

NOTICE OF DESIGNATION OF AN AREA FOR SELECTIVE LICENSING

Birmingham City Council's Designation of an Area for Selective Licensing 2023.

This notice is published in accordance with Sections 80 to 84 of the Housing Act 2004 and Regulation 9 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

Birmingham City Council ("the Council") gives notice that in exercise of its powers under section 80 of the Housing Act 2004 ("the Act") it has designated for selective licensing the area described in paragraph 5 and as delineated on the map at Annex A.

1. This designation may be cited as the Birmingham City Council's Designation of an Area for Selective Licensing 2023.
2. This designation was made by the Cabinet of the Council on 1 March 2022.
3. The designation falls within a description of designations for which confirmation is required by the Secretary of State. The designation was confirmed by the Minister for Rough Sleeping and Housing on behalf of the Secretary of State on 5 September 2022 and shall come into force on 5 June 2023.
4. The designation shall cease to have effect on 4 June 2028 or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

Acocks Green	Gravelly Hill	South Yardley
Alum Rock	Handsworth	Sparkbrook & Balsall Heath
Aston	Heartlands	Sparkhill
Balsall Heath West	Holyhead	Stockland Green
Birchfield	Ladywood	Tyseley & Hay Mills
Bordesley Green	Lozells	Ward End
Bordsley & Highgate	North Edgbaston	Yardley West & Stechford

Acocks Green	Gravelly Hill	South Yardley
Bournbook & Selly Park	Small Heath	
Edgbaston	Soho & Jewellery Quarter	

5. This designation applies to the following wards of the city of Birmingham as delineated pink on the map at Annex A.

APPLICATION OF THE DESIGNATION

6. This designation applies to any house which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
- a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act;
 - b) the tenancy or licence of the house has been granted by a registered social landlord;
 - c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - d) the house is subject to a temporary exemption under section 86 of the Act; or
 - e) the house is occupied under a tenancy or licence which is exempt under the Act, or the occupation is of a building or part of a building so exempt as defined in The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 – SI 370/2006.

EFFECT OF THE DESIGNATION

7. Subject to sub paragraphs 6(a) to (e) every house in the area specified in paragraph 5 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.
8. The Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.

ENFORCEMENT

9. Upon the designation coming into force on 5 June 2023 any person having control of or who manages a licensable property without a licence or allows a licensed property to be occupied by more households or persons other than as authorised by a licence, is liable to prosecution and upon summary conviction is liable to an unlimited fine pursuant to the provisions Section 95(1) of the Housing Act 2004.
10. A person who breaches a condition of a licence is liable to prosecution and upon summary conviction is liable to an unlimited fine.

11. The Council, as an alternative to initiating a prosecution, may pursue one or more of a range of other enforcement actions including the imposition of a financial penalty of up to £30,000 and/or taking management control of the unlicensed property.
12. Further, where an offence has been committed an application may also be made by the Council and/or tenant under the provisions of section 96 and 97 of the Housing Act 2004 for a Rent Repayment Order to pay back up to 12 months' rent.
13. No notice under section 21 of the Housing Act 1988 may be given in relation to an assured shorthold tenancy of the whole or part of an unlicensed house so long as it remains an unlicensed house.

FURTHER INFORMATION

14. Any landlords, managing agents or tenants within the designated areas should seek advice as to whether their property is affected by the Designation from the Council's Private Rented Sector Team during normal office hours (Monday-Friday, 9am-5pm):
 - by telephone on 0121 303 5070
 - by email to prs@birmingham.gov.uk; or
 - by writing to: Private Rented Sector Team, Birmingham City Council, Units 1-3 Ashted Lock Way, Birmingham, B7 4AZ
15. Application forms for licences, general advice, and any further information as to the Designation will be available from the Council's Private Rented Sector Team.
16. The Designation may be inspected at the address specified in paragraph 14 during office hours and a copy downloaded from the Council's website.

ANNEX A – PARAGRAPH 5: MAP OF DESIGNATED AREA

Below is a map showing the boundary of Birmingham City Council's Designation for an Area for Selective Licensing 2022 in PINK.

