

## Housing regulations in England: Part 5

The 2016 Act furthers the Government's objective to improve the standard of private rented sector accommodation by preventing those made the subject of a banning order under section 15 of the 2016 Act from holding a licence to let accommodation falling within a local authority additional or selective licensing scheme.

Section 24 of the 2016 Act gives effect to Schedule 2, which amends Parts 2 and 3 of the Housing Act 2004 ('the 2004 Act'), so that:

- local housing authorities are unable to grant a licence under section 64 (additional licensing) or section 88 (selective licensing) if a banning order is in force against a person who owns an estate or interest in- and is a lessor or licensor of the house in question, or part of it<sup>1</sup>;
- a person is not 'fit and proper' to hold a licence under either section 64 or 88, if a banning order is in force against him or her<sup>2</sup>; and
- local housing authorities are obliged to revoke a licence granted under Part 2 or 3 of the 2004 Act if a banning order is made against the licence holder or against a person who owns an estate or interest in- and is a lessor or licensor of the house in question or part of it<sup>3</sup>.

In the event of a banning order, the 2016 Act also relieves local housing authorities of the need to serve an applicant or licence holder with notice under paragraph 5 of Schedule 5 to the 2004 Act, and to consider any representations made in accordance with the notice and

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<sup>1</sup> Schedule 2 to the 2016 Act, paragraphs 2 and 7

<sup>2</sup> Schedule 2 to the 2016 Act, paragraphs 3 and 8, amending ss.66 and 89 of the 2004 Act respectively

<sup>3</sup> Schedule 2 to the 2016 Act, paragraphs 6 and 11, inserting new ss.70A and 93A into Parts 2 and 3 of the 2004 Act respectively. In such cases, the notice informing the applicant that his or her licence has been revoked, under paragraph 24 of Schedule 5 to the 2004 Act, must specify when the revocation takes effect; and that date cannot be earlier than the end of the period of seven days, beginning with the day on which the notice is served: new sub-sections 70A(3-4) and 93A (3-4)

not withdrawn, before they either refuse to grant- or revoke a licence under Part 2 or 3 of the 2004 Act<sup>4</sup>.

In such cases, there is no right to appeal the local housing authority's decision<sup>5</sup>.

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**Barrister and Chair of the Social Housing Law Association**

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<sup>4</sup> Schedule 2 to the 2016 Act, paragraph 12(2) and 12(3)

<sup>5</sup> Schedule 2 to the 2016 Act, paragraph 12(4)