



## City of Westminster

### **Westminster City Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2026**

Westminster City Council 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 7.

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

1. This designation may be cited as the Westminster City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2026.
2. This designation is made on **21<sup>st</sup> April 2026** and shall come into force on **31<sup>st</sup> August 2026**.
3. This designation shall cease to have effect on **30<sup>st</sup> August 2031** or earlier if the Council revokes the scheme under section 60 of the Act.

#### **STATUTORY BASIS**

4. This designation is made by Westminster City Council in exercise of its powers under section 56 of the Act.
5. The Council is satisfied that a significant proportion of Houses in Multiple Occupation (HMOs) within its area are being managed ineffectively, giving rise to problems for occupants and the wider community.
6. The Council considers that the making of this designation will assist in improving property conditions, management standards and reducing anti-social behaviour associated with HMOs.

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

7. This designation shall apply to the whole area of the district of the City of Westminster as outlined on the map in Annex A.



## City of Westminster

### APPLICATION OF THE DESIGNATION

8. This designation applies to all HMOs as defined by section 254 of the Act that are occupied by 3 or more persons comprising 2 or more households within the area described in paragraph 7 and as outlined in Annex B.
9. The designation does not apply to:
  - (A) any building of a description specified in Schedule 14 to the Act (buildings which are not HMOs for the purposes of the Act other than Part 1)
  - (B) any HMO which is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (C) any HMO which is subject to a temporary exemption notice under section 62 of the Act;
  - (D) any HMO which is required to be licensed under section 55(2)(a) of the Act (mandatory licensing); or
  - (E) any HMO falling within section 257 of the Act (certain converted blocks of flats).

### EFFECT OF THE DESIGNATION

10. Subject to sub-paragraphs 9 (A) to (E) above, every HMO of the description specified in paragraph 8 in the area specified in paragraph 7 shall be required to be licensed under section 61 of the Act.
11. It shall be an offence for any person having control of or managing such an HMO to operate it without a licence or without having made a valid application for a licence.
12. Westminster City Council will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all licensed HMOs under this designation, as required under section 232 of the Act.



# City of Westminster

## CONSULTATION AND GENERAL APPROVAL

13. In making this designation, the Council has complied with the consultation requirements of section 56(3) of the Act and has taken into account all representations received.
14. This designation was approved by the Cabinet of Westminster City Council on 16 March 2026.
15. This designation falls within a description of designations for which the Secretary of State has given 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 2024*, which came into force on 23 December 2024.

Signed

Mark Wiltshire  
Director of Public Protection & Licensing  
Environment & Communities  
For and on behalf of Westminster City Council

**21 April 2026**

**THE COMMON SEAL OF THE  
LORD MAYOR  
AND CITIZENS OF THE CITY OF WESTMINSTER**  
**was hereunto affixed by order:**



Sealed By: Westminster City Council  
Sealed Time: 21 April 2026 | 10:43 BST

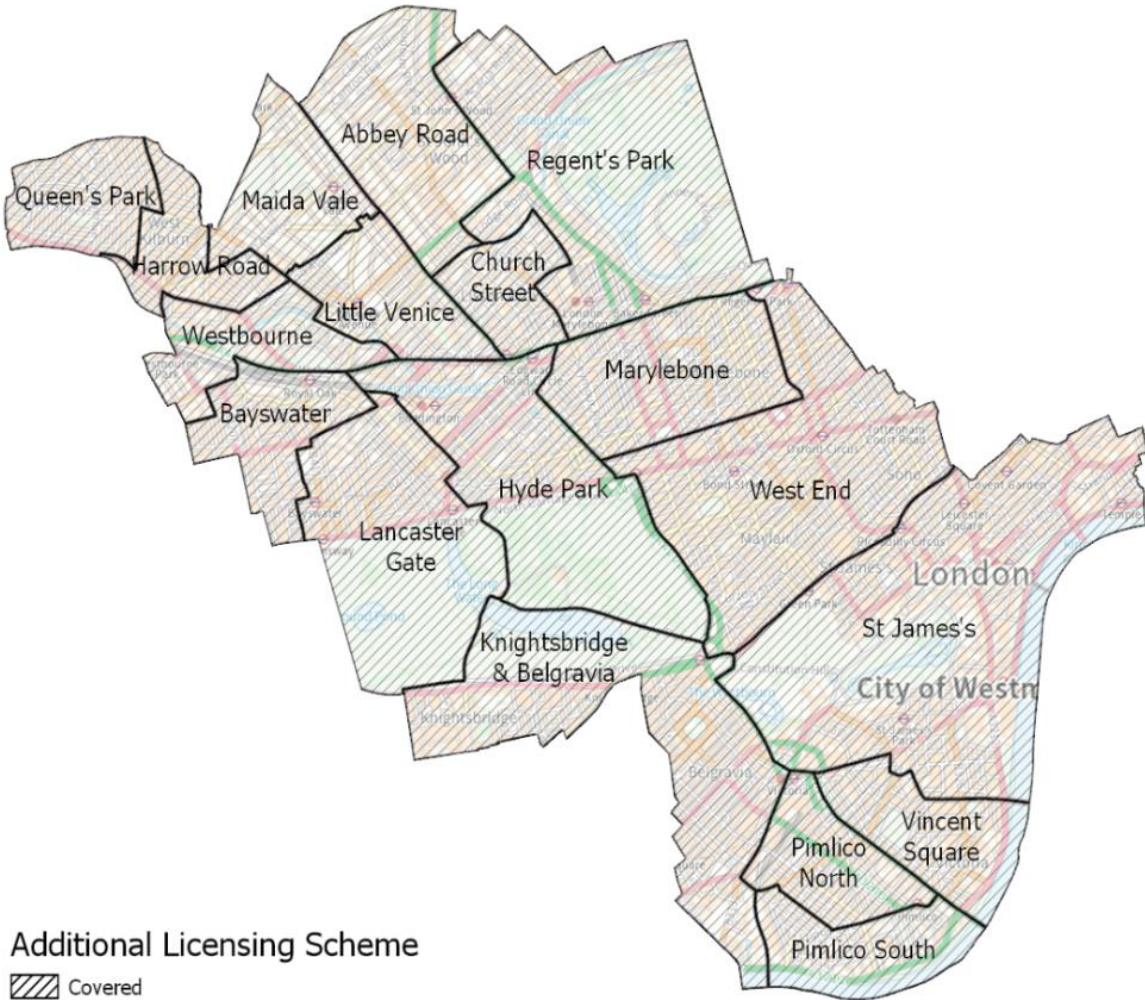
92/64392/2627

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*Michaela Smeaton*  
Michaela Smeaton  
Principal Solicitor



City of Westminster  
ANNEX A: - MAP OF DESIGNATION AREA



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# City of Westminster

## ANNEX B – HMOs SUBJECT TO THE DESIGNATION

This Annex provides guidance on the types of Houses in Multiple Occupation (“HMOs”) that are subject to the additional licensing designation made by Westminster City Council under section 56 of the Housing Act 2004.

This Annex is for informational purposes only and does not replace the statutory definitions contained in the Act.

### **HMOs Included in the Designation**

The designation applies to HMOs as defined by section 254 of the Housing Act 2004 that are:

- Occupied by three or more persons; and
- Formed of two or more households; and
- Where occupiers share one or more basic amenities (e.g. kitchen, bathroom, or toilet)

within the area specified in paragraph 7 of this designation.

### **Description of HMOs covered**

The designation applies to HMOs including (but not limited to):

#### Shared houses

Houses occupied by three or more persons who are not all members of the same household and who share one or more basic amenities (e.g. kitchen, bathroom or toilet).

#### Shared flats (including purpose-built blocks)

Flats occupied by three or more persons forming two or more households, including:

- Flats within purpose-built blocks;
- Flats within converted buildings;

where occupiers share one or more basic amenities or otherwise meet the tests in section 254 of the Act.

#### Bedsit accommodation

Properties where occupiers have individual rooms and share facilities such as kitchens, bathrooms or toilets.

#### Houses converted into non-self-contained units

Buildings converted into letting rooms or bedsits where facilities are shared.



# City of Westminster

## Other HMOs within section 254

Any other property which falls within the definition of an HMO under section 254 of the Act.

### **1. The standard test (section 254(2))**

A building meets the standard test if—

- (a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- (b) the living accommodation is occupied by persons who do not form a single household;
- (c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it; and
- (d) their occupation of the living accommodation constitutes the only use of that accommodation; and
- (e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
- (f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

### **2. The self-contained flat test (section 254(3))**

The self-contained flat test (section 254(3))

A part of a building meets the self-contained flat test if—

- (a) it consists of a self-contained flat; and
- (b) paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).

### **3. The converted building test (section 254(4))**

A building meets the converted building test if—

- (a) it is occupied by persons who do not form a single household;
- (b) it is occupied by those persons as their only or main residence or they are to be treated as so occupying it;
- (c) their occupation of the living accommodation constitutes the only use of that accommodation; and
- (d) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
- (e) the building is of a description specified in regulations made by the appropriate national authority.



## City of Westminster

For the purpose of the Annex:

**“Basic amenities” means:**

- (a) A toilet,
- (b) Personal washing facilities, or
- (c) Cooking facilities

**“Converted building” means:**

a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;

**“Self-contained flat” means:**

a separate set of premises (whether or not on the same floor)— (a) which forms part of a building; (b) either the whole or a material part of which lies above or below some other part of the building; and (c) in which all three basic amenities are available for the exclusive use of its occupants.

**Meaning of “household” (section 258)**

Persons are to be regarded as forming a single household if they are members of the same family.

For this purpose, a “family” includes—

- (a) a couple (whether married or not);
- (b) a person and his relatives;
- (c) a couple and their relatives;

and “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin and includes relationships of the half-blood, stepchildren and foster children.



# City of Westminster

## ANNEX C – HMOs NOT SUBJECT TO THE DESIGNATION

This Annex summarises descriptions of buildings which are not HMOs for the purposes of Part 2 of the Act by virtue of Schedule 14 and associated regulations Buildings controlled or managed by public bodies

A building is not an HMO where the person having control of or managing it is:

- (a) a local housing authority;
- (b) a non-profit registered provider of social housing;
- (c) a body registered as a social landlord under Part 1 of the Housing Act 1996;
- (d) a Police and Crime Commissioner;
- (e) the Mayor's Office for Policing and Crime;
- (f) a fire and rescue authority under the Fire and Rescue Services Act 2004; or
- (g) a health service body within the meaning of section 9 of the National Health Service Act 2006.

### **Buildings regulated by other enactments**

A building is not an HMO where the occupation is regulated under any of the following enactments:

- sections 87 to 87D of the Children Act 1989;
- section 43(4) of the Prison Act 1952;
- the Secure Training Centre Rules 1998;
- the Prison Rules 1999;
- the Young Offender Institution Rules 2000;
- the Detention Centre Rules 2001;
- the Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001;
- the Care Homes Regulations 2001;
- the Children's Homes (England) Regulations 2015;
- the Residential Family Centres Regulations 2002.

### **Certain student accommodation**

A building is not an HMO where:

- (a) it is managed or controlled by a specified educational establishment or is of a specified description;
- (b) the occupiers are undertaking a full-time course of further or higher education at that establishment; and
- (c) the building is managed in conformity with an approved code of practice under section 233 of the Act



# City of Westminster

Specified educational establishments are listed in The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016

## **Religious communities**

A building is not an HMO where it is occupied principally for the purposes of a religious community whose main occupation is prayer, contemplation, education or the relief of suffering.

## **Buildings occupied by owners**

A building is not an HMO where it is occupied only by:

- (a) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years; and/or
- (b) any member of that person's household.

## **Resident landlord exemption**

A building is not an HMO where:

- it is occupied by a person falling within the above 'Buildings occupied by owners'; and
- no more than two other persons reside in the building who do not form part of that person's household.

## **Buildings occupied by two persons**

A building is not an HMO where it is occupied by only two persons (forming two households)

Interpretations:

- "building" includes part of a building;
- "household" has the meaning given in section 258 of the Act and relevant regulations;
- references to Schedule 14 are to Schedule 14 of the Housing Act 2004 as amended;
- references to regulations include those made under the Act, including the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.