

PUBLIC NOTICE

THE LONDON BOROUGH OF NEWHAM

CONFIRMATION OF DESIGNATION OF AN AREA FOR SELECTIVE LICENSING

Section 80, Housing Act 2004

1. On 22nd June 2022, in the exercise of its powers under section 80 of the Housing Act 2004 ("the 2004 Act"), the London Borough of Newham ("the Council") of 1000 Dockside Road, London, E16 2QU made the London Borough of Newham Designation of an Area for Selective Licensing No.1 2023 ("the Designation").

The Designation falls within a description of designations for which the Secretary of State's confirmation was required under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015. Notice is hereby given that, on the **7th December 2022**, the Secretary of State for Department for Levelling Up, Housing & Communities, confirmed the Designation will come into force on **1st June 2023**.

2. The Designation and area that it applies

The Designation will come into force on **1st June 2023** and unless previously revoked, shall cease to have effect after **31st May 2028**.

The Designation applies accordingly to all wards in the London Borough of Newham excepting and excluding Royal Victoria and Stratford Olympic Park

The 22 out of 24 Wards included in Designation: Beckton, Boleyn, Canning Town North, Canning Town South, Custom House, East Ham, East Ham South, Forest Gate North, Forest Gate South, Green Street East, Green Street West, Little Ilford, Manor Park, Maryland, Plaistow North, Plaistow South, Plaistow West & Canning Town East, Plashet, Royal Albert, Stratford, Wall End & West Ham

The 2 Wards excluded from Designation: Royal Victoria & Stratford Olympic Park.

See Annex A: LB Newham Map showing location of wards included and excluded in this scheme. More details on the scheme including consultation and cabinet reports on the Council's website at: <https://www.newham.gov.uk/housing-homes-homelessness/property-licensing-consultation>

Subject to the statutory exceptions summarised below, the Designation will apply to any building, house, maisonette or flat if (a) it is in the Designation area, and (b) the whole of it is occupied either under a single tenancy or licence that is not an exempt tenancy or licence (see below), or under two or more tenancies or licences of different dwellings contained in it, none of which is an exempt tenancy or licence.

The Council 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.

3. Exempt tenancies and licences

A tenancy or licence is an exempt tenancy or licence if:

- it is granted by a non-profit registered provider of social housing;
- it is granted by a profit-making registered provider of social housing in respect of social housing;
- the building, house, maisonette or flat to which the tenancy or licence relates is subject to a prohibition order under section 20 of the 2004 Act, the operation of which has not been suspended in accordance with section 23 of the 2004 Act;
- it is a tenancy which cannot be an assured tenancy by virtue of section 1(2) of the Housing Act 1988 ("the 1988 Act") because it falls within paragraph 1 (business tenancies), paragraph 5 (licensed premises), paragraph 6 (tenancies of agricultural land), or paragraph 7 (tenancies of agricultural holdings) in Schedule 1 to the 1988 Act;
- it is a tenancy or licence of a building, house, maisonette or flat that is managed or controlled by: (i) a local housing authority, (ii) a police authority established under section 3 of the Police Act 1996 ("the 1996 Act"), (iii) the Metropolitan Police Authority established under section 5B of the 1996 Act, (iv) a fire and rescue authority under the Fire and Rescue Services Act 2004, or (v) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
- it is a tenancy or licence of a building, house, maisonette or flat which is not a house in multiple occupation ("HMO") for any purposes of the 2004 Act except Part 1 by virtue of: (i) paragraph 3 of Schedule 14 to the 2004 Act (buildings regulated otherwise than under the 2004 Act) or (ii) paragraph 4(l) of that Schedule (buildings occupied by students);
- it is a tenancy of a building, house, maisonette or flat where: (i) the full term of the tenancy is more than 21 years, (ii) the lease does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term, and (iii) the building, house, maisonette or flat is occupied by a person to whom the tenancy was granted or his successor in title or any members of such person's family;
- it is a tenancy or licence of a building, house, maisonette or flat granted by a person to a person who is a member of his family where: (i) the person to whom the tenancy or licence is granted occupies the building, house, maisonette or flat as his only or main residence, (ii) the person granting the tenancy or licence is the freeholder or the holder of a lease of the building, house, maisonette or flat the full term of which is more than 21 years, and (iii) the lease referred to in sub-paragraph (ii) does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term;
- it is a tenancy or licence that is granted to a person in relation to his occupancy of a building, house, maisonette or flat as a holiday home; or
- it is a tenancy or licence under the terms of which the occupier shares any accommodation with the landlord or licensor or a member of the landlord's or licensor's family.

4. Statutory exceptions

A statutory exception will apply if:

- the building, house, maisonette or flat is a HMO and is required to be licensed under Part 2 of the 2004 Act
- a temporary exemption notice made under section 86 of the 2004 Act is in force in respect of it; or
- the building, house, maisonette or flat is subject to an Interim or Final Management Order made under Chapter 1 or 2 of Part 4 of the 2004 Act.

5. Consequences of failing to license a property or comply with licence conditions

Unless a tenancy or licence is exempt as set out above, or a statutory exception applies, the building, house, maisonette or flat will require a licence under Part 3 of the 2004 Act upon the designation coming into force on **1st June 2023**.

(a) Upon the designation coming into force any person having control of or who manages 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 pursuant to the provisions in section 95 of the Housing Act 2004.

(b) A person who breaches a condition of a licence is liable to prosecution and upon summary conviction is liable to an unlimited fine.

(c) The Council, as an alternative to initiating a prosecution, may pursue one or more of a range of other enforcement actions including the imposition of a financial penalty of up to £30,000 and/or taking management control of the unlicensed property.

(d) Further, where an offence has been committed an application may also be made by the Council and/or tenant under the Housing and Planning Act 2016 for a Rent Repayment Order to pay back up to 12 months' rent, Housing Benefit or Universal Credit.

(e) In certain circumstances to entry on one or more databases of rogue landlords or making a banning order.

(f) 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 (as set out in section 96 Housing Act 2004) so long as it remains an unlicensed house and has no valid temporary exemption notice.

(Please note the above legislation has been cited as at 12th December 2022 and may subsequently be amended).

6. Important notice: Where to obtain advice

The Designation may be inspected by prior appointment during standard office hours at: London Borough of Newham, First Floor West Wing, Newham Dockside, 1000 Dockside Road, London, E16 2QU

If you are an owner, a landlord, an agent, or a person otherwise managing or occupying a property in the Designation area you may contact the Council for further assistance or check the detailed website guidance on the weblink below. However, you are strongly advised to seek independent advice about the need to license the property. If you wish to do this or you require a licence application or general advice about the Designation you can contact:

Private Sector Housing Standards Team:

- online at www.newham.gov.uk/propertylicensing
- by e-mail: propertylicensing@newham.gov.uk
- by telephone on 020 3373 1950
- by writing to Private Sector Housing Standards, London Borough of Newham, First Floor West Wing, Newham Dockside, 1000 Dockside Road, London, E16 2QU.

Dated: 12th December 2022

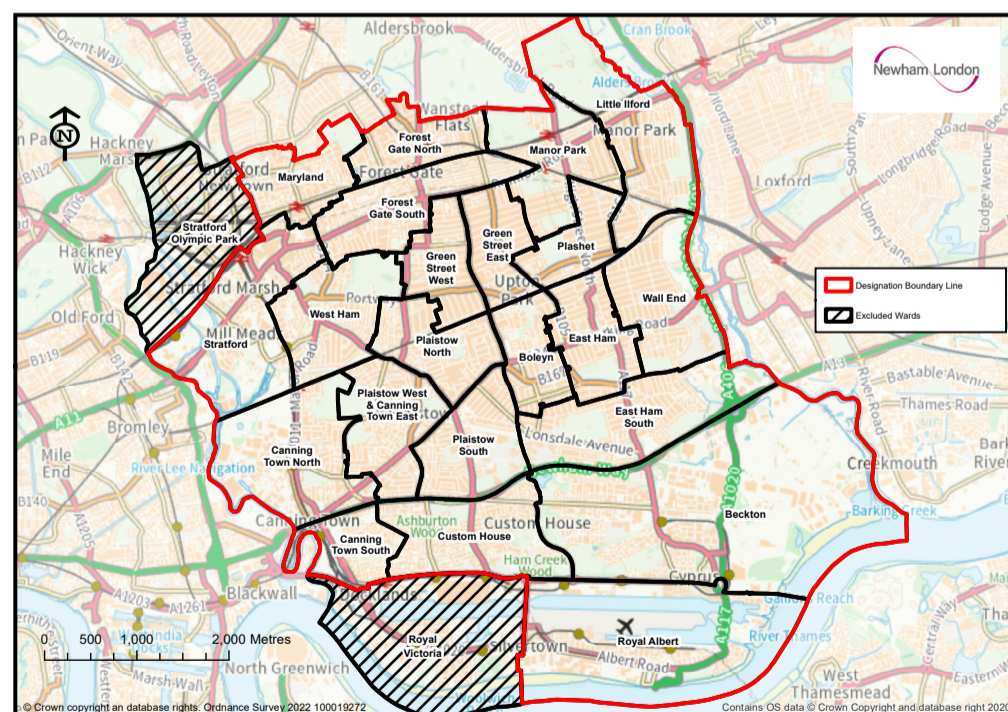
Signed:



Darren Levy
Director of Housing

Annex A- LB Newham Selective Licensing No.1 2023;

Map showing location of the excluded two wards (black striped diagonal lines) and the unshaded areas and red boundary line showing the 22 included wards



For further Legal interpretation please see Annex B Exempt tenancies and licences etc. at <http://www.newham.gov.uk/propertylicensingconsultation>