

London Borough of Southwark

Draft Declaration of Selective Licensing Scheme Designations 1

& 2

Appendix 6

PUBLIC NOTICE

London Borough of Southwark

NOTICE OF DESIGNATION OF AN AREAS FOR SELECTIVE LICENSING

Section 80, Housing Act 2004

1. The London Borough of Southwark ("The Council") in exercise of its powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the areas described in paragraph 5

CITATION, COMMENCEMENT AND DURATION

2. These 2 Designations shall be known as the London Borough of Southwark Designations for Areas for Selective Licensing 2022. All privately rented residential accommodation situated within the designated areas must be licensed with the Council unless subject to statutory exemption as set out in paragraph 5.
3. The Designations are made on ** October 2021 and will come into force on 1 March 2022. In line with the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 and the updated guidance issued by the Department for Communities and Local Government in March 2015 (Selective licensing in the private rented sector - A Guide for local authorities), the Designations fall within a description of designations for which, as long as the authority has consulted for at least ten weeks, do not need approval from the Secretary of State for Housing, Communities and Local Government (MHCLG) as the designated areas cover 20% or less than the total geographical area of the London Borough of Southwark's and includes 20% or less than its private rented properties.
4. The Designations shall cease to have effect on 28 February 2027 (not more than 5 years) or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

5. This designations shall apply to the following areas of the London Borough of Southwark. Designation 1 is delineated in red with the area itself coloured yellow on the map and Designation 2 is delineated in red with the area itself coloured orange on the map both in annex A below. The following wards are included in each designation.

Wards included in Designation 1

Newington
Champion Hill

Wards included in Designation 2

Faraday
Goose Green
St. Giles

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 [HMO] that falls within the nationally prescribed category of HMO that is required to be licensed as a 'mandatory HMO' under section 55(2)(a) Part 2 of the Act²;
 - b. the house is a house in multiple occupation that falls within the prescribed category of HMO that is required to be licensed under the London Borough of Southwark Designation of an Area for Additional Licensing of Houses of Multiple Occupation made on 1 January 2022 under Section 56 of the Housing Act 2004³;
 - c. the tenancy or licence of the house has been granted by a registered social landlord⁴;
 - d. the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - e. the house is subject to a temporary exemption under section 86 of the Act; or
 - f. 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.

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 6(a) to (f) 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.⁶
7. The London Borough of Southwark 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.⁵

If you are a landlord, managing agent or a tenant, or if you require information regarding this designation, or to apply for a licence, further information and assistance is available from the Council's Private Rented Property Licensing Team by telephone on 020 7525 3114 or by email to resi@southwark.gov.uk, or by writing to Private Sector Housing Enforcement Service, PO Box 70063, Queens Road, London, SE15 2HP.

The Designation may be inspected at the above address during office hours. All landlords, managing agents or tenants within the designated area should obtain advice to ascertain whether their property is affected by the Designation by contacting the Council's Private Rented Property Licensing Team.

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. A person who breaches a condition of a licence is liable upon summary conviction to a maximum fine of £5,000 per breach.

Signed

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 2005 (SI 2006/371)

³ Additional Licensing covers HMOs that are not within the scope of Mandatory HMO Licensing where tenants share one or more 'basic amenities' i.e. a WC, personal washing facilities or cooking facilities. 'Section 257' HMO buildings would need a selective licence unless; an individual flat was itself multiply occupied which would need an additional or mandatory HMO licence depending on the number of persons accommodated or, where the building or part of a building is of three or more storeys that have been converted into three or more self-contained flats and where both the building and self-contained flats it contains are under the same ownership or considered by the council to be effectively under the same control.

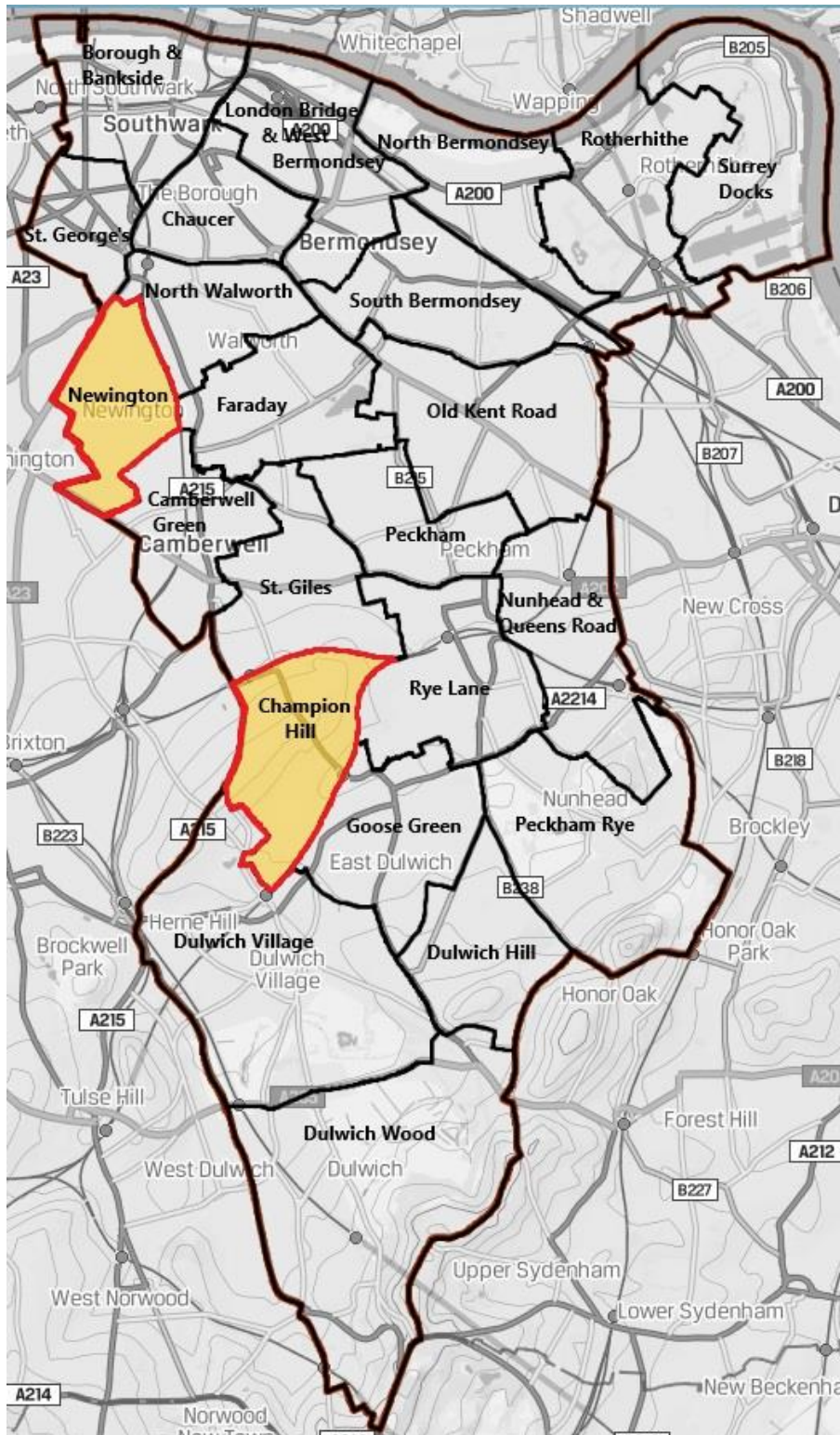
⁴ Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

⁵ Section 232 of the Act and paragraph 11 of SI 373/2006

⁶ See the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

Annex A: 2 Maps below showing selective licensing designations 1 and 2 with the boundary delineated in red and the areas in yellow for designation 1 and orange for designation 2

Designation 1



Designation 2

