

# **London Borough of Tower Hamlets**

## **Public Notice**

### **Notice of Designation of Area for Additional Licensing for Houses and Flats in Multiple Occupation**

This notice is published in accordance with sections 56 and 59 of the Housing Act 2004 ("the Act") and Regulation 9 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006.

NOTICE IS HEREBY GIVEN that the London Borough of Tower Hamlets, in exercise of its powers under section 56 of the Housing Act 2004, has designated for additional licensing the area described in paragraph 4.

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

1. The Designation may be cited as the London Borough of Tower Hamlets Council Designation for an Area for Additional Licensing for Housing in Multiple Occupation 2023.
2. The Designation was made on the 25<sup>th</sup> October 2023 and shall come into force on the 1<sup>st</sup> April 2024
3. The Designation shall cease to have effect on the 31<sup>st</sup> March 2029 or earlier if the Council revokes the scheme under section 60 of the Act.

#### **AREA TO WHICH THE DESIGNATION APPLIES**

4. The Designation shall apply to the entire district of the London Borough of Tower Hamlets as delineated on the map below.



## PROPERTIES TO WHICH THE DESIGNATION APPLIES

5. The Designation applies to all Houses in Multiple Occupation (HMOs) <sup>1</sup> within the area described in paragraph 4, excluding:
- a) Properties subject to schedule 14 of the Housing Act 2004, buildings that are not HMOs for the purposes of the Act.
  - b) Properties subject to mandatory licensing under section 55(2)(a) of the Housing Act 2004.

The designation applies to all properties, including flats, which are occupied by 3 or more persons comprising of 2 or more households. This is irrespective of the number of storeys. This also includes single storey flats and two, three or more storey properties as well as section 257 HMOs (flats converted pre 1991 without building control approval).

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<sup>1</sup> For the definition of “house in multiple occupation” see section 254 of the Housing Act 2004

## THE EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5 (a) to (b) above every house in multiple occupation of the description specified in paragraph 5 and in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act unless:
  - a) a temporary exemption notice is in force in relation to it under the Housing Act 2004 – section 62 or
  - b) an interim or final management order is in force in relation to it under the Housing Act 2004 Chapter 1 of Part 4.
7. The London Borough of Tower Hamlets 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.
8. Upon this Designation coming into force, any person who:
  - a) manages or has control of a licensable HMO which is not so licensed;
  - b) manages or has control of a licensed HMO and knowingly permits the HMO to be occupied by more persons or households than is authorised under the licence;
  - c) is the licence holder and has obligations or restrictions imposed upon them by the licence and fails to comply with any condition of the licence,

commits a criminal offence and is liable to prosecution under section 72 of the Act. The maximum penalty on summary conviction is an unlimited fine.

Alternatively, a Civil Penalty Notice of up to £30,000.00 may be issued by the Authority.

In addition, any person managing or having control of an unlicensed HMO which is required to be licensed may, on the application of a tenant or the Council, be ordered by the First-tier Tribunal to repay up to 12 months' rent to the tenant or, in the case of Universal Credit, the Council (a rent repayment order).

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 house so long as it remains an unlicensed house.

9. Any landlord, managing agent or tenant of a property within the designated area of the Borough should seek advice from the Council as to whether their property is affected by the Designation during normal office hours, which are 9am to 5pm, Monday to Friday.

10. General advice concerning the Designation may be obtained from the Environmental Health and Trading Standards Service at the London Borough of Tower Hamlets, Town Hall, 160 Whitechapel Road, London E1 1BJ  
(Tel: 0207 364 5008 and email: [housinglicensing@towerhamlets.gov.uk](mailto:housinglicensing@towerhamlets.gov.uk))
11. This Designation may be inspected at the London Borough of Tower Hamlets, Town Hall, 160 Whitechapel Road, London E1 1BJ and a copy of the Designation can be obtained from the Council's website ([www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)).
12. This Designation was given general approval by the Mayor in Cabinet of the London Borough of Tower Hamlets.
13. This Designation falls within a description of designations in relation to which the Secretary of State has given a general approval under sections 58(6) and 82(6) of the Act, 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 26<sup>th</sup> March 2015.

Signed: Raj Mistry, Interim Corporate Director Communities

Dated: 25<sup>th</sup> October 2023