is unable to refuse any HMO Licence application on grounds that are not listed within the legislation that governs these matters (Housing Act 2004).
- 3.21 For clarity, the Housing Act 2004 does not provide the council any provision to refuse a HMO Licence based on reasons like community opposition to a HMO in the locality, additional parking pressures or the current/projected tenants to be housed within a HMO.
- 3.22 Therefore, the correspondence to Councillors and neighbours will confirm that representations will be considered by the Officer assessing the application in relation to any additional conditions that may be placed on the HMO license, if granted.
- 3.23 The council has a duty to ensure that any conditions placed on an HMO licence are justified as necessary, relevant, reasonable, proportionate and enforceable. Therefore, whilst these representations will be considered, the final decision on any additional condition to be placed on any HMO License will be at the discretion of the council.
- 3.24 Officers may also consider these representations when assessing whether a person is a 'Fit and Proper Person' or the management arrangements for the HMO are satisfactory.
- 3.25 Section 13 of the Policy confirms that the council is statutorily obligated to maintain a public register of licensed HMOs.

3.26 This section further confirms that once an application is received by the council for a HMO licence application, this address will be added to the public register.

3.27 However, in line with the council's data protection obligations, no personal details of the applicant will be listed until an HMO licence is granted.

4 Options and Reasons for Recommendations

4.1 It is recommended that the Committee adopt this Policy that will continue to ensure that any HMO within the district is safe and suitable for occupation, properly managed and maintained, provides adequate amenities for occupants and is contributing positively to the housing options within the district.

5 Policy/Budget Reference and Implications

5.1 The recommendations in this report are within the Council's agreed policy and budgets.

Financial, Legal, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

None specific.

6 Equal Opportunities Implications

6.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required?	No

6.2 Impact Assessment

Nil negative impact on those with protected characteristics.

7 Communications and Website Implications

7.1 The Policy will be required to be uploaded to the council's website by Communications on adoption.

7.2 Following Councillor Drury's statement at Full Council on 24 October 2025, a press release will be required to be prepared by Communications to confirm the Policy has been adopted by the council to ensure residents are informed that the council's commitment has been fulfilled.

8 Risk and Health & Safety Implications

8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

8.2 The subject of this report is covered by the Housing Services service plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
The council do not adopt the HMO Licencing Policy	Lack of transparency for landlords/tenants/residents on the HMO Licencing procedure Reputational impact to the council	Committee to approve and adopt the HMO Licencing Policy	Tolerate	4

8.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
		Impact -----> Unacceptable		

Impact Score
 4 (Catastrophic)
 3 (Critical)
 2 (Significant)
 1 (Marginal)

Likelihood Score
 4 (Very Likely (≥80%))
 3 (Likely (21-79%))
 2 (Unlikely (6-20%))
 1 (Remote (≤5%))

8.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

Data Quality

Data sources:

Nil

Data checked by:

N/A

Data rating:

1	Poor	N/A
2	Sufficient	N/A
3	High	N/A

Background Papers

APPENDICES / ATTACHMENTS

- Appendix One – Equalities Impact Assessment**
- Appendix Two – Sustainability Impact Assessment**
- Appendix Three – HMO Licencing Policy**

