

## 2016 CHAPTER 22

### PART 5

#### Supplementary

##### *Appeals*

#### **Appeals**

- 67.—**(1) This section applies to the following decisions of a council—
- (a) to issue a household notice;
  - (b) to refuse to cancel a continuation notice;
  - (c) to grant an HMO licence (including any decision as to its terms or any conditions included in it);
  - (d) to refuse an application for an HMO licence, unless the refusal is solely because the council is not satisfied as mentioned in section 8(2)(a) (planning control);
  - (e) to issue a temporary exemption notice (including any decision as to the inclusion of safety and security requirements under section 17);
  - (f) to refuse an application for a temporary exemption notice;
  - (g) to revoke a temporary exemption notice, or to refuse to grant an extension of one;
  - (h) to renew an HMO licence (including any decision as to its terms or any conditions included in it as from its renewal);
  - (i) to refuse an application to renew an HMO licence;
  - (j) to vary an HMO licence, or to refuse an application to vary one;

- (k) to revoke an HMO licence;
  - (l) to refuse to extend the period for which a licence has effect under section 29 (death of sole licence holder);
  - (m) to issue a rectification notice (including any decision as to the terms of it), or to refuse to revoke such a notice;
  - (n) to issue a Part 4 notice (including any decision as to the terms of it);
  - (o) to vary or revoke a Part 4 notice, or to refuse an application to vary or revoke one;
  - (p) to demand recovery of expenses under paragraph 9 of Schedule 3.
- (2) An appeal may be made to the county court against any decision to which this section applies.
- (3) An appeal may be made only by a person on whom notice is required to be served under the provision of this Act in question.
- (4) An appeal must be made before—
- (a) the end of the period of 28 days beginning with the date on which notice was served on the person, or
  - (b) if later, the end of the period of 7 days beginning with date on which reasons for the decision were served under section 68.
- (5) But the court may allow an appeal to be made after that date, if it considers that there are special circumstances which make it just to do so.
- (6) Where—
- (a) a person makes an application, in accordance with this Act, for a decision to which this section applies (except an application for an HMO licence or for the renewal of one), and
  - (b) the council does not notify the applicant of its decision within the period of 35 days beginning with the date on which the application was made (or such further period as the applicant may in writing allow),
- the applicant may make an appeal under this section as if the council had refused the application.
- (7) In this section, references to the service of notice are—
- (a) in the case of a decision to issue a notice, to the service of that notice;
  - (b) otherwise, to service of notice of the decision.

### **Council's statement of reasons for decisions which may be appealed**

**68.—**(1) In the case of any decision to which section 67 applies, the notice must (in addition to any other matters required by any provision of this Act) include or be accompanied by a statement informing the person—

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*Status: This is the original version (as it was originally enacted).*

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- (a) that the person may request a statement of the council's reasons for the decision, and
- (b) of the right to appeal under section 67 and the period within which such an appeal must be made (as to which, see section 67(4)).

(2) A person on whom any such notice has been served may, within 7 days of service of the notice, request the council to give a statement of its reasons for the decision.

(3) Where a council receives a request in accordance with subsection (2), it must within 14 days of doing so serve a statement of its reasons for the decision on—

- (a) the person who made the request, and
- (b) any other person on whom the notice was served.

(4) The duties under subsections (1)(a) and (3) to give notice of the right to request reasons and to give a statement of reasons do not apply where (whether or not in accordance with any provision of this Act) the notice includes or is accompanied by a statement of reasons.

(5) In this section, "the notice" means—

- (a) in the case of a decision to issue a notice, that notice;
- (b) otherwise, notice of the decision.

### **Powers of court on appeal**

**69.**—(1) An appeal under section 67—

- (a) is to be by way of a re-hearing, but
- (b) may be determined having regard to matters of which the council were unaware.

(2) The court may confirm, reverse or vary the decision of the council.

(3) If the appeal is against a decision to refuse an application, the court may direct the council to grant the application in such terms as the court may direct.