

Appendix 1

Block Licence Policy

1. This policy can be applied in certain circumstances with details given below. In general the Council prefers separate dwellings in a building to have their own, individual Property Licence ("an individual Property Licence") but does recognise that in certain circumstances and depending on the building it may be beneficial to offer the ability for landlords to apply for and have in place a Block Licence to cover the entirety of a building where certain conditions are met.

Conditions that must be met to enable the granting of a Block Licence

2. The Council accepts that under Part 3 HA 2004 it is possible for it to grant a Block Licence which covers more than one separate dwelling where the following conditions are met:

- each of the dwellings are separate dwellings (usually self-contained flats), within the building; and
- each of the dwellings are occupied under non "exempt tenancies"; and
- the building which contains the separate dwellings must be under common control and management

3. The above conditions do not apply to Houses in Multiple Occupation (HMOs) which are licensed in accordance with requirements set out in Part 2 HA 2004, where Section 68(1) is clear that a licence may not relate to more than one HMO and also, that under Part 2 - Section 85(1) of HA 2004, HMO licensing takes precedence over Part 3 – Selective Licensing.

4. The Council consider that granting individual Property Licences has clear benefits for both landlords and tenants as it avoids unnecessary consequence and provides clarity and certainty to the licensing regime. In that the duration and operation of individually granted licences are not impacted by changes in the letting and occupation of other separate dwellings within the same building as would be the case if a Block Licence has been granted.

5. For landlords who own two or more individually licensed dwellings in the same building, the individual Property Licence approach will mean that:

- A dwelling may be sold without affecting the licence[s] granted in respect of any other dwellings in the building;
- A dwelling may be let on an exempt tenancy without affecting the licence[s] granted in respect of any other dwellings in the building;

- A dwelling may be left vacant [for example, to allow major refurbishment] without affecting the licence[s] granted in respect of any other dwellings in the building;
- Enforcement action may be better, and more proportionately, targeted on the individual, non-compliant dwelling, without affecting the licences granted in respect of other dwellings in the building. This includes cases where, for example, the Council considers it necessary to serve a Prohibition Order to preclude the use of an individual dwelling for human habitation or where it has identified planning breaches in relation to an individual dwelling.

6. This is also relevant where enforcement concerns a particular tenancy or where the issue has arisen as a result of the relationship between the landlord and a specific tenant beyond the condition of the property.

7. For a tenant of a specific dwelling in a building, the individual Property Licence approach should provide greater certainty and clarity that their individual dwelling is duly licensed, notwithstanding the licensing status of other dwellings in the same building.

8. Where a Block Licence is granted, and there is a subsequent change in circumstances which results in there being more or fewer dwellings in the Block, this would result in the licence no longer reflecting the current 'house'. In such circumstances, the existing Licence would / may need to be revoked and a new application made.

9. Notwithstanding the above paragraphs, the Council recognises that it is feasible within the City to have buildings that contain multiple dwellings that have in place common management and control arrangements that are likely to be static and consistent over an extended period of time. In these circumstances it may be beneficial for both Landlords and Tenants to know that a licence is in place which covers the entirety of the Building covering multiple dwellings and the common shared areas. For the Council it also offers, where relevant, the possibility of additional licence conditions relating to the management arrangements for the Block Building.

10. Where an Applicant considers that the above conditions are met, they may apply for a Block Licence. Where such an application is made, the Council may grant a Block Licence where it is satisfied that:

- The conditions set out in paragraph 4 are met; and
- There are no other reasons that would mean that such a Licence should not be granted, after considering the matters required by Section 88 (3) of the Housing Act 2004.

11. The Council will also have regard to the additional matters set out below, together with any representations made by the applicant as to why the Council should exercise its discretion to grant a Block Licence:

- Whether licensing each separate licensable dwelling under an individual Property Licence would provide greater clarity, certainty and benefits to all parties impacted by the administration and enforcement of the licensing regime.
- Whether all separate dwellings in the Building are occupied either (i) under a single non-exempt tenancy or licence; or (ii) under two or more non-exempt tenancies or licences in respect of different dwellings contained in it; none of which are an exempt tenancy or licence under section 17(3) and 79(4) of the Act.

12. If the Council decide not to grant a Block Licence, it will give notice of this detailing the reasons for this decision to the applicant and every relevant person. There is a statutory right of appeal.

Other considerations

13. Licences are not transferable, therefore, where the licence holder is no longer in control of the licence, the licence will have to be revoked, and a new application submitted.

14. If a block licence is issued and the management of just one of the dwellings within the block changes, the Council may revoke or vary the licence. This will depend on the circumstances and will be assessed on a case-by-case basis. If a licence is revoked, new applications will have to be made.

Table to consider the suitability of a building having a block licence

	Building / Arrangements	Answer	Comments – next step
Q1	Is there common control and management of the building, including common parts and all flats?	Yes/No	If no, then a block licence is not applicable and Individual Licence Applications are required. If yes, proceed to Q2
Q2	Does the building 'contain' all of the dwellings? Note: Multiple buildings containing dwellings that only share party walls. For example, a row terraced houses or semi-detached houses would be classed as multiple buildings and therefore could not be included in a single Block Licence.	Yes/No	If the dwellings are in multiple buildings, then a block licence is not applicable and Individual Licence Applications are required. If yes, proceed to Q3
Q3	Do all the dwellings within the building share communal space, e.g. adjoining internal corridors, and/or shared access and egress points serving the building? Note, solely bin storage and/or parking is not to be classed as communal space for	Yes/No	If no, then a block licence is not applicable and Individual Licence Applications are required. If yes, proceed to Q4

the purposes of a block licence.

Q4	Is the building situated on a single freehold?	Yes/No	If no, then a block licence is not applicable and Individual Licence Applications are required.
			If yes, then a Block Licence is likely to be suitable.