

Blackpool Borough Council

Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2016

The Blackpool Borough Council in exercise of their 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 Blackpool Borough Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2016.
2. This designation is made on 4th April 2016 and shall come into force on 4th July 2016.
3. This designation shall cease to have effect on 3rd July 2021 or earlier if the Council revokes the scheme under section 60 of the Act.
NB the designation will be reviewed by the 4th April 2018.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the Central area as delineated and edged blue on the map and in the streets listed at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to the HMOs of the description specified in Annex B within the area described in paragraph 4 unless:-
 - (a) The building is of a description specified in Annex 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 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).¹

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.²

¹ For the application of mandatory licensing see SI 371/2006 – The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006

7. The Blackpool Borough 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 Act³

This designation is made on the 4th day of April 2016 and

THE COMMON SEAL of
THE BLACKPOOL BOROUGH
COUNCIL was hereunto
affixed in the presence
of: -



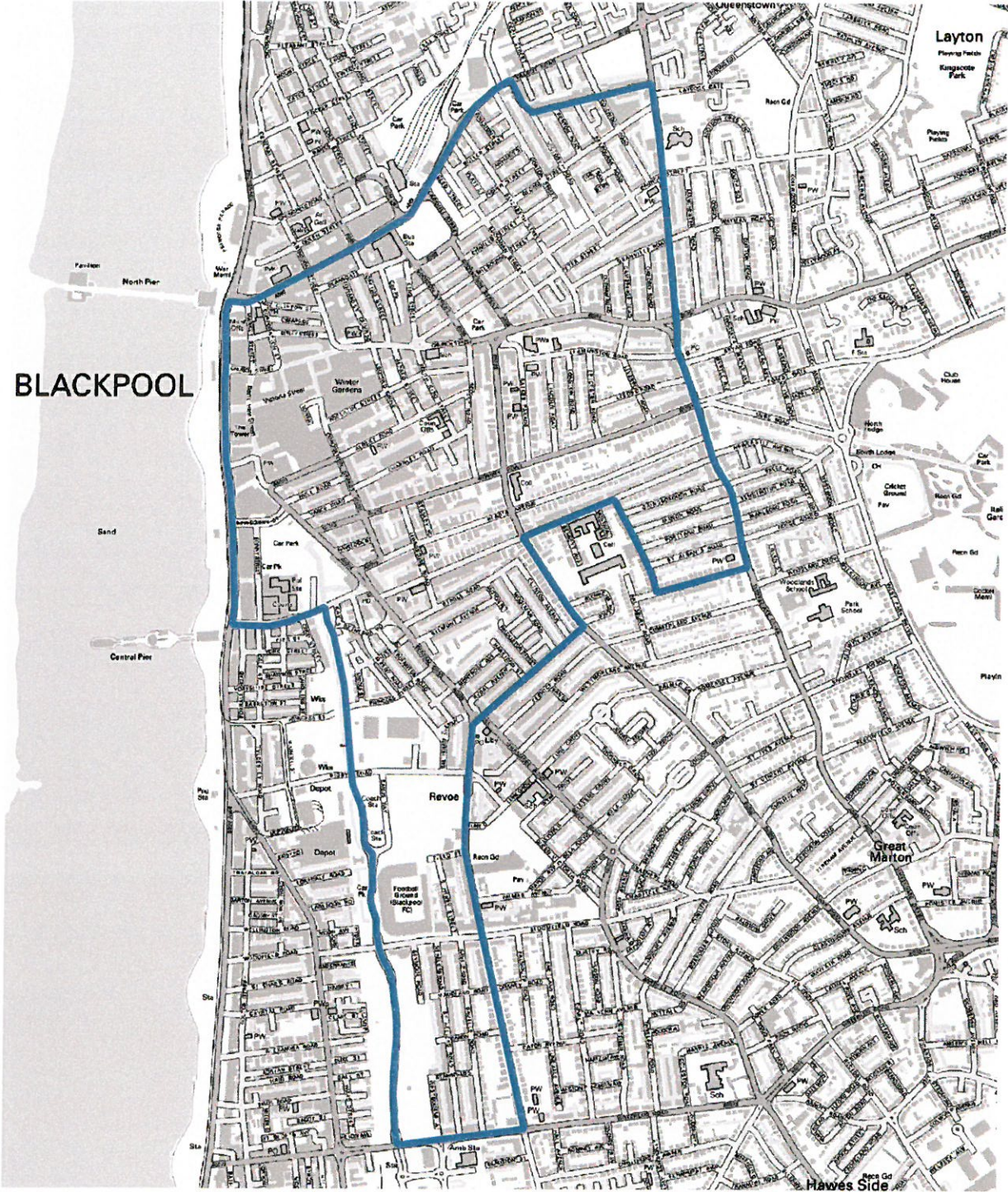
Arc White

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FY1 1NB

² Section 62 of the Act provides for certain temporary exemption. As to suitability see section 64. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102 Housing Act 2004

³ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex A: – paragraph 4: Map of Designated Area



The designated area is marked by the boundary line

Streets in Central designated area

- Abingdon Street
- Adelaide Street
- Adelaide Street West
- Adelphi Street
- Albert Road
- Alfred Street
- Anderson Street
- Back Ribble Road
- Back Church Street
- Back Read Road
- Bank Hey Street
- Baron Road
- Belmont Avenue
- Bethesda Road
- Birley Street
- Bloomfield Road 31-67 & 76-92
- Boothley Road evens
- Buchanan Street
- Butler Street
- Cambridge Road
- Counce Street 2-180 & 1-131
- Cedar Square
- Central Drive
- Chadwick Street
- Charles Street
- Charnley Road
- Church Street
- Clifton Street
- Clinton Avenue
- Coleridge Road 36-78 & 29-69
- Cookson Street
- Coronation Street
- Corporation Street
- Deansgate
- Devonshire Road 2-180 & 1-155
- Durham Road
- East Topping Street
- Edelston Road
- Edward Street
- Elizabeth Street
- Erdington Road
- Fairhurst Street
- Fenton Road
- Field Street

- Fisher Street
- Fleet Street
- Freckleton Street
- Gainsborough Road
- George Street
- Gloucester Avenue odd numbers, Gloucester Court
- Gorton Street
- Granville Road 1-27 & 2-100
- Grosvenor Street
- Handley Road
- Harrison Street
- Havelock Street
- Henry Street
- Heywood Street
- Hornby Road Lawn, Hornby, Park, Hilton, and Lincoln Courts, Courtfields
- Hull Road
- Ibbison Court
- Iddon Court
- Jameson Street
- Kent Road
- King Street
- King Street South
- Leamington Road
- Leeds Road
- Leicester Road
- Leopold Grove
- Lincoln Road
- Liverpool Road
- Livingstone Road
- Longton Road
- Louise Street
- Manor Road
- Market Street
- Maudland Road
- Middle Street
- Milbourne Street
- Montrose Avenue
- Orme Street
- Oxford Road
- Palatine Road
- Park Road 1-147 & 2-100, St. Johns Court
- Parker Street
- Peter Street
- Platt Street
- Portland Road
- Princess Court
- Princess Street Princess Court, 50-52 & 27-35

- Priory Court
- Promenade
- Raikes Mews
- Raikes Parade Priory Court, Raikes Mews
- Reads Avenue
- Regent Road East
- Regent Road
- Ribble Road
- Rigby Road 100
- Ripon Road
- Rishton Street
- Rydal Avenue
- Salthouse Avenue
- Sands Way
- Saville Road
- Seed Street
- Selbourne Road St. Georges Court
- Selby Avenue
- Seymour Road
- Sheppard Street
- South King Street
- St. Albans Road
- St. Heliers Road
- Stanley Road
- Stansfield Street
- Talbot Road 20-286
- Talbot Square
- Topping Street
- Vance Road
- Victoria Street
- Victory Road
- West Street
- Westbourne Avenue
- West View
- Westwell Grove
- Whitegate Drive
- Whiteside Street
- Winifred Street
- Winstanley Grove
- Winifred Street
- Winstanley Grove
- Wood Street
- Woolman Road

Annex B: – Paragraph 5: HMOs subject to the designation

For the purpose of this designation and subject to the following eight paragraphs an HMO is a building or part of a building which is occupied by three or more persons in two or more households.

- 1) A building or a part of a building is an HMO if:-
 - a) It consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
 - b) The living accommodation is occupied by persons who do not form a single household (see section 258);
 - c) The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it;
 - d) Their occupation of the living accommodation constitutes the only use of that accommodation;
 - e) Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
 - f) Two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

- 2) A self-contained flat is an HMO if paragraphs 1(b) to 1(f) apply.

- 3) A converted building or a part of a converted building is an HMO if:-
 - a) It is a converted building;
 - b) It contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
 - c) The living accommodation is occupied by persons who do not form a single household;
 - d) The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it;
 - e) Their occupation of the living accommodation constitutes the only use of that accommodation; and
 - f) Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

- 4) Persons are to be regarded as not forming a single household unless:-
 - a) they are all members of the same family, or
 - b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.

- 5) A person is a member of the same family as another person if:-
 - a) Those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
 - b) One of them is a relative of the other; or

- c) One of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.

6) For those purposes:-

- a) A "couple" means two persons who are married to each other or otherwise fall within 5(a);
- b) "Relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
- c) A relationship of the half-blood shall be treated as a relationship of the whole blood; and
- d) The stepchild of a person shall be treated as his child.

7) A person is to be treated as occupying a building or part of a building as their only or main residence if it is occupied by the person:-

- a) As the person's residence for the purpose of undertaking a full-time course of further or higher education;
- b) As a refuge, or
- c) In any other circumstances which are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.

8) "Refuge" means a building or part of a building managed by a voluntary organisation and used wholly or mainly for the temporary accommodation of persons who have left their homes as a result of:-

- a) Physical violence or mental abuse, or
- b) Threats of such violence or abuse, from persons to whom they are or were married or with whom they are or were co-habiting.

Annex C: – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act⁴

Buildings controlled or managed by public bodies etc⁵

1. A building where the person managing or having control of it is⁶:

- (a) A local housing authority;
- (b) A police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
- (c) A fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) A health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
- (e) A body which is registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments⁷

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989;
- (b) section 43 (4) of the Prison Act 1952;
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
- (d) The Secure Training Centre Rules 1998⁸;
- (e) The Prison Rules 1998⁹;
- (f) The Young Offender Institute Rules 2000¹⁰;
- (g) The Detention Centre Rules 2001¹¹;
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹²;
- (i) The Care Homes Regulations 2001¹³;
- (j) The Children's Homes Regulations 2001¹⁴;
- (k) The Residential Family Centres Regulations 2002¹⁵

⁴ Schedule 14 of the Act and SI 373/2006

⁵ Paragraph 2 of schedule 14

⁶ For the definition of "person managing" and "person having control" see section 263 of the Act

⁷ Paragraph 3 of schedule 14 and paragraph 6 (1) and schedule 1 of SI 373/2006

⁸ SI 472/1998 as amended by SI 3005/200

⁹ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/200

¹⁰ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/20

¹¹ 8 SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹² SI 850/2001

¹³ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/200

¹⁴ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

¹⁵ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

Certain student lettings etc¹⁶

5. A building –

- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment¹⁷ and the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of exempted accommodation under section 233 of the Act¹⁸

Religious communities¹⁹

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

Buildings occupied by owners²⁰

7. A building which is only occupied by –

- (i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building
- (ii) and/or any member of the household²¹ of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by Resident Landlord etc²²

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons²³, not forming part of the owner's household.

Buildings occupied by two persons²⁴

¹⁶ Paragraph 4 of schedule 14

¹⁷ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) (No 2) Regulations 2006 for the list of specified bodies

¹⁸ The relevant codes of practice are approved under SI 646/2006 – The Housing (Approval of Codes of Management Practice) (Student Accommodation) (England) Order 2006

¹⁹ Paragraph 5 of schedule 14

²⁰ Paragraph 6 of Schedule 14

²¹ For the definition of "household" see section 258 (2) and paragraphs 3 and 4 of SI 373/2006 Paragraph 6 of Schedule 14

²² Paragraph 6 of schedule 14 and SI 373/200

²³ Paragraph 6 (2) of SI 373/200

9. Any building which is only occupied by two persons (forming two households)

Meaning of “building”

10. In this annex a “building” includes a part of a building.

²⁴ Paragraph 7 of schedule 1

