

# PUBLIC NOTICE

London Borough of Southwark

## NOTICE OF DESIGNATION OF 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

- 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 6.
- The Designations are made on 6 December 2022. The Designations fall within a description of designations for which confirmation is required by Secretary of State. On 14 June 2023 the Secretary of State confirmed the Designations, and the Designations shall come into force on 1 November 2023.
- The Designations shall cease to have effect on 31 October 2028 (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. These designations shall apply to the following areas of the London Borough of Southwark. Designation 3 is delineated in red with the area itself coloured light blue on the map and Designation 4 is delineated in red with the area itself coloured darker blue on the map both in annex A below. The following wards are included in each designation.

Wards included in Designation 3	Wards included in Designation 4		
North Walworth	Camberwell Green	London Bridge & West Bermondsey	South Bermondsey
Nunhead & Queens Road	Chaucer	Peckham Rye	Surrey Docks
Old Kent Road	Dulwich Hill	Rotherhithe	
Peckham	Dulwich Wood	Rye Lane	

#### APPLICATION OF THE DESIGNATION

- 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:
  - 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>;
  - 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 2004<sup>3</sup>;
  - the tenancy or licence of the house has been granted by a registered social landlord<sup>4</sup>;
  - the house is subject to an Interim or Final Management Order under Part 4 of the Act;
  - the house is subject to a temporary exemption under section 86 of the Act; or
  - 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

- 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>6</sup>
- 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.<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 7525 3114 or by email to [resi@southwark.gov.uk](mailto: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.

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 Caroline Bruce, Strategic Director of Environment, Neighbourhoods & Growth  
for and on behalf of the London Borough of Southwark on 14 June 2023

<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 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.

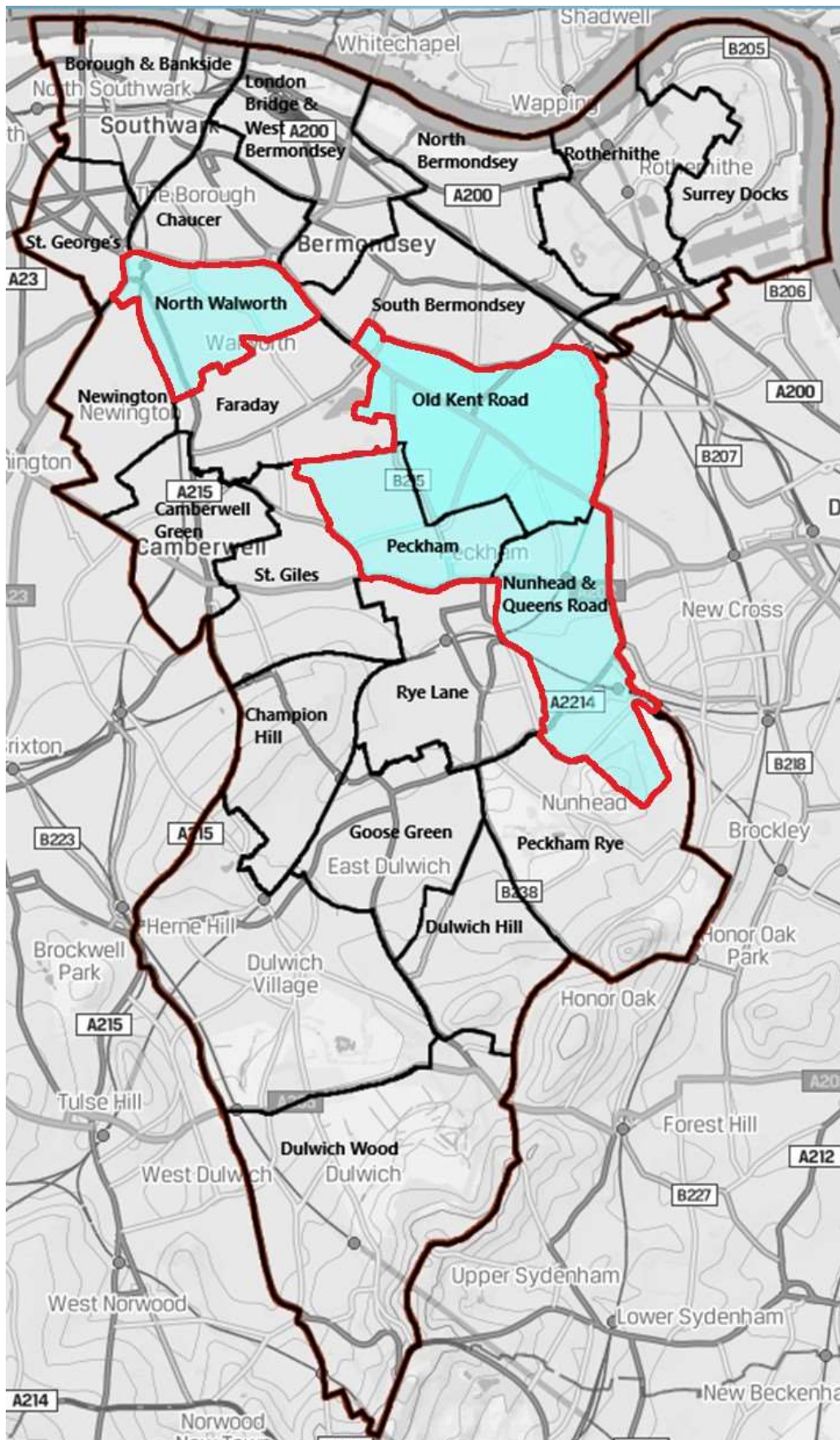
<sup>4</sup> Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

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

**Annex A: 2** Maps below showing selective licensing designations 3 and 4 with the designation boundaries marked in red and the designation areas marked in light blue for designation 3 and blue for designation 4

### Designation 3

Map below showing selective licensing designation 3 with the designation boundaries marked in red and the designation areas marked in light blue



## Designation 4

Maps below showing selective licensing designation 4 with the designation boundaries marked in red and the designation areas marked in blue for designation 4

