

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4494
Author:	David Hobbs
Department:	Resident Services
Contact:	David Hobbs (Job Title: Operations Manager, Email: david.hobbs@nottinghamcity.gov.uk, Phone: 01158761555)
Subject:	Adoption of Revised Licence Conditions for Part 2 (Additional and Mandatory) and Part 3 (Selective) Licensing under the Housing Act 2004
Total Value:	Nil (Type: Nil)
Decision Being Taken:	To approve the revised changes to the Selective and House in Multiple Occupation Licence conditions, as set out in Appendix 1, 2 and 3 respectively. Authority to take this decision was delegated to the Director of Community Protection, in consultation with the Portfolio Holder for Housing, Planning and Heritage, by the Executive Board at its meetings of 17 April 2018 (Part 3 Licensing) and 18 September 2018 (Part 2 Licensing).
Reasons for the Decision(s)	Following a review of the licence conditions covering both Part 2 and Part 3 Licences under the Housing Act 2004, several new conditions have been added and some conditions have been amended. This decision has come about to strengthen the licence conditions so licence holders take a more proactive approach in dealing with waste management, which has caused considerable issues last summer. Following the important work undertaken in larger block buildings, further conditions have also been added to the block licence conditions. Reviewing licence conditions periodically is good practice in light of changes to legislation, case law and court and tribunal decisions, ensuring that they are suitable and continue to be fit for purpose without losing their overall impact.
Briefing notes documents:	Briefing note housing licence conditions review Nov 2021.docx, Appendix 3 Block Licence Conditions November 2021.docx, Appendix 1 HMO (part 2) Licence Conditions Dec 2021.docx, Appendix 2 Individual property (part 3) Licence Conditions Dec 2021.docx

Other Options Considered: To do nothing: this option would mean that the revised licence conditions would not be implemented, so the Council may be less able to ensure licence holders take a more proactive approach to managing waste generated from their property. This would then in turn affect communities and residents in the areas affected by such issues. Overall, this may affect the ability of the Council to show how it is improving neighbourhoods and reducing anti-social behaviour through licensing.

Background Papers: None

Published Works: Selective Licensing Executive Board report, April 2018 (<https://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=177&MId=6603>)
Additional Licensing Executive Board report, September 2018 (<https://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=177&MId=7396&Ver=4>)
Selective Licensing Review of Licensing of Block Buildings Executive Board report, November 2019 (<https://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=177&MId=7976>)

Affected Wards: Citywide

Colleague / Councillor Interests: None

Consultations: Date: 17/12/2021
Other City Council Bodies:Portfolio Holder for Housing, Planning and Heritage
The Portfolio Holder is in support of the proposals.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: The implementation of the revised conditions will help to further require licence holders to be more proactive when they deal with issues of waste, which can cause anti-social behaviour at their properties.

Equality: EIA not required. Reasons: The decision does not represent proposals for a new or changing policy, service or function.

Decision Type: Officer

Executive Decision? Yes

**Scheme of Delegation
Reference Number or Other
Source of Delegation:**

Executive Board resolutions, 17 April 2018 (Selective Licensing) and 18 September 2018 (Additional Licensing)

Subject to Call In:

Yes

Call In Expiry date:

20/01/2022

Advice Sought:

Legal

Legal Advice:

Legal has provided advice regarding the wording and enforceability of the amended/new conditions. The conditions are not retrospective and can only be imposed on new licences issued. However, for problematic landlords, there may be potential to vary the licence to impose the additional conditions. There are risks associated with varying the licence as the licence holder has a right of appeal to the First-tier Tribunal.

Advice provided by Sarah Jane Mills (Solicitor) on 15/12/2021.

Signatures:

Andrew Errington (Director of Community Protection)

SIGNED and Dated: 13/01/2022