



City of Westminster

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.

Westminster City 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 Westminster City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2021.
2. The designation was made on 21st April 2021 and shall come into force on 30th August 2021.
3. The designation shall cease to have effect on 31st August 2026 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 City of Westminster.
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 that Act where less than two-thirds of the self-contained flats are owner-occupied within the area described in paragraph 4 unless –
 - (a) the building is of a description specified in Schedule 14 of the Housing Act 2004 (Buildings which are not HMOs for the purpose 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;
 - (d) the HMO is required to be licensed under section 55(2)(a) of the Act (mandatory licensing); or
 - (e) the HMO is specifically excluded from the scheme as it is either:
 - (i) a section 257 HMO consisting solely of two flats where neither of the flats is situated above or below commercial premises; or
 - (ii) a section 257 HMO where the flats share no internal or external common parts and which are no more than two storeys high.
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. Westminster City 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 Cabinet of Westminster City 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 01 April 2015.

A person having control of or managing a prescribed HMO must apply to Westminster City Council for a licence. Managing or being in control of an unlicensed HMO in the designated area is an offence under Section 72(1) of the Housing Act 2004, punishable on conviction by 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 41 of the Housing and Planning Act 2016 for a rent repayment order.

Any landlord, managing agent or other person in control of or managing an 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, www.westminster.gov.uk/houses-multiple-occupation, by telephoning 020 7641 6161 during normal office hours, which are: 9am to 5pm, Monday to Friday, or by emailing HMO@westminster.gov.uk

This designation has been made by Westminster City Council, City Hall, 64 Victoria Street, London, SW1E 6QP; telephone: 020 7641 6161; email: HMO@westminster.gov.uk. Once the designation is in force, an application may be made and general advice may be obtained from the Council's website, www.westminster.gov.uk/houses-multiple-occupation, or Public Protection and Licensing, City Hall, 64 Victoria Street, London SW1E 6QP; telephone: 020 7641 6161; email: HMO@westminster.gov.uk

If you wish to inspect the designation in respect of additional licensing of HMOs in the City of Westminster it may be viewed at, www.westminster.gov.uk/houses-multiple-occupation, or inspected at the Council's offices at City Hall, 64 Victoria Street, London SW1E 6QP; telephone: 020 7641 6161; email: HMO@westminster.gov.uk. If the Council offices are closed to the public due to the Coronavirus Covid-19 pandemic, the designation will be emailed out to any member of the public who requests it by emailing HMO@westminster.gov.uk.