WARWICK DISTRICT COUNCIL
HOUSING ACT 2004 SECTION 56
DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION 2023

Warwick District Council ('the Council') HEREBY GIVES NOTICE that the Council, being the Local Housing Authority, in exercise of its powers under Section 56 of the Housing Act 2004 ('the Act') hereby designates 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 Warwick District Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2023 (the ''Designation'').
2. The Designation is made on 9th October 2023 shall come into force on 18th January 2024.
3. The Designation shall cease to have effect on 17th January 2029 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 entire area of the Warwick district as delineated and edged in black on the map at **Appendix A.**

APPLICATION OF THE DESIGNATION

5. The Designation applies to:-

- All HMOs as defined by Section 254 of the Act that are occupied by 3 or more persons comprising 2 or more households.
- All HMOs where an HMO declaration is in force under Section 255 of the Act 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 the Act (Buildings that are not HMOs for the purposes of the Act- other than Part 1).
b) The HMO is subject to an Interim or Final Management Order under Part 4 of the Act.
c) The HMO is subject to a Temporary Exemption under section 62 of the Act; or
d) The HMO is required to be licensed under section 55(2)(a) of the Act (Mandatory Licensing of HMOs).

The Designation shall NOT apply to buildings which fall under Section 257 Housing Act 2004 but will apply to individual flats as defined in Section 254(3) in multiple occupation within such buildings.

EFFECT OF THE DESIGNATION

6. Subject to sub-paragraph 5(a) to (d) above, every HMO of the description specified in paragraph 5 above and in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 61 of the Act.
7. Warwick District Council will comply with the notification requirements of section 59 of the Act and shall maintain a register of all HMOs registered under this Designation, as required by section 232 of the Act.

CONSEQUENCES OF FAILING TO LICENCE AN HMO, COMPLY WITH LICENCE CONDITIONS ETC.

8. Upon the Designation coming into force on 18th January 2024, a person who operates a licensable property without licence, will commit an offence under section 72(1) of the Act, and upon summary conviction will be liable to an unlimited fine or a Civil Penalty of up to £30,000 per offence. A person who breaches a condition of a licence, or who knowingly allows an HMO to be occupied by more than the number of persons or households permitted by the licence, will be similarly liable. Further, where an offence has been committed an application may also be made by the Council and/or tenant for a Rent Repayment Order. The landlord of such a property may also be liable in certain circumstances to entry on a database of rogue landlords, or to a banning order.

INSPECTING THE DESIGNATION

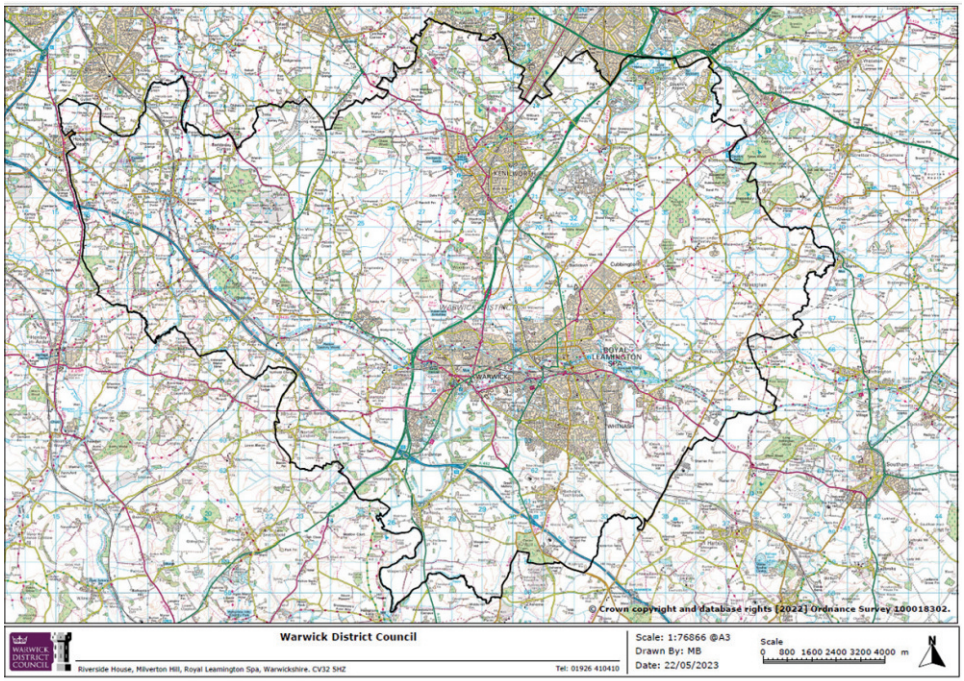
9. The Designation may be inspected by prior appointment between 8.45am - 5.15pm Monday to Thursday and 8.45am - 4.45pm on Fridays at the address shown in 11. below. A copy is also displayed on the Council website.

IMPORTANT NOTICE: WHERE TO OBTAIN ADVICE:

10. Any landlord, person managing or tenant in the area of the district of Warwick District Council should seek advice from the Council on whether their property is affected by this Designation and should apply to licence their property.
11. The Private Sector Housing team can be contacted at:

Address: Private Sector Housing, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa CV32 5QF
Telephone: 01926 456359
Email: privatesectorhousing@warwickdc.gov.uk
Webpage: www.warwickdc.gov.uk/hmo

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

Chris Elliot
Chief Executive, Warwick District Council
Date: 9th October 2023

Appendix A - *Paragraph 4: Map of Designated Area*