

PUBLIC NOTICE

Notice of Designation of an Area for Additional Licensing of Houses in Multiple Occupation (HMOs)
This Notice is published in accordance with Section 56 to 60 of the Housing Act 2004 and Regulation 9 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

The Royal Borough of Kensington and Chelsea ("the Council") in exercise of their powers under section 56 of the Housing Act 2004 ("the 2004 Act") gives notice that it has designated for additional licensing of Houses in Multiple Occupation ("HMOs") the area described in paragraph 4.

1. The designation may be cited as the Royal Borough of Kensington and Chelsea Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2023 ("the Designation").
2. The Designation was made on 20th October 2022 and shall come into force on 1st June 2023.
3. The Designation shall cease to have effect on 31st May 2028 or earlier if the Council revokes the scheme under section 60 of the 2004 Act.
4. The Designation shall apply to the whole area of the district of the Royal Borough of Kensington and Chelsea as delineated and edged black on the Map at Annex A.
5. The Designation applies to all HMOs as defined by section 254 of the 2004 Act that are occupied by 3 or more persons comprising 2 or more households within the area described in paragraph 4 unless -
 - (a) the building is of a description specified in Schedule 14 of the 2004 Act (Buildings which are not HMOs for the purposes of the 2004 Act - excluding 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;
 - (d) the HMO is required to be licensed under section 55(2)(a) of the 2004 Act, as prescribed by Article 4 of the Licensing of Houses in Multiple (Prescribed Description) (England) Order 2018.
6. The Designation will not apply to HMOs as defined by section 257 of the 2004 Act, i.e., certain converted blocks of flats.
7. Subject to sub paragraphs 5(a) to (d) and sub paragraph (6) above, every HMO of the description specified in paragraph 5 in the area specified in paragraph 4 shall be required to be licensed under section 61 of the 2004 Act.

8. The Council will comply with the notification requirements contained in section 59 of the 2004 Act and shall maintain a register of all houses registered under the Designation, as required under section 232 of the 2004 Act.

The Designation was given general approval by the Leadership Team of the Royal Borough of Kensington and Chelsea. 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 2004 Act, namely, the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval which came into force on 1st April 2015.

A person having control of or managing a prescribed HMO must apply to the Royal Borough of Kensington and Chelsea for a licence. Managing or being in control of an unlicensed HMO in the designated area is an offence under section 72(1) of the 2004 Act, punishable on conviction by an unlimited fine. As an alternative to prosecution, the Council may impose a financial penalty of up to £30,000. In addition the landlord may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the First-tier Tribunal (Property Chamber) under the provisions of section 41 of the Housing and Planning Act 2016 for a rent repayment order, or in certain circumstances entry on a database of rogue landlords, or to a banning order. Any landlord, managing agent or other person in control of or managing an HMO may seek advice as to whether their property is affected by the Designation from the Council's website, www.rbkc.gov.uk/HMO, by telephoning [0207 361 3001/3002] during normal office hours, which are 9am to 5pm, Monday to Friday, or by emailing [eh-osu@rbkc.gov.uk].

The Designation has been made by the Royal Borough of Kensington and Chelsea, Kensington Town Hall, Hornton Street, London W8 7NX; telephone: [0207 361 3001/3002.]; e-mail: [env.health@rbkc.gov.uk]. Once the Designation is in force, an application may be made and general advice may be obtained from the Council's website www.rbkc.gov.uk/HMO; or Private Sector Housing, Council Offices, 37 Pembroke Road, London, W8 6PW; telephone: [0207 361 3001/3002]. If you wish to inspect the Designation in respect of additional licensing of HMOs in the Royal Borough of Kensington and Chelsea it may be viewed at, www.rbkc.gov.uk/HMO, or inspected at the Council's offices at Kensington Town Hall, Hornton Street, London W8 7NX; telephone: 0207 361 3001/3002, email: eh-osu@rbkc.gov.uk

Annex A - Paragraph 4: Map of Designated Area

