



# Housing Act 2004

## 2004 CHAPTER 34

### PART 3

#### SELECTIVE LICENSING OF OTHER RESIDENTIAL ACCOMMODATION

##### *Designation of selective licensing areas*

#### **80 Designation of selective licensing areas**

- (1) A local housing authority may designate either—
  - (a) the area of their district, or
  - (b) an area in their district,as subject to selective licensing, if the requirements of subsections (2) and (9) are met.
- (2) The authority must consider that—
  - (a) the first or second set of general conditions mentioned in subsection (3) or (6), or
  - (b) any conditions specified in an order under subsection (7) as an additional set of conditions,are satisfied in relation to the area.
- (3) The first set of general conditions are—
  - (a) that the area is, or is likely to become, an area of low housing demand; and
  - (b) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area.
- (4) In deciding whether an area is, or is likely to become, an area of low housing demand a local housing authority must take into account (among other matters)—
  - (a) the value of residential premises in the area, in comparison to the value of similar premises in other areas which the authority consider to be comparable

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- (whether in terms of types of housing, local amenities, availability of transport or otherwise);
- (b) the turnover of occupiers of residential premises;
  - (c) the number of residential premises which are available to buy or rent and the length of time for which they remain unoccupied.
- (5) The appropriate national authority may by order amend subsection (4) by adding new matters to those for the time being mentioned in that subsection.
- (6) The second set of general conditions are—
- (a) that the area is experiencing a significant and persistent problem caused by anti-social behaviour;
  - (b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and
  - (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.
- “Private sector landlord” does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996 (c. 52).
- (7) The appropriate national authority may by order provide for any conditions specified in the order to apply as an additional set of conditions for the purposes of subsection (2).
- (8) The conditions that may be specified include, in particular, conditions intended to permit a local housing authority to make a designation for the purpose of dealing with one or more specified problems affecting persons occupying Part 3 houses in the area.
- “Specified” means specified in an order under subsection (7).
- (9) Before making a designation the local housing authority must—
- (a) take reasonable steps to consult persons who are likely to be affected by the designation; and
  - (b) consider any representations made in accordance with the consultation and not withdrawn.
- (10) Section 81 applies for the purposes of this section.

#### Commencement Information

- II** S. 80 wholly in force at 25.11.2005; s. 80 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 80 in force for E. at 15.6.2005 by S.I. 2005/1451, art. 3(c); s. 80 in force for W. at 25.11.2005 by S.I. 2005/3237, art. 2(d)

## 81 Designations under section 80: further considerations

- (1) This section applies to the power of a local housing authority to make designations under section 80.
- (2) The authority must ensure that any exercise of the power is consistent with the authority’s overall housing strategy.

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- (3) The authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour, both—
  - (a) as regards combining licensing under this Part with other courses of action available to them, and
  - (b) as regards combining such licensing with measures taken by other persons.
- (4) The authority must not make a particular designation under section 80 unless—
  - (a) they have considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objective or objectives that the designation would be intended to achieve, and
  - (b) they consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).

#### Commencement Information

- I2** S. 81 wholly in force at 25.11.2005; s. 81 not force at Royal Assent see s. 270(4)(5); s. 81 in force for E. at 15.6.2005 by S.I. 2005/1451, art. 3(d); s. 81 in force for W. at 25.11.2005 by S.I. 2005/3237, art. 2(e)

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#### **82 Designation needs confirmation or general approval to be effective**

- (1) A designation of an area as subject to selective licensing cannot come into force unless—
  - (a) it has been confirmed by the appropriate national authority; or
  - (b) it falls within a description of designations in relation to which that authority has given a general approval in accordance with subsection (6).
- (2) The appropriate national authority may either confirm, or refuse to confirm, a designation as it considers appropriate.
- (3) If the appropriate national authority confirms a designation, the designation comes into force on a date specified for this purpose by that authority.
- (4) That date must be no earlier than three months after the date on which the designation is confirmed.
- (5) A general approval may be given in relation to a description of designations framed by reference to any matters or circumstances.
- (6) Accordingly a general approval may (in particular) be given in relation to—
  - (a) designations made by a specified local housing authority;
  - (b) designations made by a local housing authority falling within a specified description of such authorities;
  - (c) designations relating to Part 3 houses of a specified description.  
“Specified” means specified by the appropriate national authority in the approval.

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- (7) If, by virtue of a general approval, a designation does not need to be confirmed before it comes into force, the designation comes into force on the date specified for this purpose in the designation.
- (8) That date must be no earlier than three months after the date on which the designation is made.
- (9) Where a designation comes into force, this Part applies in relation to the occupation by persons of houses in the area on or after the coming into force of the designation even if their occupation began before, or in pursuance of a contract made before, it came into force.

#### Commencement Information

- I3** [S. 82](#) wholly in force at 16.6.2006; [s. 82](#) not in force at Royal Assent see [s. 270\(4\)\(5\)](#); [s. 82](#) in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [s. 82](#) in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

### 83 Notification requirements relating to designations

- (1) This section applies to a designation—
  - (a) when it is confirmed under section 82, or
  - (b) (if it is not required to be so confirmed) when it is made by the local housing authority.
- (2) As soon as the designation is confirmed or made, the authority must publish in the prescribed manner a notice stating—
  - (a) that the designation has been made,
  - (b) whether or not the designation was required to be confirmed and either that it has been confirmed or that a general approval under section 82 applied to it (giving details of the approval in question),
  - (c) the date on which the designation is to come into force, and
  - (d) any other information which may be prescribed.
- (3) After publication of a notice under subsection (2), and for as long as the designation is in force, the local housing authority must make available to the public in accordance with any prescribed requirements—
  - (a) copies of the designation, and
  - (b) such information relating to the designation as is prescribed.
- (4) In this section “prescribed” means prescribed by regulations made by the appropriate national authority.

#### Commencement Information

- I4** [S. 83](#) wholly in force at 16.6.2006; [s. 83](#) in force for certain purposes at Royal Assent see [s. 270\(2\)\(b\)](#); [s. 83](#) in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [s. 83](#) in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

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## **84 Duration, review and revocation of designations**

- (1) Unless previously revoked under subsection (4), a designation ceases to have effect at the time that is specified for this purpose in the designation.
- (2) That time must be no later than five years after the date on which the designation comes into force.
- (3) A local housing authority must from time to time review the operation of any designation made by them.
- (4) If following a review they consider it appropriate to do so, the authority may revoke the designation.
- (5) If they do revoke the designation, the designation ceases to have effect on the date that is specified by the authority for this purpose.
- (6) On revoking a designation, the authority must publish notice of the revocation in such manner as is prescribed by regulations made by the appropriate national authority.

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### **Commencement Information**

**I5** S. 84 wholly in force at 16.6.2006; s. 84 not in force at Royal Assent see s. 270(2)(b); s. 84 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 84 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

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