

## **GRAVESHAM BOROUGH COUNCIL**

### **HOUSING ACT 2004**

#### Section 139

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#### **Overcrowding notice in respect of a house in multiple occupation**

To:

Of:

The Gravesham Borough Council ("the Authority") on informed you in writing of their intention to serve an overcrowding notice in respect of a house in multiple occupation ("a HMO") in relation to which no interim or final management order is in force and which is not required to be licensed under Part 2 of the Housing Act 2004 ("the Act"), namely:-

AND having considered representations, made in accordance with the notice of intention and not with-drawn, on the Authority decided to serve an overcrowding notice in respect of the HMO operative from

The Authority considers that:-

- a) an excessive number of persons [is being] [is likely to be] accommodated in the HMO, having regard to the rooms available,
- b) the rooms in the HMO described in Schedule 1 below are unsuitable to be occupied as sleeping accommodation at any one time by more than the number of persons specified in the Schedule in relation to each room [or by the special maximum so specified where some or all of the persons occupying the room are under the age specified], and
- c) the rooms on the premises described in Schedule 2 are unsuitable to be occupied as sleeping accommodation.

Delete any words in square brackets which do not apply

You must [not permit an excessive number of persons to sleep in the HMO] [refrain from [permitting a room to be occupied by a new resident\* as sleeping accommodation otherwise than in accordance with the notice] [permitting a new resident to occupy any part of the HMO as sleeping accommodation if that is not possible without persons of the opposite sexes who are not living together as husband and wife sleeping in the same room.]]

A person aggrieved by an overcrowding notice may appeal to a residential property tribunal within the period of 21 days beginning with the date of service of the notice.

If no appeal is brought the overcrowding notice becomes operative at the end of the period of 21 days from the date of service of the notice.

Dated

Signature:.....

Description: Private Sector Renewal Manager  
the officer appointed for this purpose

*Name and, address for all communications:*

The Private Sector Renewal Manager  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
Gravesend  
Kent DA12 1AU

**Note:**

A person who contravenes an overcrowding notice commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

† Insert title of proper officer

\* A new resident means a person who was not an occupier of the HMO immediately before the notice was served.

## **SCHEDULE 1**

(rooms unsuitable to be occupied as sleeping accommodation by more than the number of persons specified)

## **SCHEDULE 2**

(rooms unsuitable to be occupied as sleeping accommodation)

## NOTES

### Right of Appeal

The person on whom this notice is served may appeal to a residential property tribunal against the notice under section 143. The person must appeal using a notice of appeal, which can be obtained from the residential property tribunal.

These notes are intended as general information to the recipient(s) of this as a summary of their rights of appeal against the notice. The notes are not intended to be definitive and any person(s) considering an appeal are advised to seek independent legal advice and/or refer to the full version of the Housing Act 2004. Further advice can be obtained from the Residential Property Tribunal [www.rpts.gov.uk](http://www.rpts.gov.uk).

### Appeals against overcrowding notices (section 143)

- (1) A person aggrieved by an overcrowding notice may appeal to a residential property tribunal within the period of 21 days beginning with the date of service of the notice.
- (2) Such an appeal –
  - (a) is to be by way of a re-hearing, but
  - (b) may be determined having regard to matters of which the authority were unaware.
- (3) On an appeal the tribunal may by order confirm, quash or vary the notice.
- (4) If an appeal is brought, the notice does not become operative until –
  - (a) a decision is given on the appeal which confirms the notice and the period within which an appeal to the Lands Tribunal may be brought expires without any such appeal having been brought; or
  - (b) if an appeal is brought to the Lands Tribunal, a decision is given on the appeal which confirms the notice.
- (5) For the purposes of subsection (4) –
  - (a) the withdrawal of an appeal has the same effect as a decision which confirms the notice appealed against; and
  - (b) reference to a decision which confirms the notice are to a decision which confirms it with or without variation.
- (6) A residential property tribunal may allow an appeal to be made to it after the end of the period mentioned in subsection (1) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

### Revocation and variation of overcrowding notices (section 144)

- (1) The local housing authority may at any time, on the application of a relevant person –
  - (a) revoke an overcrowding notice; or
  - (b) vary it so as to allow more people to be accommodated in the HMO concerned.
- (2) The applicant may appeal to a residential property tribunal if the housing authority –
  - (a) refuse an application under subsection (1); or
  - (b) do not notify the applicant of their decision within the period of 35 days beginning with the making of the application (or within such further period as the applicant may in writing allow).
- (3) An appeal under subsection (2) must be made within –
  - (a) the period of 21 days beginning with the date when the applicant is notified by the authority of their decision to refuse the application, or

- (b) the period of 21 days immediately following the end of the period (or further period) applying for the purposes of paragraph (b) of that subsection,
- as the case may be.
- (4) Section 143(2) applies to such an appeal as it applies to an appeal under that section.
- (5) On an appeal the tribunal may revoke the notice or vary it in any manner in which it might have been varied by the local housing authority.
- (6) A residential property tribunal may allow an appeal to be made to it after the end of the 21-day period mentioned in subsection (3)(a) or (b) if it is satisfied that there is good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal).
- (7) In this section "relevant person" means –
  - (a) any person who has an estate or interest in the HMO concerned, or
  - (b) any other person who is a person managing or having control of it.

### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizen's Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.