

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

5075

Author:

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Department:

Communities, Environment and Resident Services

Contact:

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Subject:

Review and updated licence conditions for selective licensing.

Total Value:

nil (Type: Nil)

Decision Being Taken:

To agree the revised and updated licence conditions included in the attached briefing note, notably - Appendix 1 (Licence conditions for privately rented houses) and Appendix 2 (Block licence conditions).

Reasons for the Decision(s)

Further to a review of conditions following representations from licence holders and changes to the way the team works and feedback from partners it was identified that the conditions for housing licensing could be improved and strengthened.

Implementing the revised conditions in Appendix 1 (Licence conditions for privately rented houses) and Appendix 2 (Block licence conditions) will assist the Council in dealing with licence holders more efficiently leading to fewer representations and tribunal cases, without losing the impact of the licensing conditions.

Following the work undertaken to ensure larger block licensed properties are safe, proposed revised conditions have been added to the block conditions that are already in place for blocked licensed properties, that fall under the Councils Block Licence Policy. These revisions will strengthen the regulation of these complex buildings. The revised and updated conditions are included in Appendix 2, Block licence conditions.

Reviewing conditions periodically is good practice in light of changes to legislation, case law, feedback and court and tribunal decisions; ensuring 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 2023.docx

Other Options Considered:

<p class="MsoNormal" style="margin-top:3.0pt;margin-right:0cm;margin-bottom:3.0pt; margin-left:0cm;mso-layout-grid-align:none;text-autospace:none">1. Do nothing. If the Council does nothing it may be open to more legal challenge around the conditions, which could take up valuable time and detract from time spent improving licensed properties. If these changes are not made the ability to use licensing to further regulate licence holders and ensure properties are properly managed will be lost.

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2. Adopt and implement the revised and updated licence conditions in Appendix 1 and Appendix 2. This will ensure that the licence conditions remain suitable and appropriate. It should reduce the risk of challenge by licence holders, which in turn will allow the Council to spend more time working with licence holders to improve conditions with the private rented sector.

Background Papers:

None

Published Works:

**January 2023 - Executive Board report - Proposal for a Scheme of Selected Licensing for Private Rented Houses
May 2022 - Executive Board report - Proposal for a Scheme of Selective Licensing for Private Rented Houses**

Affected Wards:

Aspley, Basford, Berridge, Bulwell, Bulwell Forest, Castle, Dales, Hyson Green and Arboretum, Leen Valley, Lenton and Wollaton East, Mapperley, Meadows, Radford, Sherwood, St Ann's, Wollaton West

Colleague / Councillor Interests:

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

The use of Selective Licensing is consistent with the Council's overall strategic approach to a safer Nottingham:
"Nottingham will be a safer city with low levels of crime and anti-social behaviour (ASB). People will feel safe and secure in the city centre, their neighbourhood and their home."
By collaborating with our statutory partners and voluntary sector through partnership working to address crime and community safety issues licensing can continue to deliver on this outcome by improving property standards and management towards safer homes and more cohesive neighbourhoods.
Partners such as Nottinghamshire Police have noted the impact of Selective Licensing as part of the recent consultation:
"I know the benefits that this can bring in terms of reducing Crime and Anti-social behaviour by working in partnership"

Equality:

EIA not required. Reasons: No change to EIA published in January 2023 Executive Board report. The decision does not represent proposals for a new or changing policy, service or function.

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

23/01/2024

Advice Sought:

Legal, Finance

Legal Advice:

Legal services have provided advice on the review and redrafting of the licence conditions referred to in the report and are satisfied that the revisions have made the licensing conditions more robust, transparent, and easier to enforce.
Advice provided by Sarah Mills (Senior Solicitor for Planning, Environment and Leisure Team) on 15/12/23 Advice provided by Sarah Jane Mills (Solicitor) on 15/12/2023.

Finance Advice:

This report seeks approval to progress with the adoption of revised conditions of Selective Licensing.
There are no expected financial implications to this request as this does not affect the fee mechanism. Where cost implications do arise these are expected to be met within the existing fee mechanism and not impact the Service MTFP.
Advice provided by Susan Turner (Senior Commercial Business Partner) on 07/12/2023.

Signatures

Jay Hayes (Portfolio Holder for Housing)
SIGNED and Dated: 15/01/2024
Colin Parr (Corporate Director, CERS)
SIGNED and Dated: 15/01/2024