

LONDON BOROUGH OF EALING

DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMOs)

The London Borough of Ealing, in exercise of its powers under section 56 of the Housing Act 2004 (“the Act”), hereby gives notice that a designation has been made for additional licensing of Houses in Multiple Occupation (“HMOs”) for the area described in paragraph 4.

1. This designation may be cited as the London Borough of Ealing Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2017.
2. This designation is made on 25 July 2016 and shall come into force on 1st January 2017.
3. This designation shall cease to have effect on 1st January 2022 or earlier if the Council revokes the scheme under section 60 of the Act.
4. This designation shall apply to the whole area of the London Borough of Ealing as delineated and edged red on the map at Annex A.
5. This designation applies to all HMOs as follows:
 - (a) All HMOs, as defined by section 254 Housing Act 2004, which comprise of two or more storeys and are occupied by 4 or more persons in 2 or more households. This includes section 254 HMOs within mixed use development or over non-residential accommodation:
 - (b) All HMOs, as defined by section 257 of the Housing Act 2004, but only where the number of dwellings exceeds the number of storeys in the building, and where the building and all of the dwellings in the building are either in the same ownership or considered by the housing authority to be effectively in the same control.
 - (c) All HMOs, as defined by section 257 of the Housing Act 2004, within mixed use development or over non-residential accommodation but only where the residential accommodation is either in the same ownership or considered by the housing authority to be effectively in the same control.
6. The following HMOs are not included in the designation –
 - (a) the building is of a description specified in Schedule 14 of the Act (Buildings which are not HMOs for the purposes of the Act excluding Part 1), as detailed in Annex B;
 - (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).
7. Subject to sub paragraphs 5(a) to (d) above, 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.
8. The London Borough of Ealing 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.

This designation falls within the description of designations in relation to which the Secretary of State has given a general approval under section 58 of the Housing Act 2004, namely The Housing Act 2004:

Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 which came into force on the 1st April 2015.

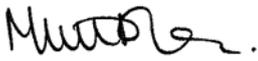
A person having control of or managing a prescribed HMO must apply to the London Borough of Ealing for a licence. Failure to apply for a licence in the designated area is an offence under Section 72(1) of the Housing Act 2004, punishable on conviction by payment of an unlimited fine. In addition they may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the Residential Property Tribunal under the provisions of section 73 and section 74 of the Housing Act 2004 for a rent repayment order. No notice under section 21 of the Housing Act 1988 may be given in relation to an assured shorthold tenancy of the whole or part of an unlicensed house so long as it remains an unlicensed house.

Landlords, managing agents and tenants are advised to seek advice as to whether their property is affected by this designation.

Advice, applications for licences and a copy of this designation for inspection are available at:

Regulatory Services
Ealing Council
Perceval House,
14-16 Uxbridge Road,
Ealing W5 2HL
Telephone 020 8825 6622 or email PRSLicensing@ealing.gov.uk

Date: 25 July 2016

Signed: 

Job Title: Director of Safer Communities and Housing

Annex B – Housing Act 2004 Schedule 14 Buildings which are not HMOs for the purposes of this Act (Excluding Part 1)

Introduction: buildings (or parts) which are not HMOs for purposes of this Act (excluding Part 1)

- 1 (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.
- (2) In this Schedule “building” includes a part of a building.

Buildings controlled or managed by public sector bodies etc.

- 2 (1) A building where the person managing or having control of it is—
 - (a) a local housing authority,
 - (b) a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
 - (c) a police authority established under section 3 of the Police Act 1996 (c. 16),
 - (d) the Metropolitan Police Authority established under section 5B of that Act,
 - (e) a fire and rescue authority, or
 - (f) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990 (c. 19).
- (2) In sub-paragraph (1)(e) “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).

Buildings regulated otherwise than under this Act

- 3 Any building whose occupation is regulated otherwise than by or under this Act and which is of a description specified for the purposes of this paragraph in regulations made by the appropriate national authority.

Buildings occupied by students

- 4 (1) Any building—
 - (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
 - (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.
- (2) In sub-paragraph (1) “specified” means specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying—
 - (a) a particular educational establishment, or
 - (b) a particular description of educational establishments.
- (4) The appropriate national authority may have regard to the extent to which, in its opinion—
 - (a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or
 - (b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice, as the case may be.

(5) In sub-paragraph (4) “occupied for connected educational purposes”, in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

Buildings occupied by religious communities

- 5 (1) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
- (2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies.

Buildings occupied by owners

- 6 (1) Any building which is occupied only by persons within the following paragraphs—
- (a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;
 - (b) any member of the household of such a person or persons;
 - (c) no more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

Buildings occupied by two persons

- 7 Any building which is occupied only by two persons who form two households.