



## **Private Housing Licensing in Brent**

### **Designation Areas for Selective Licensing**

#### **The London Borough of Brent Council Designation of Areas for**

#### **Selective Licensing 2023, No 2**

The London Borough of Brent in exercise of their powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the area described in paragraph 4.

#### **CITATION, COMMENCEMENT AND DURATION**

1. This designation may be cited as the London Borough of Brent Council Designation for Areas for Selective Licensing 2023, No 2
2. This designation is made on the 17<sup>th</sup> of July 2023 and requires confirmation by the Secretary of State for the Department for Levelling Up, Housing & Communities ("DLUHC").
3. This designation shall come into force on the 1<sup>st</sup> of April 2024 or on such a date specified for this purpose by the Secretary of State for DLUHC and shall cease to have effect five years after such date or earlier if the Council revokes the scheme under section 84(4) of the Act.

## DESIGNATION AND AREA

4. The Council hereby designates under section 80 of the Act as subject to selective licensing the area within the district of the London Borough of Brent shown as the areas shaded in yellow, on the map at Annex A.

## APPLICATION OF THE DESIGNATION

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
  - (a) the house is a house in multiple occupation 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 registered social landlord<sup>3</sup>;
  - (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<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in Annex B;

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.<sup>5</sup>
7. The London Borough of Brent 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.<sup>6</sup>
8. This designation falls within the description of designations in relation to which confirmation is required by the Under Secretary of State for Homelessness and Housing 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. On 30<sup>th</sup> of November 2023 the Under Secretary of State for Homelessness and Housing confirmed that the designation shall come into force on the 1<sup>st</sup> of April 2024.
9. A person having control of or managing a licensable property must apply to the London Borough of Brent 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.
10. 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.

11. 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.

12. 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.

EXECUTED as a Deed by affixing )  
The Common Seal of **THE LONDON** )  
**BOROUGH OF BRENT** in the )

presence of:

*Tola Robson*



Sealed By: London Borough of Brent  
Sealed Time: 12/5/2023 3:44:12 PM GMT

\_\_\_\_\_  
Authorised Signatory

Name of Authorised Signatory

Tola Robson  
\_\_\_\_\_

Date: 5th December 2023  
\_\_\_\_\_

<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 Descriptions) (England) Order 2006 (SI 2006/371)

<sup>3</sup> Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

<sup>4</sup> Section 79 (4) of the Act and the Selective Licensing of Houses (Specified Exemptions) (England) Order SI 2006/370

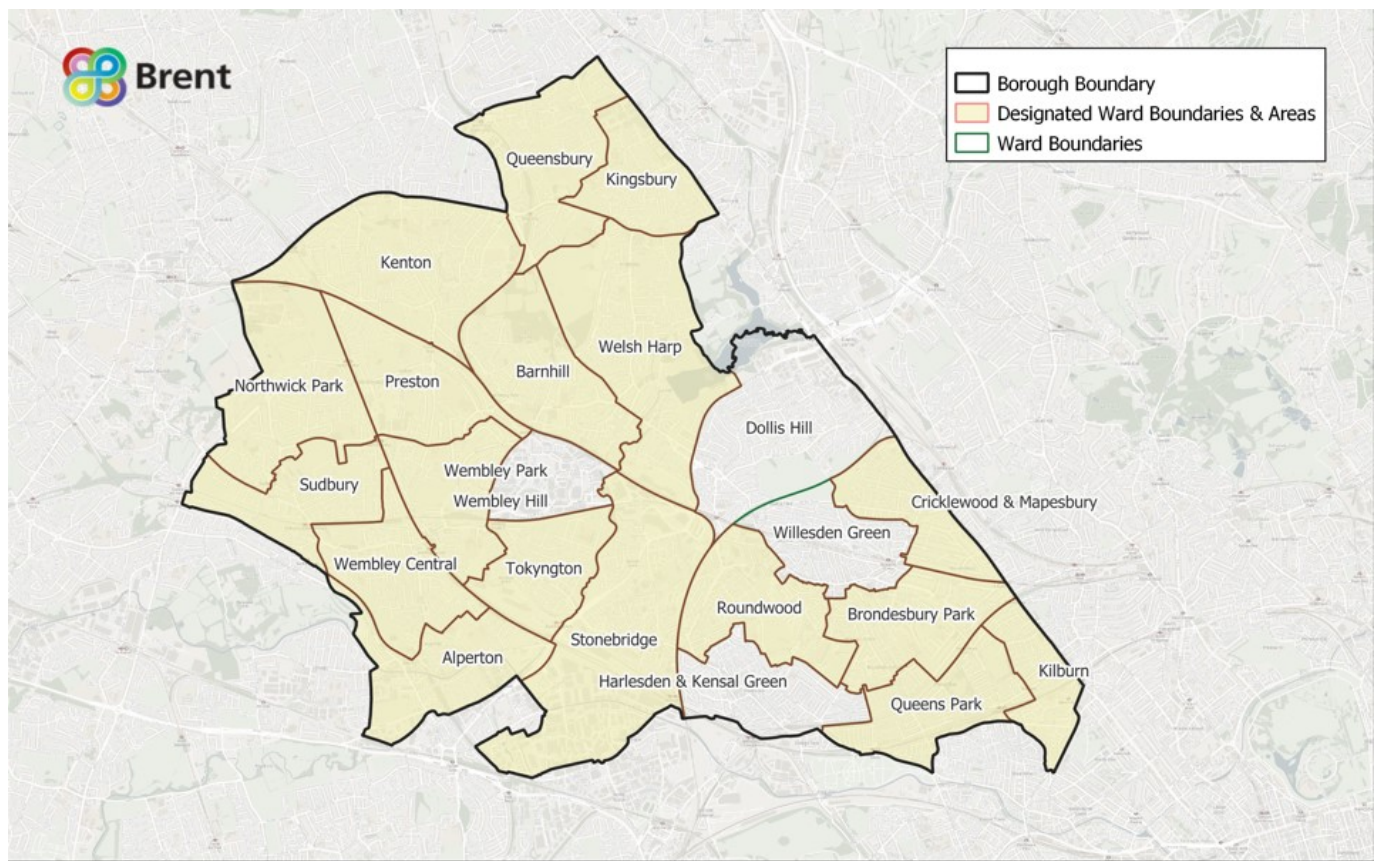
<sup>5</sup> Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

<sup>6</sup> Section 232 of the Act, regulation 11 of Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations SI 2006/373

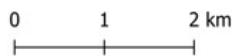
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**Annex A – Paragraph 4: Map of Designated Area No 2 Shaded Area (yellow) – Selective Licensing, Designation no.2/2023. Map of London Borough of Brent Council with the electoral wards of:**

Wards		
Alperton	Kingsbury	Stonebridge
Barnhill	Northwick Park	Sudbury
Brondesbury Park	Preston	Tokyngton
Cricklewood & Mapesbury	Queens Park	Welsh Harp
Kenton	Queensbury	Wembley Central
Kilburn	Roundwood	Wembley Hill



06/12/2023



## Annex B – Paragraph 5(d): Exempted Tenancies or licences<sup>7</sup>

### Prohibition of occupation by law

1. A tenancy or licence of a house<sup>8</sup> or a dwelling<sup>9</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

### Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 and falling within any paragraph in Part I of Schedule 1 of that Act and which is:
  - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;
  - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises<sup>10</sup>;
  - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>11</sup>;
  - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>12</sup>.

### Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled<sup>13</sup> by:
  - (a) a local housing authority;
  - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
  - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
  - (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.
  - (e) Service and Community Care Act 1990.

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<sup>7</sup> See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370

<sup>8</sup> Sections 79 (2) and 99 of the Act

<sup>9</sup> For the definition of a dwelling – see section 99 of the Act

<sup>10</sup> See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

<sup>11</sup> For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

- <sup>12</sup> See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995
- <sup>13</sup> For the definition of “person managing” and “person having control” see section 263 of the Act

## Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
- (a) sections 87 to 87D of the Children Act 1989;
  - (b) section 43 (4) of the Prison Act 1952;
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
  - (d) The Secure Training Centre Rules 1998<sup>14</sup>;
  - (e) The Prison Rules 1999<sup>15</sup>;
  - (f) The Young Offender Institution Rules 2000<sup>16</sup>;
  - (g) The Detention Centre Rules 2001<sup>17</sup>;
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>18</sup>;
  - (i) The Care Homes Regulations 2001<sup>19</sup>;
  - (j) The Children’s Homes (England) Regulations 2015<sup>20</sup>;
  - (k) The Residential Family Centres Regulations 2002<sup>21</sup>.

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<sup>14</sup> SI 1998/472 as amended

<sup>15</sup> SI 1999/728 as amended

<sup>16</sup> SI 2000/3371 as amended

<sup>17</sup> SI 2001/238. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>18</sup> SI 2001/850

<sup>19</sup> SI 2001/3965 as amended

<sup>20</sup> SI 2015/541

<sup>21</sup> SI 2002/3213 as amended

## Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
  - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment<sup>22</sup> and
  - (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act<sup>23</sup>

## Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
  - (i) the full term of the tenancy is for more than 21 years and
  - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
  - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

## Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
  - (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
  - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
  - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

## Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

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<sup>22</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016 for the list of specified bodies

<sup>23</sup> The relevant codes of practice are approved under The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615 and specified in paragraphs 2 - 4 of that Order

## Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

## Interpretation

10. In this Annex B -
  - (a) a "person" includes "persons", where the context is appropriate;
  - (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate;
  - (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease";
  - (d) a person is a member of the family of another person if –
    - (i) he lives with that person as a couple;

- (ii) one of them is the relative of the other; or
- (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple

and

- (iv) For the purpose of this paragraph –
  - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;
  - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
  - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
  - (4) a stepchild of a person is to be treated as his child