

PUBLIC NOTICE - LONDON BOROUGH OF MERTON DESIGNATION OF AREA FOR SELECTIVE LICENSING

Section 80, Housing Act 2004

Notice is hereby given that the London Borough of Merton in exercise of its powers under sections 80 – 84 of the Housing Act 2004 (“the Act”) has on the 19th day of June 2023 designated for Selective Licensing the area comprising the following wards: Figge’s Marsh, Graveney, Longthornton, Pollards Hill.

The designation shall be known as the London Borough of Merton Designation of an Area for Selective Licensing 2023. The designation Selective Licensing applies to a house occupied under a single tenancy or licence, which is not exempt under section 79 subsection (3) or (4) of the Act, or under two or more tenancies or licences in respect of different dwellings contained in it which is not exempt under section 79 subsection (3) or (4), unless:

- 1) the house is a house in multiple occupation (HMO) that falls within the prescribed category of HMO that is required to be licensed under the Act (Section 55 of defines which Houses in Multiple Occupation are required to be licensed under the Act) or,
- 2) the house is a house in multiple occupation (HMO) that falls within the category of HMO that is required to be licensed under the London Borough of Merton Designation of an Area for Additional Licensing made on 19th June 2023 under Section 56 of the Housing Act 2004, or
- 3) the tenancy or licence of the house has been granted by a registered social landlord, or
- 4) the house is subject to an Interim or Final Management Order under Part 4 of the Act; or
- 5) the house is subject to a temporary exemption under section 86 of the Act; or
- 6) 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 Paragraph 5(f): Exempted tenancies or licences, Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006.

The designation falls within descriptions of designations for which the Secretary of State has issued a General Approval confirmed under sections 82(6) of Housing Act 2004: Selective Licensing of Other Residential Accommodation (England) General Approval 2015. The designation will come into force on 24th September 2023 and shall cease to have effect on 23rd September 2028 or earlier if the Council revokes the scheme under section 60 of the Act.

This designation applies to any house in the designated wards which is occupied under a tenancy or a licence and which falls within the licensing requirements of the London Borough of Merton Designation of an Area for Selective Licensing 2023 in the preceding paragraphs and will be required to be licensed under section 85 of the Act.

The London Borough of Merton 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.

Upon the Designation coming into force on 24th September 2023 any person who operates a licensable property without a licence shall be guilty of an offence under Section 95(1) of the Act, and shall be liable to:

- A Civil Penalty Notice (up to a maximum of £30,000).
- A criminal conviction upon prosecution leading to an unlimited fine.
- Being placed on the Mayor of London's public Rogue Landlords and Agents database.
- Can be subject to a rent repayment order and may have to repay up to 12 months rental income.
- Serious or multiple offences can result in a Banning Order.

Furthermore, if a property is required to be licensed but is not the landlord or person having control of, or managing, the property cannot serve notice to quit on a tenant (section 21 notice) or seek possession of their property until the licence has been obtained.

Landlords, persons managing relevant properties and tenants within the designated areas are advised to seek advice from the Council on whether their properties are affected by the designation.

If you are a landlord, managing agent, or a tenant and would like advise please contact Housing Enforcement, Community and Housing, Merton Civic Centre, London Road, Morden, SM4 5DX; Tel 020 8545 3460; email Privaterented.licensing@merton.gov.uk. The designation may also be inspected by appointment at this address during office hours.