

# PUBLIC NOTICE

## LONDON BOROUGH OF EALING

### DESIGNATION OF AN AREA FOR SELECTIVE LICENSING

The London Borough of Ealing, in exercise of its powers under section 80 of the Housing Act 2004 ("the Act"), hereby gives notice that a designation has been made for selective licensing of the area of the London Borough of Ealing described in paragraph 4.

#### CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Ealing Designation 1 of an Area for Selective Licensing 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 84 of the Act.

#### AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the three Council ward areas of East Acton, Southall Broadway and Southall Green (pre May 2022 ward boundaries) as delineated and edged red on the map at **Annex A**.

#### APPLICATION OF THE DESIGNATION

5. This designation applies to any house<sup>1</sup> where the whole of it is occupied under a single tenancy or licence, or under two or more tenancies or licences in respect of different dwellings contained in it, within the area described in paragraph 4 unless-
  - (a) the house is a House in Multiple Occupation (HMO) and is required to be licensed under Part 2 of the Act<sup>2</sup>;
  - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit-making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) or by a body which is registered as a social landlord under Part 1 of the Housing Act 2004.
  - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (d) the house is subject to a temporary exemption under section 86 of the Act; or
  - (e) the house is occupied under a tenancy or licence which is exempt under the Act or the occupation is of a building or part of a building so exempt as defined in The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

#### EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) above, every property of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 85 of the Act.

<sup>1</sup> For the definition of "house" see sections 79 and 99 of the Act

<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 Description) (England) Order 2018. If an individual flat was itself multiply occupied, it would need an additional or mandatory HMO licence.

7. The London Borough of Ealing will comply with the notification requirements contained in section 83 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 82 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 1<sup>st</sup> April 2015.

A person having control of or managing a licensable property 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 95(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 property 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 96 and section 97 of the Housing Act 2004 for a rent repayment order. Under section 98 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 property so long as it remains an unlicensed property.

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](mailto:PRSLicensing@ealing.gov.uk)

**Date: 21 December 2021**

**Signed:** 

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

## **Annex A – Selective Licensing Designation 1**

