

Birmingham City Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2023

Birmingham City Council (“ the Council ”) 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 “ Birmingham City Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2023 ”.
2. This designation is made on 17th January 2023 and shall come into force on the 5th June 2023.
3. The designation shall cease to have effect on 4th June 2028 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 all wards within the city of Birmingham.

APPLICATION OF THE DESIGNATION

5. This designation applies to all HMOs as defined by section 254 of the Act that are occupied by three or more persons comprising two or more households, and HMOs as defined in section 257 of the Act where less than two-thirds of the self-contained flats are owner-occupied within the area described in paragraph 4 unless –
 - a) the building is of a description specified in Schedule 14 of the Act (Buildings which are not HMOs for the purpose of the Act – excluding 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;

- d) the HMO is required to be licensed under section 55(2)(a) of the Act (mandatory licensing of HMOs); or
- e) the HMO is specifically excluded from the scheme as it is either:
 - (i) a section 257 HMO consisting solely of two flats where neither of the flats is situated above or below commercial premises; or
 - (ii) a section 257 HMO where the flats share no internal or external common parts and which are no more than two storeys high.

EFFECT OF THE DESIGNATION

- 6. Subject to sub paragraphs 5(a) to (e) 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.
- 7. The Council 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.

This designation is given general approval by the Cabinet of Birmingham City Council.

This designation falls within the description of designations in relation to which the Secretary of State has given 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.