
DRAFT STATUTORY INSTRUMENTS

No.

HOUSING, ENGLAND

The Supported Housing (Licensing) (England) Regulations 2027

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 4(1), (3), (4) and (5), and 5(1), (2), (3), (4), (5) and (7) of the Supported Housing (Regulatory Oversight) Act 2023(a).

In accordance with section 4(7) of the Supported Housing (Regulatory Oversight) Act 2023, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 6(1)(a) and (b), (2) and (3) of the Supported Housing (Regulatory Oversight) Act 2023, the Secretary of State has consulted the statutory consultees before making these Regulations.

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Supported Housing (Licensing) (England) Regulations 2027.

(2) Subject to paragraph (3), these Regulations come into force on [date 2027].

(3) Regulations 26 to 30 come into force—

- (a) at the end of the period of nine months beginning with the day specified in paragraph (2), or
- (b) if the Secretary of State makes a designation under regulation 4 in relation to the district of every local housing authority in England, at the end of the period of three months beginning with the day on which that designation comes into force,

whichever is sooner.

(4) These Regulations extend to England and Wales.

(5) These Regulations apply to supported housing in England only.

Interpretation

2. In these Regulations—

“the 2004 Act” means the Housing Act 2004(a);

“the 2023 Act” means the Supported Housing (Regulatory Oversight) Act 2023;

“banning order” means a banning order under section 16 of the Housing and Planning Act 2016(b);

“care” has the meaning given in paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014(c);

“category 1 hazard” has the meaning given in section 2 of the 2004 Act;

“commencement date” means the date on which regulation 8 comes into force;

“HMO etc licence” means a licence under Part 2 or 3 of the 2004 Act;

“Housing Standard” means—

(a) in relation to regulated housing, any standard relating to the safety, security, comfort or quality of accommodation under section 193(1) of the Housing and Regeneration Act 2008(d);

(b) in relation to other housing, any requirements specified by the Secretary of State in regulations made under section 2A of the 2004 Act;

“improvement notice” has the meaning given in regulation 24(9);

“licence condition” means a condition imposed on a supported housing licence under regulation 16;

“nominated individual” has the meaning given in regulation 15;

“regulated housing” means social housing of a registered provider of social housing, and “social housing” and “registered provider of social housing” have the meanings given in Part 2 of the Housing and Regeneration Act 2008(e);

“service manager” has the meaning given in regulation 12(3);

“supported housing” means—

(a) supported exempt accommodation(f) which falls within section 12(2) of the 2023 Act, and

(a) 2004 c. 34. Section 2A was inserted by section 100 of the Renters’ Rights Act 2025 (c. 26).

(b) 2016 c. 22. See section 14 for the definition of “banning order”. Section 14 was amended by section 12 of the Tenant Fees Act 2019 (c. 4).

(c) S.I. 2014/2936.

(d) 2008 c. 17. Section 193(1) is amended by paragraph 17 of Schedule 5 to the Social Housing (Regulation) Act 2023 (c. 36).

(e) 2008 c. 17.

(f) See section 12(1) of the Supported Housing (Regulatory Oversight) Act 2023 for the definition of “supported exempt accommodation”.

- (b) supported exempt accommodation which does not fall within section 12(2) of the 2023 Act;

“supported housing exemption” has the meaning given in regulation 9(8);

“supported housing licence” has the meaning given in regulation 8(2) and “licence holder” is to be construed accordingly;

“supported housing undertaking” means an undertaking which consists of or includes arranging the provision of supported housing;

“valid” in relation to—

- (a) an application for a supported housing licence, has the meaning given in regulation 11(4);
- (b) a variation application, has the meaning given in regulation 20(3);

“variation application” has the meaning given in regulation 18(4).

PART 2

Designation of districts etc

Designation of district by local housing authority

3.—(1) Subject to paragraph (2), a local housing authority(**a**) in England may, by notice, designate the whole of their district for the purposes of these Regulations.

(2) A local housing authority may not make a designation under this regulation if they have not published a supported housing strategy under section 2 of the 2023 Act.

(3) Before making a designation the local housing authority must consult—

- (a) residents in supported housing in the district;
- (b) providers of supported housing in the district;
- (c) persons living or working near supported housing in the district;
- (d) the social services authority(**b**) in respect of the district;
- (e) the Health and Wellbeing Board(**c**) in respect of the district;
- (f) the integrated care board(**d**) in respect of the district.

(4) A designation does not come into force unless it is approved by the Secretary of State.

(5) A local housing authority may only request approval of the Secretary of State after the consultation under paragraph (3) has ended.

(6) The Secretary of State may approve, or refuse to approve, a designation as the Secretary of State considers appropriate.

(7) If the Secretary of State approves a designation, the designation comes into force on the date specified in the approval for that purpose by the Secretary of State, which date must be no earlier than three months after the date on which the designation is approved.

(a) See section 13 of the Supported Housing (Regulatory Oversight) Act 2023 for the definition of “district” and “local housing authority”.

(b) See section 13 of the Supported Housing (Regulatory Oversight) Act 2023 for the definition of “social services authority”.

(c) See section 194 of the Health and Social Care Act 2012 (c. 7) which was amended by paragraph 184 of Schedule 4 to the Health and Care Act 2022 (c. 31).

(d) See section 14Z25 of the National Health Service Act 2006 (c. 41). Section 14Z25 was inserted by section 19 of the Health and Care Act 2022 (c. 31).

(8) The Secretary of State may, at any time, give a general approval in relation to a description of local housing authorities specified in the approval.

(9) If a general approval applies in relation to a designation made by a local housing authority, the designation comes into force on the date specified for this purpose in the designation, which date must be no earlier than three months after the date on which the designation is made.

(10) If the Secretary of State has given a general approval under paragraph (8), at least three weeks before the approval comes into force the Secretary of State must send a copy of the approval to each local housing authority in England.

(11) Not more than seven days after the relevant date the local housing authority must—

- (a) publish, on the authority's website, a notice which complies with paragraph (12) and place a copy of that notice on a public notice board at their principal office,
- (b) send a notice which complies with paragraph (12) to—
 - (i) each person which the authority consider is a provider of supported housing in the district,
 - (ii) each organisation which the local housing authority consider provides advice on landlord and tenant matters within the district, and
 - (iii) any person who responded to the consultation under paragraph (3).

(12) The notice must contain the following information—

- (a) a statement explaining that, from the date the designation comes into force, Part 3 of these Regulations will apply in relation to the district and the consequences of failing to hold a licence in respect of a property that is required to be licensed, including the criminal sanctions;
- (b) a statement explaining the type of housing for which a licence will be required;
- (c) a map of the district to which the licensing will apply;
- (d) the name, address, telephone number and email address of—
 - (i) the local housing authority that made the designation,
 - (ii) the principal office where the notice of designation may be inspected, and
 - (iii) the principal office where applications for licences and general advice may be obtained.

(13) In this regulation "relevant date" means—

- (a) in the case of a designation where the Secretary of State has given approval under paragraph (6), the date on which the local housing authority receive the approval;
- (b) in the case of a designation where the Secretary of State has given a general approval which applies to the designation, the date which is 14 weeks before the day on which the designation is to come into force.

Designation of district by the Secretary of State

4.—(1) The Secretary of State may, by notice, designate a district of a local housing authority for the purposes of these Regulations.

(2) Under paragraph (1) the Secretary of State may designate the district of every local housing authority in England.

(3) If the Secretary of State designates a district, the Secretary of State must—

- (a) send a copy of the notice of the designation to—
 - (i) the local housing authority for the district;

- (ii) the social services authority in respect of the district;
- (b) publish, on the Secretary of State’s website, a copy of the notice of designation.
- (4) The notice of designation must set out the date on which the designation is to come into force, which must be no earlier than six months after the date on which the notice is given to the local housing authority.
- (5) Not more than seven days after the date on which they receive a copy of the notice of designation, the local housing authority must—
 - (a) publish, on the authority’s website, a notice which complies with regulation 3(12) and place a copy of that notice on a public notice board at their principal office,
 - (b) send a notice which complies with regulation 3(12) to—
 - (i) each person which the authority consider is a provider of supported housing in the district,
 - (ii) each organisation which the local housing authority consider provides advice on landlord and tenant matters within the district.

Review of designations

5.—(1) A licensing authority must from time to time review the operation of the licensing of supported housing in their district.

(2) If following a review the authority consider the designation is having a serious adverse impact on the provision of supported housing in the district they may send evidence of the impact to the Secretary of State.

Revocation of a designation by local housing authorities

6.—(1) The licensing authority(a) that made a designation under regulation 3 may, by notice, revoke it.

- (2) A notice of revocation under paragraph (1) must state—
 - (a) the district to which it relates,
 - (b) the date on which the revocation is to take effect, which date must be no earlier than the date which is five years after the day on which the designation came into force, and
 - (c) that from the date of revocation a supported housing licence is no longer required in the district specified in the notice.
- (3) Not more than seven days after the licensing authority makes a notice of revocation, the authority must send a copy of the notice to—
 - (a) the Secretary of State, and
 - (b) the persons referred to in regulation 3(11)(b).
- (4) At least three months before the date on which the revocation is to take effect, the local housing authority must—
 - (a) place a copy of the notice of revocation on a public notice board at their principal office,
 - (b) publish a copy of the notice of revocation on the authority's website, and
 - (c) send a copy of the notice of revocation to the persons referred to in regulation 3(11)(b).

(a) See section 4(8) of the Supported Housing (Regulatory Oversight) Act 2023 for the definition of “licensing authority”.

Revocation of designations made the Secretary of State

7.—(1) The Secretary of State may, by notice, revoke a designation made under regulation 3 or 4.

(2) If the designation made by the Secretary of State applied to the district of every local housing authority in England, the revocation referred to in paragraph (1) may apply to one or more districts.

(3) Before revoking a designation under paragraph (1) in relation to a district, the Secretary of State must send a notice seeking representations to—

- (a) the local housing authority for the district, and
- (b) the social services authority in respect of the district.

(4) A notice of revocation under paragraph (1) must state—

- (a) the districts to which it relates,
- (b) the date on which the revocation is to take effect, which date must be no earlier than the date which is five years after the day on which the designation came into force, and
- (c) that from the date of revocation a supported housing licence is no longer required in the districts specified in the notice.

(5) Not more than seven days after making the notice of revocation in relation to a district, the Secretary of State must send a copy of the notice to—

- (a) the local housing authority for the district, and
- (b) the social services authority in respect of the district.

(6) Not more than seven days after receiving a copy of a notice of revocation from the Secretary of State under paragraph (5), the local housing authority must send a copy of the notice to the persons referred to in regulation 3(11)(b).

(7) At least three months before the date on which the revocation is to take effect, the local housing authority must—

- (a) place a copy of the notice of revocation on a public notice board at their principal office,
- (b) publish a copy of the notice of revocation on the authority's website, and
- (c) send a copy of the notice of revocation to the persons referred to in regulation 3(11)(b).

(8) If the Secretary of State considers there is an urgent reason to revoke a designation then—

- (a) the requirement, in paragraph (4), as to the date the revocation takes effect does not apply, and
- (b) paragraph (7) applies as if for the opening words there were substituted “As soon as reasonably practicable the local housing authority must”.

PART 3

Requirement to hold a licence or exemption

Requirement to hold a supported housing licence

8.—(1) Subject to regulation 9, a person having control of, or managing^(a), supported housing which is located in a district designated for the purposes of these Regulations must hold a supported housing licence in relation to that supported housing.

(2) A supported housing licence is a licence, granted in accordance with these Regulations, authorising the person to have control of, or manage, the supported housing specified in the licence.

(3) A licensing authority must take all reasonable steps to secure that applications for supported housing licences, in accordance with these Regulations, are made to them in respect of supported housing located in their district.

Exemption from the requirement to hold a supported housing licence

9.—(1) Where supported housing is a type of housing mentioned in Schedule 1 the person having control of, or managing, the supported housing may apply to the licensing authority for a notice confirming an exemption from the requirement under regulation 8 to have a supported housing licence in relation to that supported housing (“exemption application”).

(2) An exemption application must be made to the licensing authority in whose district the supported housing is, or is to be, located.

(3) The exemption application must be made in writing, signed by the applicant, and must include—

- (a) the name, address, telephone number and email address of the applicant;
- (b) the address of the supported housing to which the exemption application relates;
- (c) the type of supported housing to which the application relates;
- (d) a statement confirming that—
 - (i) the applicant is aware of the offences in sections 2 and 3 of the Fraud Act 2006^(b), and
 - (ii) the information contained in the application is complete and correct;
- (e) the date of the application.

(4) An exemption application is valid if it complies with paragraphs (1) to (3).

(5) Where a licensing authority receive an exemption application which is not valid they must notify the applicant to that effect, setting out the date of the decision and giving reasons.

(6) The licensing authority may by notice require the applicant to give the authority any information the authority may reasonably require to determine the exemption application.

(7) Where a valid exemption application is made to the licensing authority under paragraph (1), the authority must either—

- (a) issue a notice confirming the exemption in accordance with paragraph (8), or
- (b) issue a notice refusing the exemption.

^(a) See section 13(1) of the Supported Housing (Regulatory Oversight) Act 2023 for the definition of “person having control” and “person managing”.

^(b) 2006 c. 35.

(8) The licensing authority must issue a notice under paragraph (7)(a) confirming an exemption from the requirement under regulation 8 to have a supported housing licence (“supported housing exemption”) if they are satisfied—

- (a) that the supported housing referred to in the exemption application is, at the time of making the application, a type of supported housing mentioned in Schedule 1, and
- (b) the applicant is a person having control of, or managing, the housing.

(9) A notice under paragraph (8) must—

- (a) specify the name and address of the person who has control of, or manages the supported housing;
- (b) state the address and type of the supported housing to which the supported housing exemption applies;
- (c) set out the date of the decision;
- (d) explain the effect of paragraph (11).

(10) A notice under paragraph (7)(b) that the exemption has been refused must—

- (a) set out the reasons for refusal;
- (b) set out the date of the decision;
- (c) explain that it is an offence for a person to have control of, or manage, supported housing without a supported housing licence;
- (d) explain that there is a right of appeal to the First-tier Tribunal under regulation 32;
- (e) set out the period within which an appeal may be made.

(11) If the person having control of, or managing, supported housing considers the supported housing may no longer be a type of housing mentioned in Schedule 1, they must make an application to the licensing authority for a confirmation (“exemption cessation application”).

(12) If a licensing authority receive an exemption cessation application and are satisfied the supported housing is not of a type mentioned in Schedule 1, the authority must issue a notice confirming the supported housing exemption has ceased to have effect and explaining that it is an offence for a person to have control of, or manage, supported housing without a supported housing licence.

(13) If a licensing authority become aware that supported housing ceases to be of a type of housing mentioned in Schedule 1 they must notify the person having control of, or managing, supported housing that the supported housing exemption has ceased to have effect and explaining that it is an offence for a person to have control of, or manage, supported housing without a supported housing licence.

Charging of fees

10.—(1) A licensing authority must—

- (a) charge a fee to applicants for a supported housing licence or for a variation application, which is to be paid before the application in question is determined (“application fee”), and
- (b) charge a fee to the holders of supported housing licences to be paid each year the payment of which is a condition of their licence (“annual fee”).

(2) In setting fees under this regulation a licensing authority must ensure, taking one year with another, the fees payable as far as possible are sufficient to meet the costs of performing the authority’s functions under or by virtue of these Regulations.

(3) At least three weeks before a licensing authority propose to publish a statement under paragraph (4) the authority must send a notice to the Secretary of State setting out the fees they propose to charge and an explanatory document setting out how they propose to ensure compliance with paragraph (2).

(4) The licensing authority must publish a statement setting out the authority's fees under this regulation, or any amendments to those fees, on the authority's website, at least 7 days before the date on which the fees or the amendment is to come into effect.

PART 4

Grant or refusal of supported housing licences

Applications for supported housing licences

11.—(1) An application for a supported housing licence must be made to the licensing authority in whose district the supported housing is, or is to be, located.

(2) The application for a supported housing licence must be made in writing, signed by the applicant, and must include—

- (a) the name, address, telephone number and email address of—
 - (i) the applicant;
 - (ii) the person who is to be the licence holder;
 - (iii) the person who is to be the service manager;
 - (iv) if the person who will be the licence holder is a partnership or organisation, the person who is to be the nominated individual;
- (b) the addresses of the supported housing to be specified in the licence;
- (c) the types of supported housing to which the application relates;
- (d) the number and type of dwellings included or to be included in the supported housing;
- (e) details of any house or accommodation with a HMO etc licence within the supported housing, including the date on which any such licence is to expire;
- (f) if the supported housing is to include the provision of care, details of the provider of care including confirmation that the provider is registered under Part 1 of the Health and Social Care Act 2008^(a);
- (g) details of any banning order made against the proposed licence holder, service manager or nominated individual;
- (h) a statement confirming that—
 - (i) the applicant is aware of the offences in sections 2 and 3 of the Fraud Act 2006, and
 - (ii) the information contained in the application is complete and correct;
- (i) the date of the application.

(3) The application for a supported housing licence must be accompanied by any application fee required by the licensing authority in accordance with regulation 10.

(4) An application for a supported housing licence is valid if it complies with paragraphs (1) to (3).

^(a) 2008 c. 14.

(5) Where a licensing authority receive an application for a supported housing licence which is not valid they must notify the applicant to that effect, setting out the date of the decision and giving reasons.

(6) The licensing authority may, by notice, require the applicant to give the authority any information the authority may reasonably require to determine the application for a supported housing licence.

Determination of applications for a supported housing licence

12.—(1) Where a valid application for a supported housing licence is made to the licensing authority under regulation 11, the authority must either—

- (a) grant a licence in accordance with paragraph (2), or
- (b) refuse to grant a licence.

(2) If the licensing authority are satisfied as to the matters mentioned in paragraph (3), they must grant a licence.

(3) The matters are—

- (a) that the supported housing to which the application relates meets any national standards published in accordance with section 3 of the 2023 Act when the application is determined;
- (b) that the supported housing meets any of the standards in the Housing Standard which apply to it at the time when the application is determined;
- (c) that no enforcement action is being taken in relation to a category 1 hazard in relation to the supported housing;
- (d) that the person who is to be the licence holder—
 - (i) is a fit and proper person, in accordance with regulation 14, to hold the licence, and
 - (ii) is, out of all the persons who have control of, or manage, the housing, the most appropriate person to hold the licence;
- (e) that the person who is to manage the supported housing (“the service manager”) is the person having control of the housing or a person who is an agent or employee of the person having control of the housing;
- (f) that the service manager has the character, capacity, appropriate experience and skills to carry on a supported housing undertaking having regard to—
 - (i) the number of premises used as supported housing by the undertaking;
 - (ii) the category or categories of supported housing provided by the undertaking;
 - (iii) the geographical scope of the premises used as supported housing by the undertaking;
- (g) that if the application for a supported housing licence is made by an organisation or partnership, it includes the name and address of a nominated individual who satisfies the requirements of regulation 15;
- (h) that the proposed management arrangements for the housing are otherwise satisfactory.

(4) In deciding whether a person is a fit and proper person to be granted a supported housing licence the licensing authority must, in particular, have regard to any information in relation to the fitness of the person available from—

- (a) another licensing authority;
- (b) the Office for Standards in Education, Children's Services and Skills;

(c) the Care Quality Commission.

(5) If the licensing authority is satisfied as to the matters mentioned in paragraph (3) in relation to some but not all of the supported housing to which the application relates, the authority must, before determining the application, ask the applicant whether the application should be treated as if it related only to the supported housing which satisfied those matters.

Decisions in relation to applications for a supported housing licence

13.—(1) Within five days of making a decision in relation to an application for a supported housing licence, the licensing authority must notify the applicant of the outcome of the application for a supported housing licence and the notice must set out the date of the decision.

(2) A notice that the supported housing licence has been granted must—

- (a) include a copy of the supported housing licence;
- (b) state the date on which the licence expires.

(3) A notice that the application for a supported housing licence has been refused must—

- (a) set out the reasons for refusal;
- (b) explain that the offence of control of or managing supported housing without a supported housing licence applies from the date of the decision;
- (c) explain the effect the decision has on the housing benefit of residents of the housing;
- (d) explain that there is a right of appeal to the First-tier Tribunal under regulation 32;
- (e) set out the period within which an appeal may be made.

(4) Where an application for a supported housing licence is refused the licensing authority must send a copy of the notice under paragraph (3), together with a list of the properties to which the notice relates, to the authority administering housing benefit under the Housing Benefit Regulations 2006.

Fitness of the holder or proposed holder of licence

14.—(1) A person, who is an individual, is a fit and proper person to hold a supported housing licence if they satisfy the requirements of paragraph (4) in relation to the supported housing.

(2) A person, which is a partnership, is a fit and proper person to hold a supported housing licence if—

- (a) the partnership has provided the name and address of the nominated individual, who satisfies the requirements of regulation 15, to the relevant licensing authority, and
- (b) each partner, except for a partner who is the nominated individual, satisfies the requirements of paragraph (4) in relation to the supported housing.

(3) A person, which is an organisation, is a fit and proper person to hold a supported housing licence if—

- (a) each director of the organisation, except for a director who is the nominated individual, who is involved in the carrying on of the supported housing undertaking by that organisation, satisfies the requirements in paragraph (5), and
- (b) the organisation has provided the name and address of the nominated individual, who satisfies the requirements of regulation 15, to the relevant licensing authority.

(4) The requirements are that—

- (a) the individual or partner is of integrity and good character;

- (b) full and satisfactory information is available in relation to the individual or partner in respect of each of the matters referred to in paragraph (7)(a) and (c) to (f) and, where applicable, paragraph (7)(b) and (g);
 - (c) the individual or partner is mentally and physically fit to carry on the supported housing undertaking;
 - (d) the individual or partner is financially fit to carry on the supported housing undertaking;
 - (e) the individual or partner has not been responsible for, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in relating to supported housing;
 - (f) none of the grounds of unfitness specified in paragraphs 1 to 4 of Schedule 2 apply to the individual;
 - (g) if the supported housing relates to vulnerable adults, additionally the ground of unfitness specified in paragraph 5 of Schedule 2 does not apply to the individual.
- (5) The requirements are that—
- (a) the individual is of integrity and good character,
 - (b) none of the grounds of unfitness specified in Schedule 2 apply to the individual, and
 - (c) full and satisfactory information is available in relation to the individual in respect of the matters referred to in paragraph (7)(a) and (c) to (f) and, where applicable, paragraph (7)(b) and (g).
- (6) The information is—
- (a) proof of identity, including a recent photograph;
 - (b) a criminal record certificate issued under section 113A of the Police Act 1997^(a);
 - (c) two written references, including a reference from the person's most recent employer, if any;
 - (d) if a person has previously worked in a position involving work with children or vulnerable adults, verification so far as reasonably practicable of the reason why the employment or position ended;
 - (e) documentary evidence of any qualifications which the person considers relevant for the position for which they are applying to register;
 - (f) a full employment history, together with a satisfactory explanation of any gaps in employment, in writing;
 - (g) if the supported housing includes or is proposed to include services for a vulnerable person, an enhanced criminal record certificate issued under section 113B of the Police Act 1997.
- (7) In this regulation—
- “services for a vulnerable person” means the provisions of personal care or social care services to a person who has—
- (a) a dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions,
 - (b) a severe impairment in the ability to communicate with others, or
 - (c) an impairment in a person's ability to protect himself from assault, abuse or neglect,

(a) 1997 c. 50. Sections 113A and 113B were inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15).

in consequence of the person being a vulnerable person;

“vulnerable person” means a person with a learning or physical disability, a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs, or a reduction in physical or mental capacity.

Nominated individual

15. A nominated individual—

- (a) is an individual nominated by the organisation or partnership for the purpose of acting as a single point of contact for the licensing authority;
- (b) must be a director of the organisation, or partner of the partnership, carrying on the supported housing undertaking;
- (c) must satisfy the requirements in paragraph (4)(a) to (c) and (e) to (g) of regulation 14;
- (d) must have the capacity, appropriate experience and skills to represent the organisation or partnership in its dealings with the licensing authority, having regard to the category or categories of supported housing provided by the undertaking in respect of which they are the nominated individual;
- (e) undertake, from time to time, such training as is appropriate to ensure that they have the experience and skills necessary to represent the organisation or partnership in its dealings with the licensing authority.

Contents of a supported housing licence

16. A supported housing licence must—

- (a) specify the name and address of the licence holder;
- (b) specify the details of the supported housing to which the licence relates;
- (c) subject to paragraph (2), include the conditions set out in Schedule 3;
- (d) specify the name and address of the nominated individual in relation to supported housing;
- (e) specify the name and address of the service manager in relation to the supported housing;
- (f) specify the date on which the licence expires.

Duration of licences

17.—(1) A supported housing licence expires on the day which is five years after the day on which the licence was granted by the licensing authority.

(2) A variation of a supported housing licence under Part 5 may not extend the term of a supported housing licence.

PART 5

Changes in relation to licences etc

Changes in relation to supported housing

18.—(1) This regulation applies to any of the following changes—

- (a) a change to the supported housing specified in a supported housing licence;
- (b) a change to the licence holder;

- (c) a new person becoming—
 - (i) the nominated individual;
 - (ii) a service manager;
 - (iii) where the licence holder is an organisation, a director of the organisation;
 - (iv) where the licence holder is a partnership, a partner of the partnership;
 - (d) a person ceasing to be—
 - (i) the nominated individual;
 - (ii) a service manager;
 - (iii) where the licence holder is an organisation, a director of the organisation;
 - (iv) where the licence holder is a partnership, a partner of the partnership;
 - (e) where the licence holder is an organisation, any change to the governance arrangements of or control of the licence holder.
- (2) If a change referred to in paragraph (1) is a notifiable change the licence holder must, as soon as reasonably practicable, notify the licensing authority in accordance with regulation 19.
- (3) A notifiable change may be carried out before the notification referred to in paragraph (2) is given.
- (4) If a change referred to in paragraph (1) is a significant change the licence holder must make an application for a variation of the supported housing licence (a “variation application”) to the licensing authority in accordance with regulation 20.
- (5) A significant change must not be carried out until the variation application is approved.
- (6) In this Part—
- “notifiable change” means—
- (a) a person ceasing to be the nominated individual;
 - (b) a new person becoming the nominated individual;
 - (c) a change to supported housing such that it is not within the type of supported housing specified in the licence;
 - (d) an increase or decrease, by 5 or fewer, in the number of units in the supported housing;
 - (e) any other change which is not a significant change;
- “significant change” means—
- (a) a change of licence holder;
 - (b) if the licence holder is an organisation, a change to the directors, partners or other persons who control the organisation;
 - (c) a person ceasing to be a service manager;
 - (d) a new person becoming a service manager;
 - (e) if the licence holder is an organisation, any change to the governance arrangements of, or control of, the licence holder;
 - (f) an increase, by more than 5, in the number of units in the supported housing;
 - (g) a decrease, by more than 5, in the number of units in the supported housing.

Notification requirements

19.—(1) A notification under regulation 18(2) must be in writing, signed by the licence holder, and must include—

- (a) a description of the notifiable change;
- (b) an explanation of the reasons for the change;
- (c) if the proposed change is a change to the supported housing specified in the licence, the following details—
 - (i) the address of the supported housing to be specified in the licence;
 - (ii) the type of supported housing to which the application relates;
 - (iii) the number and type of dwellings included or to be included in the supported housing;
 - (iv) if the supported housing is to include the provision of care, details of the provider of care including confirmation that the provider is registered under Part 1 of the Health and Social Care Act 2008(a);
- (d) if the notifiable change is a new person becoming the nominated individual, the name, address, telephone number and email address of the new nominated individual;
- (e) a statement confirming that—
 - (i) the licence holder is aware of the offences in sections 2 and 3 of the Fraud Act 2006, and
 - (ii) the information contained in the notice is complete and correct.

(2) The licensing authority may, by notice in writing, require the licence holder to provide further information in relation to the change.

(3) Where a notice under paragraph (2) is given to the licence holder the person must provide the information within 10 days of receipt of the notice.

(4) The licence holder may request that the licensing authority provides a version of the supported housing licence incorporating the changes notified.

Variation applications

20.—(1) A variation application must be made to the licensing authority by the licence holder in writing, signed by the applicant, and must include—

- (a) the name, address, telephone number and email address of the applicant;
- (b) details of the supported housing licence to which the application relates;
- (c) a description of the proposed change to the supported housing licence;
- (d) if the proposed change is a change to the licence holder, the name, address, telephone number and email address of the proposed licence holder;
- (e) if the proposed change is a change to the licence holder or service manager, details of any banning order made against the new person;
- (f) if the proposed change is a change to the number of units in the supported housing, the details for the units being added or removed from the supported housing licence;
- (g) a statement confirming that—
 - (i) the applicant is aware of the offences in sections 2 and 3 of the Fraud Act 2006, and

(a) 2008 c. 14.

- (ii) the information contained in the application is complete and correct;
- (h) the date of the application.
- (2) The variation application must be accompanied by any application fee required by the licensing authority in accordance with regulation 10.
- (3) A variation application is valid if it complies with paragraphs (1) and (2).
- (4) Where a licensing authority receives a variation application which is not valid they must notify the applicant to that effect, setting out the date of the decision and giving reasons.
- (5) The licensing authority may, by notice, require the applicant to give the authority any information the authority may reasonably require to determine the variation application.

Determination of variation applications

21.—(1) Where a variation application made to the licensing authority under regulation 20 is valid, the authority must either—

- (a) approve the proposed change set out in the variation application and grant a new supported housing licence, as varied, in accordance with paragraph (2), or
- (b) refuse to vary the supported housing licence.
- (2) If the licensing authority are satisfied as to the matters mentioned in paragraph (3), they may approve the proposed change in the variation application.
- (3) The matters are—
 - (a) where the proposed change is a change to the supported housing specified in the supported housing licence—
 - (i) that the supported housing, as varied by the variation application, meets any national standards published in accordance with section 3 of the 2023 Act when the application is determined;
 - (ii) that it meets any Housing Standard which apply to it at the time when the application is determined;
 - (iii) that no enforcement action is being taken in relation to a category 1 hazard in relation to the supported housing;
 - (b) where the proposed change is a change to the holder of the licence (including a change to the directors, partners or other persons who control the organisation or a change to the governance arrangements of, or control of, the licence holder), that after the change the licence holder—
 - (i) is a fit and proper person, in accordance with regulation 14, to hold the licence, and
 - (ii) is, out of all the persons who have control of, or manage, the housing, the most appropriate person to hold the licence;
 - (c) where the proposed change is a change to who is the service manager, that the new person—
 - (i) is the person having control of the housing or a person who is an agent or employee of the person having control of the housing;
 - (ii) has the character, capacity, appropriate experience and skills to carry on a supported housing undertaking having regard to—
 - (aa) the number of premises used as supported housing by the undertaking;
 - (bb) the category or categories of supported housing provided by the undertaking;

(cc) the geographical scope of the premises used as supported housing by the undertaking.

(4) In deciding whether a person is a fit and proper person to be granted a supported housing licence the licensing authority must, in particular, have regard to any information in relation to the fitness of the person available from—

- (a) another licensing authority;
- (b) the Office for Standards in Education, Children's Services and Skills;
- (c) the Care Quality Commission.

(5) If the licensing authority is satisfied as to the matters mentioned in paragraph (3) in relation to some but not all of the supported housing to which the variation application relates, the authority must, before determining the variation application, ask the applicant whether the variation application should be treated as if it related only to the supported housing which satisfied those matters.

Decisions in relation to variation applications

22.—(1) Within five days of making a decision in relation to a variation application the licensing authority must notify the applicant of the outcome of the variation application and the notice must set out the date of the decision.

(2) A notice that the supported housing licence, as varied, has been granted must—

- (a) include a copy of the supported housing licence, as varied;
- (b) state the date on which the supported housing licence, as varied, expires.

(3) A notice that the variation application has been refused must—

- (a) set out the reasons for refusal;
- (b) explain that there is a right of appeal to the First-tier Tribunal under regulation 32;
- (c) set out the period within which an appeal may be made.

Revocation of supported housing licences

23.—(1) The licensing authority must revoke a supported housing licence where they are satisfied there is a breach of the licence condition set out in paragraph 3 of Schedule 3 (fitness of holder of a supported housing licence).

(2) The licensing authority may revoke a supported housing licence where they are satisfied that—

- (a) the licence holder no longer has control of or manages any of the supported housing specified in the licence;
- (b) the licence holder has committed a serious breach of a condition imposed by regulation 16 on the licence or repeated breaches of such a condition;
- (c) the management of the supported housing is being carried on by persons who are not appropriate persons to be involved in its management;
- (d) the licence holder has been convicted of an offence under regulation 26;
- (e) the licence holder has not complied with an improvement notice;
- (f) the licence holder has had a banning order made against them.

(3) Before revoking a supported housing licence under paragraph (2) the licensing authority—

- (a) may request further information from any person;

- (b) must give a notice in writing to the licence holder setting out the proposal to revoke the licence including the reasons and giving the licence holder 28 days to make representations.
- (4) Before determining whether to revoke a supported housing licence the licensing authority must consider any representations made by the licence holder under paragraph (3).
- (5) Paragraphs (3) and (4) do not apply where the licence holder has requested their supported housing licence is revoked.
- (6) Within five days of deciding whether to revoke a supported housing licence, the licensing authority must notify the licence holder of their decision.
- (7) A notice under paragraph (6) must—
 - (a) set out the date of the decision;
 - (b) explain that there is a right of appeal to the First-tier Tribunal under regulation 32;
 - (c) set out the period within which an appeal may be made;
 - (d) which is notifying a decision to revoke, also—
 - (i) set out the reasons for revocation and the date on which the revocation takes effect;
 - (ii) explain that having control of, or managing, supported housing without a supported housing licence is an offence;
 - (iii) explain the effect the decision has on the housing benefit of residents of the housing.
- (8) Where a supported housing licence is revoked the licensing authority must send a copy of the notice under paragraph (6), together with a list of the properties to which the notice relates, to the authority administering housing benefit under the Housing Benefit Regulations 2006.

PART 6

Enforcement

Compliance with conditions

- 24.—**(1) For any purpose connected with the exercise of a licensing authority's functions under these Regulations, the licensing authority may give a notice to a licence holder requiring them, at a time and place specified, to produce any document—
- (a) specified or described in the notice,
 - (b) falling within a category of document specified or described in the notice,
 - (c) in their custody or under their control.
- (2) A notice under paragraph (1) must include information about the possible consequences of not complying with the notice.
- (3) No person may be required under this regulation to produce any document which they would be entitled to refuse to provide in proceedings in the High Court on grounds of legal professional privilege.
- (4) If a licensing authority suspect there is a breach of a licence condition, the authority may give—
- (a) a notice ("information notice") to the licence holder requiring them to provide any information the authority consider relevant;
 - (b) a notice ("warning notice") to the licence holder setting out the matters in paragraph (6).
- (5) A warning notice may not be given if the suspected breach has ended.

- (6) A warning notice must—
- (a) set out the date of the notice;
 - (b) set out each breach of licence condition to which the notice relates;
 - (c) explain the improvement which the authority consider must be made to remedy the breach;
 - (d) set out the date, which must be no later than three months after the date of the warning notice, by which the improvement must be made (“improvement date”);
 - (e) request that the licence holder agree to make the improvement by the improvement date;
 - (f) explain that if the licence holder fails to make the improvement by the improvement date an improvement notice may be issued and a financial penalty imposed.
- (7) If the licence holder agrees to make the improvement set out in the warning notice they must notify the licensing authority to that effect.
- (8) A licence holder who is given a warning notice may make written representations to the licensing authority.
- (9) If—
- (a) the licence holder does not agree to make the improvement set out in a warning notice, or
 - (b) on or after the improvement date the licensing authority consider that the improvement explained in the warning notice has not been satisfactorily completed,
- the authority may give the licence holder a notice (“improvement notice”) setting out the matters in paragraph (10).
- (10) An improvement notice must—
- (a) set out the date of the notice;
 - (b) set out each breach of the licence condition to which the notice relates;
 - (c) explain the improvement which the authority consider must be made to remedy the breach;
 - (d) set out the date, which must be no later than three months after the date of the notice, by which the improvement must be made (“final date”);
 - (e) explain that the supported housing licence may be revoked if the licence holder fails to make the improvement by the final date and a financial penalty may be imposed;
 - (f) where the licensing authority impose a financial penalty under paragraph (11), set out the amount of the financial penalty;
 - (g) explain that there is a right of appeal to the First-tier Tribunal under regulation 32.
- (11) If the licensing authority is satisfied that a suspected breach set out in a warning notice is a breach of a licence condition they may, in an improvement notice in relation to that breach, impose a financial penalty on the licence holder of an amount to be determined by the authority, but which must not exceed £7,000.
- (12) A licence holder who is given an improvement notice may make written representations to the licensing authority.
- (13) If a person fails to comply with an improvement notice the licensing authority may, by notice (“penalty notice”), impose a financial penalty on that person of an amount to be determined by the authority, but which must not exceed £40,000.
- (14) A penalty notice must—
- (a) set out the date of the decision to impose the financial penalty;

- (b) set out the amount of the financial penalty and the reasons for imposing it;
- (c) explain that there is a right of appeal to the First-tier Tribunal under regulation 32.

(15) Any sums received by a licensing authority under this regulation must be used towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, the authority in ensuring compliance with these Regulations and the licences made under them.

(16) In this regulation “document” includes information recorded otherwise than in legible form, and in relation to information so recorded, any reference to the production of a document is a reference to the production of a copy of the information in legible form.

Power of entry

25.—(1) Paragraph (2) applies if a licensing authority consider that a survey or examination of any premises is necessary to determine whether any functions under these Regulations should be exercised in relation to the premises.

(2) Where this paragraph applies a person authorised by the licensing authority may enter the premises in question at any reasonable time to carry out a survey or examination of the premises.

(3) Before entering any premises in exercise of the power conferred by paragraph (2), the authorised person must have given at least 24 hours' notice of their intention to do so—

- (a) to the licence holder, and
- (b) to the occupier (if any).

(4) A person exercising the power of entry conferred by paragraph (2) may do such of the following as they think necessary for the purpose for which the power is being exercised—

- (a) take other persons with them;
- (b) take equipment or materials with them;
- (c) take measurements or photographs or make recordings;
- (d) leave recording equipment on the premises for later collection;
- (e) take samples of any articles or substances found on the premises.

(5) An authorisation for the purposes of this regulation—

- (a) must be in writing; and
- (b) must state the particular purpose or purposes for which the entry is authorised.

(6) A person authorised for the purposes of this regulation must, if required to do so, produce their authorisation for inspection by the licence holder or any occupier of the premises or anyone acting on their behalf.

(7) If the premises are unoccupied or the occupier is temporarily absent, a person exercising the power of entry conferred by paragraph (2) must leave the premises as effectively secured against trespassers as they found them.

(8) If a justice of the peace is satisfied, on a sworn information in writing, that admission to premises specified in the information is reasonably required for the purposes of this regulation and is satisfied that—

- (a) admission to the premises has been sought under paragraph (2), or
- (b) giving notice under paragraph (3) in relation to the premises would defeat the purpose of the entry,

the justice may by warrant under their hand authorise a person specified in the information to enter on the premises for the purposes specified in the warrant.

(9) The power of entry conferred by a warrant under this regulation includes power to enter by force (if necessary).

(10) Paragraphs (4) and (7) apply in relation to the power of entry conferred by the warrant as they apply to a power of entry conferred by paragraph (2).

(11) A warrant under this regulation must, if so required, be produced for inspection by the licence holder or any occupier of the premises or anyone acting on their behalf.

(12) A warrant under this regulation continues in force until the purpose for which the entry is required is satisfied.

(13) Any authorisation for the purposes of this regulation must be given by the appropriate officer of the licensing authority.

(14) In this regulation—

“appropriate officer” of a licensing authority is—

- (a) a deputy chief officer of the authority (within the meaning of section 2 of the Local Government and Housing Act 1989^(a)) whose duties relate to the giving of such authorisations, or
- (b) an officer of the authority to whom such a deputy chief officer reports directly, or is directly accountable, as respects duties so relating;

“occupier”, in relation to premises, means a person who occupies the premises, whether for residential or other purposes.

Offences

26.—(1) A person commits an offence if they are required to have a licence under regulation 8 but they do not hold one.

(2) A licence holder commits an offence if any of the supported housing they have control of, or manage, is a type of supported housing not specified in their licence.

(3) A licence holder commits an offence if they fail to comply with any of the conditions imposed on their licence.

(4) A person relying on a supported housing exemption commits an offence if the supported housing is no longer of a type of housing mentioned in Schedule 1 and they do not hold a supported housing licence in relation to that housing.

(5) A person commits an offence if they fail to do anything required of them by a notice under regulation 24(1).

(6) A person commits an offence if—

- (a) they supply any information to a licensing authority in connection with any functions under these Regulations,
- (b) the information is false or misleading in any material respect, and
- (c) they know that it is false or misleading or are reckless as to whether it is false or misleading.

(7) A person who obstructs a person authorised by a licensing authority in the performance of anything which, by virtue of any of these Regulations, that person is required or authorised to do commits an offence.

(8) If an offence under this regulation is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) 1989 c. 42. There are amendments to section 2 not relevant to the definition of deputy chief officer.

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) a person purporting to act in such a capacity,

that individual as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

(9) If the affairs of a body corporate are managed by its members, paragraph (8) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(10) In proceedings against a person in relation to an offence under paragraph (1) or (2) it is a defence that, at the material time—

- (a) a valid application for a supported housing licence had been received from that person, under regulation 11, in respect of the supported housing in question and the licensing authority had not determined the application,
- (b) the licensing authority has issued a notice to that person confirming an exemption has been issued, under regulation 9, in respect of the supported housing in question,
- (c) a valid exemption application has been received from that person, under regulation 9, in respect of the supported housing in question and the licensing authority had not determined the application, or
- (d) an exemption cessation application has been received from that person, under regulation 9, in respect of the supported housing in question and the licensing authority had not determined the application.

(11) In proceedings against a person in relation to an offence under paragraph (4) it is a defence that, at the material time—

- (a) a valid application for a supported housing licence had been received, under regulation 11, in respect of the supported housing in question and the licensing authority had not determined the application,
- (b) an exemption cessation application has been received, under regulation 9, in respect of the supported housing in question and the licensing authority had not determined the application.

(12) In proceedings against a person for an offence under paragraph (5) it is a defence that they had a reasonable excuse for failing to comply with the notice.

(13) In proceedings against a person for an offence under paragraph (7) it is a defence that they had a reasonable excuse for obstructing the person.

(14) A person who commits an offence under this regulation is liable on summary conviction to a fine.

(15) If a local housing authority has imposed a financial penalty on a person under section 249A of the 2004 Act in respect of conduct amounting to an offence under this regulation, the person may not be convicted of an offence under this regulation in respect of the conduct.

Amendment of the Housing Act 2004: relevant housing offence

27.—(1) Section 249A of the 2004 Act(a) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (d), omit “or”;
- (b) in paragraph (e), for “HMOs.” substitute “HMOs), or”;

(a) 2004 c. 34. Section 249A was inserted by paragraph 7 of Schedule 9 to the Housing and Planning Act 2016 (c. 22) and amended by S.I. 2026/319.

(c) after paragraph (e), insert—

“(f) the Supported Housing (Licensing) (England) Regulations 2027”.

Amendment of the Housing and Planning Act 2016: rent repayment orders

28.—(1) Section 40 of the Housing and Planning Act 2016(a) is amended as follows.

(2) In the table in subsection (3)—

- (a) in the heading of column 1, after “Act” insert “or instrument”;
- (b) in the heading of column 2, for “section” substitute “provision”;
- (c) after line 7, insert—

“7A	The Supported Housing (Licensing) (England) Regulations 2027	regulation 26	offences relating to licensing of supported housing”.
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Amendment of the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018

29.—(1) The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018(b) are amended as follows.

(2) In the Schedule, after line 3, insert—

“3A	The Supported Housing (Licensing) (England) Regulations 2027	Regulation 26	Offences in relating to licensing of supported housing”.
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Limitation on rent determinations

30.—(1) Paragraph (2) applies where a landlord of supported housing is convicted of any of the offences listed in regulation 26.

(2) Where this paragraph applies, for the purposes of section 14 of the Housing Act 1988(c), in relation to supported housing of a landlord referred to in paragraph (1), the maximum rent that may be determined is 80% of the rent that apart from this paragraph would have been determined.

PART 7

Records

Record of licences etc

31.—(1) The licensing authority must keep a record of—

- (a) each—
 - (i) application for a supported housing licence,
 - (ii) application for a supported housing exemption,

(a) 2016 c. 22. The table in section 40 was amended by section 98(2) of the Renters’ Rights Act 2025 (c. 26).
(b) S.I. 2018/216.
(c) 1988 c. 50.

- (iii) variation application,
and each decision made in relation to the application;
 - (b) each supported housing licence granted including details of the supported housing specified in the licence;
 - (c) each variation application approved including details of any variation to the supported housing specified in the supported housing licence;
 - (d) each supported housing exemption issued including details of the supported housing specified in the exemption;
 - (e) each revocation of a supported housing licence;
 - (f) each revocation of a supported housing exemption;
 - (g) each warning notice and improvement notice issued.
- (2) The licensing authority must ensure that the following are published on the authority's website and available at the authority's principal office for inspection by members of the public at all reasonable times—
- (a) the name and address of each licence holder together with the date on which their supported housing licence was granted;
 - (b) the details of each revocation of a supported housing licence, including the date on which it was revoked and the reason for the revocation.

PART 8

Appeals

Appeal against a decision of a licensing authority

32.—(1) A relevant person may appeal to the First-tier Tribunal against a decision by the licensing authority—

- (a) to refuse to issue a supported housing exemption under regulation 9;
- (b) to notify a person under regulation 9 that a supported housing exemption has ceased to have effect;
- (c) to refuse to accept an application as valid under regulation 9(4), 11(4) or 20(3);
- (d) to refuse to grant a supported housing licence under regulation 12;
- (e) to refuse to vary a supported housing licence under regulation 21;
- (f) to vary a supported housing licence under regulation 21;
- (g) to revoke a supported housing licence under regulation 23;
- (h) to refuse to revoke a supported housing licence under regulation 23;
- (i) to issue an improvement notice under regulation 24;
- (j) to issue a penalty notice under regulation 24.

(2) The right of appeal under paragraph (1)(c) or (d) is not available if the person specified in the application for a supported housing licence to be the licence holder has a banning order made against them.

(3) In this regulation—

“relevant interest” means an interest as freeholder, mortgagee or lessee;

“relevant person” means—

- (a) if an appeal relates to an application under these Regulations, the applicant or any person with a relevant interest in the supported housing, including a person who is not the licence holder;
- (b) in any other case, any person with a relevant interest in the supported housing, including a person who is not the licence holder.

Time limit for appeals

33.—(1) Any appeal under regulation 32 must be made within the period of 28 days beginning with the date specified in the notice under regulation 9, 11, 13, 20, 22, 23 or 24 as the date on which the decision was made.

(2) The First-tier Tribunal may allow an appeal to be made to it after the end of the period mentioned in paragraph (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).

Powers of the First-tier Tribunal

34.—(1) 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.

(2) The tribunal may confirm, reverse or vary the decision of the licensing authority.

(3) On an appeal the tribunal may direct the authority to grant a licence on such terms as the tribunal considers appropriate, or approve the change proposed in a variation application.

PART 9

Disapplication of provisions and transitional and saving provisions

Disapplication of HMO etc requirements

35.—(1) Subject to paragraph (2), a requirement in Part 2 or 3 of the 2004 Act for accommodation to be the subject of a HMO etc licence does not apply to the extent that a person having control of, or managing, the accommodation holds a supported housing licence in relation to the accommodation.

(2) A disapplication in paragraph (1) ceases to have effect, in relation to accommodation, on the day after the day on which a specified supported housing event occurs.

(3) In this regulation “specified supported housing event” means—

- (a) the variation of the supported housing licence such that the accommodation is no longer supported housing to which a supported housing licence relates;
- (b) the expiry of the supported housing licence.

Transitional provision for existing HMOs etc

36.—(1) This regulation applies if on the commencement date, a person having control of, or managing, supported housing holds a HMO etc licence in relation to the housing.

(2) From the commencement date until the day after the day on which a specified HMO event occurs, the requirement in regulation 8(1) to hold a supported housing licence in relation to the supported housing does not apply to the holder of the HMO etc licence.

(3) In this regulation “specified HMO event” means—

- (a) the variation of the HMO etc licence such that the supported housing is no longer accommodation to which a HMO etc licence applies;
- (b) the expiry of the HMO etc licence.

(4) Paragraph (5) applies if the holder of the HMO etc licence is granted a supported housing licence and the date that supported housing licence is granted (“the grant date”) is earlier than the expiry date of the HMO etc licence but not more than a year before that expiry date.

(5) Notwithstanding regulation 17, the licensing authority must add the unexpired term of the HMO etc licence, as at the grant date, to the term specified in the supported housing licence in accordance with regulation 16.

Transitional and saving provision for applications by existing supported housing

37.—(1) Notwithstanding regulation 12(1), in considering a valid application for a supported housing licence made by an existing provider, if the licensing authority are not satisfied in relation to any matter referred to in paragraph (3)(a), (b), (c), (d)(i), (f) or (h) of that regulation then the authority must give notice (“deficiency notice”) to the provider—

- (a) setting out the improvements which the authority consider must be carried out;
- (b) stating the date, which must be no more than three months after the date of the deficiency notice, by which the improvements must be carried out;
- (c) explaining that the application for a supported housing licence must be refused if the improvements are not carried out.

(2) On completion of the improvements referred to in the deficiency notice, the existing provider must give notice to the licensing authority providing evidence of the improvements made.

(3) On receipt of a notice under paragraph (2) the licensing authority must determine the existing provider’s application for a supported housing licence, in accordance with Part 4.

(4) In this regulation—

“existing provider” means a person who, immediately before the pre-commencement period and throughout transition period, is in control of, or manages, supported housing and who intends to continue to do so after the transition period;

“pre-commencement period” means the period which ends on the day before the commencement date;

“transition period” means the period beginning on the commencement date and ending on the date regulation 26 comes into force.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

[date] *[signature]*
Minister for []
Ministry of Housing, Communities and Local Government

DRAFT

SCHEDULE 1

Regulation 9

Types of supported housing exempted

1.—(1) Supported housing which is low cost rental accommodation for persons aged 55 years old or older which is provided by a registered provider of social housing and where the supported housing—

- (a) is made available only in conjunction with the provision of care and support;
- (b) is made available exclusively to households including a person who has been identified as needing that support;
- (c) falls into one or both of the following categories—
 - (i) accommodation that has been designed, structurally altered or refurbished in order to enable residents with support needs to live independently;
 - (ii) accommodation that has been designated as being available only to individuals within an identified group with specific support needs.

(2) In this paragraph—

“low cost rental accommodation” has the meaning given in section 69 of the Housing and Regeneration Act 2008(a);

“support” includes support for—

- (a) the elderly;
- (b) victims of domestic violence;
- (c) people who are homeless;
- (d) people with drug or alcohol problems;
- (e) people with mental health problems;
- (f) people with learning disabilities;
- (g) people with disabilities;
- (h) offenders and people at risk of offending;
- (i) refugees.

2. Supported housing which is accommodation in an almshouse provided by an almshouse charity.

3.—(1) Supported housing which is provided by an English local authority.

(2) In this paragraph “English local authority” means—

- (a) a local housing authority in England, or
- (b) a social services authority in England.

4. Supported housing which is provided or commissioned by the Ministry of Justice (including where provided or commissioned jointly with another body) which provides defined duration or short-term accommodation for persons charged with or convicted of an offence.

(a) 2008 c. 17.

5.—(1) Supported housing which is commissioned by an English local authority and provided for persons aged 25 years old or younger where at least one bedspace in the housing is supported accommodation.

(2) In this paragraph—

“bedspace” means a sleeping area for one person (which may be in the same room as a bedspace for another person);

“English local authority” has the same meaning as in paragraph 3’

“supported accommodation” has the meaning given in regulation 2 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022(a).

6. Supported housing which is relevant accommodation pursuant to section 57(2) of the Domestic Abuse Act 2021(b).

SCHEDULE 2

Regulation 14

Grounds for unfitness

1. The person is an undischarged bankrupt or a person whose estate has had sequestration awarded in respect of it and who has not been discharged.

2. The person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to the like effect made in Scotland or Northern Ireland.

3. The person is a person to whom a moratorium period under a debt relief order applies under Part 7A of the Insolvency Act 1986(c).

4. The person has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it.

5. The person has been convicted of any offence under these Regulations.

6. The person has had a banning order made against them.

7. The person is included in the children's barred list or the adults' barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland.

SCHEDULE 3

Regulation 16

Licence conditions

Licence holder

1. This licence is personal to the licence holder specified in it.

2. The licence holder may only be changed in accordance with a variation application under regulation 20.

(a) S.I. 2022/808.

(b) 2021 c. 17.

(c) 1986 c. 45. Part 7A was inserted by section 108 of the Tribunals, Courts and Enforcement Act 2007 (c. 15).

3. The licence holder must at all times satisfy the requirements of regulation 14.

4. If the licence holder is an organisation, each of the directors or each of the partners of the organisation must at all times satisfy the requirements of regulation 14 applicable to them.

Other persons

5.—(1) A service manager specified in the licence may only be changed in accordance with a variation application under regulation 20.

(2) For so long as the service manager remains in position, the licence holder must be satisfied that they have the character, capacity, appropriate experience and skills to carry on a supported housing undertaking having regard to—

- (a) the number of premises used as supported housing by the undertaking;
- (b) the category or categories of supported housing provided by the undertaking;
- (c) the geographical scope of the premises used as supported housing by the undertaking.

(3) Subject to paragraph 10, if the licence holder is an organisation or partnership, it must ensure at all times there is a nominated individual who satisfies the requirements of regulation 15.

Specified supported housing

6. This licence is only for the supported housing specified in it.

7. The nature or type of supported housing to which the licence relates may only be changed in accordance with a variation application under regulation 20.

Other significant changes

8. If the licence holder is an organisation, the directors, partners or other persons who control the organisation may only be changed following a variation application in accordance with regulation 20.

9. A new service manager may only be appointed following a variation application in accordance with regulation 20.

Notifiable changes

10. If a person ceases, or a new person becomes, the nominated individual, the licence holder must give notice in writing to the licensing authority no more than 14 days after the licence holder becomes aware of the change.

Compliance with standards

11.—(1) The licence holder must ensure the supported housing to which the licence relates meets—

- (a) any Housing Standard, and
- (b) national standards, published in accordance with section 3 of the Supported Housing (Regulatory Oversight) Act 2023,

which applies to the supported housing.

(2) This condition does not apply to supported housing commissioned by a licensing authority.

(3) If the supported housing is regulated housing the licensing authority must have regard to any decision by the Regulator of Social Housing which is relevant to the Housing Standard.

Standard of accommodation

12. If the supported housing is not regulated housing, the licence holder must ensure no enforcement action is taken in relation to a category 1 hazard in relation to the housing.

13. The licence holder must ensure the supported housing is—

- (a) safe;
- (b) well maintained including regular cleaning of communal areas;
- (c) accessible for its intended residents.

Needs assessments

14. The licence holder must ensure an assessment of the needs of each resident of the supported housing is carried out no later than 4 weeks after the date on which the person starts living in the housing.

15. The assessment of needs referred to in paragraph 14 must be conducted by a suitable skilled person in accordance with any national standards relating to such assessments published, and not withdrawn, in accordance with section 3 of the 2023 Act at the time on which the assessment takes place.

Quality of care provided

16. If the supported housing includes the provision of care, the licence holder must ensure the provider of care is registered under Part 1 of the Health and Social Care Act 2008.

17. If the supported housing includes the provision of support or supervision provided by a person who is not registered under Part 1 of the Health and Social Care Act 2008, the licence holder must ensure the support or supervision meets any national standards published in accordance with section 3 of the 2023 Act in respect of that support or supervision.

Fees

18. The licence holder must pay any annual fee applicable to their licence within 14 days of receiving notice of the fee.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the licensing of supported housing. The Regulations implement the Supported Housing (Regulatory Oversight) Act 2023 (c. 26).

Regulation 3 gives local housing authorities in England a power to designate their district for the licensing purposes. A designation must be approved by the Secretary of State either individually or by general approval. Regulation 5 requires each local housing authority to review the licensing of supported housing in their district from time to time. Regulation 6 makes provision in relation to revocation of designations.

Regulation 4 allows the Secretary of State to designate the district of any local housing authority for the licensing purposes.

Regulation 7 sets out requirements relating to publicity for designations.

Where a district is designated regulation 8 provides that the licensing authority must charge fees to applicants for supported housing licences or an annual fee for licence holders or both.

Parts 3 and 4 (including Schedules 1, 2 and 3) make provision in relation to licences, including the requirement to hold a licence if a person controls or manages supported housing in a designated district, the offences, the exemptions, the application procedures and the content and duration of licences. Part 5 makes provision in relation to changes to licence holders and licences etc. For some changes an application must be approved before the change takes places and for others the change is notified to the licensing authority. Regulation 23 sets out the procedure in relation to revocation of licences.

Part 6 makes provision in relation to compliance with licence conditions including inspections, information notices, warning notices and improvement notices and a power of entry for purposes related to enforcement. If a person fails to comply with an improvement notice a fine may be issued. Regulations 26 creates offences in relation to licensing. Regulation 27 amends the Housing Act 2004 (c. 34) to add offences under these Regulations to the list of offences which are relevant housing offences under section 249A of that Act. Regulation 28 amends the Housing and Planning Act 2016 (c. 22) to add offences under these Regulations to the list of offences in relation to rent repayment orders. Regulation 29 amends the Housing and Planning (Banning Order Offences) Regulations 2018 (S.I. 2018/216) to add offences under these Regulations to the list of offences which are banning order offences. Regulation 30 provides for the rent of a landlord convicted of an offence under regulation 26 to be limited.

Regulation 31 requires licensing authorities to keep records of licences and revocations.

Part 8 makes provision in relation to appeals against decisions of licensing authorities.

Part 9 makes transitional provisions.

A full impact assessment of the effect that this instrument will have on the costs of business, and the public sector is published alongside this instrument on www.legislation.gov.uk.