

Paul Rotherham

Legal and Policy Officer



- EHP since 1979
- All at Sheffield City Council
- Was a Lacors “Expert”.
- Contributed to Lacors Fire guidance
- Expert Witness in civil disrepair cases

Streamlining Licensing

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Legal and Policy Officer

Background

- ▶ Schedule 5, Housing Act 2004 details the rules/ notices required relating to the process of licensing of a house.
- ▶ Draft licence to be issued
- ▶ Where no response a final licence issued after 14 days.
- ▶ Representations can be ignored & the licence issued anyway or be varied further 7 day consultation
- ▶ Final licence 7 days after the second consultation.
- ▶ Appeal is to the First-tier Tribunal who can hear an appeal even if there have been no representations at the draft stage.

The Problem

Consultation stage of Licensing

- Draft to Proposed Licence Holder
- Copy to Mortgagee, Freeholder, Lessees, Statutory Tenant, etc

To include

- Covering letter
- Notice
- The Draft Licence
- Summary of licence conditions
- (Explanatory Leaflet- optional)

The Problem (2)

Issue stage of Licensing

- Licence to Licence Holder
- Copy to Mortgagee, Freeholder, Lessees, Statutory Tenant etc

To include

- Covering letter
- Notice
- The Licence
- Summary of licence conditions

The Problem (3)

Representations received from

- Proposed Licence Holder
 - ❑ - other proposals regarding works
 - ❑ - correcting mistakes - mainly due to inadequate information on application
 - ❑ Objecting to training requirement
- Mortgagee and Freeholder
 - ❑ Objecting to Multiple Occupation

The Problem (4)

- 1500 Applications
- Representations received - less than a dozen
- Previous cost of consultation stage - £80 to £100 per application
- At £80 this represents a cost to Sheffield landlords (and ultimately tenants) of £120k

The Local Solution

- 1200 renewals
- Process the drafts and final licences together
- If representations made that require changes scrap the work done and do again.
- Saving approx £20 per licence
- means we have been able to fund variations without having to increase fees.

Increased licensing (Estimated numbers)

- 1750 licensable HMO (existing definition)
- 250 Section 257 HMOs
- 500 HMOs over commercial
- 2500 cluster flats in purpose built blocks occupied by 5 or more (approx 500 over commercial)
- 5000 three storey HMOs with 4 occupants
- 500 two storey HMOs with 5 or more occupants

The National Solution

- Scrap the Draft Licence and build in other measures
- Licence issued and comes into force after 21 days unless representations made to LA within 21 days
- LA to have 21 days to vary the licence or confirm they are not going to
- An agreed variation has no appeal
- Any other variation or confirmation that not going to vary has appeal to FTT within 21 days.

The National Solution (2)

Scrap the Draft Licence allows:

- ❑ Cost saving through saving on costly process of to re-issuing drafts as licences
- ❑ Protection of both the right for landlords to make rep's and right of appeal to FTT
- ❑ Is allowed without need of primary legislation
- ❑ Section 245 of the Housing Act 2004 gives Gov't power to dispense with notices if it is reasonable to do so and with such conditions as the Gov't considers appropriate.

In summary

Scrap the Draft Licence allows:

- Licensing to progress more swiftly
- Considerable cost savings
- Maintains rights to make representations and appeal to FTT

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