

The London Borough of Bexley Designation of an Area for Selective Licensing Section 80, Housing Act 2004

The London Borough of Bexley 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 and annex A.

Citation, Commencement and Duration

1. This designation may be cited as the London Borough of Bexley Designation for an Area for Selective Licensing.
2. The licensing scheme will be known as The London Borough of Bexley Selective Licensing Scheme 2024 "The Scheme"
3. This designation is made on the 3rd October 2024 and shall come into force on the 13th January 2025.
4. This designation shall cease to have effect on the 12th January 2030 or earlier if the London Borough of Bexley revokes the scheme under section 84 of the Act.

Area to which the designation applies

5. This designation shall apply to the Belvedere Ward as delineated and edged red on the map at annex A.

Application of the designation

6. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 5 unless –
 - a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act; 2
 - b) The tenancy or licence has been granted by a non-profit registered provider of social housing
 - c) The tenancy or licence has been granted by a profit-making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or
 - d) the tenancy or licence of the house has been granted by a registered social landlord
 - e) the house is subject to an Interim or Final Management Order or an Interim and Final Empty Dwelling Management Orders under Part 4 of the Act;
 - f) the house is subject to a temporary exemption under section 86 of the Act; or
 - g) 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 annex B;

Effect of the designation

7. Subject to sub paragraphs 6(a) to (g) every house in the area specified in paragraph 5 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.
8. The London Borough of Bexley 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.
9. **WARNING:** Upon the designation coming into force any person who operates a licensable property without a licence or allows a licensed property to be occupied by more households or persons other than as authorised by a licence, is liable to prosecution and upon summary conviction is liable to an unlimited fine. The Authority may as an alternative to initiating a prosecution pursue one or more of a range of other enforcement actions including the imposition of a financial penalty of up to £30,000.

When an offence has been committed an application may also be made by the Authority and/or tenant for a Rent Repayment Order to pay back up to 12 month's rent, Housing Benefit or Universal Credit. The Authority may also make an Interim Management Order whereby the Authority would take management control of the unlicensed property.

Any landlord, managing agent or other person managing or any tenant within the designated area should seek advice as whether the property is affected by the designation during the normal office hours, which are: 9am to 5pm, Monday to Friday to using the contact details set out below.

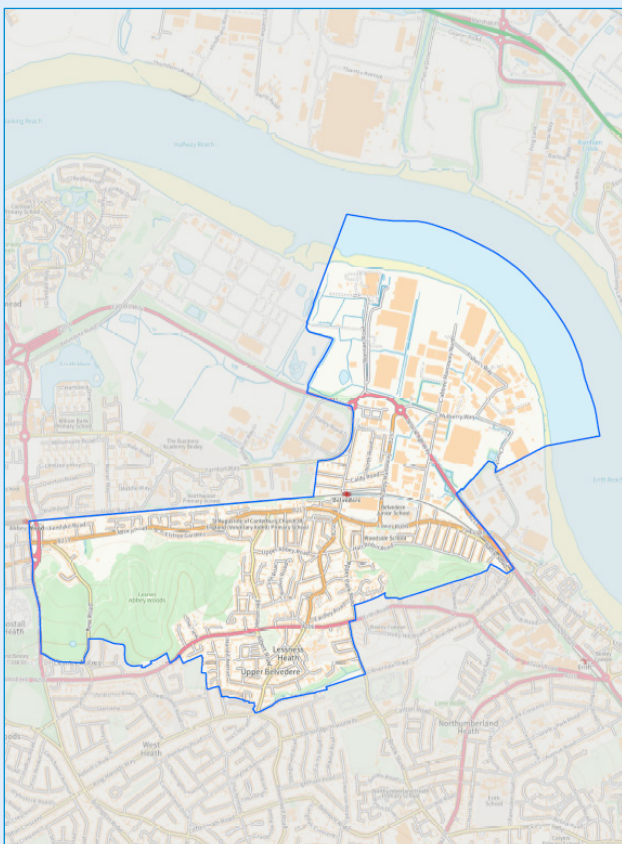
10. Online Applications for the licensing scheme will open from the 5th November 2024. To obtain further information please visit www.bexley.gov.uk/rentitright or call 0203 045 3456 or email: rentitright@bexley.gov.uk.

Jane Richardson

Deputy Director (Housing and Strategic Planning)

Date and authentication by the London Borough of Bexley – 3rd October 2024

Annex A – Paragraph 4: Map of designation areas



Annex B – Paragraph 5(d): Exempted Tenancies or licences⁴

Prohibition of occupation by law

1. A tenancy or licence of a house or a dwelling 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 comprised in Part of Schedule 1 of the 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
 - c) a tenancy under which agricultural land, exceeding two acres, is let together with the house
 - 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.

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 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.

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
 - e) The Prison Rules 1998
 - f) The Young Offender Institute Rules 2000
 - g) The Detention Centre Rules 2001
 - h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001
 - i) The Care Homes Regulations 2001
 - j) The Children's Homes Regulations 2001
 - k) The Residential Family Centres Regulations 2002.

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
 - a) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - b) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment and
 - c) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of exempted accommodation under section 233 of the Act

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
 - a) the full term of the tenancy is for more than 21 years and
 - b) 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
 - c) 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 –
 - a) 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
 - b) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - c) 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.

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:
 - a) "person" includes "persons", where the context is appropriate.
 - b) "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 of 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

1. For the definition of "house" see sections 79 and 99 of the Act
2. 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 2018 (SI2018/221)
3. Section 79(3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996 (England) Order 2006
4. As per The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006