



PUBLIC NOTICE

London Borough of Lewisham
Laurence House, 1 Catford Road, London SE6 4RU.
Telephone: 0208 314 6000

NOTICE OF DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING Section 56, Housing Act 2004

The London Borough of Lewisham (“the Local Housing Authority”) in exercise of its powers under Section 56 of the Housing Act 2004 (“the Act”) hereby designates for additional licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Lewisham Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2022.
2. The Designation has been made under the general approval granted under Section 58 of the Act and was approved by Mayor and Cabinet on 11th March 2020. The Designation shall come into force on 5 April 2022.
3. The Designation will cease to have effect on 4 April 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 will apply to the entire area of the London Borough of Lewisham as delineated and edged in black on the map in Annex A below.

APPLICATION OF THE DESIGNATION

5. The designation applies to all Houses in Multiple Occupation (“HMOs”) that:
 - a. Meet the conditions in Section 254(2) of the Act (“the standard test”);
 - b. Meets the conditions in Section 254(3) of the Act (“the self-contained flat test”);
 - c. Meets the conditions in Section 254 (4) of the Act (“the converted building test”); or
 - d. An HMO declaration is in force in respect of it under section 255 as defined in annex B within the area described in paragraph 4 unless:
 - i. 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 ;
 - ii. the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - iii. the house is subject to a temporary exemption under section 62 of the Act; or
 - iv. 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.

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].

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(i) to (iv) above, every HMO in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 61 of the Act.
7. This designation falls within the description of designations for which the Secretary of State has issued a General Approval dated 26th March 2015.
8. The London Borough of Lewisham 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

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 Sector Housing Licensing and Enforcement Team. If you are a landlord, managing agent, or a tenant and you require any or all of the following:

- Information on whether your property is affected by this scheme.
- General advice about this designation and licensing in general.
- Information on how to apply for a licence.

Please contact the Council's Private Sector Housing Licensing and Enforcement Team:

Address:

Private Sector Housing Licensing and
Enforcement Team
London Borough of Lewisham,
4th Floor, Laurence House,
1 Catford Rd, Catford, London SE6 4RU

Website:

<https://lewisham.gov.uk/myserVICES/housing>

Email: pshe@lewisham.gov.uk

Tel: 020 8314 6420

The designation may be inspected at the above address during office hours. Please make an appointment with the Private Sector Housing Licensing and Enforcement Team prior to visiting.

Upon the designation coming into force on 5 April 2022 a person who operates a licensable property without 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 on summary conviction is liable to an unlimited fine. A person who breaches a condition of a licence is liable upon on 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. Furthermore, it will not be possible to serve an eviction notice under s21 Housing Act 1988 on tenants⁴ of an unlicensed licensable property.

Signed



Cabinet Member for Housing and Planning



For and on behalf of London Borough of Lewisham,

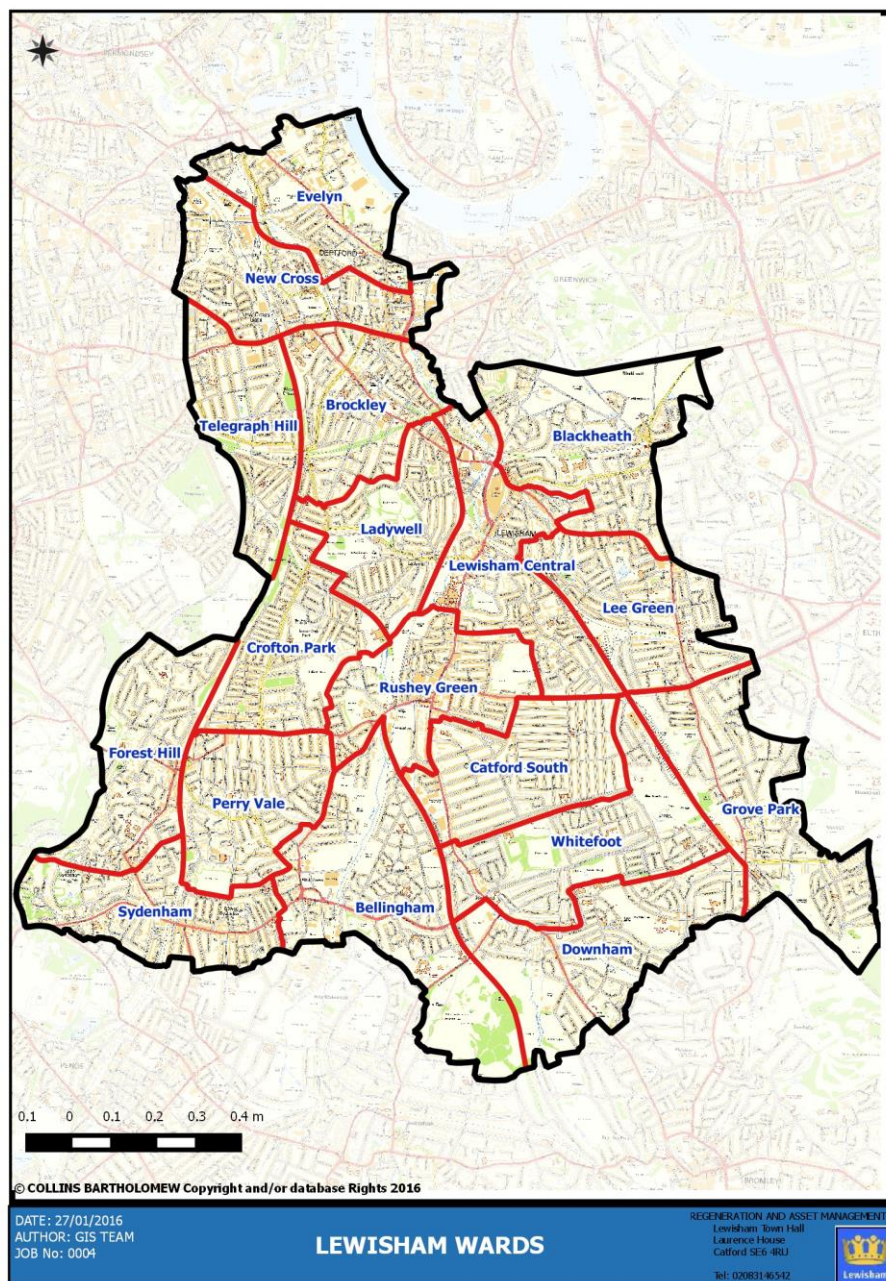
29 October 2021

³ Section 232 of the Housing Act 2004 and paragraph 11 of SI 373/2006.

⁴ Section 75 of the Housing Act 2004.

Annex A: Lewisham Private Rented Property Additional Licensing Area

 Designation Boundary (in Black and Bold)  Ward boundary



Annex B: HMOs to which this designation applies [subject to paragraphs 5a and 5d 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.