

Appendix 1

The Exeter City Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation.

The Exeter 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 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Exeter City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2014.
2. This designation is made under the Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010, under which general approval is given to local authorities, by the Secretary of State, under Section 58 (1)(b) of the Housing Act 2004, to designate their district or an area within their district, as subject to additional licensing. The designation is made on 18 November 2014 and shall come into force on 23 February 2015.
3. This designation shall cease to have effect on 23 February 2020 or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the administrative district of Exeter City Council as delineated and edged red on the map at annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to all the HMOs of the two description specified in Annex B within the area described in paragraph 4 unless -
 - (a) the building is of a description specified in annex c (Buildings that are not HMOs for the purpose of the Act - other than Part 1)
 - (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; or
 - (d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing)

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (d) every HMO of the description specified in Annex B in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Housing Act 2004.
7. The Exeter City Council will comply with the notification requirements contained in section 59 of the Act and Regulation 9 of Licensing and Management of Houses in

Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006 and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.

8. Landlords, persons managing or tenants should seek advice from Exeter City Council by contacting them, as specified in paragraphs 13,14 and 15, to ascertain whether their property is affected by this designation.

9. Failure to licence a property which requires licensing by virtue of the designation may result in a fine of up to £20,000 on summary conviction under section 72 of the Housing Act 2004. It also gives tenants and the City Council, in the case of Housing Benefit payments, to apply to the Residential Property Tribunal under Section 73(5) and(6) and Section 74 of the Housing Act 2004 for rent repayment order.

INSPECTION OF THE DESIGNATION

10. Exeter City Council is the local housing authority which made the designation which may be inspected at the Customer Services Centre, Civic Centre, Dix's Field, Exeter.

11. The opening times of the civic centre are: Monday – Wednesday and Friday, 9am to 5pm, Thursday 9am – 6pm, Closed at weekends and public holidays

12. Copies of the designation can be obtained from the private sector housing team, Exeter City council, Civic Centre, Dix' s Field, Exeter.

APPLICATIONS FOR HMO LICENCE AND GENERAL ADVICE ABOUT HMO LICENSING.

13. Applications for HMO additional licences and general advice on the licensing scheme should be made at the civic centre, Dix's Field, Exeter.

14. The contact number for the private sector housing team is 01392 265148.

15. The e mail address for HMO licensing is additional.hmolicensing@exeter.gov.uk

16. Date and authentication by the council date....

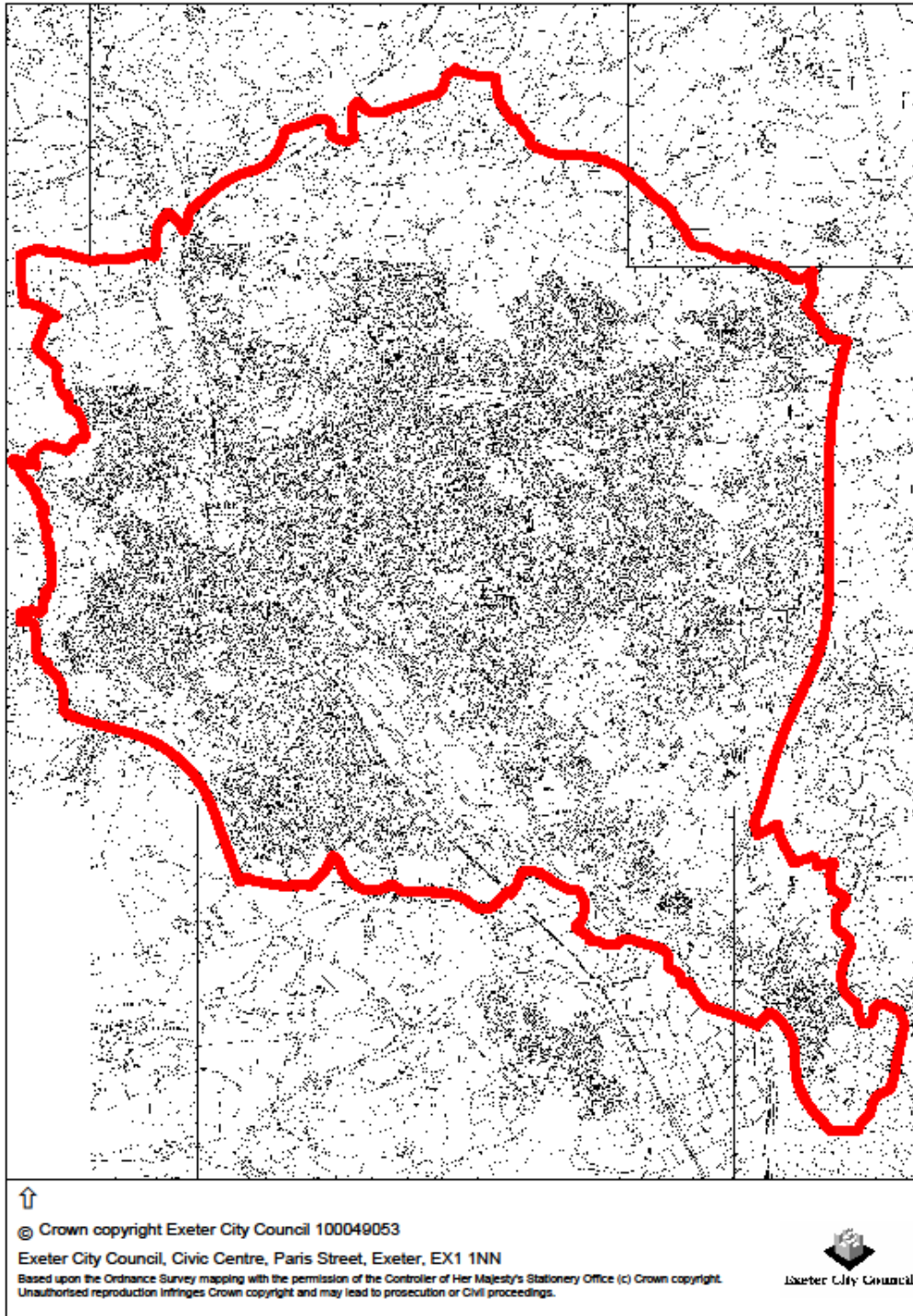
Signed

Date

Date published.....

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Annex A – Paragraph 4: Map of Designated Area



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Annex B – Paragraph 5: HMOs subject to the designation

1 Flats in multiple occupation which

- Are situated in 'mixed use' buildings containing both residential and commercial premises (shops, offices etc) and
- Are occupied by 3 or more people forming more than one household who
- Share an amenity, such as kitchen, bathroom or toilet.

Occupiers not forming a 'single household' are a group of tenants who are not all members of the same family.

Family is defined as:

- Married or cohabiting couples (or in an equivalent relationship in the case same sex couples) who are
- Related to each other i.e. parent, grandparent, child (including stepchild), grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

2 Certain buildings converted into flats, those being:

- Buildings converted into two or more self contained flats, where the conversion does not comply with the 1991 Building Regulations (or later) and less than two thirds of the flats are owner occupied

A building converted into two flats will only be licensable if **both** flats are tenanted and there are at least three tenants occupying the building.

A flat is "owner-occupied" if it is either occupied on a long lease (for a term of over 21 years) or by a person who has the freehold interest in the converted block of flats

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Annex C – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act

Buildings controlled or managed by public bodies etc

1. A building where the person managing or having control of it is:

(a) a local housing authority

(b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

(c) a fire and rescue authority under the Fire and Rescue Services Act 2004

(d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990

(e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

(a) sections 87 to 87D of the Children Act 1989

(b) section 43 (4) of the Prison Act 1952

(c) section 34 of the Nationality, Immigration and Asylum Act 2002

(d) The Secure Training Centre Rules 1998

(e) The Prison Rules 1998

(f) The Young Offender Institute Rules 2000

(g) The Detention Centre Rules 2001

(h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001

(i) The Care Homes Regulations 2001

(j) The Children's Homes Regulations 2001

(k) The Residential Family Centres Regulations 2002.

Certain student lettings etc

5. A building –

(i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

(ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment and

(iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.

Religious communities

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

Buildings occupied by owners

7. A building which is only occupied by –

(i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building

(ii) and/or any member of the household of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by resident landlord etc

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons, not forming part of the owner's household.

Buildings occupied by two persons

9. Any building which is only occupied by two persons (forming two households)

Meaning of "building"

10. In this annex a "building" includes a part of a building.