

## **Guidance Note - Applications for Temporary Exemption Notices (TEN)**

### **1. What is a temporary exemption?**

A temporary exemption from the requirement to licence may be issued by the Council, if the applicant 'notifies the Council of their intention to take particular steps' to secure the property ceases to be licensable. The Council needs to be satisfied that there is a firm intention that the property will cease to be licensable and there must be evidence of the steps being taken to ensure it is achieved.

Examples might include evidence of the following:

- (i) putting the property on the market for sale with vacant possession.
- (ii) evidence that the applicant intends to occupy the property as his/her own home in single occupation.
- (iii) proposed change of use of the property from residential to some other use.

### **2. How can I apply for a temporary exemption notice?**

You can submit an application for temporary exemption from licensing by completing the notification of temporary exemption form. The form can be accessed here, [https://myaccount.nottinghamcity.gov.uk/en/service/temporary\\_exemption\\_notice\\_from\\_housing\\_licensing](https://myaccount.nottinghamcity.gov.uk/en/service/temporary_exemption_notice_from_housing_licensing)

In each case there has to be evidence when you submit your application which confirms the steps you are taking to secure that the property is no longer licensable. The period covered by the temporary exemption is to allow the applicant to put the affairs of the property in order to secure that the steps can be implemented, for example, by obtaining vacant possession.

### **3. The Council will not normally grant a TEN unless:**

- (i) at the time the notification is submitted there is a firm intention to secure that the property ceases to be licensable.
- (ii) that the intention is evidenced with steps taken to achieve that intention; and
- (iii) the Council is satisfied that during the period of the TEN the applicant will put the affairs of the property in order to enable the steps to be implemented.

If the temporary exemption is granted by the Council, the property will not require a licence during the period the notice is in force.

### **4. How long does a temporary exemption notice last?**

A Temporary Exemption Notice is in force for a period of three months beginning with the date on which it is served. In law, you may apply for an extension to the temporary exemption, but the Council would need to be satisfied that there are exceptional circumstances to justify the service of a second temporary exemption in respect of the property. The application for a further extension must be made before expiry of the existing temporary exemption and further evidence

must be provided to the Council to consider a renewal. If granted, an extension would take effect from the end of the period of three months applying to the first notice.

Under the provisions of the Housing Act 2004, the Authority only has the power to grant 2 temporary exemptions from the requirement to licence (this equates to a maximum 6 months exemption, over 2 periods of 3 months).

#### **5. Who can apply for a temporary exemption notice?**

Only the owner or person in control of the property can submit an application for a temporary exemption.

#### **6. What happens after I apply?**

The Council will consider your submission and will notify you of our decision in writing. If the Council decides to refuse your application, you will be notified of the reason in writing.

#### **7. What happens after the temporary exemption notice expires?**

Following expiry of the temporary exemption notice, if the property is now exempt from licensing no further action is required. If an extension has been issued and the property is still licensable following expiry, a valid application for a property licence must be submitted without delay to prevent enforcement action being taken against you for failure to licence.

#### **8. What can I do if my application is refused?**

If the Council decides not to grant the temporary exemption in response to an application, it must inform the person concerned of:

- (i) its decision;
- (ii) the reason for the decision and the date on which it was made;
- (iii) the right to appeal against the decision; and
- (iv) the period within which the appeal may be made.

The person concerned may appeal to the First-tier Tribunal against the decision within the period of 28 days beginning with the date on which the decision was made.

An appeal can be made to the First-tier Tribunal at:

First-tier Tribunal Property Chamber (Residential Property)  
Midlands region  
Centre City Tower  
5-7 Hill Street  
Birmingham  
B5 4UU  
Email: [rpmidland@justice.gov.uk](mailto:rpmidland@justice.gov.uk)  
Telephone 0121 600 7888  
Fax 01264 785 122