

Report of the Portfolio Holder for Housing

Fit and Proper Person Policy - Private Sector Housing Licensing1. Purpose of Report

To seek approval for a policy to consider whether applicants applying for a licence or involved in the management of a licensed property are considered to be fit and proper. This is in accordance with our core housing priority to create 'a good quality home for everyone' improving the standard of private rented properties.

2. Recommendation

Cabinet is asked to RESOLVE that the Fit and Proper Person Policy - Private Sector Housing be approved.

3. Detail

Under Parts 2 and 3 of the Housing Act 2004 ("the Act"), the Council must be satisfied that any proposed licence holders or managers are fit and proper persons. If the Council is not satisfied, it must refuse to grant a licence unless suitable alternative management arrangements are agreed.

The majority of criteria are standard considerations, but the Fit and Proper Person Policy provides transparency to applicants about the criteria that will be applied when applying for a licence and when a licence refusal or revocation will occur.

This policy does not apply to Residential Caravan Site owners requiring a licence under the Mobile Homes Act 2013, which is subject to its own policy. This is attached at **Appendix 2**.

4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it is significant in terms of its effects on communities using or providing licensed housing in all wards and electoral divisions in the Council's area.

5. Updates from Scrutiny

To be provided.

6. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

There are no additional financial implications for the Council with nominal development costs being contained within existing budgets.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

The Fit and Proper Person policy sets out how the Council intends to meet its legal duty under the relevant legislation referred to in the policy. Without such policy the Council could be open to legal challenge if a licence is issued to an individual who has not been given the due consideration.

8. Human Resources Implications

There are no comments from the Human Resources Manager.

9. Union Comments

There are no Union comments.

10. Climate Change Implications

There are no specific climate change implications contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

As this is a new policy an Equality Impact Assessment is included in the **Appendix 2** to this report.

13. Background Papers

Nil.