

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4048
Author:	Duncan Newbutt
Department:	Commercial and Operations
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Subject:	Adoption of Banning Order and Rogue Landlord Database Policies
Total Value:	£0 (Type: Nil)
Decision Being Taken:	To adopt the Policies on the use of Banning Orders and the Rogue Landlord Database To delegate authority to Director for Community Protection, in consultation with the relevant Portfolio Holder, the ability to amend both the Banning Order and Rogue Landlords Database Policies.
Reasons for the Decision(s)	<p>The adoption of Policies on both the use of Banning Orders and the Rogue Landlord database powers are necessary to set out transparently how the Local Housing Authority will use the these new powers which are in addition to the existing range of powers and duties available to the Council. Existing powers include civil financial penalties, simple cautions, prosecutions and interim/final management orders for specified offences contained within the Housing Act 2004.</p> <p>The delegation of authority to the Director for Community Protection to enable further updates to be made to Policies, will enable administrative efficiency, noting that any changes would be undertaken in consultation with the relevant Portfolio Holder.</p>
Briefing notes documents:	Appendix 2 - Banning Order Policy.docx, Appendix 3 - Rogue Landlord Database Policy.docx
Other Options Considered:	Continue to use existing enforcement tools only which include civil penalties, simple cautions, prosecutions and interim/final management orders for specified offences contained within the Housing Act 2004 and Housing and Planning Act 2016. This is not favoured, as the additional powers will assist the Local Housing Authority to deal with the worst housing offenders on both a local and national basis.

Background Papers:	See attached Appendix 1
Unpublished background papers:	Appendix 1 - Background Information.docx
Published Works:	The Housing and Planning Act 2016
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	As a local authority with a large and substantially increased private rented sector in recent years which houses an increasingly diverse range of Nottingham's citizens including some of the most vulnerable, it is imperative that we are prepared to use all powers available to us to ensure safety and good standards. Therefore the adoption of Banning Order and Rogue Landlord Database Policy and Guidance will enable the Council to utilise these powers in a manner that is transparent to citizens, landlords and management agents.
Equality:	Please login to the system to view the EIA document: Appendix 4 - EIA.docx
Decision Type:	Portfolio Holder
Subject to Call In:	no
Call In Expiry date:	n/a
Advice Sought:	Legal, Finance, Equality and Diversity
Legal Advice:	Legal advice attached Advice provided by Connie Green (Solicitor) on 06/04/2020. Confirmed on 19/11/20. Advice documents: 20200406 - Legal Comments.pdf
Finance Advice:	As outlined by the author of this report, there will be no additional / net cost to the Council as a result of this decision. Advice provided by Maria Balchin (Finance Analyst) on 19/05/2020. Confirmed as still applicable on 08/12/2020

**Equality and Diversity
Advice:**

Comments have been made on EIA. Advice provided by Nasreen Miah (Equality & employability consultant) on 11/05/2020. Confirmed 20/11/2020.

Advice documents: Appendix 4 - EIA.docx

Signatures

Linda Woodings as Portfolio Holder (PH Housing, Planning and Heritage)

SIGNED and Dated: 17/11/2020

Andrew Errington (Strategic Director, Community Protection)

SIGNED and Dated: 16/11/2020