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**Environmental Health and Public Protection**

**Communities Environment & Resident Services**  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

Tel: 0115 915 2000  
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www.nottinghamcity.gov.uk

**Housing Act 2004**  
**Schedule 5, Paragraph 16 Notice**

**IMPORTANT:** Environmental Health and Safer Housing staff are not based at Loxley House. Should you need to speak to us in person you must contact us by telephone first to arrange an appointment

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**NOTICE THAT LOCAL HOUSING AUTHORITY HAS DECIDED TO VARY A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**To: The licence applicant and each relevant person**  
(Meaning of "licence" and "relevant person" can be found in the notes section of this notice)

Nottingham City Council ("the Authority") hereby exercises its' powers, under Section 69 of the Act, in deciding to vary the HMO licence for the following property:

**19 Rothesay Avenue, Nottingham, NG7 1PU ("the Property")**

This decision to vary the licence is being made following a request from a relevant person.

The reason for the variation is that the Authority consider that there has been a change of circumstances since the time when the licence was granted, namely that:

Building works / structural changes have been made at the Property.

The effect(s) of the variation will be:

The maximum permitted number of occupants for the property is amended to **six** persons in **six** households.

An appeal against the decision may be made to the First Tier Tribunal (Property Chamber) within the period of 28 days, beginning with the date on which the decision was made. The operative time at which the variation comes into force is either 28 days or the date of the decision if the variation is made with the agreement of the licence holder: however, if any appeals are made, the operative date will be suspended pending the outcome of the appeal.

Dated: **20<sup>th</sup> May 2024**

Signed  
Authorised Officer (the officer appointed for this purpose)



Please address any communications to:

Environmental Health Section (HMO Licensing)  
**Community Protection**  
**Loxley House**  
**Station Street**  
**Nottingham**  
**NG2 3NG**

Contact details for Residential Property Tribunal Service can be obtained by visiting their website: <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>

## NOTES

These notes are intended as general information to the recipient(s) of this notice. The notes are not intended to be definitive and the recipient should refer to the full version of the Housing Act 2004.

### **Housing Act 2004, Schedule 5, Part 2, paragraphs 16 to 18**

- 16 (1) This paragraph applies where the local housing authority decide to vary a licence..  
(2) The local housing authority must serve on the licence holder and each relevant person—  
(a) a copy of the authority's decision to vary the licence, and  
(b) a notice setting out—  
(i) the reasons for the decision and the date on which it was made,  
(ii) the right of appeal against the decision under Part 3 of this Schedule,  
and  
(iii) the period within which an appeal may be made (see paragraph 33(2)).  
(3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.
- 17 The requirements of paragraph 14 do not apply if—  
(a) the local housing authority consider that the variation is not material,  
or  
(b) the variation is agreed by the licence holder and the local housing authority consider that it would not be appropriate to comply with the requirements of that paragraph.
- 18 The requirements of paragraph 14 do not apply if the local housing authority—  
(a) have already served a notice under that paragraph in relation to a proposed variation, and  
(b) consider that the variation which is now being proposed is not materially different from the previous proposed variation.

### **Housing Act 2004, Schedule 5, Part 3, Paragraphs 32 - 35**

- 32 (1) The licence holder or any relevant person may appeal to a residential property tribunal against a decision by the local housing authority—  
(a) to vary or revoke a licence, or  
(b) to refuse to vary or revoke a licence.  
(2) But this does not apply to the licence holder in a case where the decision to vary or revoke the licence was made with his agreement.
- 33 (1) Any appeal under paragraph 31 against a decision to grant, or (as the case may be) to refuse to grant, a licence must be made within the period of 28 days beginning with the date specified in the notice under paragraph 7 or 8 as the date on which the decision was made.  
(2) Any appeal under paragraph 32 against a decision to vary or revoke, or (as the case may be) to refuse to vary or revoke, a licence must be made within the period of 28 days beginning with the date specified in the notice under paragraph 16, 21, 24 or 28 as the date on which the decision was made.  
(3) A residential property tribunal may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (1) or (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).
- 34 (1) This paragraph applies to appeals to a residential property tribunal under paragraph 31 or 32.  
(2) An appeal—  
(a) is to be by way of a re-hearing, but  
(b) may be determined having regard to matters of which the authority were unaware.  
(3) The tribunal may confirm, reverse or vary the decision of the local housing authority.  
(4) On an appeal under paragraph 31 the tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct.

- 35 (1) This paragraph defines “the operative time” for the purposes of—  
(a) section 69(6) or 70(8) (variation or revocation of licence under Part 2 of this Act),  
or  
(b) section 92(3) or 93(5) (variation or revocation of licence under Part 3 of this Act).
- (2) If the period of 28 days mentioned in paragraph 33(2) has expired without an appeal having been made under paragraph 32, “the operative time” is the end of that period.
- (3) If an appeal is made under paragraph 32 within that period and a decision is given on the appeal which confirms the variation or revocation, “the operative time” is as follows—  
(a) if the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, “the operative time” is the end of that period;  
(b) if an appeal to the Upper Tribunal is brought, “the operative time” is the time when a decision is given on the appeal which confirms the variation or revocation.
- (4) For the purposes of sub-paragraph (3)—  
(a) the withdrawal of an appeal has the same effect as a decision confirming the variation or revocation appealed against; and  
(b) references to a decision which confirms a variation are to a decision which confirms it with or without variation.

**Note: in the above paragraphs:**

- “licence” means a licence under Part 2 or 3 of the Housing Act 2004.
- “relevant person” in relation to a licence under Part 2 or 3 of the Housing Act 2004 means any person (other than a person excluded by sub-paragraph (3) -
  - (a) who, to the knowledge of the local housing authority concerned, is -
    - (i) a person having an estate or interest in the HMO or Part 3 house in question, or
    - (ii) a person managing or having control of that HMO or Part 3 house (and not falling within sub-paragraph (i)), or
  - (b) on whom any restriction or obligation is or is to be imposed by the licence in accordance with section 67(5) or 90(6).

**Advice:**

If you do not understand this notice or wish to know more about it, you should contact the Local Authority. If you want independent advice about your rights and obligations, you should go to a Citizens Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Local Authority require you to do, you may wish to consult a surveyor.