

The Mayor and Burgesses of the London Borough of Barking and Dagenham

DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION 2025

1. The London Borough of Barking and Dagenham Council ("The Council") in exercise of its powers under section 56 of the Housing Act 2004 ("the Act") hereby designates the entire area of its district, as subject to Additional Licensing as described at paragraph 6. The designation applies to all Houses in Multiple Occupation ("HMOs") that are occupied under a tenancy, or a licence as described at paragraph 7.
2. This designation falls within a description of designations in relation to which the Secretary of State has given 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".

CITATION, COMMENCEMENT AND DURATION

3. This designation will be cited as The London Borough of Barking and Dagenham Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2025.
4. This designation is made on 9th October 2024 and shall come into force on 9th January 2025.
5. The designation will cease to have effect on 8th January 2030 or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

6. This designation shall apply to the entire area of the London Borough of Barking and Dagenham as delineated and edged red on the map in Annex A.

APPLICATION OF THE DESIGNATION

7. The designation applies to all HMOs as defined by section 254 of the Act¹ that are occupied by 3 or more persons comprising 2 or more households, within the area described at paragraph 6 unless:
 - (a) the building is of a description specified in Schedule 14 of the Act (buildings which are not HMOs for the purposes of the Act excluding Part 1)²;
 - (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;
 - (d) the HMO is required to be licensed under section 55(2)(a) of the Act (mandatory licensing)³; or
 - (e) it is a building converted into self-contained flats but does not meet the standards of conversion required by the Building Regulations 1991, to which Section 257 of the Housing Act 2004 applies.

EFFECT OF THE DESIGNATION

8. Subject to sub paragraphs 7 (a) to (e) above, every HMO of the description specified in that paragraph 7, in the area specified in paragraph 6, shall be required to be licensed under section 61 of the Act.
9. The London Borough of Barking and Dagenham 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.⁴
10. All landlords, managing agents or tenants within the designated area are strongly advised to obtain advice to ascertain whether their property is affected by the designation by contacting the Council's Private Rented Property Licensing Team as described at paragraph 13.

CONSEQUENCES OF FAILURE TO COMPLY WITH DESIGNATION

11. A person having control of or managing a prescribed HMO specified in paragraph 7 must apply to the London Borough of Barking and Dagenham for a licence. Failure to apply for a licence is an offence under Section 72(1) of the Act and punishable on conviction by payment of an unlimited fine or alternatively may be made subject to a financial penalty not exceeding £30,000. A person who breaches a condition of a licence, or who knowingly allows an HMO to be occupied by more than the number of persons or households permitted by the licence, will be similarly liable. 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) Residential Property for a rent repayment order. Furthermore, no section 21 notice may be given in relation to a shorthold tenancy of a part of an unlicensed HMO so long as it remains such an HMO. The Council may also take over the management of an unlicensed HMO by the making of a Management Order under Part 4 of the Act. Any enforcement action may be added to local and national databases and publicised in the public interest and deterrence of others.

INSPECTING THE DESIGNATION

12. This designation may be inspected by prior appointment at the address specified in paragraph 13 during office hours.

¹ Section 254(1) of the Housing Act 2004, except the designation does not apply to HMOs described in Section 254(1)(e)

² Schedule 14 of the Housing Act 2004 describes the buildings that are not HMOs for licensing but are classed as HMOs for Part 1, the enforcement of housing conditions (HHSRS)

³ 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 (SI 2018/221)

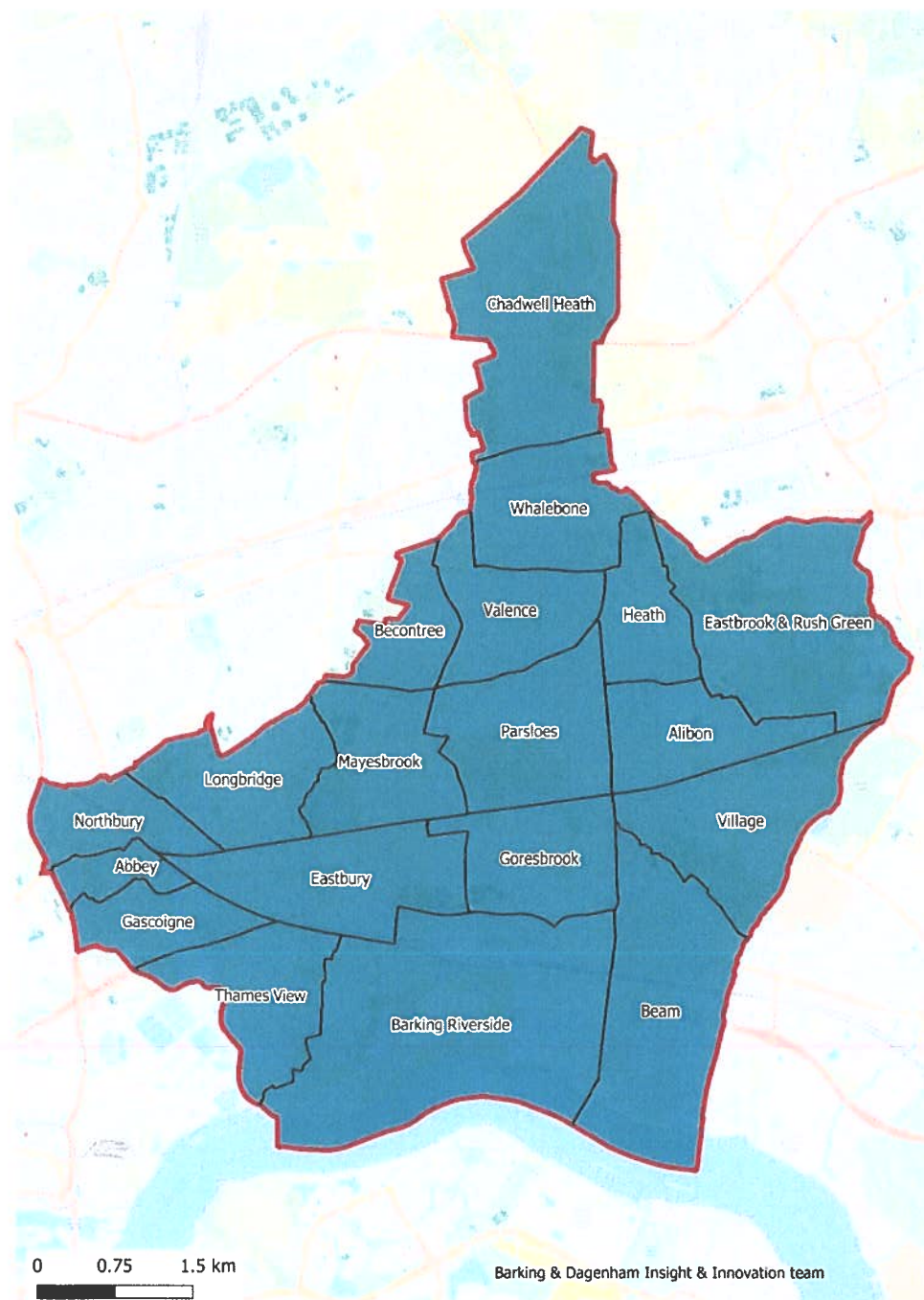
⁴ Section 232 of the Act and paragraph 11 of SI 373/2006

OBTAINING ADVICE

13. If you are a landlord, managing agent or tenant and 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 **0208 724 8898** or by email to prpl@lbbd.gov.uk, or by writing to Private Rented Property Licensing, Barking Town Hall, 1 Clockhouse Avenue, Barking, IG11 7LU.

ANNEX A

MAP OF THE LONDON BOROUGH OF BARKING & DAGENHAM ADDITIONAL LICENSING OF HMOS DESIGNATION 2025 (BOUNDARY DELINEATED IN RED).



EXECUTED as a Deed by affixing The Common Seal of THE LONDON)
BOROUGH OF BARKING AND DAGENHAM in the presence of:)

Authorised Signatory

Paul R Field

Name of Authorised Signatory

(PAUL R FIELD)

Date: 9.10.2024 Minute No.: 24 07 . 2024 Seal No.: 53243

