

**My Ref** KEP/Flare/113099  
**Your Ref** FS-Case-82610751  
**Contact:** Karolina Pankowska  
**Email:** karolina.pankowska@nottinghamcity.gov.uk

**Selective Licensing  
Community Protection**

Loxley House  
Station Street  
Nottingham  
NG2 3NG

Tel: 0115 915 2020  
(Correspondence address only)

15 June 2023

**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

Dear Sir/Madam,

**Housing Act 2004 Section 239**  
**Selective Licensing**  
**Notification of intended entry to property**  
**15 Hazel Street, Nottingham, NG6 8EA**

I write to inform you that we intend to visit the property known as **15 Hazel Street, Nottingham, NG6 8EA** on **28 June 2023**.

As you are either the licence holder, manager or owner of the property, this letter is to give you prior notification of our visit. The purpose of the visit is to check that the licence conditions are being complied with.

We'll also assess the housing conditions at the property, in accordance with the Housing Health and Safety Rating System (HHSRS). If hazards are identified the Council may be under a duty or have the power to serve an enforcement notice under Part 1 of the Housing Act 2004. If we do, we're entitled to demand expenses from you; this is currently £350. You can find a landlord's guide to HHSRS here by entering this URL into your web browser: **[goo.gl/mVmbxb](http://goo.gl/mVmbxb)**

If you wish to attend the visit with us, you must give your tenants 24 hours' notice in writing.

Should you wish to discuss, please do not hesitate in contacting me directly.

Yours faithfully



**Mrs Karolina Pankowska**  
**Licensing Support Officer**  
**Nottingham City Council**

## **Further information**

### **Section 21 Notices or retaliatory evictions**

Under Section 33 of the Deregulation Act 2015, if an occupant's tenancy started on or after 1 October 2015 and we serve an Improvement Notice or take Emergency Remedial Action under the Housing Act 2004, it may invalidate any existing Section 21 Notices served by you, or prevent you from serving new Section 21 notices on the tenant for 6 months.

### **Housing and Planning Act 2016**

The Housing and Planning Act 2016 is a new piece of legislation and contains provisions which affect landlords and property agents. Some of the new measures include Civil Penalty Notices of up to £30,000 per offence for breaches of HMO management regulations, HMO licence conditions, failure to comply with an Improvement Notice or license a HMO.

Under Section 41, a tenant or the council may apply to the First Tier Tribunal (Property Chamber) for a Rent Repayment Order if the landlord has committed the following offences:

- Secured entry using violence
- Illegally evicted or harassed occupiers
- Failure to comply with an Improvement Notice
- Failure to comply with a Prohibition Order
- Control or management of an unlicensed HMO

From 1 October 2018 Banning Orders can be applied for by the Local Authority ensuring the worst landlords can be barred from operating rented accommodation anywhere in England. Landlords or agents who have been banned will be entered into a national database of Rogue Landlords to ensure all Local Authorities are aware.

### **Accreditation**

You may be interested in the Nottingham Standard for landlord accreditation, which provides support and guidance for landlords as well as ensuring that properties of accredited landlords reach an acceptable standard. More information can be found on the web site: <http://www.nottinghamcity.gov.uk/NottinghamStandard>

## 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.

### 239 Powers of entry

(1) Subsection (3) applies where the local housing authority consider that a survey or examination of any premises is necessary and any of the following conditions is met:-

(a) the authority consider that the survey or examination is necessary in order to carry out an inspection under section 4(1), or otherwise to determine whether any functions under any of Parts 1 to 4 or this Part should be exercised in relation to the premises;

(b) the premises are (within the meaning of Part 1) specified premises in relation to an improvement notice or prohibition order.

(c) a management order in force under Chapter 1 or 2 of Part 4 in respect of the premises.

(2) Subsection (3) applies where the proper officer of the local housing authority considers that a survey or examination of any premises is necessary in order to carry out an inspection under section 4(2).

(3) Where this subsection applies -

(a) a person authorised by the local housing authority (in a case within subsection (1)), or

(b) the proper officer (in a case within subsection (2)),

may enter the premises in question at any reasonable time for the purpose of carrying out a survey or examination of the premises.

(4) If -

(a) an interim or final management order is in force under Chapter 1 of Part 4 in respect of any premises consisting of part of a house ("the relevant premises")  
and

(b) another part of the house is excluded from the order by virtue of section 102(8) or 113(7),

the power of entry conferred by subsection (3) is exercisable in relation to any premises comprised in that other part so far as is necessary for the purpose of carrying out a survey or examination of the relevant premises.

(5) Before entering any premises in exercise of the power conferred by subsection(3), the authorised person or proper officer must have given at least 24 hours' notice of his intention to do so -

(a) the owner of the premises (if known), and

(b) to the occupier (if any).

(6) Subsection (7) applies where the local housing authority consider that any premises need to be entered for the purpose of ascertaining whether an offence has been committed under section 72, 95 or 234(3).

(7) A person authorised by local housing authority may enter the premises for that purpose -

(a) at any reasonable time, but

(b) without giving prior notice as mentioned in subsection (5).

(8) A person exercising the power of entry conferred by subsection (3) or (7) may do such of the following as he thinks necessary for the purpose for which the power is being exercised.

(a) take other persons with him;

(b) take equipment or materials with him;

(c) take measurements or photographs or make recordings;

(d) leave recording equipment on the premises for later collection.

(e) take samples of any articles or substances found on the premises.

(9) An authorisation for the purposes of this section -

(a) must be in writing; and

(b) must state the particular purpose or purposes for which the entry is authorised.

(10) A person authorised for the purposes of this section must, if required to do so, produce his authorisation for inspection by the owner or any occupier of the premises or anyone acting on his behalf.

(11) If the premises are unoccupied or the occupier is temporarily absent, a person exercising the power of entry conferred by subsection (3) or (7) must leave the premises as effectively secured against trespassers as he found them.

(12) In this section "occupier", in relation to premises means a person who occupies the premises, whether for residential or other purposes.

#### 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 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 may wish to consult a surveyor.