

LONDON BOROUGH OF EALING

DESIGNATION OF AN AREA FOR SELECTIVE LICENSING

The London Borough of Ealing, in exercise of its powers under section 80 of the Housing Act 2004 ("the Act"), hereby gives notice that a designation has been made for selective licensing of the area of the London Borough of Ealing described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Ealing Designation 1 of an Area for Selective Licensing 2022.
2. This designation is made on 20 December 2021 and shall come into force on 01 April 2022.
3. This designation shall cease to have effect on 31 March 2027 or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the three Council ward areas of East Acton, Southall Broadway and Southall Green (pre May 2022 ward boundaries) as delineated and edged red on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ where the whole of it is occupied under a single tenancy or licence, or under two or more tenancies or licences in respect of different dwellings contained in it, within the area described in paragraph 4 unless-
 - (a) the house is a House in Multiple Occupation (HMO) and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a registered social landlord³;
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (d) the house is subject to a temporary exemption under section 86 of the Act; or
 - (e) 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 The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

EFFECT OF THE DESIGNATION

6. The London Borough of Ealing 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 and Regulation 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

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 Description) (England) Order 2018.

flat was itself multiply occupied, it would need an additional or mandatory HMO licence depending on the number of persons accommodated.

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

This designation falls within the description of designations in relation to which the Secretary of State has given a general approval under section 58 of the Housing Act 2004, 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 1st April 2015.

A person having control of or managing a licensable property must apply to the London Borough of Ealing for a licence. Failure to apply for a licence in the designated area is an offence under Section 95(1) of the Housing Act 2004, punishable on conviction by payment of an unlimited fine. In addition they may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the First Tier Tribunal (Property Chamber) under the provisions of section 96 and section 97 of the Housing Act 2004 for a rent repayment order. 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.

Landlords, managing agents, and tenants are advised to seek advice as to whether their property is affected by this designation.

Advice, applications for licences and a copy of this designation for inspection are available at:

Property Regulation
Ealing Council
Perceval House,
14-16 Uxbridge Road,
Ealing W5 2HL
Telephone 020 8825 9512 or email PRSlicensing@ealing.gov.uk

Date: 20 December 2021

Signed:

Portfolio holder and elected Cabinet

For and behalf of the London Borough of Ealing

Annex A – Selective Licensing Designation 1

