

RECORD OF OFFICER DECISION

Local Government (Executive Arrangements) (Meetings and Access to Information)
(England) Regulations 2012.

Type of decision: Material decision

Decision Date: 13 June 2023

Decision Maker: Executive director of development and city services

Decision status: Is Key Decision?: No

Is subject to call in? No

Decision details:

1. To enter into a consent order in settlement of civil penalties against a landlord of a HMO in the City for offences under sections 72 and 234 of the Housing Act 2004, at the property known as Velocity Student, 112 St Mildred's Road, Norwich, NR5 8RS.
2. The parties having agreed a settlement by consent are:
 - FREEDMAN PROJECT LLP
 - ESTATEDUCATION LIMITED
 - Landlord
3. The Notice Imposing a Financial Liability on the First Appellant dated 08.08.22 issued pursuant to s.249A and Sch.13A of the Housing Act 2004 in the sum of £10,000.00 is varied to the sum of £6,666.67.
4. The Notice Imposing a Financial Liability on the First Appellant dated 08.08.22 issued pursuant to s.249A and Sch.13A of the Housing Act 2004 in the sum of £18,000.00 is varied to the sum of £12,000.00.
5. The Notice Imposing a Financial Liability on the Second Appellant dated 08.08.22 issued pursuant to s.249A and Sch.13A of the Housing Act 2004 in the sum of £10,000.00 is varied to the sum of £6,666.67.
6. The Notice Imposing a Financial Liability on the Second Appellant dated 08.08.22 issued pursuant to s.249A and Sch.13A of the Housing Act 2004 in the sum of £18,000.00 is varied to the sum of £12,000.00.

7. The Notice Imposing a Financial Liability on the Third Appellant dated 08.08.22 issued pursuant to s.249A and Sch.13A of the Housing Act 2004 in the sum of £10,000.00 is varied to the sum of £6,666.67.
8. The Notice Imposing a Financial Liability on the Third Appellant dated 08.08.22 issued pursuant to s.249A and Sch.13A of the Housing Act 2004 in the sum of £18,000.00 is varied to the sum of £12,000.00.

Reason for decision:

9. Following discussions and representations between the appellants, the council's legal advisers and officers a settlement figure was agreed upon for all appellants. Legal advice was that the level of proposed settlement was acceptable in the light of the risks involved in taking the matter to the first tier tribunal and the likely settlement that would result.
10. Agreeing the case via a settlement and consent order reduces the burden both on the council and landlord and disposes of the case without the need for tribunal time.

Alternative Options:

11. Not to agree the consent order. In view of the legal advice referred to above this option was rejected.

Declarations of Interest:

None

Reports considered by the decision maker:

None

Any background documents considered:

Legal advice via e-mails received on Mon 12th June (not attached as legally privileged)

Publication date:

14 July 2023