The Royal Borough of Greenwich Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2023

The Royal Borough of Greenwich in exercise of their powers under section 56 of the Housing Act 2004 ("the Act") hereby designates for additional licensing of Houses in Multiple Occupation ("HMOs") the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Royal Borough of Greenwich Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2023.
2. This designation is made on 20 September 2023 and shall come into force on 1 January 2024. The Designation falls within a description of designations for which the Secretary of State has issued a General Approval dated 26th March 2015 and came into effect on 1st April 2015 (The Housing Act 2004: Licensing Of Houses In Multiple Occupation And Selective Licensing of other Residential Accommodation (England) General Approval 2015)
3. This designation shall cease to have effect on 31 December 2028 or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the district of the Council as delineated on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to all HMOs as described at annex b within the area described in paragraph 4 unless -
(a) the building is of a description specified in annex c (Buildings that are not HMOs for the purpose of the Act - other than Part 1);
(b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
(c) the HMO is subject to a temporary exemption under section 62 of the Act; or
(d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing)[1].

[1] For the application of mandatory licensing see SI 371/2006 – The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (d) every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.[2]
7. The Royal Borough of Greenwich will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[3]
8. Landlords, persons managing or a tenant within the designated area should seek advice from the Local Housing Authority by contacting them as specified in Paragraphs 14, 15, and 16 to ascertain whether their property is affected by this designation.

CONSEQUENCES OF FAILING TO LICENCE AN HMO

9. Failure to license a property, which requires licensing by virtue of this designation or allowing a licensed property to be occupied by more households or persons other than as authorised by a license, is liable to prosecution and upon summary conviction is liable to an unlimited fine (section 72 of the Housing Act 2004). The Local Housing Authority may, as an alternative to prosecution, impose a financial penalty of up to £30,000 (section 249a of the Housing Act 2004).
10. A person who breaches a condition of a license is liable upon summary conviction to an unlimited fine (section 72 of the Housing Act 2004). The Local Housing Authority may, as an alternative to prosecution, impose a financial penalty of up to £30,000 (section 249a of the Housing Act 2004).
11. The tenant(s) and/or the Local Housing Authority may apply to the First-Tier Tribunal (Residential Tribunal) under the provisions of section 41 the Housing and Planning Act 2016, for a rent repayment order.
12. No section 21 notice (Housing Act 1988 (recovery of possession on termination of shorthold tenancy)) may be given in relation to a shorthold tenancy of a part of an unlicensed HMO so long as it remains such an HMO.

INSPECTION OF THE DESIGNATION

13. The Royal Borough of Greenwich is the Local Housing Authority, which made the designation. The designation may be inspected at the address as outlined in Paragraph 14 below.

[2] Section 62 of the Act provides for certain temporary exemption. As to suitability see section 64. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 10
[3] Section 232 of the Act and paragraph 11 of SI 373/2006

APPLICATION FOR HMO LICENCE AND GENERAL ADVICE ABOUT HMO LICENSING

14. Applications for HMO additional licences and general advice about HMO licensing should be made at the Royal Borough's office at the following address:

The Royal Borough of Greenwich
Environmental Health (Pollution and Residential) Services
The Woolwich Centre
35 Wellington Street
London
SE18 6HQ

15. The contact number is: 020 8921 8152
16. The email address is: Private-Rented-Property-Licensing@royalgreenwich.gov.uk

Date and authentication by the Council: 20 September 2023

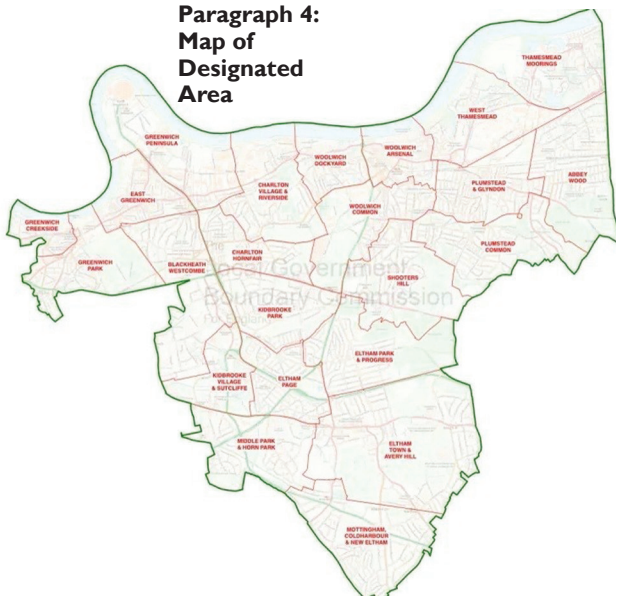
Signed

Debbie Warren

Chief Executive

Date 20 September 2023
For and on behalf of Royal Borough of Greenwich

Annex a – Paragraph 4: Map of Designated Area



Annex b – Paragraph 5: HMOs subject to the designation

For the purpose of this designation and subject to the following eight paragraphs an HMO is a building or part of a building, which is occupied by three or more persons in two or more households.

1. A building or a part of a building is an HMO if: -
   a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
   b) the living accommodation is occupied by persons who do not form a single household (see Section 258 of the Housing Act 2004 and Paragraph 4 below);
   c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it;
   d) their occupation of the living accommodation constitutes the only use of that accommodation;
   e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
   f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.
2. A self-contained flat is an HMO if paragraphs 1(b) to 1(f) apply.
3. A converted building or a part of a converted building is an HMO if:-
   a) it is a converted building;
   b) it contains one or more units of living accommodation that do not consist of a self-contained, flat or flats (whether or not it also contains any such flat or flats); or
   c) it is a building converted entirely into self contained flats, but the conversion did not meet the standards of the 1991 Building Regulations, and more than one third of the flats are let on short term tenancies (see Section 257 of the Housing Act 2004)
   d) the living accommodation is occupied by persons who do not form a single household;
   e) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it ;
   f) their occupation of the living accommodation constitutes the only use of that accommodation; and
   g) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.
4. Persons are to be regarded as not forming a single household unless:-
   a) they are all members of the same family, or
   b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
5. A person is a member of the same family as another person if:-
   a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
   b) one of them is a relative of the other; or
   c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.
6. For those purposes:-
   a) a "couple" means two persons who are married to each other or otherwise fall within 5(a);
   b) "relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
   c) a relationship of the half-blood shall be treated as a relationship of the whole blood; and
   d) the stepchild of a person shall be treated as his child.
7. A person is to be treated as occupying a building or part of a building as their only or main residence if it is occupied by the person:-
   a) as the person's residence for the purpose of undertaking a full-time course of further or higher education;
   b) as a refuge, or
   c) in any other circumstances which are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
8. "refuge" means a building or part of a building managed by a voluntary organisation and used wholly or mainly for the temporary accommodation of persons who have left their homes as a result of:-
   a) physical violence or mental abuse, or
   b) threats of such violence or abuse, from persons to whom they are or were married or with whom they are or were co-habiting.

Annex c – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act

Buildings controlled or managed by public bodies etc[5]

1. A building where the person managing or having control of it is[6]:
   (a) a local housing authority;
   (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
   (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
   (d) a health service body within the meaning of section 9 of the National Health Service Act 2006;
   (e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments[7]

2. A tenancy, licence or occupation of a house which is regulated under the following enactments:
   (a) sections 87 to 87D of the Children Act 1989;
   (b) section 43 (4) of the Prison Act 1952;
   (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
   (d) The Secure Training Centre Rules 1998[8] ;