

## **PUBLIC NOTICE**

London Borough of Enfield

### **NOTICE OF DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING**

Section 56, Housing Act 2004

The London Borough of Enfield (“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”) that are occupied under a tenancy or a licence as described at paragraph 4

#### **CITATION, COMMENCEMENT AND DURATION**

1. This designation will be known as The London Borough of Enfield Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2020. The Designation is made on 22 January 2020 and shall come into force on 1 September 2020<sup>1</sup>.
2. The designation shall cease to have effect on 31 August 2025 (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**

3. This designation shall apply to the entire area of the London Borough of Enfield as delineated and edged red on the map in Annex A below.

#### **APPLICATION OF THE DESIGNATION**

4. 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 Act<sup>2</sup> ;
  - b. the house is subject to an Interim or Final Management Order under Part 4 of the Act;

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<sup>1</sup> Subject to any decision made if called in to Enfield Council’s Overview and Scrutiny Committee

<sup>2</sup> 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)

- 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 Act<sup>3</sup> 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

## EFFECT OF THE DESIGNATION

- 5. Subject to sub paragraphs 4(a) to (e) above, every HMO of the description specified in that paragraph in the area specified in paragraph 3 shall be required to be licensed under section 61 of the Act.
- 6. 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.
- 7. The London Borough of Enfield 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.<sup>4</sup>

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 email on [PRSH@enfield.gov.uk](mailto:PRSH@enfield.gov.uk), or by telephone on 020 3821 1761 or by writing to Private Rented Property Licensing Team, London Borough of Enfield, Civic Centre, Silver Street, Enfield, Middx, EN1 3XH. 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.

Upon the Designation coming into force 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 pursuant to

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<sup>3</sup> Schedule 14 Housing Act 2004 describes the buildings that are not HMOs other than for the purpose of Part 1 [HHSRS]

<sup>4</sup> Section 232 of the Act and paragraph 11 of SI 373/2006

the provisions of section 72 of the Housing Act 2004. A person who breaches a condition of a licence is liable upon summary conviction to an unlimited fine. The Council, as an alternative to initiating a prosecution, may pursue one or more of a range of other enforcement actions including the imposition of a financial penalty of up to £30,000 and/or taking management control of the unlicensed HMO. Further, where an offence has been committed an application may also be made by the Council and/or tenant under the provisions of section 73 and 74 of the Housing Act 2004 for a Rent Repayment Order to pay back up to 12 months' rent, Housing Benefit or Universal Credit.

Signed

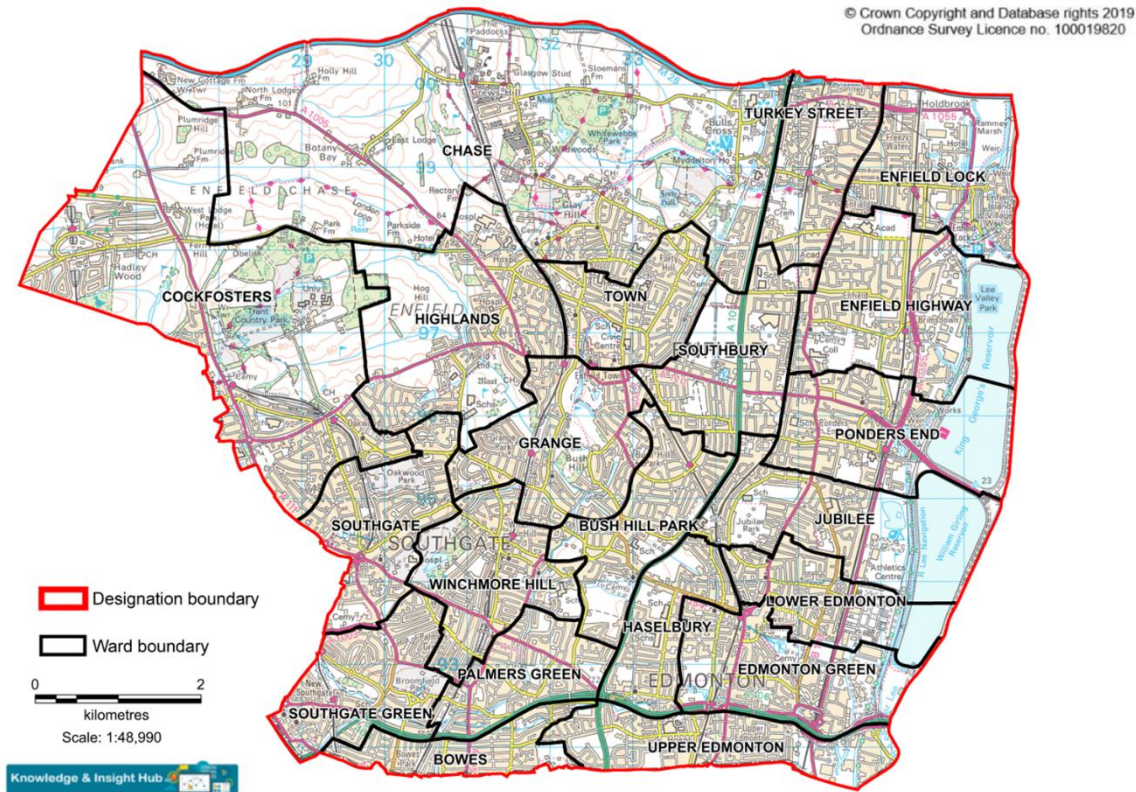
A handwritten signature in black ink, appearing to be 'C. H. ...', written in a cursive style.

Portfolio holder and elected Cabinet Member

For and on behalf of London Borough of Enfield

23 January 2020

**Annex A: Map of additional licensing designation showing boundary in RED**



**Annex B: HMOs to which this designation applies [subject to paragraph 4 above]**

Please see Section 254(1) of the Housing Act 2004, except the designation does not apply to HMOs described in Section 254(1)(e) - converted blocks of flats to which section 257 applies.

**Annex C: Buildings which are not HMOs for purposes of this designation**

Please see Schedule 14 of the Housing Act 2004.