

Nottingham City Council Policy

Dealing with licence applications under Parts 2 and 3 of the Housing Act 2004 (Regulation 19 of the Provision of Services Regulations 2009)

The Council will process your applications as quickly as possible. If your application is made under Part 2 of the 2004 Act, the Council will ordinarily determine it within 26 weeks. If it is made under Part 3, it will ordinarily do so within 16 weeks. In either case, that period will not begin until you have (a) made an application in accordance with the Council's requirements, (b) paid the application fee and (c) given the Council all the information and documentation necessary to process your application. The Council will inform you as quickly as possible about the need for any additional payment, information, or documentation. The period will start when the application is assessed as being duly made and after the expiry date of any licence in force for that house or HMO and will end when the draft licence is issued.

The Council may require longer to determine your application, particularly if it is complex, or there is a surge in demand of applications to be processed at e.g. the beginning of a new licensing scheme. In that case, the Council may extend the above period. It may do so once and will notify you, before the above period expires, of both the reasons for and the length of the extension. The length of the extension will vary from case to case and will depend, for example, on the complexity of your application and the steps the Council needs to take to determine it.

In the event that the Council does not determine your application within the above or, as the case may be, any extended period, it will not be deemed to have authorised the application, or to have granted you a licence, under Regulation 19 (5) of the Provision of Services Regulations 2009. It is in both the public interest and the interest of the occupants of your property, present and future, that the Council investigates your application fully, before it determines whether to grant you a licence.

Accordingly, if you have not been informed of the Council's decision about your application within the above or, as the case may be, any extended period, the Council will, at your request, refer the application to a more senior officer to review the application within 20 working days. You may contact the Council by email: HMO licensing – hmo@nottinghamcity.gov.uk
Selective licensing – selective.licensing@nottinghamcity.gov.uk

Tacit consent doesn't apply due to the overriding reason of public interest, including those of third parties. It is in the public interest that, in the determination of Part 2 and 3 applications, the *'Council properly investigates and determines issues prescribed by sections 64 and 88 in particular – for example, that the proposed licence holder and manager are fit and proper persons to be the licence holder and manager respectively,*

that the proposed management arrangements for the house are otherwise satisfactory; and that none of the issues they prescribe are determined by default. The consequence, otherwise, is that the health and safety of current and prospective occupants, the policy objectives of both Parts 2 and 3 of the 2004 Act and the policy objectives of the Council's licensing schemes will be placed in jeopardy'.

Document change history			
Date	Version	Author	Summary of changes
January 2023	1	David Hobbs	First version