



Ref: 209101/2022

**Housing Act 2004
Section 64
LICENCE OF HOUSE IN MULTIPLE OCCUPATION (HMO)**

Luiz Naseimento
70A Chelford Road
Macclesfield
Cheshire
SK10 3LQ

High Peak Borough Council ("the Authority") hereby grant a licence to the above named licence holder under section 64 of the Housing Act 2004, subject to the conditions set out in the schedule attached, in connection with the residential premises known as

41 MARKET STREET, BUXTON, SK17 6LF

The Authority has decided that the house is reasonably suitable for occupation by up to a maximum of 8 persons.

This Licence is granted with effect from 4th December 2022 and shall remain in effect for a period of 5 years from this date, unless previously revoked.

Dated: Wednesday 21st December 2022

M B Towers
Senior Officer (Housing, Public Health & Licensing)

THIS LICENCE IS NON-TRANSFERABLE

This Licence is valid only for the above premises and the person named above as the Licence Holder. If the details of the licence holder change, a new Licence Application must be made. Applications to Vary or Revoke the Licence must be made in writing to the Housing Service at the address above.

This Licence and its accompanying Conditions must be displayed at the licensed premises for the information of tenants.

Your attention is drawn to the Notes which accompany this Licence.

NOTES

The notes below are extracts from sections 68 – 72 Housing Act 2004

68 Licences: general requirements and duration

- (1) A licence may not relate to more than one HMO.
- (2) A licence may be granted before the time when it is required by virtue of this Part but, if so, the licence cannot come into force until that time.
- (3) A licence-
 - (a) comes into force at the time that is specified in or determined under the licence for this purpose, and
 - (b) unless previously terminated by subsection (7) or revoked under section 70, continues in force for the period that is so specified or determined.
- (4) That period must not end more than 5 years after-
 - (a) the date on which the licence was granted, or
 - (b) if the licence was granted as mentioned in subsection (2), the date when the licence comes into force.
- (5) Subsection (3)(b) applies even if, at any time during that period, the HMO concerned subsequently ceases to be one to which this Part applies.
- (6) A licence may not be transferred to another person.
- (7) If the holder of the licence dies while the licence is in force, the licence ceases to be in force on his death.
- (8) However, during the period of 3 months beginning with the date of the licence holder's death, the house is to be treated for the purposes of this Part and Part 3 as if on that date a temporary exemption notice had been served in respect of the house under section 62.
- (9) If, at any time during that period ("the initial period"), the personal representatives of the licence holder request the local housing authority to do so, the authority may serve on them a notice which, during the period of 3 months after the date on which the initial period ends, has the same effect as a temporary exemption notice under section 62.
- (10) Subsections (6) to (8) of section 62 apply (with any necessary modifications) in relation to a decision by the authority not to serve such a notice as they apply in relation to a decision not to serve a temporary exemption notice.

69 Variation of licences

- (1) The local housing authority may vary a licence-
 - (a) if they do so with the agreement of the licence holder, or
 - (b) if they consider that there has been a change of circumstances since the time when the licence was granted.For this purpose "change of circumstances" includes any discovery of new information.
- (2) Subsection (3) applies where the authority-
 - (a) are considering whether to vary a licence under subsection (1)(b); and
 - (b) are considering-
 - (i) what number of households or persons is appropriate as the maximum number authorised to occupy the HMO to which the licence relates, or
 - (ii) the standards applicable to occupation by a particular number of households or persons.
- (3) The authority must apply the same standards in relation to the circumstances existing at the time when they are considering whether to vary the licence as were applicable at the time when it was granted.
This is subject to subsection (4).
- (4) If the standards-
 - (a) prescribed under section 65, and
 - (b) applicable at the time when the licence was granted,have subsequently been revised or superseded by provisions of regulations under that section, the authority may apply the new standards.
- (5) A variation made with the agreement of the licence holder takes effect at the time when it is made.
- (6) Otherwise, a variation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 35 of Schedule 5 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- (7) The power to vary a licence under this section is exercisable by the authority either-
 - (a) on an application made by the licence holder or a relevant person, or
 - (b) on the authority's own initiative.

- (8) In subsection (7) “relevant person” means any person (other than the licence holder)-
- (a) who has an estate or interest in the HMO concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
 - (b) who is a person managing or having control of the house (and does not fall within paragraph (a)), or
 - © on whom any restriction or obligation is imposed by the licence in accordance with section 67(5).

70 Revocation of licences

- (1) The local housing authority may revoke a licence-
- (a) if they do so with the agreement of the licence holder;
 - (b) in any of the cases mentioned in subsection (2) (circumstances relating to licence holder or other person);
 - © in any of the cases mentioned in subsection (3) (circumstances relating to HMO concerned); or
 - (d) in any other circumstances prescribed by regulations made by the appropriate national authority.
- (2) The cases referred to in subsection (1)(b) are as follows-
- (a) where the authority consider that the licence holder or any other person has committed a serious breach of a condition of the licence or repeated breaches of such a condition;
 - (b) where the authority no longer consider that the licence holder is a fit and proper person to be the licence holder; and
 - © where the authority no longer consider that the management of the house is being carried on by persons who are in each case fit and proper persons to be involved in its management.
- Section 66(1) applies in relation to paragraph (b) or (c) above as it applies in relation to section 64(3)(b) or (d).

- (3) The cases referred to in subsection (1)© are as follows-
- (a) where the HMO to which the licence relates ceases to be an HMO to which this Part applies; and
 - (b) where the authority consider at any time that, were the licence to expire at that time, they would, for a particular reason relating to the structure of the HMO, refuse to grant a new licence to the licence holder on similar terms in respect of it.
- (4) Subsection (5) applies where the authority are considering whether to revoke a licence by virtue of subsection (3)(b) on the grounds that the HMO is not reasonably suitable for the number of households or persons specified in the licence as the maximum number authorised to occupy the house.
- (5) The authority must apply the same standards in relation to the circumstances existing at the time when they are considering whether to revoke the licence as were applicable at the time when it was granted.
- This is subject to subsection (6).

- (6) If the standards-
- (a) prescribed under section 65, and
 - (b) applicable at the time when the licence was granted,
- have subsequently been revised or superseded by provisions of regulations under that section, the authority may apply the new standards.
- (7) A revocation made with the agreement of the licence holder takes effect at the time when it is made.
- (8) Otherwise, a revocation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 35 of Schedule 5 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- (9) The power to revoke a licence under this section is exercisable by the authority either-
- (a) on an application made by the licence holder or a relevant person, or
 - (b) on the authority's own initiative.
- (10) In subsection (9) “relevant person” means any person (other than the licence holder)-
- (a) who has an estate or interest in the HMO concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
 - (b) who is a person managing or having control of that house (and does not fall within paragraph (a)), or
 - © on whom any restriction or obligation is imposed by the licence in accordance with section 67(5).

72 Offences in relation to licensing of HMOs

- (1) A person commits an offence if he is a person having control of or managing an HMO which is required to be licensed under this Part (see section 61(1)) but is not so licensed.
- (2) A person commits an offence if-

- (a) he is a person having control of or managing an HMO which is licensed under this Part,
 - (b) he knowingly permits another person to occupy the house, and
- © the other person's occupation results in the house being occupied by more households or persons than is authorised by the licence.
- (3) A person commits an offence if-
- (a) he is a licence holder or a person on whom restrictions or obligations under a licence are imposed in accordance with section 67(5), and
 - (b) he fails to comply with any condition of the licence.
- (4) In proceedings against a person for an offence under subsection (1) it is a defence that, at the material time-
- (a) a notification had been duly given in respect of the house under section 62(1), or
 - (b) an application for a licence had been duly made in respect of the house under section 63,
- and that notification or application was still effective (see subsection (8)).
- (5) In proceedings against a person for an offence under subsection (1), (2) or (3) it is a defence that he had a reasonable excuse-
- (a) for having control of or managing the house in the circumstances mentioned in subsection (1), or
 - (b) for permitting the person to occupy the house, or
- © for failing to comply with the condition,
- as the case may be.
- (6) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding £20,000.
- (7) A person who commits an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) For the purposes of subsection (4) a notification or application is "effective" at a particular time if at that time it has not been withdrawn, and either-
- (a) the authority have not decided whether to serve a temporary exemption notice, or (as the case may be) grant a licence, in pursuance of the notification or application, or
 - (b) if they have decided not to do so, one of the conditions set out in subsection (9) is met.
- (9) The conditions are-
- (a) that the period for appealing against the decision of the authority not to serve or grant such a notice or licence (or against any relevant decision of a residential property tribunal) has not expired, or
 - (b) that an appeal has been brought against the authority's decision (or against any relevant decision of such a tribunal) and the appeal has not been determined or withdrawn.
- (10) In subsection (9) "relevant decision" means a decision which is given on an appeal to the tribunal and confirms the authority's decision (with or without variation).