

PUBLIC NOTICE

LONDON BOROUGH OF MERTON DESIGNATION OF AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Section 56, Housing Act 2004

Notice is hereby given that the London Borough of Merton in exercise of its powers under Sections 56 to 60 of the Housing Act 2004 (“the Act”) has on the 19th day of June 2023 designated for Additional Licensing the area comprising the following wards: Colliers Wood, Cricket Green, Figge’s Marsh, Graveney, Lavender Fields, Longthornton and Pollard Hill.

The designation shall be known as the London Borough of Merton Designation of an Area for Additional Licencing 2023. The designation applies to all HMOs as defined by section 254 of the Housing Act 2004 that are occupied by 3 or more persons comprising 2 or more households. Unless:

- a) the building is of a description specified in Schedule 14 of the Housing Act 2004 (Buildings which are not HMOs for the purpose of the Act - excluding Part 1);
- b) the house is a house in multiple occupation and is already required to be licensed under part 2 of the Act;
- c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- d) the house is subject to a temporary exemption under section 62 of the Act;

The designations fall within descriptions of designations for which the Secretary of State has issued a General Approval confirmed under section 58(6) and of Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.

The designation will come into force on 24th September 2023 and shall cease to have effect on 23rd September 2028 or earlier if the Council revokes the scheme under section 60 of the Act.

A person having control of or managing a prescribed HMO must apply to the Council for a licence. The London Borough of Merton 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.

Upon the Designation coming into force on 24th September 2023 any person who operates a licensable property without a licence shall be guilty of an offence under Section 72(1) of the Act, and shall be liable to:

- A Civil Penalty Notice (up to a maximum of £30,000).
- A criminal conviction upon prosecution leading to an unlimited fine.
- Being placed on the Mayor of London's public Rogue Landlords and Agents database.
- Can be subject to a rent repayment order and may have to repay up to 12 months rental income.
- Serious or multiple offences can result in a Banning Order.

Furthermore, if a property is required to be licensed but is not the landlord or person having control of, or managing, the property cannot serve notice to quit on a tenant (section 21 notice) or seek possession of their property until the licence has been obtained.

Landlords, persons managing relevant properties and tenants within the designated areas are advised to seek advice from the Council on whether their properties are affected by the designation.

If you are a landlord, managing agent, or a tenant and would like advice please contact Housing Enforcement, Community and Housing, Merton Civic Centre, London Road, Morden, SM4 5DX; Tel 020 8545 3460; email Privaterented.licensing@merton.gov.uk. The designation may also be inspected by appointment at this address during office hours.