

PUBLIC NOTICE

London Borough of Barking and Dagenham

NOTICE OF DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMO) 2024

1. The London Borough of Barking and Dagenham ("The Council") in exercise of its powers under section 56 of the Housing Act 2004 ("the Act") hereby designates the entire area of its district, as subject to Additional HMO Licensing as described at paragraph 6. The designation applies to all Houses in Multiple Occupation ("HMOs") as described at paragraph 7.

CITATION, COMMENCEMENT AND DURATION

2. This designation will be cited as The London Borough of Barking and Dagenham Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2024.
3. The licensing scheme will be known as The London Borough of Barking and Dagenham Additional HMO Licensing Scheme 2024.
4. This designation has the approval of the Secretary of State under section 58 of Housing Act 2004 by virtue of the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 and the public consultation which took place in excess of 10 weeks from XXXX to XXXX.
5. The Designation comes into force on XXXXXX and unless revoked beforehand or extended will cease to have effect on XXXXX or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

6. This designation shall apply to the entire area of the London Borough of Barking and Dagenham as delineated on the map in annex A below.

APPLICATION OF THE DESIGNATION

7. The designation applies to all Houses in Multiple Occupation ("HMOs") in the area as described above that meet any of the definitions in section 254 of the Act, which are occupied by 3 or more persons comprising 2 or more households, as defined in Annex B. unless:
 - a. It is an HMO that is required to be licensed under section 55(2)(a) of the Act and the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018) or other legislation that requires it to be licensed as a 'Mandatory HMO' under section 55(2)(a) Part 2 of the Act¹ ;
 - b. the HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
 - c. the is subject to a temporary exemption under section 62 of the Act;
 - d. 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)².or.

it is a building converted into self-contained flats but does not meet the standards of conversion required by the Building Regulations 1991, and where less than two thirds of the flats are owner occupied to which Section 257 of the Housing Act 2004 applies where: the building or part of a building is of three or more storeys that have been converted into three or more self-contained flats and where both the building and s elf-contained flats it contains are under the same ownership or considered by the council to be effectively under the same control.**EFFECT OF THE DESIGNATION**

8. Subject to paragraph 7 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.
9. The London Borough of Barking and Dagenham will comply with the notification requirements contained in section 58 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.³

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 prescribed HMO must apply to the London Borough of Barking and Dagenham for a licence. Failure to apply for a licence is an offence under Section 72(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 an HMO 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 HMO so long as it remains such an HMO. The Council may also take over the management of an unlicensed HMO by the making of a Management Order under Part 4 of the Act. Any enforcement action may be added to local and national databases and publicised in the public interest and deterrence of others.

Signed

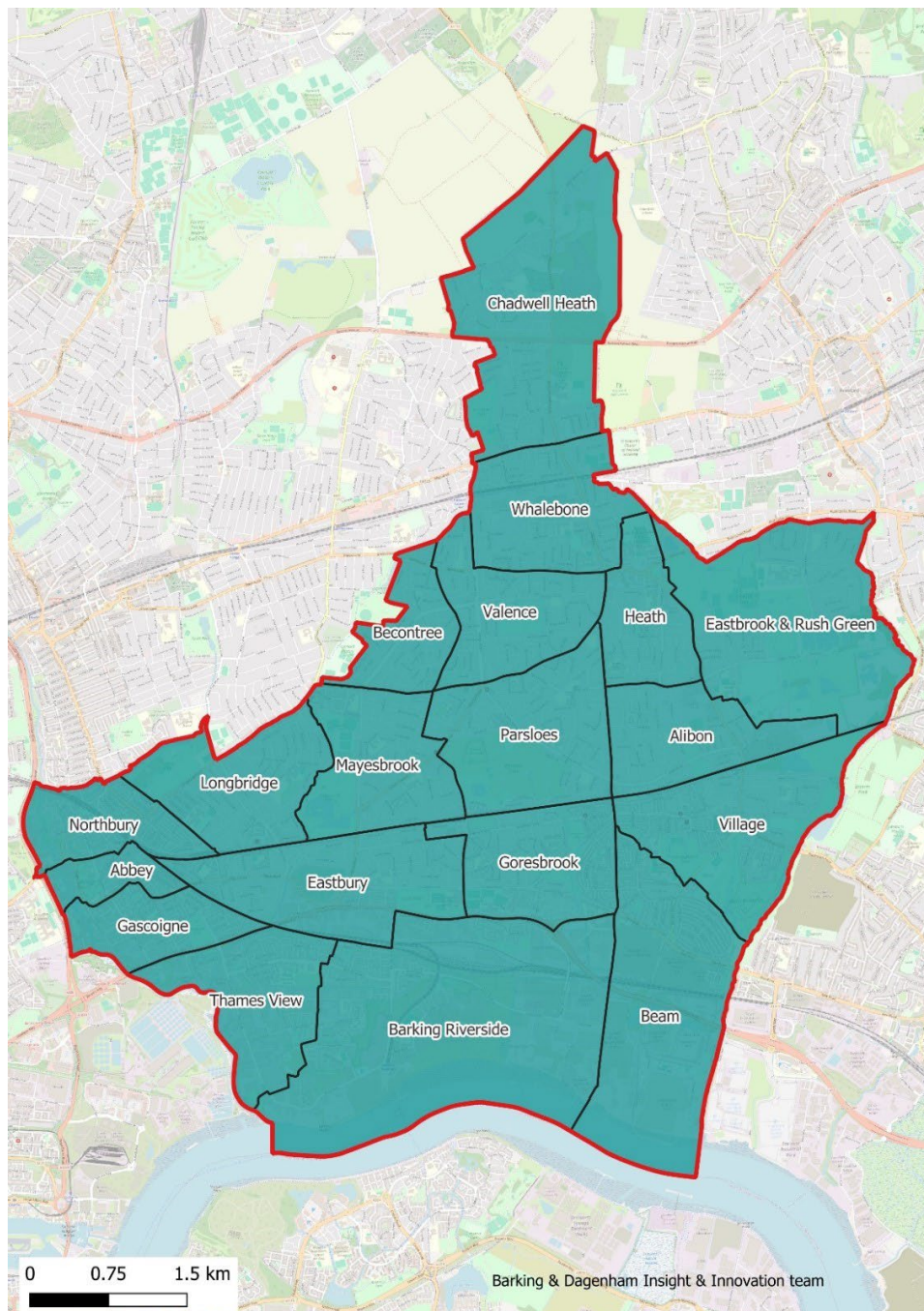
¹ Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (SI 2018/221)

² Schedule 14 of the Housing Act 2004 describes the buildings that are not HMOs for licensing but are classed as HMOs for Part 1, the enforcement of housing conditions [HHSRS]

³ Section 232 of the Act and paragraph 11 of SI 373/2006 describe the requirements and particulars for property licensing

ANNEX A

Map of the borough wide additional licensing designation showing the boundary delineated in red.



ANNEX B

HMOs to which this designation applies

A building or a part of a building meets the standard test 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 household⁴ ;
- (c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it⁵ ;
- (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.

A part of a building meets the self-contained flat test if—

- (a) It consists of a self-contained flat; and
- (b) Paragraphs (b) to (f) of standard test definition above apply (reading references to the living accommodation concerned as references to the flat).

A building or a part of a building meets the converted building test 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);
- (c) The living accommodation is occupied by persons who do not form a single household⁴ ;
- (d) The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it⁵ ;
- (e) Their occupation of the living accommodation constitutes the only use of that accommodation; and
- (f) Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

“Basic amenities” means—

- (a) A toilet,
- (b) Personal washing facilities, or
- (c) Cooking facilities

“Converted building” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;

“Enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

“Self-contained flat” means a separate set of premises (whether or not on the same floor)—

- (a) which forms part of a building;
- (b) either the whole or a material part of which lies above or below some other part of the building; and
- (c) in which all three basic amenities are available for the exclusive use of its occupants