

DESIGNATION OF AN AREA FOR ADDITIONAL HMO LICENSING

The Northampton Borough Council Designation of an Area Subject to Additional Licensing of Houses in Multiple Occupation 2019

The Northampton Borough Council in exercise of their powers under section 56 of the Housing Act 2004 (“The 2004 Act”) hereby designates for additional licensing Houses in Multiple Occupation (“HMOs”) in the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. The designation may be cited as the Northampton Borough Council Designation of an Area Subject to Additional Licensing of Houses in Multiple Occupation 2019
2. The designation is made on 16th October 2019 and shall come into force on 1 February 2020.
3. This designation shall cease to have effect on 31 January 2025 or earlier if the Council revokes the scheme under section 60 of the 2004 Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to Northampton Borough Council wards of Abington, Billing, Boothville (part of), Brookside, Castle, Delapre and Briar Hill (part of), Eastfield, Headlands, Kingsley, Kingsthorpe, Obelisk (part of), Park, Parklands (part of), Phippsville, Rectory Farm, Riverside (part of), Rushmills (part of), Semilong (part of), Spencer (part of), Spring Park, St Davids, St James (part of), Sunnyside, Talavera (part of), Trinity and Westone on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to HMOs of the 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 2004 Act – other than Part 1);
 - b) the HMO is subject to an Interim or Final Management Order under Part 4 of the 2004 Act;
 - c) the HMO is subject to a temporary exemption under section 62 of the 2004 Act; or
 - d) the HMO is required to be licensed under section 55(2)(a) of the 2004 Act (mandatory licensing).

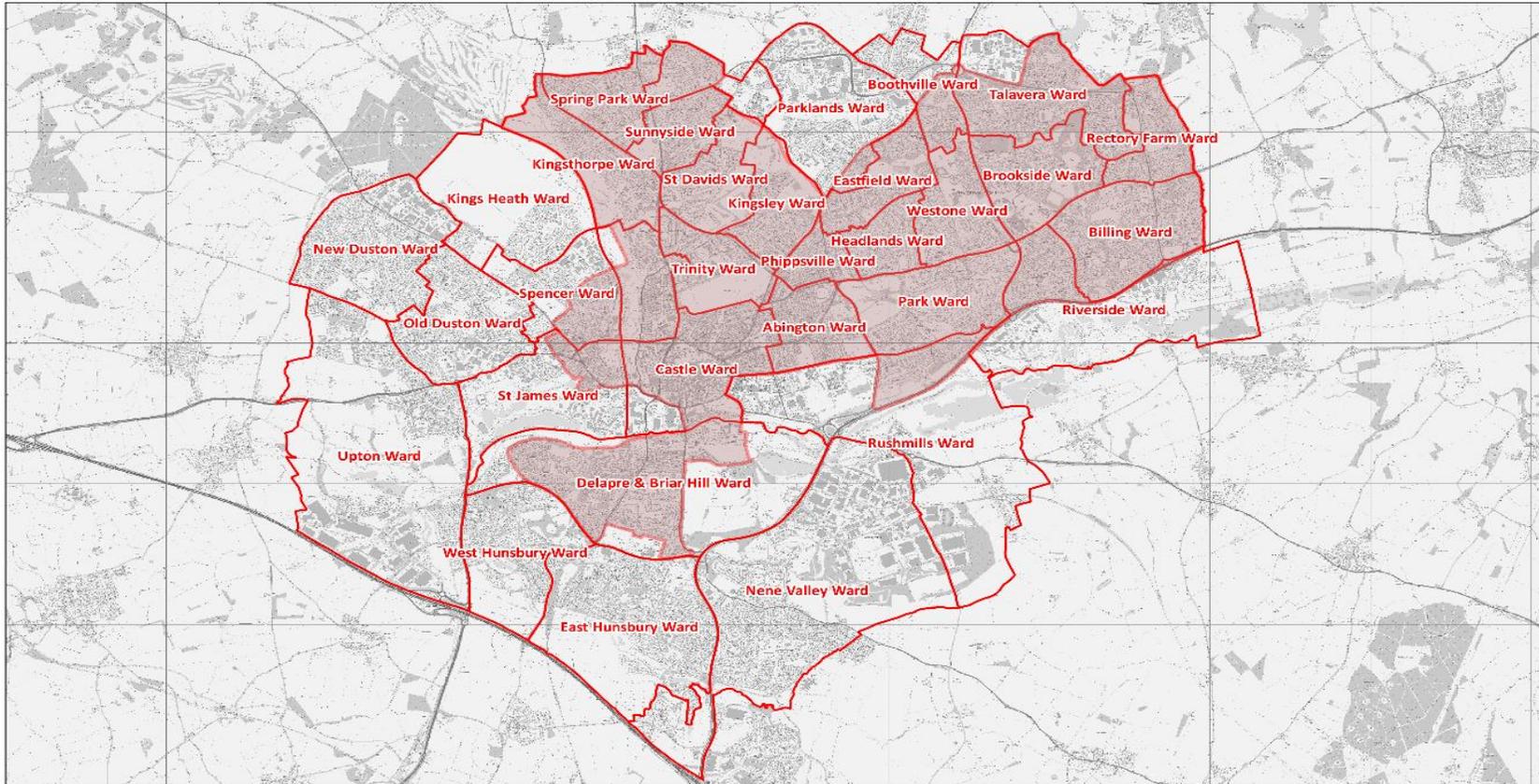
EFFECT OF THE DESIGNATION

6. Subject to sub-paragraphs 5(a) to (d) every HMO of the description specified in Annex B within the area specified in paragraph 4 shall be required to be licensed under section 61 of the 2004 Act.
7. Northampton Borough Council will comply with the notification requirements contained in section 59 of the 2004 Act in relation to this designation and shall maintain a register of all houses licensed under it, as required by section 232 of the 2004 Act.

Dated 16th October 2019

Northampton Borough Council

Annex A – Paragraph 4: Map of Designated Area



Title: **Additional Licensing of HMO Area Boundaries**

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Annex B – Paragraph 5: HMOs subject to the designation

Any House in Multiple Occupation (irrespective of the number of storeys) that contains three or four occupiers who form two or more households; and

All self-contained flats (irrespective of the number of storeys) that are Houses in Multiple Occupation and contain three or four occupiers who form two or more households but, where the HMO is a section 257 House in Multiple Occupation, this Additional HMO licensing designation will only apply to those section 257 HMOs that are mainly or wholly tenanted, including those with resident landlords

Annex C - Paragraph 5(a): Buildings that are not HMOs for the purpose of the 2004 Act

Buildings controlled or managed by public bodies etc

1. A building where the person managing or having control it is:
 - a) a local housing authority;
 - b) a non-profit registered provider of social housing;
 - c) a body which is 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;
 - g) a health service body within the meaning of section 9 of the National Health Service Act 2006.

2. A building-
 - (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
 - (b) where the person managing or having control of it is a profit-making registered provider of social housing.

Buildings regulated by other enactments

3. A tenancy, licence or occupation of a house which is regulated under the following enactments:
 - a) sections 87, 87A, 87B, 87C and 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 1999;
 - 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 (England) Regulations 2015;
 - k) The Residential Family Centres Regulations 2002.

Buildings controlled or managed by a co-operative society

4. (1) A building where—
- (a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub-paragraph (2) is met, and
 - (b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.
- (2) The conditions are—
- (a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,
 - (b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,
 - (c) that each member has equal voting rights at such a meeting, and
 - (d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.
- (3) For the purposes of sub-paragraph (1) “co-operative society” means a body that—
- (a) is registered as a co-operative society under the 2014 Act or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act, and
 - (b) is neither—
 - (i) a non-profit registered provider of social housing, nor
 - (ii) registered as a social landlord under Part 1 of the Housing Act 1996.
- (4) In this paragraph—
“the 2014 Act” means the Co-operative and Community Benefit Societies Act 2014
“assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;
“protected tenancy” has the same meaning as in the Rent Act 1977
“secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.

Certain student lettings etc

5. A building –
- (i) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
 - (ii) the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description;

For this purpose, ‘specified’ means specified in regulations made under the 2004 Act;

and,

- (iii) the educational establishment is a member of the ANUK/Unipol Code of Standards for Student Accommodation Managed or controlled by Educational Establishments dated 1st May 2019 or the Universities UK Guild HE Code of Practice for the Management of Student Housing dated 19th May 2019.

Religious communities

- 6. A building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering; except if the building is a converted block of flats to which section 257 of the 2004 Act applies.

Building occupied by owners

- 7. A building which is occupied only 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) any member of the household of that person or persons, and/or
 - (iii) such number of other persons as is specified in regulations for the purpose of this paragraph,

but this exemption does not apply to a converted block of flats to which section 257 of the 2004 Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by two persons

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

Meaning of “building”

- 9. In this annex a “building” includes a part of a building.