

PUBLIC NOTICE

London Borough of Southwark

NOTICE OF DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING

Section 56, Housing Act 2004

1. The London Borough of Southwark (“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 Licensing as described at paragraph 4. The designation applies to all Houses in Multiple Occupation (“HMOs”) as described at paragraph 5
- CITATION, COMMENCEMENT AND DURATION**
2. This designation will be known as The London Borough of Southwark Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2022. The Designation is made on 28 October 2021 and shall come into force on 1 March 2022.
3. The designation shall cease to have effect on 1 March 2027 (not more than five years) or earlier if the Authority revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the entire area of the London Borough of Southwark as delineated in red on the map in annex A below.

APPLICATION OF THE DESIGNATION

5. The designation applies to all Houses in Multiple Occupation (“HMOs”) as defined by section 254 of the Act that are occupied by 3 or more persons comprising 2 or more households as defined in Annex B, within the area described at paragraph 1 unless:
- a. the house is an 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 Act¹ ;
 - b. the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - c. the house is subject to a temporary exemption under section 62 of the Act;
 - d. The house is an HMO that is a building or part of a building that is not an HMO for the purposes of licensing under Part 2 of the Act² as defined in Annex C/ Schedule 14 of the Act; or
 - e. 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 self-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

6. Subject to sub paragraphs 5(a) to (e) 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.
7. The designation falls within a description of designations in relation to which the Secretary of State has issued a General Approval under section 58 of the Act, namely, The Housing Act 2004: Licensing of Houses of Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 which came into force on 1 April 2015.
8. The London Borough of Southwark will comply with the notification requirements contained in Section 29 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 020 7525 4113 or by email to resi@southwark.gov.uk, or by writing to Private Sector Housing Enforcement Service, PO Box 70063, Queens Road, London, SE15 2HP.

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.

Any person who operates a licensable property without a licence or allows a licensed property to be occupied by more households or persons other than as authorised by a licence, is liable to prosecution and upon summary conviction is liable to an unlimited fine. A person who breaches a condition of a licence is liable upon summary conviction to a maximum fine of £5,000 per breach.

Signed by Caroline Bruce, Strategic Director of Environment & Leisure for and on behalf of the London Borough of Southwark on 28 October 2021

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 Descriptions) (England) Order 2005 (SI 2006/371)

² Schedule 14 Housing Act 2004 describes the buildings that are not HMOs other than for the purpose of Part 1 [HHSRS]

³ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex A: Map of the borough wide additional licensing designation showing the boundary delineated in red

