

PUBLIC NOTICE

LONDON BOROUGH OF EALING

DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMOs)

The London Borough of Ealing, in exercise of its powers under section 56 of the Housing Act 2004 (“the Act”), hereby gives notice that a designation has been made for additional licensing of Houses in Multiple Occupation (“HMOs”) for the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Ealing Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2022.
2. This designation is made on 21 December 2021 and shall come into force on 01 April 2022.
3. This designation shall cease to have effect on 31 March 2027 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 London Borough of Ealing as delineated and edged red on the map at **Annex A**.

APPLICATION OF THE DESIGNATION

5. This designation applies to all HMOs:
 - (i) as defined by section 254 of the Housing Act 2004 which are HMOs rented to three or more occupiers in two or more households that share (or lack) a toilet, personal washing facilities or cooking facilities;
 - (ii) Converted building HMOs, as defined by section 257 of the Housing Act 2004, but only where all accommodation units are privately rented and the building and accommodation units are in the same ownership or control or considered by the housing authority to be effectively under the same ownership or control. This includes buildings within mixed use developments or above non-residential premises.

all within the area described in paragraph 4 unless –

 - (a) 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);
 - (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 and the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (mandatory HMO licensing).
 - (e) Converted building HMOs, as defined by section 257 of the Housing Act 2004 that consist of no more than two flats.

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 London Borough of Ealing 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 and Regulation 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

This designation falls within the description of designations in relation to which the Secretary of State has given a general approval under section 58 of the Housing Act 2004 and The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 which came into force on the 1st April 2015.

A person having control of or managing a prescribed HMO must apply to the London Borough of Ealing for a licence. Failure to apply for a licence in the designated area is an offence under section 72(1) of the Housing Act 2004, punishable on conviction by payment of an unlimited fine. As an alternative to commencing prosecution proceedings, the Council may impose a financial penalty of up to £30,000 under section 249A and Schedule 13A of the Act. 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. Additionally, liable persons 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) under the provisions of section 73 and section 74 of the Housing Act 2004 for a rent repayment order. Under section 75 of the Act, no notice under section 21 of the Housing Act 1988 may be given in relation to an assured shorthold tenancy of the whole or part of an unlicensed HMO so long as it remains an unlicensed HMO.

Landlords, persons managing and tenants are advised to seek advice from the Council as to whether their property is affected by this designation.

Advice, applications for licences and a copy of this designation for inspection are available at:

Property Regulation, Ealing Council, Perceval House, 14-16 Uxbridge Road, Ealing W5 2HL

Telephone 020 8825 9512 or email PRSlicensing@ealing.gov.uk

Date: 21 December 2021

Signed: 

Director of Community Development, for and behalf of the London Borough of Ealing

Annex A - Additional Licensing Designation

