



2016 CHAPTER 22

PART 3

Enforcement of licensing requirements

Offences

Exceeding licensed occupancy or breach of licence conditions

31.—(1) If the number of persons occupying a licensed HMO exceeds the number authorised by the licence and—

- (a) the owner or managing agent of the HMO has done anything that permits or facilitates the excessive occupation, or
- (b) the owner or agent knows, or ought reasonably to know, that the HMO is so occupied and does not take such steps as are reasonably necessary to ensure that the excessive occupation ceases,

the owner or agent (as the case may be) commits an offence.

(2) If—

- (a) a condition in an HMO licence imposes a restriction or obligation on the owner or managing agent of the HMO or any other person named in the condition,
- (b) that person breaches the condition at a time when the HMO is required to be licensed under section 7, and
- (c) the person does not have a reasonable excuse for breaching the condition,

the person commits an offence.

(3) If—

- (a) a condition in an HMO licence imposes a restriction or obligation on any person (whether or not named in the licence),
- (b) any person breaches the condition at a time when the HMO is required to be licensed under section 7,
- (c) the owner or managing agent of the HMO either permits the breach or did not take such steps as are reasonably necessary to secure that the condition was not breached, and
- (d) the owner or agent does not have a reasonable excuse for permitting the breach or for failing to take those steps,

the owner or agent (as the case may be) commits an offence.

(4) A person guilty of an offence under subsection (1) is liable on summary conviction—

- (a) to a fine not exceeding £20,000, and
- (b) to a further fine not exceeding £50 for every day or part of a day after conviction on which the excessive occupation continues.

(5) A person guilty of an offence under subsection (2) or (3) is liable on summary conviction to a fine not exceeding £10,000.