

## Appendix 1:

### Nottingham City Council

#### Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2024

Nottingham City Council in exercise of their powers under section 56 of the Housing Act 2004 (“the Act”) hereby designates for additional licensing of Houses in Multiple Occupation (“HMOs”) the area described in paragraph 4.

#### CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Nottingham City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2024.
2. This designation is made on [date] 2023 and shall come into force on 1 January 2024
3. This designation shall cease to have effect on 31 December 2028 or earlier if the Council revokes the scheme under section 60 of the Act.

#### AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the areas edged in black and hatched red on the map at Annex A.

#### APPLICATION OF THE DESIGNATION

5. This designation applies to all HMOs within the area described in paragraph 4 unless -
  - (a) the building is of a description specified in Annex B (Buildings that are not HMOs for the purpose of the Act - other than Part 1)
  - (b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act
  - (c) the HMO is subject to a temporary exemption under section 62 of the Act;
  - (d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing), or
  - (e) the HMO is of a type which complies with an Approved Code of Practice under the The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010 (or any Order subsequently amending or replacing the same) and which are administered by ANUK
  - (f) as the HMO is of a type defined by Section 257 of the Act (certain converted blocks of flats)

EFFECT OF THE DESIGNATION

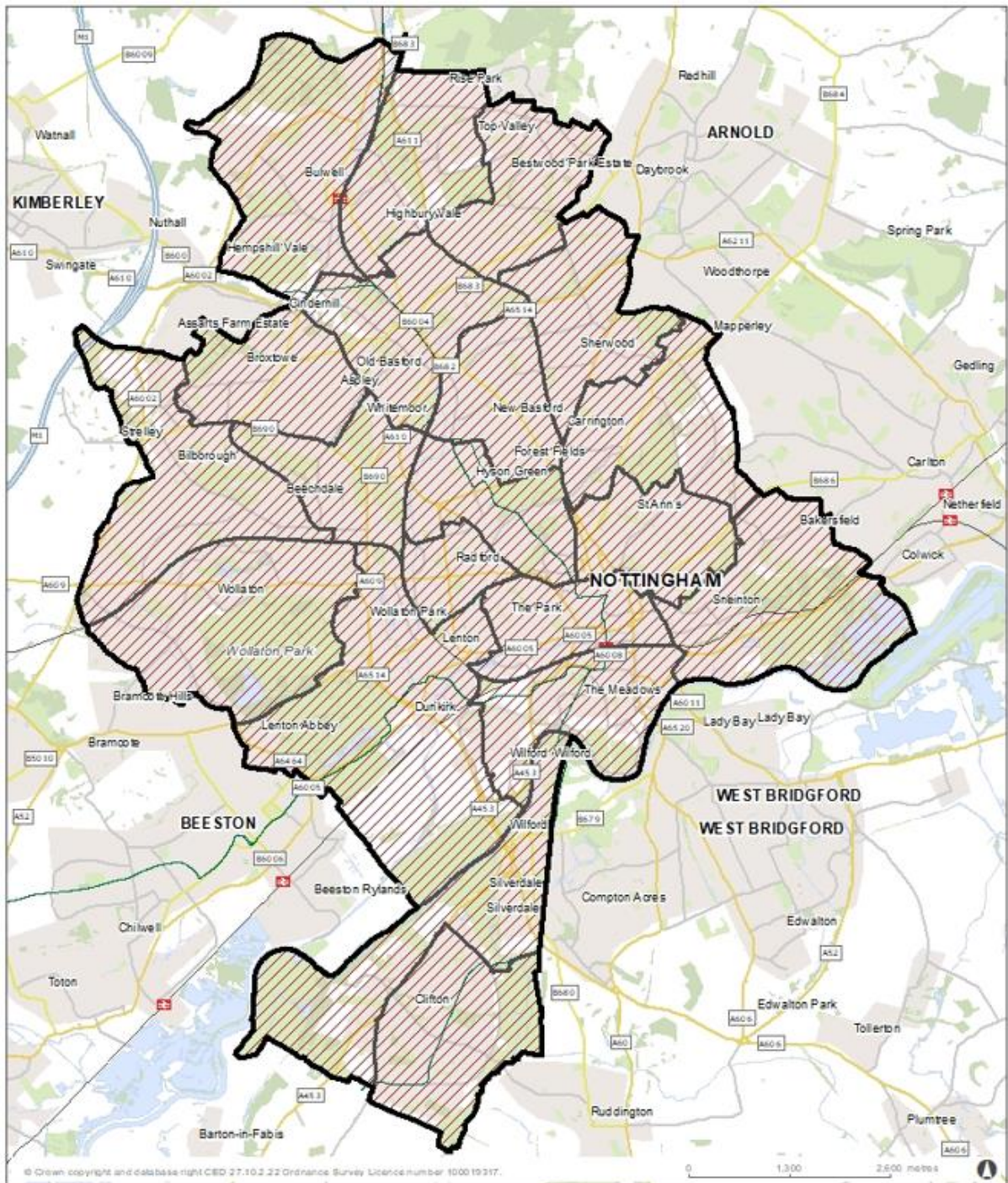
6. Subject to sub paragraphs 5(a) to (f) every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.
7. Nottingham City Council will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.

This Deed is given under the                    }  
Common Seal of NOTTINGHAM  
CITY COUNCIL:




Authorised Signatory

Date:

# Annex A - Additional Licensing Designation Map 2024-2028



Key

-  Proposed Designation
-  City Boundary
-  Wards



## **Annex B - Buildings that are not HMOs for the purpose of the Act<sup>1</sup>**

### **Buildings controlled or managed by public bodies etc**

1. A building where the person managing or having control of it is<sup>2</sup>:
  - (a) a local housing authority
  - (b) a non-profit registered provider of social housing
  - (c) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.
  - (d) a police authority established under section 3 of the Police Act 1996
  - (e) a fire and rescue authority under the Fire and Rescue Services Act 2004
  - (f) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990
2. A building
  - (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008 and
  - (b) where the person managing or having control of it is a profit –making registered provider of social housing
3. A building controlled or managed by a co-operative society in accordance with the provisions of paragraph 2B of Schedule 14 of the Housing Act 2004

### **Buildings regulated by other enactments**

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 87D of the Children Act 1989
  - (b) section 43 (4) of the Prison Act 1952
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002
  - (d) The Secure Training Centre Rules 1998
  - (e) The Prison Rules 1998
  - (f) The Young Offender Institute Rules 2000
  - (g) The Detention Centre Rules 2001
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001
  - (i) The Care Homes Regulations 2001
  - (j) The Children’s Homes (England) Regulations 2015

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<sup>1</sup> Housing Act 2004 Schedule 14

<sup>2</sup> For the definition of “person managing” and “person having control” see section 263 of the Housing Act 2004

- (k) The Residential Family Centres Regulations 2002

### **Certain student lettings etc**

5. A building –
- (a) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
  - (b) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment and
  - (c) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.

### **Religious communities**

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

### **Buildings occupied by owners**

7. A building which is only occupied by –
- (a) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building
  - (b) and/or any member of the household of that person or persons

but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

### **Buildings occupied by resident landlord etc**

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons, not forming part of the owner's household.

### **Buildings occupied by two persons**

9. Any building which is only occupied by two persons (forming two households)

### **Meaning of "building"**

10. In this Annex a "building" includes a part of a building.

Dated \_\_\_\_\_ 2023

Nottingham City Council

Designation of an Area for Additional Licensing of  
Houses in Multiple Occupation 2024

Nottingham City Council  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

Authority

Executive Board:  
Minute No: