



## **The London Borough of Camden Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2015.**

The London Borough of Camden in exercise of their powers under section 56 of the Housing Act 2004 ("the Act") hereby designates for additional licensing of Houses in Multiple Occupation ("HMOs") the area described in paragraph 4.

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

1. This designation may be cited as the London Borough of Camden Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2015.
2. This designation is made on 15<sup>th</sup> June 2015 and shall come into force on 08<sup>th</sup> December 2015.
3. This designation shall cease to have effect on 08<sup>th</sup> December 2020 or earlier if the Council revokes the scheme under section 60 of the Act.

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

4. This designation shall apply to the whole area of the district of the London Borough of Camden as delineated and edged black on the map at Annex A.

### **APPLICATION OF THE DESIGNATION**

5. This designation applies to the HMOs of the description specified in Annex B within the area described in paragraph 4 unless -
  - (a) the building is of a description specified in Annex C (Buildings that are not HMOs for the purpose of the Act - other than Part 1)
  - (b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act
  - (c) the HMO is subject to a temporary exemption under section 62 of the Act; or
  - (d) the HMO is required to be licensed under section 55(2)(a) of the Act (mandatory licensing)<sup>1</sup>.

### **EFFECT OF THE DESIGNATION**

6. Subject to sub paragraphs 5(a) to (d) every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act<sup>2</sup>.

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<sup>1</sup> For the application of mandatory licensing see SI 2006/371 – The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006

7. The London Borough of Camden Council 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<sup>3</sup>.

8. This designation falls within a description of designations in relation to which the Secretary of State has given a general approval under section 58 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 01<sup>st</sup> April 2015.

The designation is herein made by the Deputy Leader and Cabinet Member for Housing under the power conferred on her by the General Approval 2015 as delegated by the London Borough of Camden Executive.

THE COMMON SEAL of the  
Council of the London Borough  
Of Camden was affixed to  
this Designation in the presence of:

  
\_\_\_\_\_  
Signature

Authorised Signatory

Name of Authorised Signatory

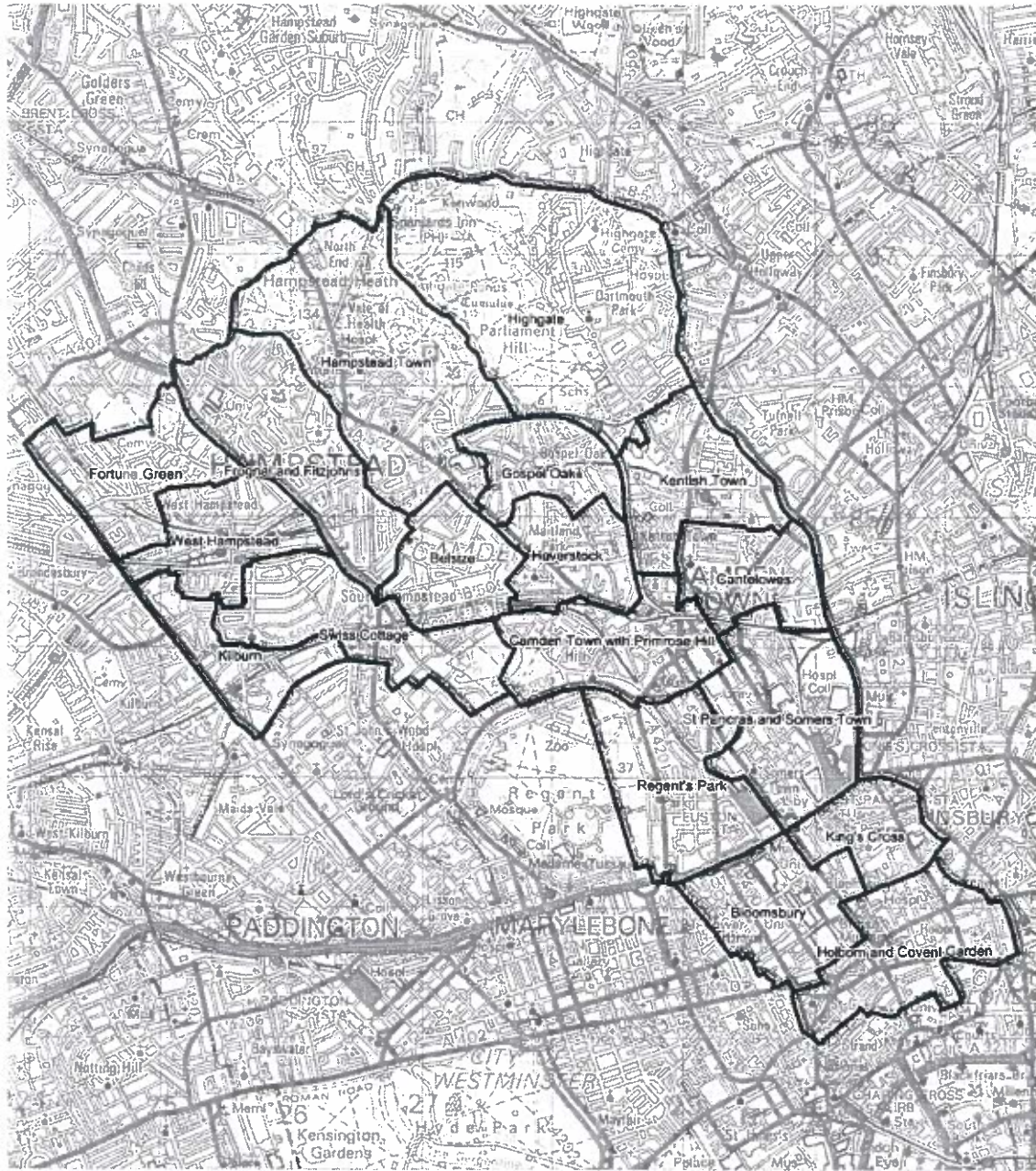
JOANNE REGES

Date: 15 JUNE 2015



<sup>2</sup>Section 62 of the Act provides for certain temporary exemption. As to suitability see section 64. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102

<sup>3</sup>Section 232 of the Act and paragraph 11 of SI 2006/373

**Annex A – Paragraph 4 : Map of Designated Area**



**Annex B – Paragraph 5: HMOs subject to the designation**

The designation applies to all HMOs as defined by section 254 of the Housing Act 2004 that are occupied by 3 or more persons comprising 2 or more households, and HMOs as defined in section 257 of the Housing Act 2004 in relation to those parts of the property under the control of the freeholder or other person in control where half or more of the flats are tenanted (or occupied by a resident landlord).



**Annex C – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act<sup>4</sup>**

**Buildings controlled or managed by public sector bodies etc<sup>5</sup>**

1. A building where the person managing or having control of it is<sup>6</sup>:

(a) a local housing authority

(aa) a non-profit registered provider of social housing

(b) a police and crime commissioner under section 1 of the Police Reform and Social Responsibility Act 2011 or the Mayor's Office for Policing and Crime under section 3 of the same 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 9 of the National Health Service Act 2006

(e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

(f) a profit-making registered provider of social housing where it is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008<sup>7</sup>,

**Buildings controlled or managed by a co-operative society<sup>8</sup>**

2. A building where—

(a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out below is met, and

(b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy<sup>9</sup>.

The conditions are—

(a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,

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<sup>4</sup> Schedule 14 of the Act and SI 2006/373

<sup>5</sup> Paragraph 2 of schedule 14

<sup>6</sup> For the definition of "person managing" and "person having control" see section 263 of the Act

<sup>7</sup> Paragraph 2A of Schedule 14

<sup>8</sup> Paragraph 2B of Schedule 14

<sup>9</sup> "assured tenancy" has the same meaning as in Part 1 of the Housing Act 1988; "protected tenancy" has the same meaning as in the Rent Act 1977; "secure tenancy" has the same meaning as in Part 4 of the Housing Act 1985.



(b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,

(c) that each member has equal voting rights at such a meeting, and

(d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.

For these purposes "co-operative society" means a body that—

(a) is registered as a co-operative society under the 2014 Act<sup>10</sup> or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act, and is neither—

- (i) a non-profit registered provider of social housing, nor
- (ii) registered as a social landlord under Part 1 of the Housing Act 1996.

#### **Buildings regulated by other enactments<sup>11</sup>**

3. 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<sup>12</sup>
- (e) The Prison Rules 1999<sup>13</sup>
- (f) The Young Offender Institute Rules 2000<sup>14</sup>
- (g) The Detention Centre Rules 2001<sup>15</sup>
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>16</sup>

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<sup>10</sup> "the 2014 Act" means the Co-operative and Community Benefit Societies Act 2014

<sup>11</sup> Paragraph 3 of Schedule 14

<sup>12</sup> SI 1998/472 as amended by SI 2003/3005

<sup>13</sup> SI 1999/728 as amended by SI 2000/1794, SI 2000/2641, SI 2001/1149, SI 2002/2116, SI 2002/3135, SI 2003/3301 and 2005/869

<sup>14</sup> SI 2000/3371 as amended by SI 2002/2117, SI 2002/3135 and SI 2005/897

<sup>15</sup> SI 2001/238 NB Section 66(4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999.



(i) The Care Homes Regulations 2001<sup>17</sup>

(j) The Children's Homes (England) Regulations 2015<sup>18</sup>

(k) The Residential Family Centres Regulations 2002<sup>19</sup>

**Certain student lettings etc<sup>20</sup>**

4. A building –

(i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

(ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment<sup>21</sup> and

(iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.<sup>22</sup>

**Religious communities<sup>23</sup>**

5. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering except if the building is a converted block of flats to which section 257 of the Act applies.

**Buildings occupied by owners<sup>24</sup>**

6. A building which is only occupied by –

(i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building

(ii) and/or any member of the household<sup>25</sup> of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

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<sup>16</sup> SI 2001/850

<sup>17</sup> SI 2001/3965 as amended by SI 2002/865, SI 2003/534, SI 2003/1590, SI 2003/1703, SI 2003/1845, SI 2004/664, SI 2004/696, 2004/1770, 2004/2071 and 2004/3168

<sup>18</sup> SI 2015/541

<sup>19</sup> SI 2002/3213 as amended by SI2004/664, SI 2004/865 and SI 2004/3168.

<sup>20</sup> Paragraph 4 of Schedule 14

<sup>21</sup> Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2013/1601

<sup>22</sup> Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615

<sup>23</sup> Paragraph 5 of Schedule 14

<sup>24</sup> Paragraph 6 of Schedule 14

<sup>25</sup> For the definition of "household" see section 258 (2) and paragraphs 3 and 4 of SI 373/2006 Paragraph 6 of Schedule 14



### **Buildings occupied by resident landlord etc<sup>26</sup>**

7. A building which is occupied by a person or persons to whom paragraph 6 applies (subject to the proviso therein) and no more than two other persons<sup>27</sup>, not forming part of the owner's household.

### **Buildings occupied by two persons<sup>28</sup>**

8. Any building which is only occupied by two persons (forming two households)

### **Meaning of "building"**

9. In this annex a "building" includes a part of a building<sup>29</sup>.

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<sup>26</sup> Paragraph 6 of Schedule 14 and SI 2006/373

<sup>27</sup> Paragraph 6(2) of SI 2006/373

<sup>28</sup> Paragraph 7 of Schedule 14

<sup>29</sup> Paragraph 1 of Schedule 14