



2016 CHAPTER 22

PART 3

Enforcement of licensing requirements

Rectification of breaches of conditions

Power to require rectification of breach of condition

35.—(1) This section applies where the council is satisfied that—

- (a) a condition in an HMO licence has been breached and the breach is ongoing or has not been rectified, or
- (b) a condition in an HMO licence is likely to be breached.

(2) It does not matter whether the council has taken any other action, or whether criminal proceedings have been commenced, in respect of the breach or anticipated breach.

(3) The council may serve on the owner of the HMO a notice (a “rectification notice”) which requires the owner to take such action, specified in the notice, as the council considers appropriate for the purpose of rectifying or (as the case may be) preventing the breach.

(4) The action which may be specified includes the carrying out of work in or to the HMO.

(5) The notice must specify a date by which the action must be taken.

(6) Different dates may be specified for different actions.

(7) A date specified under subsection (5) must not be earlier than the date by which the council reasonably considers that the action can be taken.

(8) A notice which requires work to be carried out in or to the HMO may also specify particular steps which the council requires to be taken in carrying out that work.

(9) Where the action specified in a notice is or includes the carrying out of work in or to the HMO, Parts 1 and 2 of Schedule 3 apply to the notice.

(10) The council must send a copy of the notice to the occupants of the HMO.