



**THE PORTSMOUTH CITY COUNCIL DESIGNATION OF AN AREA FOR  
ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION 2022 -  
SECTION 56, HOUSING ACT 2004.**

Portsmouth City 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 Portsmouth City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2022.
2. This designation is made on 22 November 2022 and shall come into force on 1<sup>st</sup> September 2023.
3. This designation shall cease to have effect on 31<sup>st</sup> August 2028 or earlier if the Council revokes the scheme under section 60 of the Act.

**AREA TO WHICH THE DESIGNATION APPLIES**

4. This designation shall apply to the whole of the area in Portsmouth City Council's district as delineated and edged in black on the map at Appendix A.

**APPLICATION OF THE DESIGNATION**

5. This designation applies to all HMOs of the description specified in Appendix B within the area described in paragraph 4 unless;
  - a. The building is of a description specified in Appendix C (Buildings that are not HMOs for the purpose 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 Notice 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).

**EFFECT OF THE DESIGNATION**

6. Subject to sub paragraphs 5(a) to (d) 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.

## Appendix 10 - Designation

7. The Portsmouth City 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 Portsmouth City Council.

This 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 Accommodations (England) General Approval 2015 which came into force on the 1<sup>st</sup> April 2015.

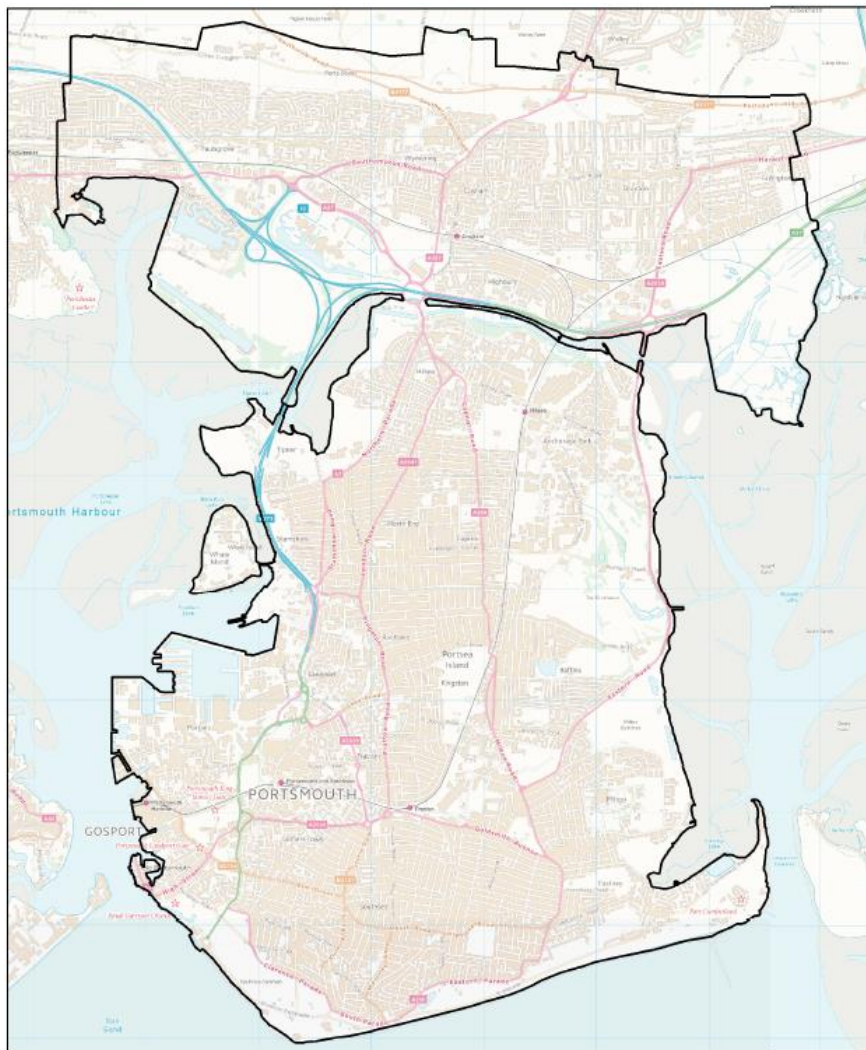
### **Date and authentication by the Council**

Signed

James Hill - Director of Housing, Neighbourhoods and Building Services

An officer authorised by The Portsmouth City Council

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



**Appendix B - Paragraph 5: HMOs subject to the designation**

The designation applies to all HMOs as defined by Section 254 of the Act that are occupied by 3 or more persons comprising two or more households, and HMOs as defined in Section 257 of the Act.

**APPENDIX C - Buildings which are not HMOs for the purposes of this designation**

The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.

In this Schedule "building" includes a part of a building.

***Buildings controlled or managed by public sector bodies etc.***

A building where the person managing or having control of it is:-

- a) a local housing authority;
- b) a non-profit registered provider of social housing;
- c) a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
- d) a police and crime commissioner;
- e) the Mayor's Office for Policing and Crime;
- f) a fire and rescue authority under the Fire and Rescue Services Act 2004;  
or
- g) a health service body within the meaning of section 9 of the National Health Service Act 2006.

A building: -

Which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and where the person managing or having control of it is a profit-making registered provider of social housing.

***Buildings controlled or managed by a co-operative society***

A building where:-

the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub-paragraph (2) is met, and no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.

The conditions are:-

- a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society;
- b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend;
- c) that each member has equal voting rights at such a meeting; and
- d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.

## Appendix 10 - Designation

"co-operative society" means a body that is registered as a co-operative society under the 2014 Act or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act, and is neither:-

- a) a non-profit registered provider of social housing; nor
- b) registered as a social landlord under Part 1 of the Housing Act 1996.

In this paragraph: -

"the 2014 Act" means the Co-operative and Community Benefit Societies Act 2014; "assured tenancy" has the same meaning as in Part 1 of the Housing Act 1988; "protected tenancy" has the same meaning as in the Rent Act 1977; and

"secure tenancy" has the same meaning as in Part 4 of the Housing Act 1985.

### ***Buildings regulated otherwise than under this Act***

Any building whose occupation is regulated otherwise than by or under this Act and which is of a description specified for the purposes of this paragraph in regulations made by the appropriate national authority.

### ***Buildings occupied by students***

Any building: -

- a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description; and
- b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

In sub paragraph a) "specified" means specified for the purposes of this paragraph in regulations made by the appropriate national authority.

## Appendix 10 - Designation

Sub-paragraph (4) below applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying:-

- a) a particular educational establishment; or
- b) a particular description of educational establishments.

**Sub Paragraph (4)** The appropriate national authority may have regard to the extent to which, in its opinion: -

- a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant; or
- b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice, as the case may be.

In sub-paragraph (4) above "occupied for connected educational purposes", in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

### ***Buildings occupied by religious communities***

Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

This paragraph does not apply in the case of a converted block of flats to which section 257 applies.

### ***Buildings occupied by owners***

## Appendix 10 - Designation

Any building which is occupied only by persons within the following paragraphs:-

- a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;
- b) any member of the household of such a person or persons; and
- c) no more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the appropriate national authority.

This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

### ***Buildings occupied by two persons***

Any building which is occupied only by two persons who form two households.