

London Borough of Hammersmith & Fulham

Report to: Cabinet

Date: 06/12/2021

Subject: Improving private sector housing through discretionary property licensing

Report of: Councillor Lisa Homan, Cabinet Member for Housing / Councillor Wesley Harcourt, Cabinet Member for the Environment

Report author: Debbie Ricketts, Private Housing Enforcement Manager

Responsible Director: Sharon Lea, Strategic Director of Environment

Summary

The council has two discretionary property licensing schemes which require landlords of privately rented houses and flats which meet the criteria of the schemes to apply to the council for a licence for each property. These schemes expire in June 2022.

Cabinet is asked to approve that officers should implement new property licensing schemes from June 2022 for a further 5 years, focussing on the types of properties and streets where there are the most significant problems, as follows:

- Additional Licensing for Houses and Flats in Multiple Occupation (“HMOs”) which are outside the scope of Mandatory HMO Licensing
 - Selective Licensing for rented dwellings in 24 specified streets
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Recommendations

That Cabinet approves:

1. Designation of an Additional HMO Licensing scheme from 5 June 2022 in accordance with the designation document in **Appendix 1**.
2. Designation of a Selective Licensing scheme for rented houses and flats which are not HMOs from 5 June 2022 in accordance with the designation document in **Appendix 2**.
3. Delegation of authority to the Strategic Director of Environment to set licence fees, and to amend these fees from time to time as is necessary to reflect the actual costs of administering and managing the schemes.

4. Delegation of authority to the Strategic Director of Environment (in relation to licensed dwellings) to set (and amend from time to time)
 - a. minimum standards for amenities and management, and
 - b. licence conditions

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The council aims to encourage private landlords to provide accommodation for renters to live and work in the area
Creating a compassionate council	The council supports tenants in private rented accommodation to live in safe and healthy conditions
Doing things with local residents, not to them	The council provides advice for tenants and guidance to landlords and regularly seeks the views of landlords and tenants
Being ruthlessly financially efficient	Income from licensing schemes is used to improve conditions in the private rented sector through education and (where necessary) enforcement
Taking pride in H&F	The council's aims for satisfaction with living conditions in H&F to be above the national average
Rising to the challenge of the climate and ecological emergency	Licensed properties will be required to have a minimum energy efficiency rating, and landlords can be required to make improvements where they do not.

Financial Impact

6. The council is permitted to charge for property licences in order to recover its costs only – it is not permitted to generate a surplus from licensing activities. Licensing fees must be charged in two parts:
 - Part 1 – a fee levied at the point of application, to cover the costs of the scheme's authorisation procedures and formalities, i.e. the costs of processing the application; and
 - Part 2 – if the application is successful, a further fee to cover the costs of general enforcement and management of the scheme.
7. In Hammersmith & Fulham, the fee calculation in respect of Additional HMO Licensing and Selective Licensing shows that the proportion of fee is split equally between Part 1 and Part 2, as the time and resources required to run the licensing schemes have been calculated to be 50% for administration and processing and 50% for management and enforcement.
8. The council is mindful of the requirement to charge fees in two parts. However, only a small number of applications submitted with full payment do

not proceed to licence issue (less than 1%) and so a single fee covering both Parts 1 and 2 is charged at the application stage. To split fees into two stages requiring two separate payment administration processes would impose extra cost to both the license applicants and the council. To comply with the law as it stands (as per the judgement in R (Hemming) (t/a Simply Pleasure Ltd) v Westminster CC [2015]), the council will refund the “Part 2” fee where the full fee has been paid in advance but the application does not proceed to licence issue (for example due to a change of applicant circumstances on the part of the applicant or a refusal to issue a licence on the part of the council).

9. The proposed fees are in Appendix 3.
10. The online application process and licensing database is provided by a software provider under contract. The costs of software development and annual user licences can be met from income from licensing fees.
11. The recommendation to continue the existing licensing scheme (with some variations as noted) is not expected to have any significant impact on existing costs and income budgets.

Legal Implications

12. The judgements in the case of R (Hemming) (t/a Simply Pleasure Ltd) v Westminster CC [2017] UKSC 50 and the two High Court decisions in R (Gaskin) v Richmond upon Thames LBC [2017] EWHC 3234 (Admin) and [2018] EWHC 1996 (Admin) give clarity to the UK statutory instrument “The Provision of Services Regulations 2009” S.I. 2009/2999. The key points are:
 - a. Property licensing is an “authorisation scheme” for the purposes of the Regulations, and
 - b. Licensing fees can be used for both “administration and processing” and the “general enforcement and management” of the licensing schemes
13. Under Part 2 of the Housing Act 2004 (“the Act”), the council, as a local housing authority, must licence large HMOs; this is called “Mandatory HMO Licensing”. In October 2018, the statutory definition of a dwelling which requires a Mandatory HMO licence was widened to include a dwelling of less than three storeys, provided it is occupied by five or more persons living in two or more separate households (ie are not all related to each other or partners). Exceptions include purpose-built flats situated in a block comprising three or more self-contained flats.
14. A local housing authority may designate the whole or part of its area for “Additional HMO Licensing” in relation to a description of HMOs specified in the designation. The designation can be made if the council considers that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively to be likely to give rise to particular problems either for those

occupying the HMOs or for members of the public. For example, a designation could include HMOs occupied by less than 5 persons and purpose built flats in blocks.

15. Under Part 3 of the Act, a local housing authority may introduce Selective Licensing of privately rented homes to address problems in the area caused by significant anti-social behaviour, poor property conditions, an influx of migration, a high level of deprivation or high levels of crime. If the number of private rented households in streets designated for Selective Licensing exceeds 20% of the borough's total private rented sector, approval for the scheme is needed from the Secretary of State.
16. Sections 56(3) and Section 80(9) of the Act state that before making a designation for additional or selective licensing the Local Housing Authority must take reasonable steps to consult persons who are likely to be affected by the designation, and consider any representations made in accordance with the consultation and not withdrawn. Prior to commencing the consultation, the council should produce a draft proposal identifying what is to be designated and its consequences. The consultation should last for a minimum 10-week period and be informative, clear and to the point so that the proposal can be readily understood by local residents, landlords, letting agents and businesses. It should be more than a general listening and engagement exercise.
17. According to section 57 and 81 of the Act, the council has considered whether there are any other courses of action available that might provide an effective method of dealing with the problems and objectives in question, and considers that making the designation will significantly assist it to deal with the problems and objectives.

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Telephone: 07798588766
Email: grant.deg@lbhf.gov.uk

Background Papers Used in Preparing This Report – ALL PUBLISHED

[Report](#) for Cabinet 5 December 2016 “Improving Private Renting”

Hammersmith & Fulham [Borough Profile](#) 2018

[Report](#) for Cabinet 1 March 2021

[Report](#) for Community Safety and Environment / Economy, Housing and the Arts Policy & Accountability Committees on 19 and 20 July 2021

[Housing Strategy](#)

Gaskin v Richmond-upon-Thames full judgement:

<https://www.casemine.com/judgement/uk/5cb02e822c94e02c1b892e36>

Hemmings v Westminster City Council full judgement

<http://www.bailii.org/uk/cases/UKSC/2017/50.html>

[Selective licensing in the private rented sector A Guide for local authorities](#)

March 2015 Department for Communities and Local Government

Proposals and Analysis of Options

Background

19. The private rented sector in Hammersmith & Fulham is the sixth highest in London and eighth highest in the country and accounts for 30% of all households in the borough according to the 2011 census, a 10% increase since 2001. It is expected that the 2021 census will show a further increase in the proportion of residential addresses in the borough which are privately rented.
20. The 24 streets in the new Selective Licensing scheme are in a range of the borough's districts so will provide wide coverage of the rental sector:
 - 4 streets are in W6
 - 4 in W14
 - 9 in W12
 - 6 in SW6 and
 - 1 in NW10
21. HMO licensing being Borough wide will also ensure that all areas of the Borough are properly supported by the private sector housing team.
22. The 2017-2022 scheme has been evaluated and this was reported on in:
 - a. the Cabinet Report 1 March 2021 "Improving private sector housing through discretionary property licensing" and
 - b. reports to the Community Safety & Environment, and Economy, Housing & the Arts Policy and Accountability Committees on 19 and 20 July 2021
23. Some of the successes from the 2017-2022 scheme include:
 - a. A house in a Selective Licensing street, converted into 14 self-contained units – a tenant who knew about the licensing scheme reported the flats to be too small. Inspections revealed beds on raised platforms, hampering means of escape in the event of fire, cramped floor space and kitchen units, noise transference between the flats. Prohibition Orders were discussed with the owner who agreed to reconfigure and modernise several of the flats to remove the hazards to occupiers
 - b. An application for an HMO licence revealed an open plan layout and no safe means of escape in the event of fire. Inspection revealed the building to be a former laundry converted into commercial units with overnight accommodation. Prohibition Orders were served to prevent commercial rental to sharing tenants (ie HMO use)
 - c. Another HMO licence application revealed a basement previously used for storage underneath a shop converted into living accommodation. The conversion was inadequate and dangerous, and the premises will be prohibited for use as accommodation
 - d. A report of an unlicensed HMO led to an inspection followed by a co-ordinated enforcement visit by council officers, police and fire services.

The 6 flats in the converted house were of poor standard with no fire detection system and a dangerous electrical supply. Prohibition Orders were served and Notices of Intention to impose Financial Penalties served on the owner

- e. HMO licensing and searches for flats which should have Selective Licences has revealed several properties in Selective Licensing streets which have been converted into self-contained flats without the Licence Holder notifying environmental health or planning or building control. Correct council tax payments were being avoided. Remedial action can now be taken

24. The council's Business Intelligence service has evaluated the data used to support the 2017-22 designation against more recent data, and this data has been used to inform the selection of streets in the new scheme. The [underpinning data sheet](#) is available on the council's website.

Reasons for Decisions

1 Additional HMO Licensing

25. Although officers have found many smaller HMOs to be of a good standard, inspections have uncovered significant problems which can be improved through licensing conditions, such as:

- Lack of fire doors or inadequate fire detection systems
- Undersized kitchen for the number of occupiers
- Overcrowding
- HMOs offering a bedroom which is too small
- HMOs where the only reception room is used as a bedroom, so that there is no shared living space apart from the kitchen
- Flats formerly owned by the council but now in leasehold ownership, altered internally and in some cases unsuitable for multiple occupancy in terms of space, amenities and pressure on services and utilities.

26. The proposed Additional HMO licensing scheme will include Houses and Flats in Multiple Occupation, which are not covered by Mandatory HMO licensing, namely those with 3 or 4 occupants in 2 or more households, or any number of occupants in purpose-built flats in blocks of three or more flats.

2 Selective Licensing

27. Issues relating to antisocial behaviour, noise nuisance, poor waste management and public health nuisance, are easier to address if specific streets are designated, so that dedicated resource can be focussed on targeted enforcement interventions in those areas. The council believes that focussing on specific streets is a more targeted approach than applying the scheme to the whole borough or to whole wards.

28. Consultation and the council's research has shown that a number of streets in the 2017 to 2022 scheme no longer meet the threshold of need for inclusion in a Selective Licensing scheme, hence the selection of streets for the new scheme has been amended so as not to include them, and to include 8 new streets which do meet the threshold of need.
29. Antisocial behaviour (ASB) including noise nuisance, poor waste management and public health nuisance in 24 selected streets in the borough is above average.
30. The new selection of streets has been calculated by multiplying
- the number of private rented sector (PRS) properties on the street
 - the % of properties on the street which are PRS
 - the ratio of ASB reports per household in the street and
 - the % of the boroughs total ASB recorded on the street.
31. This provides a score to rank the borough's streets. The decision uses this score combined with intelligence derived from street level surveys and interviews with residents. The [underpinning data sheet](#) is available on the council's website.
32. Street level surveys have been undertaken in all the streets proposed for inclusion in the new Selective Licensing scheme. These surveys have provided valuable information about unlicensed properties and the current levels of problems with housing conditions in the private rented sector and associated antisocial behaviour, by speaking to residents and workers and assessing the general condition of properties.
33. The streets included in the new Selective Licensing scheme are in **Appendix 4**. These streets represent 1.95% of the borough's streets but account for 19.2% of the boroughs ASB reports.

3 The delegation of authority to set licence fees to the Strategic Director of Environment

34. In accordance with sections 63 and 87 Housing Act 2004, when fixing licensing fees the council may take into account all costs incurred in carrying out their functions under licensing schemes. Charges must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities¹. Licence fee income cannot be diverted to other council activity not related to the licensing schemes.
35. For these reasons, fees must be kept under review by the Strategic Director of Environment to ensure that licence fees accurately reflect costs incurred by

¹ UK statutory instrument "The Provision of Services Regulations 2009" S.I. 2009/2999

the council in carrying out its functions under licensing schemes. The proposed fees for 2022/23 are in **Appendix 3**.

4 Setting and review of minimum standards for amenities and management, and licence conditions

36. With regard to Additional HMO Licensing, the council must be satisfied that licensed HMOs are suitable for occupation by the prescribed number of occupants (or can be made suitable by the addition of conditions to licences under section 67 of the Act) and that there are no housing hazards present which warrant formal intervention by the council. However, it is not intended that all licensed HMOs under this scheme would be inspected (unless there is a specific complaint), as landlords are expected to take note of detailed minimum standards, fire precaution advice and conditions attached to licences which were revised and re-issued in 2020. The [new minimum standards and licence conditions](#) are clearer and easier to enforce and can be found on the council's website. It is necessary to keep these up to date in relation to technical guidance with regard to amenity standards, fire safety and legal obligations.
37. Conditions in Selective Licences are allowed by section 90 of the Act with regard to the management, use and occupation of the dwelling.

Equality Implications

38. An [Equality Impact Analysis](#) has been undertaken. A summary is that the overall effect of new licensing schemes is neutral.
39. Property licensing is intended to raise the standards of condition and management by landlords of rented properties. Therefore, tenants with a disability should benefit from the licensing regime as there are minimum standards set for amenities and licence conditions relating to the property which landlords must comply with.
40. There is no known impact on landlords due to age or disability, except in as much as assistance is available by phone and email from council officers for those having difficulty using on line application and payment systems.
41. There is no known impact on tenants due to race, except that one of the benefits of licensing schemes is to reduce the incidence of harassment of tenants by landlords or attempts by landlords to unlawfully evict tenants. Landlords in providing a service are not allowed to discriminate against tenants or prospective tenants for any protected characteristic including race.
42. There is no known impact on landlords due to race, except that the enforcement regime could work against Asian landlords disproportionately due to conscious or unconscious bias. The mitigation measure in place are:
- a. To make advice and guidance available to landlords according to their needs, such as where English is not the first language

- b. To only take enforcement action in line with the Enforcement Policy, which means that action must be proportionate and reasonable. The first approach will usually be advice and guidance
- c. To monitor equalities data through customer surveys
- d. To keep records of equalities data when enforcement action is taken, so that it can be seen if there is any unconscious bias
- e. To provide advice and guidance as well as an enforcement element, and the advice and guidance should be of value to landlords of all ages and races, especially those who may be anxious about complying with new regulations

43. The proposed Selective Licensing streets mainly cover these wards:

- a. Addison and Shepherd's Bush Green (5 streets)
- b. Askew, Avonmore & Brook Green (4)
- c. North End (3)
- d. Ravenscourt Park, College Park & Old Oak, Fulham Reach, Parson's Green & Walham, Wormholt & White City, Town (2)
- e. Fulham Broadway, Munster and Sands End (1)
- f. Only Hammersmith Broadway and Palace Riverside have no proposed streets in the new scheme.

44. Some of the proposed streets fall into the 20% most deprived areas in England and most are in the top half (see Appendix 5).

45. The housing stock of the borough is characterised by a large proportion of flats and maisonettes. They account for 73% of all dwellings compared to a London average of 52% and England average of 21%. The highest concentration of private rented sector households is in Avonmore & Brook Green and North End wards (43% of all households).

Risk Management Implications

46. The report sets out recommendations to amend the existing Licensing schemes to ensure compliance with relevant legislation and to manage the risk of challenge based on previous case law. The approach set out in the report is intended to ensure the safety of residents occupying private sector accommodation covered by the scheme. This is in line with the council's objectives. The determination of fees to be applied to the running of the service is consistent with the objective of being ruthlessly financially efficient.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, tel: 07817 507 695

Other Implications

47. The proposal to re-designate the schemes is consistent with the council's strategic aims, namely the Local Development Plan, Community Safety Partnership Plan, the Housing Strategy and HMO Policy (in relation to leasehold houses and flats where the council is the freeholder).

Information Management

48. Personal data about landlords and tenants is held securely on a database procured specifically for the purpose in 2017. Information about how the data is used can be found in the [Private Housing Privacy Notice](#).

Consultation

49. Cabinet approved in March 2021 that officers should conduct public consultation from May to August 2021 about new licensing schemes.
50. The [public consultation](#) documents are on the council's website. The results of the consultation can be seen in a [Response to Consultation Document](#)
51. The consultation was publicised by:
- a. Emails sent to 2,900 landlords and agents who had applied for a property licence between 2017 and 2021
 - b. Emails to the following organisations representing private tenants: Flat Justice; Justice 4 Tenants; Advice for Renters; The Tenants Voice; Renters Rights London; London Tenants Federation; Generation Rent; London Renters Union
 - c. Emails to Citizens' Advice (CAB); Hammersmith Law Centre; East European Resource Centre; Glass Door Homeless Charity; Hammersmith & Fulham Advice; Hammersmith & Fulham Foodbank; Hammersmith & Fulham MIND; Maggie's Cancer Caring Centres; Shelter; Shepherd's Bush Families Project & Children's Centre
 - d. West London Chambers of Commerce (Ealing, Hounslow and Hammersmith & Fulham)
 - e. Leaflets distributed to 13,000 addresses in the 23 roads proposed to be part of the Selective Licensing scheme, combined with a press release the same weekend (22/23 May 2021)
 - f. Leaflet emailed to all H&F councillors for them to forward to constituents
 - g. Commissioned advertising on the London Property Licensing website and newsletter; notification to neighbouring boroughs
52. In contrast to landlords, privately renting tenants have a high level of support for licensing schemes (around 80%).
53. A survey of licence holder landlords was conducted in September / October 2020 and received 250 responses. The survey found that nearly two thirds of the landlords and agents who responded believe licensing schemes make little difference in improving standards and are regarded by them as unnecessary and an unwelcome financial burden on landlords. Preliminary findings from the current consultation are that a similar number of landlords do not agree with the proposal to renew Additional HMO Licensing and three quarters do not agree with renewed Selective Licensing.

54. However, one third of landlords believe licensing schemes help to raise standards and enable Councils to deal with rogue landlords who fail to apply for licences.

55. A survey of private renting tenants in the borough from December to February 2021 received 99 responses. Although the satisfaction levels among tenants were more positive than negative, it is a cause for concern that there were significant minorities of tenants who were dissatisfied with their landlords and / or stated deficiencies in safety or amenity standards in their rented property.

List of Appendices:

Appendix 1

Additional HMO Licensing designation document

Appendix 2

Selective Licensing designation document

Appendix 3

Licence fees

Appendix 4

Streets included in the new designated scheme

DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMOs)

NOTICE IS HEREBY GIVEN in accordance with Section 59 Housing Act 2004 (Notification Requirements Relating to Designation) that the London Borough of Hammersmith & Fulham (“the council”) acting as local housing authority in exercise of its powers under Section 56 of the Housing Act 2004 (“the Act”) has designated 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 London Borough of Hammersmith & Fulham Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2022.
2. This designation is made on **6 December 2021** and shall come into force on **5 June 2022**.
3. This designation shall cease to have effect on **4 June 2027** or earlier if the council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. The designation shall apply to the whole area of the district of the London Borough of Hammersmith & Fulham

APPLICATION OF THE DESIGNATION

5. This designation applies to all HMOs which are of a type defined in any one of the five categories below:

Category 1:

A building or a part of a building which meets the standard test, as defined in section 254(2) of the Act, namely:

- (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 (see section 258)
- (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 (see section 259)
- (d) their occupation of the living accommodation constitutes the only use of that accommodation

(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.

Category 2:

Part of a building which meets the self-contained flat test, as defined in section 254(3) of the Act, namely:

(a) it consists of a self-contained flat; and

paragraphs (b) to (f) of Category 1 above apply (reading references to the living accommodation concerned as references to the flat)

Category 3:

A building or a part of a building which meets the converted building test, as defined in section 254(4) of the Act, namely:

(a) it is a converted building

(b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats)

and paragraphs (b) to (f) of Category 1 above apply

Reference is drawn to section 254(4)(b) of the Act, where it states that a converted building may contain self-contained flats which may themselves be HMOs by virtue of section 254 (3) above. In such a case, both the building and the individual flat(s) would be licensable as separate HMOs.

Category 4:

A building or a part of a building to which section 254(1)(d) of the Act applies, i.e. the council has served an HMO declaration in respect of it, in accordance with section 255 of the Act, which has come into force.

Category 5:

A building or a part of a building to which section 254(1)(e) of the Act applies, i.e. it is a converted block of flats as defined in section 257 of the Act (a "section 257 HMO" – see Appendix A), and the following additional criteria all apply:

- None of the flats within the building are owner-occupied, and
- (2) The building is not owned or managed by two or more of the leasehold owners of individual flats within it, either acting individually or through a management company of which they are directors or officers, and

- The address of the building is not in a street which is designated for Selective Licensing under a Selective Licensing Scheme which the council has designated under Part 3 Housing Act 2004 (and which is currently in force).

THE DESIGNATION DOES NOT APPLY WHERE:

- (a) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act
- (b) the HMO is subject to a temporary exemption under section 62 of the Act;
or
- (c) the HMO is required to be licensed under section 55(2)(a) of the Act (mandatory licensing), namely an HMO occupied by 5 or more persons who do not form a single household, which is not a purpose-built flat in a block of three or more purpose-built flats
- (d) the building is not an HMO for the purposes of the Act (see Appendix B).

EFFECT OF THE DESIGNATION

6. Subject to paragraph 5 above, every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.

The designation falls within a description of designations in relation to which the Secretary of State has given a 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 2015 which came into force on the 1 April 2015.

A person having control of or managing a prescribed HMO must apply to the London Borough of Hammersmith & Fulham for a licence.

INSPECTION OF DOCUMENTS/APPLICATION FOR LICENCE

7. Any landlord, managing agent or other person managing a HMO or any tenant within the Borough may inspect the designation, apply for a licence or seek further information or advice as to whether their property is affected by the designation by contacting **Private Housing, Environmental Health**
London Borough of Hammersmith & Fulham
Town Hall, King Street, Hammersmith, London W6 9JU
Email: phs@lbhf.gov.uk Tel: 020 8753 1703

ENFORCEMENT

Upon the Designation coming into force on **5 June 2022** any person who fails to apply for a licence in the designated area shall be guilty of an offence under

Section 72(1) of the Act, and shall be liable to prosecution and liable to an unlimited fine or to a financial penalty imposed by the council.

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 or universal credit payments, apply to the First Tier Tribunal (Property Chamber) under the provisions of section 73 and section 74 of the Housing Act 2004 for a rent repayment order.

Appendix A:

A section 257 HMO is a building or part of a building which has been converted into, and consists of, self-contained flats, and building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them.

“Appropriate building standards” means,

- in the case of a converted block of flats on which building work was completed before 1st June 1992 and which would not have been exempt under Building Regulations 1991 (S.I. 1991/2768), building standards equivalent to those imposed by those Regulations as they had effect on 1st June 1992; and
- in the case of any other converted block of flats, the requirements imposed at the time by regulations under section 1 of the Building Act 1984 (c. 55).

Appendix B: Buildings that are not HMOs for the purpose of the Act other than Part 1, as defined by [Schedule 14](#) of the Act

DESIGNATION OF AN AREA FOR SELECTIVE LICENSING 2022

NOTICE IS HEREBY GIVEN in accordance with Section 83 Housing Act 2004 (Notification Requirements Relating to Designation) that the London Borough of Hammersmith & Fulham (“the council”) acting as local housing authority in exercise of its powers under Section 80 of the Housing Act 2004 has designated the area described in paragraph 4 for selective licensing.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Hammersmith & Fulham Designation for an Area for Selective Licensing 2022.
2. This designation is made on **6 December 2021** and shall come into force on **5 June 2022**.
3. This designation shall cease to have effect on **4 June 2027** or earlier if the council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. The designation applies to the following streets as listed at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to any flat or house which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless:
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act or by a designation made by the council under Section 56 Housing Act 2004;
 - (b) the tenancy or licence of the house has been granted by a registered social landlord;
 - (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 86 of the Act;or
 - (e) the house is occupied under a tenancy or licence which is exempt under the Act or the occupation is of a building or part of a building so exempt as defined in The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

EFFECT OF THE DESIGNATION

Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.

INSPECTION OF DOCUMENTS/APPLICATION FOR LICENCE

If you are a landlord, managing agent, or a tenant, and wish to inspect this designation, apply for a licence or require further information, this is available from:

**Private Housing, Environmental Health
London Borough of Hammersmith & Fulham
Town Hall, King Street,
Hammersmith, London W6 9JU**

Email: phs@lbhf.gov.uk Tel: 020 8753 1703

The designation does not require confirmation by the Secretary of State and falls within a general approval issued by the Secretary of State under Section 82 of the Act, namely the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010.

Any private landlord, property manager or tenant owning, managing or occupying a property within this area is advised to seek advice from the council's Housing Standards Team by telephone on **020 8753 1703** by email to **phs@lbhf.gov.uk** or in writing to London Borough of Hammersmith & Fulham, Town Hall, King Street, Hammersmith, London W6 9JU to determine whether their property is affected by the designation. Private landlords who own property in the area or any person that controls or manages property in the area will be required from **5 June 2022** to apply for a licence.

ENFORCEMENT

8. Upon the Designation coming into force on **5 June 2022** any person who operates a licensable property without a licence shall be guilty of an offence under Section 95(1) of the Act. A person who breaches a condition of a licence is liable to prosecution and upon summary conviction liable to an unlimited fine or to a financial penalty imposed by the council.

London Borough of Hammersmith & Fulham Executive approval 6 December 2022

Annex A: Streets in Hammersmith & Fulham where Selective Licensing applies

Greyhound Road	Woodstock Grove
Shepherd's Bush Road	Lime Grove
Dalling Road	Bloemfontein Road
King Street	Wood Lane
Talgarth Road	Uxbridge Road
Baron's Court Road	Crookham Road
Sinclair Road	Dawes Road
Blythe Road	New King's Road
Askew Road	Wandsworth Bridge Road
Coningham Road	Fulham Road
Richmond Way	North End Road
Goldhawk Road	Scrubs Lane

Licence fees

	Mandatory HMO Licences				Selective and Additional HMO Licences	
	Per 5 unit HMO 2020/21	Proposed increase 2022/23	Per additional bedroom 2020/21	Proposed increase 2022/23	2020/21	Proposed increase 2022/23
Hammersmith and Fulham	£1215	+£85 = £1,300	£16	+£144 = £160	£555	+£5 = £560
London Average 2020/21	£1292		£160		£555	

Streets included in the new designated scheme

The selection of streets has been decided by street level surveys and interviews with residents, together with a score calculated by multiplying:

- the number of PRS properties on the street
- the % of properties on the street which are PRS
- the ratio of ASB per household on the street, and
- the % of the borough's total ASB recorded on the street.

With this selection, 1.95% of the borough's streets account for 19.2% of the boroughs ASB reports.

Street	Post code	Private Rented Sector Number Estimate	% of PRS on Street	Wards affected	IMD range around the street ²
Greyhound Road	W6	161	40.36	Fulham Reach	60-70
Shepherd's Bush Road	W6	338	37.59	Addison; Avonmore & Brook Green	10-20 to 50-60
Dalling Road	W6	68	32.82	Ravenscourt Park	40-50 to 60-70
King Street	W6	208	33.83	Ravenscourt Park	30-40
Talgarth Road	W14	126	44.48	Avonmore & Brook Green; Fulham Reach; North End	10-20 to 60-70
Baron's Court Road	W14	174	46.44	North End	40-50
Sinclair Road	W14	332	42.84	Addison	40-50 to 70-80

² Index of Multiple Deprivation for Lower Super Output Areas – expressed in comparison to other areas in England. For example, an IMD 10-20 means the area is one of the 20% most deprived areas in England; an IMD of 70-80 means the area is one of the 80% most deprived areas (in other words one of the 30% least deprived).

Blythe Road	W14	195	35.52	Avonmore & Brook Green; Addison	30-40 to 60-70
Askew Road	W12	167	41.33	Askew	20-30
Coningham Road	W12	172	36.59	Askew	20-30
Richmond Way	W12	73	45.12	Addison	10-20 to 50-60
Goldhawk Road	W12	491	40.95	Shepherd's Bush Green; Askew; Ravenscourt Park	20-30
Woodstock Grove	W12	79	44.12	Addison	50-60
Lime Grove	W12	68	36.04	Shepherd's Bush Green	20-30
Bloemfontein Road	W12	95	26.09	Wormholt & White City; Shepherd's Bush Green	10-20 to 30-40
Wood Lane	W12	332	33.74	Shepherd's Bush Green; College Park & Old Oak	20-30 to 30-40
Uxbridge Road	W12	348	40.27	Shepherd's Bush Green; Wormholt & White City; Askew	20-30 to 30-40
Crookham Road	SW6	51	39.23	Town	50-60
Dawes Road	SW6	189	39.67	Munster; Fulham Broadway	30-40 to 60-70
New King's Road	SW6	238	38.94	Parsons Green & Walham	50-60 to 70-80

Wandsworth Bridge Road	SW6	266	36.35	Sand's End; Parson's Green & Walham	20-30 to 70-80
Fulham Road	SW6	583	36.35	Town; Parsons Green & Walham	20-30 to 70-80
North End Road	SW6	268	31.52	Avonmore & Brook Green; North End	10-20 to 60-70
Scrubs Lane	NW10	35	38.76	College Park & Old Oak	10-20 to 30-40