

Licencing Fee Policy (Appendix 1)

1. By undertaking this Policy Review, the Council is exercising its statutory duty in accordance with Section 84, of the 2004 Act by keeping its designation under review. Given that the Selective Licensing Scheme has been operating for over two and half years and that the second Additional Licensing Scheme is also in its second year of operation, the Authority is keen to keep under review its licence fee policy with a view to ensuring consistency across all three schemes. In particular, this version of the Policy provides clarification on how Landlord Accreditation impacts on the licence fee applicable and provides more detailed information on the applicability of the less compliant licence fee.
2. Section 87 of the 2004 Act permits a local housing authority to require a licence application to be accompanied by a fee and, when fixing that fee, it may take into account all costs incurred by the authority in carrying out various defined functions. Recent authority under Part 2 of the 2004 Act (*Gaskin v Richmond upon Thames*) has confirmed that this empowers local housing authorities to offset the entire cost of exercising various functions and in effect allows the scheme to be cost-neutral.
3. The two-part fee structure has arisen as a result of the ruling in *Hemming v Westminster CC*, as applied in *Gaskin v Richmond upon Thames* which confirm that that the Provision of Services Regulations 2009 apply to housing licensing and require that a local housing authority may not at the point of application require a fee which exceeds the costs of processing the application and that any fee requested must be both reasonable and proportionate to the costs of the scheme. Local Housing Authorities may subsequently charge successful applicants a further (“part B”) fee upon grant of the licence to cover a contribution to the costs of generally running, managing and enforcing the licencing scheme.

Guidance on Administrative Practice (Appendix 2)

4. With regards to Appendix 2, this sets out guidance in relation to a few general administrative practices used by the Authority when determining and/or administering licence applications. Decisions on licences are determined on a case by case approach, however there are some general administrative practices that are considered and adopted where appropriate. Within this Appendix 2 are details covering a few areas where Landlords have expressed interest/representations and therefore the Authority recognises the assistance this guidance may provide to those persons with an interest in the licensing schemes.