

PUBLIC NOTICE

London Borough of Barking and Dagenham

NOTICE OF DESIGNATION OF AREAS FOR SELECTIVE LICENSING

Section 80, Housing Act 2004

The London Borough of Barking and Dagenham ("The Council") in exercise of its powers under section 80 of the Housing Act 2004 ("the Act") hereby designates the areas described in paragraph 5 as subject to Selective Licensing as described more fully below **CITATION, COMMENCEMENT AND DURATION**

1. The designation shall be cited as the London Borough of Barking and Dagenham Designations for Areas for Selective Licensing 2025. All privately rented residential accommodation situation within the designated areas must be licensed with the Council.
2. The licensing scheme will be known as The London Borough of Barking and Dagenham Selective Licensing Scheme 2025.
3. Under section 82 of the Housing Act 2004, the designation of this scheme is required to be confirmed by the Secretary of State for Levelling Up, Communities and Housing. Applications were made on XXXX and their confirmation was given on XXXX.
4. The Designation will come into force on XXXXX .
5. The Designations shall cease to have effect on **** 2030 (not more than 5 years) or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

6. This designation shall apply to the following 3 designation areas of the London Borough of Barking and Dagenham. Maps of the three designation areas are included in annex A below. The following wards are included in each designation area.

Wards included in Designation Area 1

Alibon, Barking Riverside, Beam, Becontree, Chadwell Heath, Eastbury, Goresbrook, Heath, Longbridge, Mayesbrook, Parsloes, Thames View, Valence, Village, Whalebone.

Wards included in Designation Area 2

Abbey, Gascoigne, Northbury.

Wards included in Designation Area 3

Eastbrook & Rush Green.

APPLICATION OF THE DESIGNATION

7. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 5 unless:
 - a. the house is a house in multiple occupation [HMO] that falls within the nationally prescribed category of HMO that is required to be licensed as a 'mandatory HMO' under section 55(2)(a) Part 2 of the Act², or a other type of HMO that is required to be licenced under part 2 of the act, in an area subject to Additional HMO Licensing
 - b. the tenancy or licence of the house has been granted by a non-profit registered provider of social housing or profit making registered provider of social housing, in respect of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008³;
 - c. the tenancy or licence of the house has been granted by registered social landlord⁴.
 - d. the house is subject to an Interim or Final Management Order or an Interim and Final Empty Dwelling Management Orders under Part 4 of the Act;
 - e. the house is subject to a temporary exemption under section 86 of the Act; or

the house is occupied under a tenancy or licence which is exempt under the Act or the occupation is of a building or part of a building exempt as defined in the section below titled Exempted Tenancies or Licences, **EFFECT OF THE DESIGNATION**

8. Subject to paragraph 7 every house in the area specified in paragraph 5 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
9. The London Borough of Barking and Dagenham will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁵

EXEMPTED TENANCIES OR LICENSES

10. A tenancy or licence of a house or a dwelling within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.
11. A tenancy which cannot be an assured tenancy by virtue of section 1(2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act And which is:
 - a. a business tenancy under Part II of the Landlord and Tenant Act 1954
 - b. a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises
 - c. a tenancy under which agricultural land, exceeding two acres, is let together with the housed. a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding
12. A tenancy or licence of a house or dwelling within a house that is managed or controlled by:
 - 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 4 of the National Health Service and Community Care Act 1990
13. 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
 - e. The Prison Rules 1998
 - f. The Young Offender Institute Rules 2000
 - g. The Detention Centre Rules 2001
 - h. The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001
 - i. The Care Homes Regulations 2001
 - j. The Children's Homes Regulations 2001
 - k. The Residential Family Centres Regulations 2002
14. A tenancy or licence of a house or a dwelling within a house –
 - a. Which is managed or controlled by a specified educational establishment or is of a specified description of such establishments; and
 - b. the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment
 - c. the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act
15. A tenancy of a house or a dwelling within a house provided that –

- a. the full term of the tenancy is for more than 21 years and
 - b. the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - c. the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.
16. A tenancy or licence of a house or a dwelling within a house where –
- a. the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - b. the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - c. the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).
17. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.
18. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.
19. Interpretation and Definition for this section:
- a. "person" includes "persons", where the context is appropriate
 - b. "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate
 - c. "long leaseholder" in paragraph 16(b)) has the meaning conferred in paragraphs 15 (a) and (b) and in those paragraphs the reference to "tenancy" means a "long lease".
 - d. a person is a member of the family of another person if – (i) he lives with that person as a couple (ii) one of them is the relative of the other; or (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple and (iv) For the purpose of this paragraph –
 - i. "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - ii. "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - iii. a relationship of the half-blood is to be treated as a relationship of the whole blood and
 - iv. a stepchild of a person is to be treated as his child

If you are a landlord, managing agent or a tenant, or if you require information regarding this designation, or to apply for a licence, further information and assistance is available from the Council's Private Rented Property Licensing Team by telephone on 0208 724 8898 or by email to prpl@lbbd.gov.uk, or by writing to Private Rented Property Licensing, Barking Town Hall, 1 Clockhouse Avenue, Barking, IG11 7LU.

The Designation may be inspected at the above address during office hours. All landlords, managing agents or tenants within the designated area should obtain advice to ascertain whether their property is affected by the Designation by contacting the Council's Private Rented Property Licensing Team.

A person having control of or managing a licensable property as described above must apply to the London Borough of Barking and Dagenham for a licence. Failure to apply for a licence is an offence under Section 95(1) Housing Act 2004 punishable on conviction by payment of an unlimited fine or alternatively may be made subject to a financial penalty not exceeding £30,000. A person who breaches a condition of a licence, or who knowingly allows their property to be occupied by more than the number of persons or households permitted by the licence, will be similarly liable. 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 First-tier Tribunal (Property Chamber) Residential Property for a rent repayment order. Furthermore, no section 21 notice may be given in relation to a shorthold tenancy of a part of an unlicensed property so long as it remains unlicensed. The Council may also take over the management of an unlicensed property by the making of a Management Order under Part 4 of the Act.

Signed

¹ For the definition of "house" see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (SI 2018/221)

³ See Section 79(3) of the Act

⁴ for the definition of a Registered Social Landlord see part 1 of the Housing Act 1996

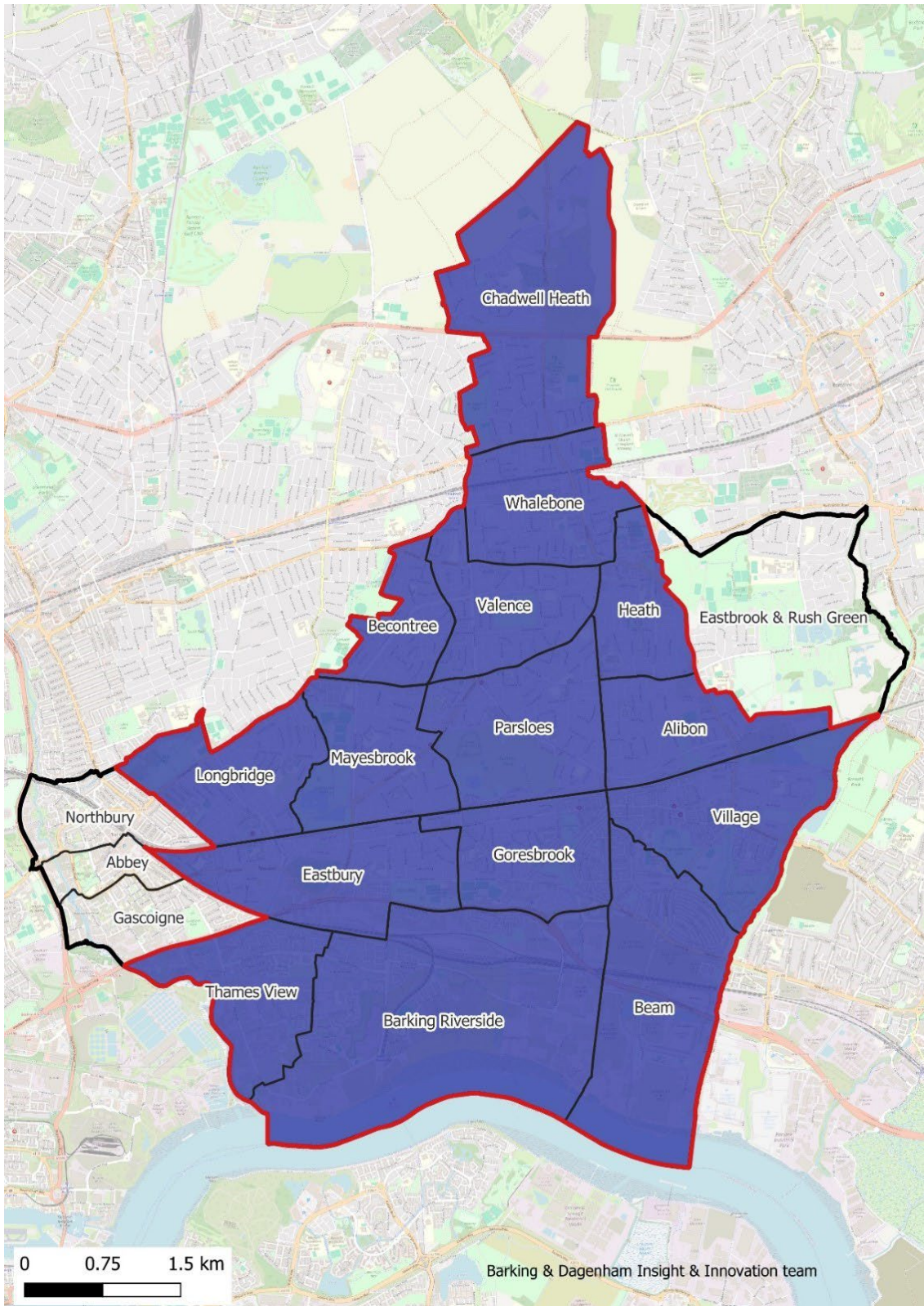
⁵ Section 232 of the Act and paragraph of 11 of SI 373/2006.

⁶ See the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006.

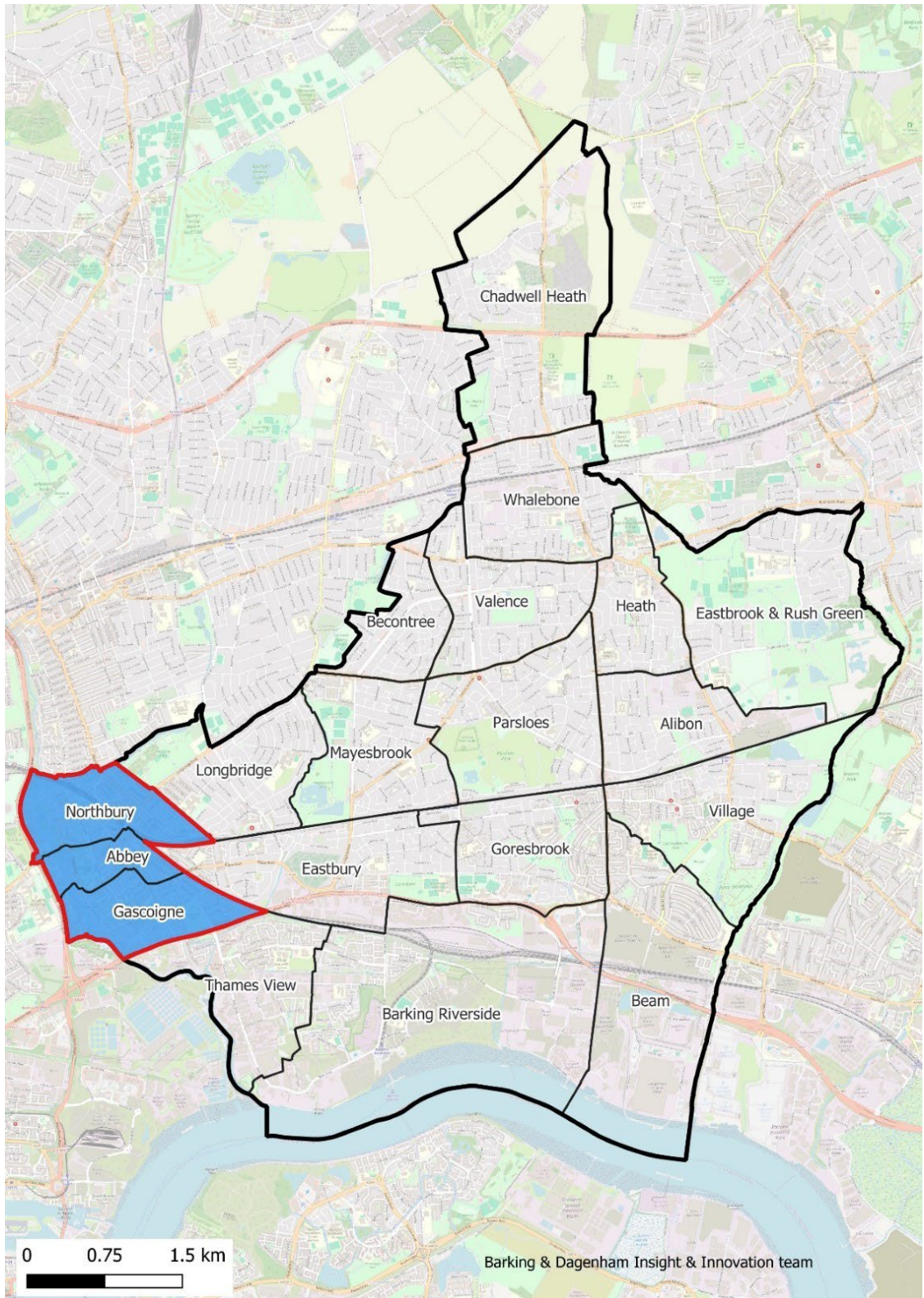
ANNEX A

Three maps below showing Selective licensing designation areas 1, 2 and 3 with the boundaries delineated in red.

Designation Area 1



Designation Area 2



Designation Area 3

