

Private Sector Housing Fees & Charges Policy.

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Introduction and scope

The Housing Act 2004 (the Act) gives the local housing authority powers to charge for certain actions. This includes but is not limited to:

- Serving enforcement notices under the Housing Act 2004
- HMO licensing

The local authority can also charge for action taken under other regulations and services including but not limited to:

- Smoke and Carbon Monoxide Regulations
- Electrical Safety Standards
- Minimum Energy Efficiency Standards (MEES)
- Immigration inspections

This policy sets out the current fees and charges that will be applied in relation to the above. It is also designed to explain how the fees and charges are calculated, how often they are reviewed, and the considerations taken into account when reviewing the fees and charges.

The policy also provides information on when refunds will be considered in relation to certain fees.

Civil penalties are not covered under this policy. For information on civil penalties please refer to the Private Sector Housing Policy for Civil Penalties under the Housing and Planning Act 2016 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Recovery of expenses relating to enforcement action

Recovery of expenses relating to enforcement action are described under Part 1, sections 49 and 50 of the Housing Act 2004. This gives councils the power to make such reasonable charges as they consider appropriate as a means of recovering certain administrative and other expenses incurred by taking any of the following actions:

- Serving an improvement notice under section 11 or 12 of the Act
- Making a prohibition order under section 20 or 21 of the Act
- Serving a hazard awareness notice under section 28 or 29 of the Act
- Taking emergency remedial action under section 40 of the Act
- Making an emergency prohibition order under section 43 of the Act
- Making a demolition order under section 265 of the Housing Act 1985

Administrative expenses that may be charged for include:

- Determining whether to serve the notice
- Identification of action to be taken
- Service of notices

In deciding whether to exercise their powers and charge for an enforcement notice, the council will take account of the personal circumstances of the person or persons against whom the enforcement action is being taken. The degree to which these circumstances are taken into account is a matter for the authority's discretion.

All demands for payment will be made in writing and served at the same time as the notice or order is served. The demand must be served on the person from whom the local authority seeks to recover its costs.

HMO licensing fees

Local authorities have the power to charge a fee to accompany an HMO licence application as described by Part 2, section 63(3) of the Housing Act 2004. When fixing fees under this section, the local authority may (subject to any regulations made under subsection (5)) take into account:

- All costs incurred by the authority in carrying out their functions under this Part, and
- All costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs (so far as they are not recoverable under or by virtue of any provision of that Chapter).

Current fees & charges

The table below sets out the current fees and charges imposed by Milton Keynes City Council and the basis for the calculation of those fees and charges:

Fee Description	Amount	Basis
Service of Statutory Enforcement Notice under the Housing Act 2004	£414.00	Legislation as part of the Housing Act 2004 requires fees to be based on staff hourly rate and time taken to undertake the task. The fee is based on the average hourly costs, including on-costs, of all staff involved with the eventual service of a notice. The costs may also

		include inspection time, journey time, mileage costs, administration time, costs incurred for gaining entry and/or securing properties and time allowed for deciding on the most satisfactory course of action.
Houses of Multiple Occupation Application for New Licence	£703 Part 1 Fee - £467 Part 2 Fee - £236	Housing Act 2004 governs the process in which the fee amount is set. The part 1 fee covers the administration costs incurred by the council in processing the application. The part 2 fee covers the costs mandatory inspections and enforcement of the scheme.
Houses of Multiple Occupation Application for Renewal of Licence	£703 Part 1 Fee - £467 Part 2 Fee - £236	As Above
Houses of Multiple Occupation Application for Variation of Licence	No Fee	N/A
Penalty charge for breach of Smoke and Carbon Monoxide Regulations 2015 (First Offence)	£1000.00	The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 allows local authorities to require a landlord to pay a penalty charge as such amount as the authority may determine. Please refer to Milton Keynes City Council's Smoke and Carbon Monoxide Statement of Principles.pdf
Penalty charge for breach of Smoke and Carbon Monoxide Regulations 2015 (Second Offence)	£3000.00	As Above
Maximum penalty charge for breach of Smoke and Carbon Monoxide Regulations 2015 (Third Offence)	£5000.00	As Above
Fixed Costs for Breach of Smoke & Carbon Monoxide	£704.00	Fixed costs added to the penalty charges listed above (maximum may not exceed

Regulations 2015 (First & Second Offence)		£5000). This is based on staff hourly rate and time/resources taken in preparing and serving the penalty notice.
Costs for remedial action taken under Smoke & Carbon Monoxide Regulations 2015	£82.96 (per alarm fitted)	The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 allows local authorities to recover costs for taking remedial action. This is based on the cost of each alarm and the labour costs to install.
Immigration Inspection & Report	£176.00 plus VAT	Based on staff hourly rate and time/resources taken in preparing and issuing the report.

Review of fees and charges

All fees and charges are to be reviewed annually by the service with support from the finance department, with any changes implemented at the start of each new financial year.

With the exception of the penalty charges for breach of Smoke and Carbon Monoxide Regulations, an uplift will be added to each fee in accordance with the Consumer Price index (CPI) inflation rates.

Refunds

Refunds for the below fees and charges will only be considered in the following circumstances:

Fee Description	Amount	Refund Policy
Service of Statutory Enforcement Notice under the Housing Act 2004	£414.00	A full or partial refund may be considered where the requirements of the notice are completed before the notice becomes operative, or where the notice was served in error. Any refund remains at the discretion of the council.

Houses of Multiple Occupation Application for New Licence	£703 Part 1 Fee - £467 Part 2 Fee - £236	A full refund of the part 1 fee will be granted where a HMO licence was not required or where it is withdrawn by the applicant before any proposal has been made by the council. Where the council has already proposed or made a decision on an application, no refund will be offered on the part 1 fee. If a request is made to revoke a licence before it expires, no refund will be offered.
Houses of Multiple Occupation Application for Renewal of Licence	£703 Part 1 Fee - £467 Part 2 Fee - £236	As Above
Houses of Multiple Occupation Application for Variation of Licence	No Fee	N/A
Penalty charge for breach of Smoke and Carbon Monoxide Regulations 2015 (First Offence)	£1000.00	The fee will be reduced to half the amount if paid within 14 days. Otherwise, no refund will be available the charge has been incurred.
Penalty charge for breach of Smoke and Carbon Monoxide Regulations 2015 (Second Offence)	£3000.00	As Above
Maximum penalty charge for breach of Smoke and Carbon Monoxide Regulations 2015 (Third Offence)	£5000.00	As Above
Fixed Costs for Breach of Smoke & Carbon Monoxide Regulations 2015 (First & Second Offence)	£704.00 plus VAT	No refund is available once the charge has been incurred.
Costs for remedial action taken under Smoke & Carbon Monoxide Regulations 2015	£82.96 plus VAT (per alarm fitted)	No refund is available once the charge has been incurred.
Immigration Inspection & Report	£176.00 plus VAT	Where a request for an immigration report has been

		requested but is no longer required, a full refund will be offered if the inspection has not already taken place. When an inspection has already taken place, no refund will be offered.
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All decisions on refunds will be made by the private sector housing manager, and will be made with consideration given to the Council's equality policy. Where a request for a refund is refused and a customer remains unsatisfied, they may refer to the corporate complaints policy.

