

# PUBLIC NOTICE

London Borough of Lambeth



## NOTICE OF DESIGNATION OF AREAS FOR SELECTIVE LICENSING

### Section 80, Housing Act 2004

1. The London Borough of Lambeth ("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. This Designation shall be known as the London Borough of Lambeth Designations for Areas for Selective Licensing 2024. 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 6.
3. The Designation is made on **XXX**. The Designation fall within a description of designations for which confirmation is not required by Secretary of State, and come into force on **XXXX**
4. The Designations shall cease to have effect on **XXXX** (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 Lambeth. The Designation is delineated in blue with the area itself coloured green on the map in annex A below. The following wards are included in

##### Wards included in Designation

Knights Hill  
Streatham Common & Vale  
Streatham Hill East  
Streatham St Leonards

#### APPLICATION OF THE DESIGNATION

6. This designation applies to any house<sup>1</sup> 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 Act<sup>2</sup>;
  - 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 Lambeth Designation of an Area for Additional Licensing of Houses of Multiple Occupation made on 1 January 2022 under Section 56 of the Housing Act 2004<sup>3</sup>;
  - c. the tenancy or licence of the house has been granted by a registered social landlord<sup>4</sup>;
  - 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.<sup>5</sup>
7. The London Borough of Lambeth 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.<sup>5</sup>

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 7926 8591 or by email to [PRSLicensing@lambeth.gov.uk](mailto:PRSLicensing@lambeth.gov.uk), or by writing to Private Sector Enforcement and Regulation Service, PO Box 80771, London, SW2 9QQ

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.

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 of section 95 of the Housing Act 2004. A person who breaches a condition of a licence is liable upon summary conviction to an unlimited fine. 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. Further, where an offence has been committed an application may also be made by the Council and/or tenant under the provisions of section 96 and 97 of the Housing Act 2004 for a Rent Repayment Order to pay back up to 12 months' rent, Housing Benefit or Universal Credit. 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.

Signed by **XXX** for and on behalf of the London Borough of Lambeth on **XXX**

<sup>1</sup> For the definition of "house" see sections 79 and 99 of the Act

<sup>2</sup> 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)

<sup>3</sup> 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 W/C, 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.

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

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

