



London Borough of Hounslow

The London Borough of Hounslow Designation of an Area for Additional Licensing of Houses in Multiple Occupation (3) 2020.

The London Borough of Hounslow (the Council) 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 London Borough of Hounslow Additional Licensing of Houses in Multiple Occupation Scheme (3) 2020.
2. This designation is made on 1st May 2020 and shall come into force on 1st August 2020.
3. This designation shall cease to have effect on 31st July 2025 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 whole area of the district of the London Borough of Hounslow as delineated and edged red on the map at annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to the HMOs of the description specified in 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

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to 5(d) every HMO of the description specified in paragraph 5 and in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.²

7. The London Borough of Hounslow Council 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. This designation falls within a description of designations in relation to which the Secretary of State has given a general approval under section 58 of the Act, namely the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of other Residential Accommodation (England) General Approval 2015

Date and authentication by the Council: 17th March 2020

Signed



Peter Matthew I Strategic Director Housing, Planning and Communities

Officer authorised by the London Borough of Hounslow.

Date 27/04/20

¹ For the application of mandatory licensing see SI 2018 No. 221– The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2018

² Section 62 of the Act provides for certain temporary exemptions. As to suitability for licensing see section 64. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order - see section 102

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

Annex B – Paragraph 5: HMOs subject to the designation

This designation applies to:

- i. All HMOs as defined by section 254 Housing Act 2004, which are occupied by three or more persons in two or more households, but to exclude purpose-built flats situated in a block comprising 3 or more self-contained flats; and
- ii. All HMOs, as defined in section 257 of the Housing Act 2004, which consist of self-contained units, but only where all the units are privately rented, and where the building and all the dwellings in the building are either in the same ownership or considered by the housing authority to be effectively in the same control.

Annex C – Paragraph 5(a) of the designation: Buildings that are not HMOs for the purpose of the Act⁴

Buildings controlled or managed by public bodies etc⁵

1. A building where the person managing or having control⁶ of it is
- (a) a local housing authority,
 - (b) a non-profit registered provider of social housing,
 - (c) a body which is registered as a social landlord under Part 1 of the Housing Act 1996
 - (d) a police and crime commissioner,
 - (e) the Mayor's Office for Policing and Crime,
 - (f) a fire and rescue authority, or
 - (g) a health service body within the meaning of [section 9 of the National Health Service Act 2006].

“fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004

1A - A building-

- (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008⁷, and
- (b) where the person managing or having control of it is a profit-making registered provider of social housing.

Buildings controlled or managed by a co-operative society.⁸

2. A building where—

- (a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out below is met, and
- (b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.⁹

The conditions are—

- (a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,
- (b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,
- (c) that each member has equal voting rights at such a meeting, and
- (d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.

For these purposes “co-operative society” means a body that—
(a) is registered as a co-operative society under the 2014 Act¹⁰ or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act and is neither—

- (i) a non-profit registered provider of social housing, nor
- (ii) registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments¹¹

3. 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 1998¹²
- (e) The Prison Rules 1998¹³;
- (f) The Young Offender Institute Rules 2000¹⁴;
- (g) The Detention Centre Rules 2001¹⁵;
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹⁶;
- (i) The Care Homes Regulations 2001¹⁷;
- (j) The Children’s Homes (England) Regulations 2015¹⁸;
- (k) The Residential Family Centres Regulations 2002.¹⁹

Certain student lettings etc²⁰

4. A building –

- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment²¹ and
- (iii) 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.²²

Religious communities²³

5. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

Buildings occupied by owners²⁴

6. A building which is only occupied by –
 - (i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building
 - (ii) and/or any member of the household²⁵ of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act²⁵ applies, except for ascertaining the status of any flat within the block.

Buildings occupied by Resident Landlord etc²⁶

7. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons²⁷, not forming part of the owner's household.

Buildings occupied by two persons²⁸

8. Any building which is only occupied by two persons (forming two households)

Meaning of “building”

9. In this annex a “building” includes a part of a building. ²⁹

⁴ Schedule 14 of the Act and SI 373/2006

⁵ Paragraph 2 of schedule 14

⁶ For the definition of “person managing” and “person having control” see section 263 of the Act

⁷ Paragraph 2A of schedule 14

⁸ Paragraph 2B of schedule 14

⁹ “assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988; “protected tenancy” has the same meaning as in the Rent Act 1977; “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.

¹⁰ “the 2014 Act” means the Co-operative and Community Benefit Societies Act 2014

¹¹ paragraph 3 of schedule 14

¹² SI 472/1998 as amended by SI 3005/2003

¹³ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

¹⁴ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹⁵ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹⁶ SI 850/2001

- 17 SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004
- 18 SI 2015/541
- 19 SI 3213/2002 as amended by SI 664/2004, SI 865/2004
- 20 Paragraph 4 of schedule 14
- 21 The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2013/1601
- 22 The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615
- 23 Paragraph 5 of schedule 14
- 24 Paragraph 6 of Schedule 14
- 25 For the definition of "household" see section 258 and paragraphs 3 and 4 of SI 73/2006
- 26 Paragraph 6 of schedule 14 and SI 373/2006
- 27 Paragraph 6 (2) of SI 373/2006
- 28 Paragraph 7 of schedule 14
- 29 Paragraph 1 of schedule 14