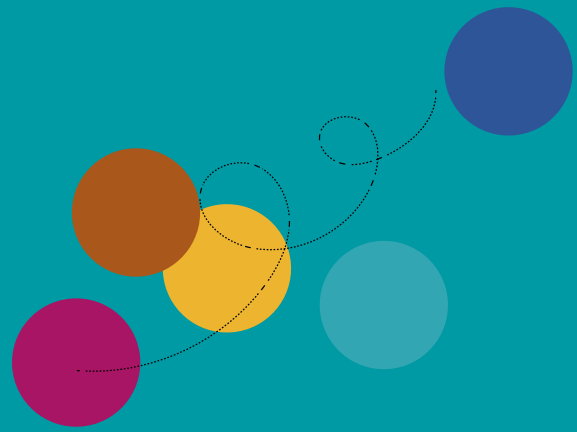




NORWICH
City Council



Fit and Proper Person Assessment Protocol



Fit and Proper Person Assessment Protocol

Title: Fit and Proper Person Protocol

Owner: Private Sector Housing and HMO Enforcement Manager

Approval level:

Version:3.1

Published date: TBC

Review period: Every three years or within six months of legislative change

Review date: October 2028

Relevant legislation or regulation

- Housing Act 2004 (Part 2 s.64 and s.66)
- Housing and Planning Act 2016
- Equality Act 2010
- Human Rights Act 1998
- Data Protection Act 2018 and UK GDPR
- Norwich City Council Civil Penalties and Electrical Safety Policy
- Norwich City Councils Private Sector Housing Regulation and Compliance Framework.
- Norwich City Council Corporate Plan 2024-2029

Version control

Date	Version number	Reason	Author
14/04/2025	2.0	Initial draft	Phil Stacey
02/10/25	3.0	Final Review with NP Law John Jackson and NCC Officer Emmanuel Sheehan following Review with Lindsey Brunt – PSH and HMO Enforcement Manager	NP Law John Jackson and NCC Officer Emmanuel Sheehan
27/10/25	3.1	Final amendments	NP Law John Jackson and NCC

Date	Version number	Reason	Author
			Officer Emmanuel Sheehan

Contents

Fit and Proper Person Assessment Protocol	1
1. Introduction.....	6
2. Legislative Framework	6
2.1 Primary Legislation	7
2.2 Secondary Legislation	7
2.3 Statutory Guidance and Codes	7
2.4 Local Policy Framework.....	8
2.5 Officer Application.....	8
2.6 Delegation and Accountability Framework.....	9
3. Purpose of the Assessment.....	9
4. Persons Subject to Assessment	9
4.1 Equality Impact Consideration	10
5. Fit and Proper Person Criteria.....	10
5.1 Application of the Criteria	10
5.2 Interpreting Evidence	11
6. Management Competence and Resources	11
7. Information Gathering and Verification	11
7.1 Types of Information Collected	12
7.2 Internal Council Records	12
7.3 External Sources	12
7.4 Applicant-Provided Documents	12
7.5 Relevance and Context of Information	13
7.6 Verification and Cross-Checking.....	13
7.7 Data Protection and Information Governance.....	14
7.8 Officer Responsibilities.....	14
7.9 Decision-Making Principles	16
7.10 Summary	17

8.	Decision-Making and Documentation	17
8.1	Authorisation	17
8.2	Record Management	17
8.3	Peer Review and Legal Oversight	18
8.4	Quality Assurance and Audit Procedure	18
9.	Decision Outcomes	18
9.1	Decision-Making Principles	18
9.2	Decision Outcomes	19
9.3	Conditional Approval – Applying Safeguards	20
9.4	Refusal or Revocation – Procedure	20
9.5	Risk-Based Decision Framework	21
9.6	Transparency and Publication Framework.....	21
9.7	Communication of Decisions	21
9.8	Post-Decision Monitoring	21
9.9	Recording and Audit Trail.....	22
9.10	Continuous Improvement	22
10.	Internal Reviews and Appeals	23
10.1	Right to Request an Internal Review.....	23
10.2	Allocation of Reviewer	23
10.3	Conduct of Review.....	23
10.4	Outcome of Review.....	23
10.5	Appeal to the First-Tier Tribunal (Property Chamber).....	24
10.6	Appeal and Tribunal Preparation.....	24
10.7	Learning from Reviews and Appeals	25
11.	Equality, Human Rights and Accessibility.....	25
11.1	Equality, Human Rights and Accessibility.....	Error! Bookmark not defined.
11.2	Review and Appeals	25

11.3	Accessibility and Communication	25
11.4	Service of Notices	26
11.5	Data Protection and Criminal Convictions	26
12.	Digital Communication and Service.....	26
12.1	Purpose	26
12.2	Acceptable Digital Channels.....	26
12.3	Security and Data Protection.....	27
12.4	Accessibility and Inclusion.....	27
12.5	Electronic Service of Legal Notices	27
13.	Publication and Transparency.....	27
13.1	Public Register of Licences	27
13.2	Publication of Enforcement Outcomes	28
13.3	Requests for Information	28
14.	Monitoring, Review and Continuous Improvement.....	28
14.1	Review Cycle	28
14.2	Review Process	28
14.3	Continuous Improvement	28
14.4	Reporting	29

1. Introduction

This Protocol sets out Norwich City Council's process for determining whether a person involved in the ownership or management of a licensable property is a fit and proper person under the Housing Act 2004.

It supports Section 7 of the Houses in Multiple Occupation (HMO) Policy 2025 and applies to all applications for new licences, renewals, and where the Council is considering revocation or refusal of a licence.

The purpose of the Protocol is to ensure that all decisions are fair, transparent, and legally sound. It provides officers with a clear framework for consistent assessment while protecting tenants from poor or unsafe management practices.

This document is designed to:

- Safeguard tenants by ensuring properties are managed responsibly.
- Protect compliant landlords from unfair competition.
- Ensure Norwich City Council fulfils its statutory duties under Parts 2 and 3 of the *Housing Act 2004*; and
- Promote confidence in the Council's regulatory role.

This document applies to all licensing work under Parts 2 and 3 of the Housing Act 2004 – mandatory HMO licensing, additional licensing and any selective licensing adopted by the Council. It also applies where the Council is considering revocation, variation, or refusal of an existing licence on fitness grounds.

All decisions are made using the following principles:

- Fairness and proportionality, decisions are evidence-based and balanced.
- Transparency, the reasoning behind decisions is recorded and available for audit or appeal.
- Consistency, similar facts lead to similar outcomes across cases.
- Accountability, decisions are traceable to authorised officers.
- Public protection, tenant safety and community confidence take precedence.

2. Legislative Framework

Fit and proper person assessments are a statutory requirement under Parts 2 and 3 of the Housing Act 2004.

The Council must be satisfied that a licence holder and any person involved in the management of a licensable property are fit and proper persons, and that the proposed licence holder is the most appropriate person to hold the licence.

This Protocol should be read in conjunction with the following legislation, regulations and statutory guidance:

2.1 Primary Legislation

- Housing Act 2004, particularly Sections 61 to 66 (licensing provisions), Section 232 (offences), Section 246 (service of notices) and Schedule 4 (licence conditions).
- Housing and Planning Act 2016, Part 2 (Banning Orders and Database of Rogue Landlords and Property Agents) and Section 126 (civil penalties).
- Housing Act 1985 and Housing Act 1996, relevant provisions concerning housing enforcement, management orders and disqualification from housing benefit administration
- Local Government Act 1972, Section 233, methods of serving notices and documents
- Human Rights Act 1998, particularly Article 6 (right to a fair hearing) and Article 8 (respect for private and family life)
- Equality Act 2010, including Section 149 (Public Sector Equality Duty)
- Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR), lawful bases for processing personal and criminal conviction data
- Sexual Offences Act 2003, Schedule 3 (relevant offences)
- Criminal Justice Act 2003, provisions on disclosure and spent convictions

2.2 Secondary Legislation

- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2018
- The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022
- The Civil Procedure Rules – Practice Direction 6A (electronic service of documents)

2.3 Statutory Guidance and Codes

- Department for Levelling Up, Housing and Communities (DLUHC) – Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities (2017)
- DLUHC and Banning Orders and Database of Rogue Landlords and Property Agents: Guidance for Local Authorities (2018)
- Regulators’ Code (2014), principles of proportionate, consistent and transparent regulation
- Local Government Association (LGA), Guidance on the Use of Financial Penalties and Enforcement Powers in the Private Rented Sector (2022)
- First-tier Tribunal (Property Chamber) and Upper Tribunal case law, including Redbridge LBC v Ekweozoh (2021), which clarifies the approach to reasonableness and proportionality in housing enforcement decisions

2.4 Local Policy Framework

- Norwich City Council – Houses in Multiple Occupation (HMO) Policy
- Norwich City Council – Private Sector Housing Enforcement Policy
- Norwich City Council – Minimum Energy Efficiency Standards (MEES) Policy
- Norwich City Council - Civil Penalties and Electrical Safety Standards in the Private Rented Sector Policy
- Norwich City Council - Amenities Standards for Houses in Multiple Occupation Policy
- Norwich City Council – Data Protection Policy and Appropriate Policy Document (Criminal Offence Data).

2.5 Officer Application

Officers must ensure that all Fit and Proper Person decisions are made with reference to the current versions of the above legislation and guidance.

Where legislative changes or new national guidance are introduced, this Protocol will be updated, and appropriate officer training will be provided.

Officers must always refer to the most up-to-date version of the above legislation and guidance when assessing fitness.

Where new statutory instruments or tribunal rulings alter the interpretation of “fit and proper,” the Private Sector Housing Team Leader will update this Protocol and circulate officer briefings.

2.6 Delegation and Accountability Framework

Decision Type	Officer Role / Responsibility	Authorisation Level
Routine assessments with no risk factors	Case Officer	Level 1 – Officer Sign-off
Conditional approvals or minor breaches	Private Sector Housing and HMO Enforcement Manager	Level 2 – Manager Review
Refusals or revocations	Private Sector Housing and HMO Enforcement Manager	Level 3 – Manager Authorisation and Head of Service
Appeals or tribunal preparation	Senior Officer and Legal Services	Joint Review

*Legal Services will confirm Appeal Bundle completeness

3. Purpose of the Assessment

The assessment ensures that those controlling or managing licensable properties can be trusted to do so in compliance with the law. It provides the evidential basis for decisions to grant, refuse, vary or revoke licences.

Key outcomes sought:

1. Protection of tenants and neighbours from criminal or negligent landlords
2. Consistency of enforcement across all property types and tenure models
3. Deterrence of unfit individuals from entering the housing market
4. Promotion of good practice among responsible landlords

Officers must balance tenant protection with proportionality. A past offence does not automatically disqualify an applicant, but it will weigh heavily where it indicates risk or disregard for the law.

4. Persons Subject to Assessment

The following persons must be assessed:

- the proposed licence holder;
- any person involved in day-to-day management (for example, an agent or on-site manager);
- any owner or controlling individual with a financial interest; and
- any associated person who may influence management decisions.

Where the applicant is a company, partnership or trust, every director, partner or trustee must undergo the assessment.

In multi-property portfolios the assessment may be extended to cover associated management entities to ensure corporate accountability.

Officers must document every person assessed, their role, and the evidence reviewed.

4.1 Equality Impact Consideration

For every refusal or revocation decision, officers must complete a short Equality Impact Consideration Form capturing:

- protected characteristics potentially affected.
- reasonable adjustments considered; and
- actions taken to mitigate adverse impact.

The completed form must be uploaded to the case load management system before sign-off.

5. Fit and Proper Person Criteria

The statutory test focuses on personal conduct and compliance history. Officers must assess whether the individual or any associated person has:

1. Committed offences involving fraud, dishonesty, violence, drugs, or any offence listed in Schedule 3 of the Sexual Offences Act 2003.
2. Practised unlawful discrimination in connection with housing or management functions.
3. Contravened housing law or landlord and tenant law.
4. Been subject to a civil penalty, banning order, rent repayment order or management order.
5. Breached previous licence conditions or failed to register with a property redress scheme.

5.1 Application of the Criteria

Officers must assess:

- The seriousness, frequency and recency of any offences or breaches;
- Any pattern of poor management or disregard for legal obligations; and
- Whether mitigating circumstances or rehabilitation evidence exist.

5.2 Interpreting Evidence

- Unspent convictions are always relevant.
- Spent convictions may only be considered where legally permissible and necessary for tenant protection.
- Patterns of conduct (e.g., repeated non-compliance or financial mismanagement) can demonstrate unfitness even without conviction
- Civil penalties and notices should be evaluated for frequency, gravity and recency.

Officers must record how each factor has been weighed and justify the overall finding of fitness or unfitness.

6. Management Competence and Resources

Fitness extends beyond personal integrity to competence and resourcing. Officers must evaluate whether the proposed licence holder and manager have:

- Demonstrable experience in property management;
- An understanding of housing law and tenant safety obligations;
- Adequate financial capacity to maintain and repair the property;
- Effective systems for record-keeping, complaint handling and contractor supervision; and
- Sufficient control or presence to ensure safe day-to-day management.

Where gaps are identified, officers may recommend additional licence conditions (for example, staff training or independent management support).

Failure to demonstrate adequate management competence is grounds for refusal or revocation.

7. Information Gathering and Verification

The Fit and Proper Person assessment relies on gathering accurate, relevant, and verifiable information to establish whether the applicant, manager, or any associated person meets the statutory criteria set out in Section 5 of this Protocol.

The purpose of information gathering is to:

- Verify the accuracy of statements made in the licence application;
- Identify any previous non-compliance or criminal activity that may affect fitness;
- Ensure that assessments are evidence-based and legally defensible; and
- Maintain fairness by basing decisions only on credible, relevant, and proportionate information.

7.1 Types of Information Collected

Officers will draw on both internal and external sources to form a balanced view. The following types of information may be obtained and recorded:

7.2 Internal Council Records

- Housing enforcement records (e.g. improvement notices, prohibition orders, management regulations breaches, civil penalties).
- Planning and building control history relating to the property.
- Council tax and business rates records confirming ownership and occupancy.
- Environmental Health or Community Safety casework involving anti-social behaviour, waste or public health issues.
- Benefit fraud or tenancy-related investigations where relevant to the applicant's fitness or honesty.

7.3 External Sources

- Police National Computer (PNC) data or local police intelligence, subject to appropriate data-sharing agreements.
- Court records confirming convictions, fines or pending cases.
- Information from other local authorities, including licensing decisions or enforcement action taken elsewhere.
- The Database of Rogue Landlords and Property Agents and any banning order registers maintained under the Housing and Planning Act 2016
- HMRC data confirming business activity or financial status where relevant.
- Professional or accreditation body membership, such as NRLA, ARLA, or RICS.
- Tenancy deposit protection schemes, redress schemes, or complaint-handling records.

7.4 Applicant-Provided Documents

- Proof of identity and residential address.
- Proof of property ownership, lease, or management agreement.
- Disclosure and Barring Service (DBS) certificate, where requested.
- Evidence of training, accreditation, or property-management qualifications.
- Statements explaining any previous enforcement action, conviction, or management failure.

7.5 Relevance and Context of Information

The relevance of any information obtained depends on its credibility, severity, and recency. Officers must use professional judgement to interpret information within context rather than relying on a single source.

- **Credibility:** Information must be independently verifiable, derived from reliable sources, or corroborated by more than one agency. Anonymous or unsubstantiated complaints should not normally be relied upon
- **Severity:** Serious offences (e.g. violence, fraud, sexual offences, or repeated housing law breaches) weigh heavily against fitness. Minor administrative errors or isolated incidents may not.
- **Recency:** Recent or ongoing conduct carries greater weight. Older matters may hold less significance if evidence shows sustained improvement.
- **Repetition and pattern:** A consistent pattern of non-compliance or disregard for legal duties can demonstrate a continuing risk to tenants or the public, even where individual offences are minor.

Officers must assess the overall pattern of behaviour rather than any single incident in isolation.

7.6 Verification and Cross-Checking

Officers must verify all key information before drawing conclusions. This may involve:

- Cross-referencing names, addresses, and company registrations;
- Confirming ownership through Land Registry records;
- Checking the property address against council tax and housing enforcement databases;
- Requesting clarification or supporting evidence from the applicant where discrepancies arise; and
- Liaising with other local authorities where an applicant operates in multiple council areas.

If conflicting or unclear information is found, officers should suspend determination until it is resolved.

Applicants must be given an opportunity to comment on any adverse information before a final decision is made.

7.7 Data Protection and Information Governance

The Council handles personal and criminal conviction data in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Processing of criminal offence data is undertaken under the Council's law enforcement and public task bases, supported by a Schedule 1 condition and documented in the Council's Appropriate Policy Document.

Data is:

- Used solely for the purpose of determining fitness;
- Shared only where there is a lawful basis;
- Retained securely in the case-management system; and
- Disposed of in line with the Council's corporate retention schedule.

Applicants are informed through the Council's privacy notice about how their data is used, shared, and stored.

7.8 Officer Responsibilities

- Officers must act with integrity and impartiality, ensuring that all evidence is collected and assessed objectively
- Information gathering must be proportionate to the risk posed by the applicant or the nature of the case.
- Only information relevant to the applicant's suitability to manage or control properties should be considered.
- Officers must maintain clear records of all data sources used, communications with third parties, and the rationale for any conclusions drawn.
- Where information indicates potential criminal conduct, officers must consult Legal Services or refer the matter to the appropriate enforcement authority.

7.9 How Officers Apply this Protocol

Officers must apply this Protocol from the point of application through to final decision and, where relevant, post-decision monitoring. All actions must be recorded within the Council's case-management system and supported by the required documentation listed in this section.

Stage	Officer Actions	Outputs
1. Application received	Confirm receipt of licence application. Check that all required information and supporting documents are provided.	Application checklist completed and saved. Applicant notified of any missing information.
2. Initial data verification	Cross-check property ownership and management details against Council Tax, Land Registry and previous licensing records.	Verification log entry in case file.
3. Information gathering	Collect and review relevant internal and external records (see Section 7). Request additional documents or clarification where needed.	Evidence compiled and attached to case file.
4. Preliminary assessment	Identify any potential risk factors (e.g. past enforcement action, criminal convictions, poor management history).	Draft “Pre-Assessment Summary” note.
5. Peer or Manager review	For medium- or high-risk cases, present summary to manager for discussion and agreement on next steps.	Record of management review and agreed actions.
6. Decision drafting	Prepare a draft Decision record using the approved template, setting out evidence, statutory tests, equality and accessibility considerations, and recommended outcome.	Draft decision record
7. Delegated authorisation	Seek approval in line with the Delegation and Accountability Framework (Level 1–3).	Signed-off decision record.
8. Notice of Intention (where refusal or revocation proposed)	Issue formal notice explaining reasons, evidence and right to make representations. Allow 14 days for response.	Notice of Intention and proof of service stored.
9. Representations period	Record and consider any representations received. Seek legal or management advice if new evidence is raised.	Representation response note filed.

Stage	Officer Actions	Outputs
10. Final decision	Issue Final Notice confirming decision, reasons, and appeal rights. Update public register as required.	Final Notice and updated register entry.
11. Post-decision actions	For conditional approvals, schedule monitoring visits or follow-up reports. For refusals/revocations, consider management or banning order referral.	Monitoring plan or referral record.
12. Quality assurance	Include completed case in quarterly QA sampling (10 % of cases).	QA and any corrective actions noted.
13. Appeal handling (if applicable)	Compile Appeal Bundle and coordinate with Legal Services for Tribunal submission.	Appeal Bundle
14. Case closure and retention	Once all actions are complete, close the case in the system. Ensure all documents are retained for the licence term + 1 year.	Closed case file with retention date recorded.

Officers must:

- base all findings on verified evidence;
- apply the balance-of-probabilities standard;
- act impartially and in accordance with the Council's Code of Conduct;
- respect confidentiality and data-protection requirements; and
- record every substantive contact, decision and rationale in the case file.

7.10 Decision-Making Principles

Decisions based on gathered information must meet the following standards:

- **Lawfulness:** All evidence must be obtained and used in accordance with relevant legislation.
- **Fairness:** Applicants must be informed of adverse evidence and given a reasonable opportunity to respond.
- **Proportionality:** The extent of investigation and reliance on evidence should reflect the seriousness of potential risk.
- **Transparency:** The Decision record must clearly set out the information considered and how it influenced the outcome.

The Council determines fitness on the balance of probabilities and must be reasonably satisfied that the evidence supports the outcome.

7.11 Summary

Thorough information gathering and verification underpin every fit and proper person assessment. Without reliable evidence, decisions are vulnerable to challenge and may fail to protect tenants effectively. Officers must ensure that all assessments are based on substantiated, relevant, and lawfully obtained information, applied consistently with Norwich City Council's enforcement policies and statutory duties.

8. Decision-Making and Documentation

8.1 Authorisation

All determinations under this Protocol are made under delegated authority of the Head of Planning and Regulatory Services or an authorised senior officer.

Officers must ensure that any decision to grant, refuse, vary, or revoke a licence on fit and proper person grounds is recorded on the Council's licensing system and supported by a full written record. The Council applies the balance of probabilities and must be reasonably satisfied that evidence supports the outcome.

8.2 Record Management

Every assessment must be accompanied by a completed Fit and Proper Person Decision record.

This document provides the evidential audit trail for each case and must include:

- The applicant's full name, address, and role (licence holder, manager, or associated person);
- The property address or addresses to which the assessment relates;
- The sources of information and evidence reviewed;
- The statutory criteria applied (as set out in Section 5 of this Protocol);
- Details of aggravating or mitigating factors;
- The officer's conclusion and justification;
- Details of the officer(s) completing the assessment; and
- The authorising officer's signature and date of approval.

Decision records must be retained for a minimum of six years after licence expiry or revocation, in accordance with the Council's retention schedule.

8.3 Peer Review and Legal Oversight

For complex or borderline cases, officers should seek a peer review by a senior officer or referral to Legal Services. Peer reviews provide assurance that decisions are consistent with legal and policy requirements and proportionate to the evidence.

Where an application raises potential criminality or disclosure issues, Legal Services should advise on admissibility and data sharing before a final decision is made.

8.4 Quality Assurance and Audit Procedure

The Private Sector Housing and HMO Manager will undertake sampling of completed Decision records to ensure:

- Accuracy and completeness of documentation.
- Adherence to this Protocol; and
- Consistency across the service.

The Private Sector Housing and HMO Manager will review 10% of all completed Fit and Proper Person assessments each quarter. Quarterly summaries of Quality Assurance findings will be reported to the Head of Planning and Regulatory Services and shared with Legal Services for oversight.

Findings from quality reviews will inform officer training and policy updates.

Findings will be recorded, identifying:

- date of review;
- officer assessed;
- outcome (compliant, minor amendment, corrective action required); and
- learning points.

9. Decision Outcomes

Fit and Proper Person assessments conclude with a formal decision. The outcome must be based on objective evidence, proportionate to the risk identified, and clearly documented. This section describes the range of possible outcomes, the factors officers must consider, and the required follow-up actions.

9.1 Decision-Making Principles

Every decision must be guided by the following principles:

- Evidence-based: Conclusions must be supported by verified facts recorded in the Decision record.
- Proportionate: The severity of the outcome should reflect the seriousness, frequency and risk of the conduct identified.
- Consistent: Similar facts should lead to comparable outcomes across the Council.
- Transparent: The reasons for each decision must be communicated in writing to the applicant.
- Protective, not punitive: The primary objective is to protect tenants and the public, not to punish past offences.

Where uncertainty remains, officers should favour decisions that minimise risk to tenants while allowing fair opportunity for the applicant to demonstrate improvement.

The Council applies the balance of probabilities and must be reasonably satisfied that evidence supports the outcome.

9.2 Decision Outcomes

Outcome	Summary and Follow-up Actions
Approval	The applicant meets the fit and proper person criteria. No relevant offences or management concerns identified. A licence is issued or renewed for the full term. Case closed once the Decision record is completed.
Conditional Approval	The applicant is generally suitable but requires safeguards such as training, a shorter licence period, or additional management conditions. These conditions must be proportionate and monitored during the licence term.
Further Information Required	Assessment deferred pending submission or verification of additional evidence. The applicant is informed in writing of what is required and given a deadline to respond. The case is reviewed once the information is received.
Refusal	The applicant fails the fit and proper person test. Serious, repeated or ongoing non-compliance, or relevant unspent convictions (dishonesty, violence, drugs or sexual offences). A Notice of Intention to Refuse is issued, explaining reasons, evidence and appeal rights. Consider whether a management order or banning order is necessary.

Outcome Summary and Follow-up Actions

Revocation (Existing Licence)	A current licence is withdrawn because the licence holder or manager is no longer fit and proper. This may follow new convictions, enforcement action or loss of management control. A Notice of Intention to Revoke is served, allowing representations before a final decision is issued. The public register is updated and management order considered if required.
--------------------------------------	---

Factors Influencing the Outcome

Officers must assess:

- Seriousness and frequency of the conduct;
- Recency and relevance;
- Level of responsibility held at the time;
- corrective actions taken or rehabilitation evidence; and
- potential risk to tenants or the public.

The Decision record must show how these factors informed the outcome.

9.3 Conditional Approval – Applying Safeguards

Conditional approvals should be used where applicants are capable of compliance with support or additional oversight.

Examples include:

- Accredited training within six months;
- Submission of a management plan;
- Appointment of a competent agent; or
- Shortened licence period with mid-term review.

Conditions must be specific, enforceable, and directly related to the identified weakness.

9.4 Refusal or Revocation – Procedure

1. Issue a Notice of Intention, detailing the proposal, reasons, evidence, and right to make representations within 14 days
2. Record the notice in the licensing system and update the public register when finalised.
3. If urgent risk exists, consider an Interim Management Order.
4. After the representation period, issue a Final Notice with appeal information.
5. Seek legal review before issuing any refusal or revocation.

9.5 Risk-Based Decision Framework

Risk Level	Indicative Criteria	Typical Outcome
Low	No offences; good management record	Approval
Medium	Isolated breach; evidence of improvement	Conditional Approval
High	Repeated breaches or significant enforcement	Refusal or Conditional Approval with controls
Critical	Serious criminal conduct or persistent disregard	Refusal or Revocation

9.6 Transparency and Publication Framework

The Housing Act 2004 requires publication of HMO licence details.

Norwich City Council's register will include:

- licence holder's name;
- property address;
- licence issue and expiry date; and
- status (granted, varied, revoked).

Entries will be retained for the licence term plus one year, after which they will be archived.

9.7 Communication of Decisions

Applicants must receive written notification stating:

- Summary of evidence considered.
- Reasons for the decision.
- Any conditions imposed; and
- Rights to review and appeal.

All correspondence must be issued within ten working days and stored in the case-management system.

9.8 Post-Decision Monitoring

Where conditions or shorter licences are imposed:

- a follow-up visit or management review will be scheduled.
- compliance must be recorded; and
- non-compliance may lead to enforcement or revocation.

Following refusal or revocation, officers must evaluate the need for:

- an Interim or Final Management Order.
- a Banning Order application; or
- entry onto the Database of Rogue Landlords and Property Agents.

9.9 Recording and Audit Trail

Each Case must include

- full evidence log;
- statutory criteria applied;
- decision rationale and sign-off; and
- copies of all notices and correspondence.

Sampling by the Private Sector Housing and HMO Enforcement Manager ensures compliance and identifies learning points.

9.10 Continuous Improvement

The Private Sector Housing and HMO Enforcement Manager will review decisions to identify trends, ensure consistency, and recommend training or policy changes. Learning from appeals and tribunal outcomes will inform updates to this Protocol and the wider Enforcement Policy.

This Protocol will be reviewed every three years, or sooner where:

- new legislation or case law requires amendment;
- internal audit findings indicate procedural gaps; or
- systemic issues are identified through appeals or QA reviews.

The Private Sector Housing and HMO Enforcement Manager will:

1. Lead the review with input from Legal Services;
2. Consult the Head of Planning and Regulatory Services;
3. Assess compliance with corporate enforcement standards; and
4. Update all associated forms, templates and training materials.

Outcomes of reviews and QA audits will be reported to the Corporate Leadership Team and Audit Committee to provide transparency and oversight.

10. Internal Reviews and Appeals

10.1 Right to Request an Internal Review

Applicants have the right to request an internal review of the Council's decision to refuse, revoke or impose conditions on a licence.

Requests must:

- Be submitted in writing within 14 calendar days of the date of the decision notice;
- Specify the grounds of challenge; and
- Include any additional evidence or representations the applicant wishes the Council to consider.

The right to review ensures procedural fairness and compliance with Article 6 of the Human Rights Act 1998 (right to a fair hearing).

10.2 Allocation of Reviewer

Reviews must be conducted by a senior officer who was not involved in the original assessment or decision.

Where appropriate, reviews may be undertaken jointly with a representative from Legal Services to ensure independence and legal robustness. The reviewer will have full access to the Decision record, evidence file, and any new information provided by the applicant.

10.3 Conduct of Review

The reviewer must:

1. Re-examine all evidence, including any new representations;
2. Assess whether the original decision was reasonable, proportionate, and consistent with this Protocol;
3. Consider any procedural irregularities or new facts; and
4. Decide whether to uphold, amend, or overturn the decision.

Reviews should be completed within 21 calendar days of the request unless extended by agreement with the applicant.

10.4 Outcome of Review

The outcome will be provided in writing and will include:

- the decision reached (upheld, varied, or overturned);

- a summary of the evidence and reasoning; and
- information on the right to appeal to the First-tier Tribunal.

A copy of the review decision and all supporting notes must be retained in the case-management system.

10.5 Appeal to the First-Tier Tribunal (Property Chamber)

If dissatisfied with the review outcome, the applicant may appeal to the First-tier Tribunal (Property Chamber) within 28 calendar days of the Council's final notice. The Tribunal has authority to confirm, vary or quash the Council's decision.

Officers must ensure that:

- all relevant evidence and correspondence are available;
- the Council's case file demonstrates a clear rationale and proportionality; and
- the appeal bundle complies with Tribunal procedural requirements.

10.6 Appeal and Tribunal Preparation

For every First-tier Tribunal appeal, officers must prepare an Appeal Bundle containing:

1. The Decision record and relevant administration.
2. All evidence considered, including supporting and adverse information.
3. The Equality Impact Consideration Form.
4. Relevant policy extracts (this Protocol and HMO Policy etc).
5. Any correspondence exchanged with the applicant.
6. Witness statements where relevant.

Bundles must follow Tribunal formatting standards and be submitted through Legal Services.

Following every appeal determination, the case officer must produce a brief post-decision note summarising:

- tribunal findings
- lessons learned; and
- recommendations for service improvement.

These will be collated and discussed at quarterly enforcement meetings.

10.7 Learning from Reviews and Appeals

All review and appeal outcomes must be analysed quarterly by the Private Sector Housing Team Leader to identify:

- any procedural weaknesses.
- recurring themes or training needs; and
- opportunities for improvement.

Lessons learned must be incorporated into officer training and future revisions of this Protocol.

11. Equality, Human Rights and Accessibility

Norwich City Council is committed to promoting equality and eliminating discrimination under Section 149 of the Equality Act 2010.

All actions under this Protocol must be fair, consistent, and free from bias.

Officers must:

- treat all applicants with respect and impartiality;
- make reasonable adjustments to accommodate disabilities or language barriers; and
- avoid assumptions about competence, integrity or intent based on personal characteristics

11.1 Review and Appeals

The Council must act compatibly with the Human Rights Act 1998.

Fit and Proper Person decisions must uphold:

- Article 6 – the right to a fair hearing;
- Article 8 – the right to respect for private and family life; and
- Article 1, Protocol 1 – protection of property rights.

Officers must ensure that restrictions placed on a person's right to hold or manage property are justified, necessary, and proportionate to the risks identified.

11.2 Accessibility and Communication

To meet accessibility duties under the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018, the Council will ensure that:

- application and review forms are available in accessible formats;
- digital content meets recognised accessibility standards; and

- translation, interpretation or face-to-face support is available where required.

Where applicants require alternative communication formats (e.g. large print, translation, or assisted submission), officers must:

- record the request in the case file;
- confirm how the adjustment was provided; and
- include this in the audit trail for accessibility compliance.

11.3 Service of Notices

Formal notices are served in accordance with:

- Section 246 of the Housing Act 2004; and
- Section 233 of the Local Government Act 1972.

Where electronic communication is used, written consent must be obtained in line with Civil Procedure Rules Practice Direction 6A.

11.4 Data Protection and Criminal Convictions

The Council processes criminal conviction data under its law enforcement and public task bases as defined in the Data Protection Act 2018 and UK GDPR.

Processing is supported by an approved Schedule 1 condition and detailed in the Council's Appropriate Policy Document. A Criminal Convictions Data DPIA will be reviewed annually in line with the Council's Information Governance Framework.

This DPIA ensures that all Fit and Proper Person assessments involving conviction data are risk-assessed for privacy impact. Conviction or enforcement information will be retained for the licence term plus one year and then securely deleted in accordance with the corporate retention schedule.

12. Digital Communication and Service

12.1 Purpose

Norwich City Council aims to communicate efficiently while maintaining fairness, accessibility and data security. Digital methods are encouraged for day-to-day contact but must never disadvantage applicants who are unable or unwilling to engage electronically.

12.2 Acceptable Digital Channels

The following may be used for communication during the application and assessment process:

- secure email via @norwich.gov.uk addresses;
- encrypted file transfer or upload via approved portals; and
- video or telephone meetings for review discussions.

All communications must be logged within the Council's case-management system.

12.3 Security and Data Protection

Officers must comply with the Council's Information Security Policy and Data Protection Policy. Criminal conviction or sensitive data must not be shared via unencrypted email or external drives. Electronic documents must be retained and disposed of in accordance with the Council's retention schedule.

12.4 Accessibility and Inclusion

The Council must ensure that digital channels meet accessibility requirements and that alternative formats are available. Applicants may request paper-based correspondence or in-person meetings where digital options are not suitable.

12.5 Electronic Service of Legal Notices

Formal service of notices or legal documents by email is only permitted with the applicant's consent and in compliance with Civil Procedure Rules Practice Direction 6A.

Records of consent must be retained within the case file.

Formal service of notices or legal documents by email is only permitted with the applicant's written consent under CPR PD 6A, and that consent must be saved to the case file before any notice is served electronically.

13. Publication and Transparency

13.1 Public Register of Licences

Under the Housing Act 2004, the Council must maintain a public register of HMO licences. This register must include:

- the name of the licence holder;
- the address of each licensed property;
- the date of issue and expiry; and
- any enforcement or revocation actions.

The register will be available online. Personal data not required by law will not be published.

13.2 Publication of Enforcement Outcomes

The Council may publish anonymised summaries of Fit and Proper Person assessments and enforcement outcomes in annual reports or service updates.

Publication helps demonstrate accountability, promote good practice, and deter poor conduct.

13.3 Requests for Information

Requests for data or documentation will be handled under the Freedom of Information Act 2000 or Data Protection legislation.

Information will only be disclosed where legally permitted and where it does not compromise investigations or personal privacy.

14. Monitoring, Review and Continuous Improvement

14.1 Review Cycle

This Protocol will be reviewed at least once every three years or earlier if triggered by:

- new or amended legislation;
- relevant tribunal or judicial decisions;
- policy changes within the Council; or
- recommendations from audit or Law Services.

14.2 Review Process

The Private Sector Housing and HMO Enforcement Manager will lead each review. The process will include:

1. Reviewing all legislation, case law and government guidance;
2. Consulting Legal Services, and the Head of Planning and Regulatory Services;
3. Analysing internal audit findings and appeal outcomes; and
4. Updating officer guidance, forms and training materials as required.

14.3 Continuous Improvement

The Private Sector Housing and HMO Enforcement Team will operate a cycle of continuous improvement by:

- reviewing anonymised decision samples quarterly;

- identifying procedural weaknesses or inconsistencies;
- delivering refresher training sessions; and
- maintaining clear lines of accountability for quality assurance.

14.4 Reporting

Results of each review will be documented and presented to the Head of Planning and Regulatory Services. Significant amendments or procedural changes will be reported through corporate governance channels and published internally.



If you need this information by email for use with the read-aloud function or in an alternative format, please contact us on **0344 980 3333** or visit **norwich.gov.uk/intran**

Produced by Norwich City Council

www.norwich.gov.uk