



## **THE CITY OF YORK COUNCIL DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION SECTION 56, HOUSING ACT 2004**

The City of York Council (“the Council”) acting as a local housing authority in exercise of its powers under section 56 of the Housing Act 2004 (“the Act”) hereby designates the area described in paragraph 4 below as subject to additional licensing for Houses in Multiple Occupation (“HMOs”).

### **CITATION, COMMENCEMENT AND DURATION**

1. This designation will be known as “City of York Council Additional Licensing of HMOs Scheme”.
2. This designation is made on 17 August 2022 and shall come into force on 1st April 2023. The designation falls within a description of designations for which the Secretary of State has issued a general approval under Section 58 of the Act, namely the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015. Therefore, the designation does not need to be confirmed by the Secretary of State.
3. This designation will last for 5 years and shall cease to have effect on 31st March 2028 or earlier if the Council revokes the scheme under Section 60 of the Act.

### **AREA TO WHICH THE DESIGNATION APPLIES**

4. This designation will apply to the whole of the following electoral wards within the Council’s administrative area as delineated hatched grey on the map at Annex A:
  - Clifton
  - Guildhall
  - Heworth
  - Micklegate
  - Fishergate
  - Hull Road
  - Fulford & Heslington
  - Osbaldwick & Derwent

### **APPLICATION OF THE DESIGNATION**

5. This designation applies to all HMOs within the designated area described in paragraph 4 that are not already subject to mandatory licensing (or exempted by the relevant sections of the Act), subject to the exceptions below.

#### **Exceptions:**

- (a) Buildings converted entirely into self-contained flats (s257 HMOs), although the individual flats may be licensable in their own right; or



(b) Purpose built student accommodation where the organisation which manages the building is subject to a national approved code of practice and the building in question is subject to that code.

## **EFFECT OF THE DESIGNATION**

6. Subject to paragraphs 5(a) and (b), 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 Act.
7. A person having control of or managing a property which requires licensing by virtue of this designation must apply to the Council for a licence. An application to license an HMO under this designation must provide prescribed particulars and must be accompanied by the requisite fee.
8. The scheme will operate alongside the mandatory licensing scheme for HMOs.

## **CONSEQUENCES OF FAILING TO LICENCE A HMO**

9. Upon the designation coming into force on 1<sup>st</sup> April 2023, any person who has control of or manages a licensable HMO without a licence, or knowingly allows a licensed HMO to be occupied by more households or persons than authorised by a licence is liable to prosecution and upon summary conviction to an unlimited fine under the provisions of Section 72 of the Act. It is also an offence to breach any condition of a licence, punishable by a fine not exceeding level 5 (currently £5,000).
10. As an alternative to prosecution for these offences, the Council may impose a civil financial penalty of up to £30,000 under Section 249A and Schedule 13 of the Act. In addition, liable persons 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 (Residential Tribunal) under the provisions of section 73 and section 74 of the Act for a rent repayment order. Under Section 75 of the Act, no notice under Section 21 of the Housing Act 1988 may be given in relation to an assured short-hold tenancy of the whole or part of an unlicensed HMO so long as it remains an unlicensed HMO.

## **INSPECTION OF THE DESIGNATION**

11. Anyone who would like to inspect the designation, make an application for a licence or require information and general advice should contact the Council's Healthy and Sustainable Homes Services at:

Email: [HMOlicensing@york.gov.uk](mailto:HMOlicensing@york.gov.uk)

Telephone: 01904 552300

Post: Healthy and Sustainable Homes, City of York Council, West Offices, Station Rise York Y01 6GA



- Website: <https://www.york.gov.uk/HMOAdditionalLicencing>

Council offices: West Offices, Station Rise York YO1 6GA

This designation may be inspected at West Offices during the Council's office hours.

12. All landlords, property managers or tenants within the designated area should seek advice on whether their property is affected by the designation by contacting Healthy and Sustainable Homes at the above address or via the telephone number or email address above.
13. The Council will comply with the notification requirements contained in Section 59 of the Act and shall maintain a register of all properties registered under this designation, as required under Section 232 of the Act.

A handwritten signature in black ink, appearing to read "Neil Ferris".

Signed .....  
Neil Ferris, Corporate Director of Place, Directorate of Place

Officer authorised by City of York Council

Date- 17 August 2022

**ANNEX A**

**PARAGRAPH 4 - MAP OF DESIGNATED AREA**

