

HMO Licensing Policy

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1. Introduction

1.1 Purpose of the Policy

This policy sets out how Three Rivers District Council (“the council”) will exercise its statutory duties and discretionary powers in relation to the licensing of Houses in Multiple Occupation (HMOs). This includes the granting of new licences and renewal applications.

The aim of the policy is to ensure that HMOs within the district are:

- Safe and suitable for occupation
- Properly managed and maintained
- Providing adequate amenities for occupiers
- Contributing positively to the housing options within the district.

This policy provides transparency for:

- Landlords and managing agents
- Tenants and prospective tenants
- Residents and communities
- Council Officers, Elected Councillors and partners.

1.2 Legal Framework

This policy operates under the provisions of:

- Housing Act 2004
- Housing and Planning Act 2016
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation Regulations 2006
- The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018
- The Regulatory Reform (Fire Safety) Order 2005
- The Provision of Services Regulations 2009
- Renters Rights Act 2025

These regulations require certain HMOs to be licensed and establish standards relating to safety, management and amenities.

2. Policy Objectives

The council’s objectives in implementing HMO licensing are to:

- Protect the health, safety and welfare of residents living in HMOs.
- Ensure HMOs are properly managed.
- Improve housing conditions in the private rented sector.
- Ensure landlords comply with statutory housing standards.
- Prevent overcrowding and poor property management.
- Support the provision of affordable shared accommodation where appropriate and ensure that HMOs remain a valid housing option within the district.
- Reduce negative impacts of poorly managed HMOs on local communities.

3. Definition of a House in Multiple Occupation

The definition of an HMO is set out within Sections 254–259 of the Housing Act 2004. In general terms, a property is considered an HMO if:

- It is occupied by three or more people
- Who form two or more households
- Who share basic facilities such as a kitchen, bathroom or toilet.

Examples include:

- Shared houses
- Bedsits
- Hostels
- Some converted flats.

A “household” typically refers to members of the same family living together.

4. HMOs Requiring a Licence

Under the mandatory licensing scheme currently operated by the council, a property must be licensed by the council if it fulfils the following -

- Is occupied by **five or more people**
- Forms **two or more households**
- Shares basic amenities.

These requirements apply regardless of the number of storeys in the building.

Certain buildings are exempt, including:

- Social housing owned by registered providers
- Buildings controlled by public authorities
- Owner-occupied properties with fewer than two lodgers.

5. Types of Licensing

The Housing Act 2004 provides three licensing schemes.

5.1 Mandatory Licensing

Mandatory licensing applies to larger HMOs meeting the criteria outlined above. The council must take reasonable steps to identify licensable HMOs and ensure applications are submitted.

5.2 Additional Licensing

Local authorities may designate additional licensing schemes for smaller HMOs where there is evidence of:

- Poor management
- Significant housing hazards
- Community impacts.

At the time of adopting this policy, Three Rivers District Council does not operate an Additional Licensing scheme, however reserve the right to adopt Additional Licensing at

any point if required. This position will be reviewed every 12 months. .

5.3 Selective Licensing

Selective licensing may apply to all private rented homes within designated areas where there are issues such as:

- Low housing demand
- Anti-social behaviour
- Poor property conditions.

At the time of adopting this policy, Three Rivers District Council does not operate a Selective Licensing scheme, however reserve the right to adopt Selective Licensing at any point where evidence demonstrates it would address local housing problems.

6. Licence Application Process

6.1 Who Must Apply

The licence must be applied for by the person having control of the property, typically:

- The landlord
- A managing agent acting on behalf of the landlord.

Licences will apply to individual properties and are not transferable in any circumstances. In any circumstances where a change of licence holder is required, a new application will be required.

6.2 Information Required

Applicants for an HMO License application form the council must provide the following -

- Completed application form
- Completed Floor Plans, including:
 - All room sizes in metres squared
 - The position of smoke/fire detectors
 - The position of emergency lighting
 - All rooms numbered
- Current Gas Safety Certificate (if applicable)
- Current Electrical Installation Condition Report
- Fire risk assessment
- Fire detection system commissioning certificate
- Emergency Lighting commissioning certificate
- Disclosure and Barring Service (DBS) Check for the licence holder or manager (if applicable) dated not more than 6 months prior to the application date
- Tenancy agreements
- Identification of the licence holder
- Portable Appliance Test (PAT) Certificates
- Payment of the application fee.

These documents enable the council to determine whether the property is suitable and properly managed.

Any HMO Licence application that has not provided all of the above, will not be considered as complete. Therefore, will not be assessed by the council.

7. Determining Applications

As per the Housing Act 2004, before granting an HMO licence, the council must be satisfied that:

- The property is suitable for occupation as an HMO.
- The proposed licence holder is a fit and proper person.
- The proposed management arrangements are satisfactory.

Where deficiencies are identified, the council may impose licence conditions requiring improvements.

When considering an HMO License application, the council is only able to take into consideration what is set out within the relevant legislation.

The council is unable to refuse an HMO Licence application on grounds that are not listed within this legislation, this may include –

- Community opposition to an HMO located within the locality
- Issues that may be created due to additional pressure on parking capacity
- The current/projected tenants within any HMO

(this list is not exhaustive)

The council will aim to provide a decision on any HMO licence application received within 12 weeks of submission. This timeline can be flexible and will be dependent upon the information supplied to the council at the time of submission or further evidence or documents requested by the council.

Furthermore, should enforcement issues arise during the period the council is considering an application, then this timeline will be extended until these enforcement issues have been rectified.

7.1 Fit and Proper Person Test

The council must ensure that the licence holder and any manager of a HMO are suitable persons.

The assessment may consider:

- Convictions relating to fraud, violence, drugs or sexual offences
- Breaches of housing law
- Previous licence revocations
- Housing enforcement history
- Banning orders
- Inclusion on the rogue landlord database.
- Verifiable information provided to the council from third parties

Where the applicant fails this test, the council may refuse the licence.

As part of an application for a HMO Licence from the council and to ensure Officers can adequately assess if the applicant for the licence is a fit and proper person, the council will require the submission of a Disclosure and Barring Service (DBS) check dated within the last 6 months prior to application.

If no DBS check is submitted to the council as part of the application, then the licence application will be refused.

7.2 HMO Property Standards

No HMO licence will be granted by the council unless there is adherence to the HMO Amenity Standards adopted by the council and attached as an Appendix to this Policy.

Licensed HMOs must meet minimum standards relating to -

7.3 Space Standards

Minimum bedroom sizes must comply with national regulations.

7.4 Facilities

Adequate provision must be made for:

- Kitchens
- Bathrooms
- Toilets
- Wash hand basins.

For example, one bathroom may serve up to four occupiers, with additional facilities required as occupancy increases.

7.5 Fire Safety

Properties must include appropriate fire precautions including:

- Fire detection systems
- Adequate/Appropriate fire doors
- Protected escape routes
- Fire risk assessments.
- Emergency lighting provision

The council reserve the right to consult with Hertfordshire Fire and Rescue on the fire provisions that are provided within any HMO.

Should Hertfordshire Fire and Rescue hold concerns that adequate fire mitigation has not been provided, the council will refuse to grant a HMO licence to the property in question.

7.6 Heating and Ventilation

Each unit/room within the HMO must have adequate heating, insulation and ventilation.

8. Licence Conditions

Any HMO Licence granted will include mandatory conditions such as -

- Providing annual gas safety certificates (where applicable)
- Maintaining electrical safety, including 5-yearly EICR and appliance testing
- Installing, testing, and maintaining fire detection, alarm, emergency lighting, and

- fire safety systems
- Installing and maintaining carbon monoxide alarms (where required)
- Keeping the property, fittings, and furniture safe, well maintained, and free from hazards
- Conducting regular property inspections and keeping records
- Maintaining communal areas, gardens, and shared facilities in good repair and clean condition
- Ensuring adequate security measures (locks, access control, and safe escape routes)
- Managing refuse storage and disposal in line with council requirements
- Displaying required documents within the property (licence, certificates, contact details)
- Preventing overcrowding and complying with room size and occupancy limits
- Providing occupancy details to the council when requested
- Providing written tenancy agreements and repair/emergency procedures to occupiers
- Preventing and addressing antisocial behaviour
- Respecting tenants' right to quiet enjoyment and giving appropriate notice before entry
- Complying with all relevant housing and tenancy legislation
- Notifying the council of any changes affecting the licence or property
- Allowing access for council inspections and statutory duties

Additional conditions may be imposed if considered appropriate and at the discretion of the council. These may include –

- Conditions in relation to property standards
- Adequate management of antisocial behaviour
- Formal tenant antisocial behaviour policies
- *(this list is not exhaustive)*

9. Licence Duration

Licences will normally be granted for up to five years.

Shorter licences may be issued where:

- The property requires improvements
- There is uncertainty regarding management arrangements
- The landlord has a poor compliance history.

10. Enforcement and Penalties

As per the council's Private Sector Housing Enforcement Policy, the council will take enforcement action where licensing requirements are not met and will consider formal enforcement as a first option when any offence is identified.

Offences may include:

- Operating a licensable HMO without a licence
- Breaching licence conditions
- Allowing overcrowding
- Failing to comply with HMO management regulations.
- *(this list is not exhaustive)*

Penalties may include:

- Civil penalties up to £30,000 – as listed within the council’s Civil Penalty Notice Policy
- Prosecution
- Rent Repayment Orders
- Banning Orders
- Management Orders.

11. Inspections and Monitoring

The council will inspect licensed HMOs:

- During the application process
- During the licence period
- In response to complaints.

The applicant or HMO licence holder will be expected to facilitate these visits at the request of the council. If no visits are facilitated by the applicant or HMO licence holder, the HMO license application will be refused or revoked.

12. Temporary Exemption Notices

A Temporary Exemption Notice (TEN) may be issued where a landlord is taking steps to make the property no longer licensable.

TENs are normally issued for three months, with a possible second notice in exceptional circumstances.

13. Public Register

The council is statutorily obligated to maintain a public register of licensed HMOs containing:

- Property address
- Licence holder details
- Licence duration.

Once an application is received by the council for a HMO licence application, this application will be added to the public register.

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.

This public register will be available to view on the council’s website or by visiting the council offices.

14. Consultation and Mechanism for Resident/Councillor Input

When any new HMO Licence application is received by the council, the council will formally inform the following parties –

- Ward Councillors for the Ward the property is located within
- County Councillor/s of the electoral division the property is located within
- Parish Councillors for the parish the property is located within (if applicable)
- The council’s Community Safety team

The council will also formally inform the immediate neighbours of the property identified within the HMO Licence application.

This correspondence to Councillors and neighbouring properties will contain the contact details required to make formal representations to the Officer considering this application.

As confirmed within Section 7 of this Policy, when considering an HMO License application, the council is only able to take into consideration what is set out within the relevant legislation. (Housing Act 2004).

The council is unable to refuse an HMO Licence application on grounds that are not listed within this legislation.

Therefore, this correspondence will confirm that representations will be considered by the Officer assessing the application in relation to any additional conditions to be placed on the HMO license, if granted.

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.

15. Review of Policy

This policy will be reviewed periodically to ensure compliance with:

- Significant legislative updates
- Changes in Government guidance
- Local housing needs.

A full review will normally take place every three years.

Appendix 1: HMO Amenity Standards

The HMO amenity standards that have been referred to within this Policy are contained within the document below. These HMO Amenity Standards are also available to view on the councils' website at the following link –

<https://cdn.threerivers.gov.uk/files/2025/10/95b77570-a90e-11f0-8e82-1dec93f21d5d-TRDC%20Amenity%20Standards.pdf>



Amenity
Standards.pdf

