

PUBLIC NOTICE

Notice of Designation of an Area for Additional Licensing of Houses
in Multiple Occupation (HMOs)

This notice is published in accordance with Sections 56 to 60 of the Housing Act 2004 and Regulation 9 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006.

The London Borough of Barnet Council in exercise of their powers under section 56 of the Housing Act 2004 (“the Act”) gives notice that it has designated for additional licensing of Houses in Multiple Occupation (“HMOs”) the area described in paragraph 4.

1. The designation may be cited as the London Borough of Barnet Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2022.
2. The designation was made on **26th of July 2022** and shall come into force on the **27th of October 2022**.
3. The designation shall cease to have effect on the **27th of October 2027** or earlier if the Council revokes the scheme under section 60 of the Act.
4. The designation shall apply to the whole area of the district of the London Borough of Barnet.
5. The designation applies to:
 - all HMOs as defined by section 254 of the Housing Act 2004 that are occupied by 3 or more persons comprising 2 or more households, and
 - HMOs as defined in section 257 of the Housing Act where the building or part of a building is three or more storeys in height, comprises at least three flats, all the flats are privately rented and both the building and the self-contained flats it contains are under the same ownership or considered by the Council to be effectively under the same control,within the area described in paragraph 4 unless –
 - a) the building is of a description specified in Annex C to the designation (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).

6. Subject to sub paragraphs 5(a) to (d) 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 Barnet 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.

The designation was given general approval by the Chief Executive under a delegated authority of the London Borough of Barnet Council. The 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 Housing Act 2004, namely 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 Barnet 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 prosecution, the Council may impose a financial penalty of up to £30,000. In addition, the landlord 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 of the Housing Act 2004 for a Rent Repayment Order. Under section 74 of the Housing Act 2004, no section 21 notice (a notice under section 21(1)(b) or (4)(a) of the Housing Act 1988), may be given in relation to a shorthold tenancy of a part of an unlicensed HMO so long as it remains such an HMO.

Any landlord, managing agent or other person managing a HMO or any tenant within the borough may seek advice as to whether their property is affected by the designation from the Council's website, <https://www.barnet.gov.uk/housing/private-housing/houses-multiple-occupation>, by telephoning 020 8359 5355 during normal office hours (9am to 5pm, Monday to Friday) or by emailing hmos@barnet.gov.uk.

This designation has been made by the London Borough of Barnet, 2 Bristol Avenue, London NW9 4EW telephone 020 8359 5355, email, hmos@barnet.gov.uk.

An application form and general advice may be obtained from the Council's website, <https://www.barnet.gov.uk/housing/private-housing/houses-multiple-occupation>, or the HMO Licensing Team, Environmental Health, London Borough of Barnet, 2 Bristol Avenue, London NW9 4EW.



If you wish to inspect a copy of this designation in respect of additional licensing of HMOs in the London Borough of Barnet, it may be viewed at <https://www.barnet.gov.uk/housing/private-housing/houses-multiple-occupation>, or inspected by prior arrangement at:

London Borough of Barnet,
2 Bristol Avenue,
London NW9 4EW
hmos@barnet.gov.uk
020 8359 5355

Copies of this designation may also be obtained on application