

# BRIEFINGNOTE

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## Landlord Licensing - Official Confirmation Notice

10/01/2022

Dear Accredited Provider,

Please see below for information from Liverpool City Council that we have been asked to circulate:

To Whom it May Concern,

I am contacting you as you have been known as a landlord, managing agents, estate agents or letting agents of properties that are within Liverpool City boundaries and specifically within the designation for a selective licensing scheme, a map of the areas included in the new designation is provided below.

Liverpool City Council has received confirmation that a new scheme has been approved and is contacting all known interested parties to make them aware. Below is the notice of confirmation of designation of an area for selective licensing. More details will be published in the future and we will contact you via this platform and they will be available on the councils landlord licensing webpages <https://liverpool.gov.uk/business/licences-and-permits/landlord-licensing/> . If you do not wish to receive further information please unsubscribe using the link at the bottom of the page.

The Notice can also be viewed by following this link <https://liverpool.gov.uk/media/1361203/selective-licensing-designation-confirmation-with-plan.docx> or reading below.

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**PUBLIC NOTICE  
LIVERPOOL CITY COUNCIL**

## **CONFIRMATION OF DESIGNATION OF AN AREA FOR SELECTIVE LICENSING Section 80, Housing Act 2004**

Notice is hereby given that on the 24<sup>th</sup> day of December 2020, in the exercise of its powers under section 80 of the Housing Act 2004 (“the 2004 Act”), Liverpool City Council (“the Council”) of Cunard Building, Water Street, Liverpool, L3 1AH (Tel: 0151 233 3055) made the City of Liverpool (Area for Selective Licensing) Designation 2020 (“the Designation”).

The Designation falls within a description of designations for which the Secretary of State’s confirmation was required under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.

Notice is hereby given that, on the 30<sup>th</sup> day of November 2021, the Minister for Rough Sleeping and Housing confirmed the Designation.

### **The Designation**

The Designation will come into force on 1<sup>st</sup> April 2022 and unless previously revoked, shall cease to have effect on 31<sup>st</sup> March 2027.

The Designation applies to each and all of the following wards in the Council's district, as shown on the map appended to this Notice, namely:

Anfield; Central; County; Everton; Fazakerley; Greenbank; Kensington & Fairfield; Kirkdale; Old Swan; Picton; Princes Park; Riverside; St Michael’s; Tuebrook & Stonecroft; Warbreck; and Wavertree.

Subject to the statutory exceptions summarised below, the Designation will apply to any building, house, maisonette or flat if (a) it is in one of the above wards, and (b) the whole of it is occupied either under a single tenancy or licence that is not an exempt tenancy or licence (see below), or under two or more tenancies or licences of different dwellings contained in it, none of which is an exempt tenancy or licence.

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## Exempt tenancies and licences

A tenancy or licence is an exempt tenancy or licence if:

- (a) it is granted by a non-profit registered provider of social housing;
- (b) it is granted by a profit-making registered provider of social housing in respect of social housing;
- (c) the building, house, maisonette or flat to which the tenancy or licence relates is subject to a prohibition order under section 20 of the 2004 Act, the operation of which has not been suspended in accordance with section 23 of the 2004 Act;
- (d) it is a tenancy which cannot be an assured tenancy by virtue of section 1(2) of the Housing Act 1988 (“the 1988 Act”) because it falls within paragraph 1 (business tenancies), paragraph 5 (licensed premises), paragraph 6 (tenancies of agricultural land), or paragraph 7 (tenancies of agricultural holdings) in Schedule 1 to the 1988 Act;
- (e) it is a tenancy or licence of a building, house, maisonette or flat that is managed or controlled by
  - (i) a local housing authority, (ii) a police authority established under section 3 of the Police Act 1996 (“the 1996 Act”), (iii) the Metropolitan Police Authority established under section 5B of the 1996 Act, (iv) a fire and rescue authority under the Fire and Rescue Services Act 2004, or (v) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
- (f) it is a tenancy or licence of a building, house, maisonette or flat which is not a house in multiple occupation (“HMO”) for any purposes of the 2004 Act except Part 1 by virtue of (i) paragraph 3 of Schedule 14 to the 2004 Act (buildings regulated otherwise than under the 2004 Act) or (ii) paragraph 4(1) of that Schedule (buildings occupied by students);
- (g) it is a tenancy of a building, house, maisonette or flat where (i) the full term of the tenancy is more than 21 years, (ii) the lease does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term, and (iii) the building, house, maisonette or flat is occupied by a person to whom the tenancy was granted or his successor in title or any members of such person’s family;
  
- (h) it is a tenancy or licence of a building, house, maisonette or flat granted by a person to a person who is a member of his family where (i) the person to whom the tenancy or licence is granted occupies the building, house, maisonette or flat as his only or main residence, (ii) the person granting the tenancy or licence is the freeholder or the holder of a lease of the building, house, maisonette or flat the full term of which is more than 21 years, and (iii) the lease referred to in sub-paragraph (ii) does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term;
  
- (g) it is a tenancy or licence that is granted to a person in relation to his occupancy of a building, house, maisonette or flat as a holiday home; or
  
- (h) it is a tenancy or licence under the terms of which the occupier shares any accommodation with the landlord or licensor or a member of the landlord’s or licensor’s family.

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## **Statutory exceptions**

A statutory exception will apply if:

- (a) the building, house, maisonette or flat is an HMO and is required to be licensed under Part 2 of the 2004 Act;
- (b) a temporary exemption notice made under section 86 of the 2004 Act is in force in respect of it; or
- (c) the building, house, maisonette or flat is subject to an Interim or Final Management Order made under Chapter 1 or 2 of Part 4 of the 2004 Act.

## **Consequences of failing to license a property or comply with licence conditions**

Unless a tenancy or licence is exempt as set out above, or a statutory exception applies, the building, house, maisonette or flat will require a licence under Part 3 of the 2004 Act. A person who manages or has control of it without a licence will commit an offence under section 95(1) of the 2004 Act, and will be liable upon summary conviction or penalty to an unlimited fine or, as the case may be, a financial penalty not exceeding £30,000 per offence. A person who breaches a condition of a licence will be similarly liable. The landlord of such a property may also be liable to a rent repayment order under the Housing and Planning Act 2016, or in certain circumstances to entry on a database of rogue landlords, or to a banning order.

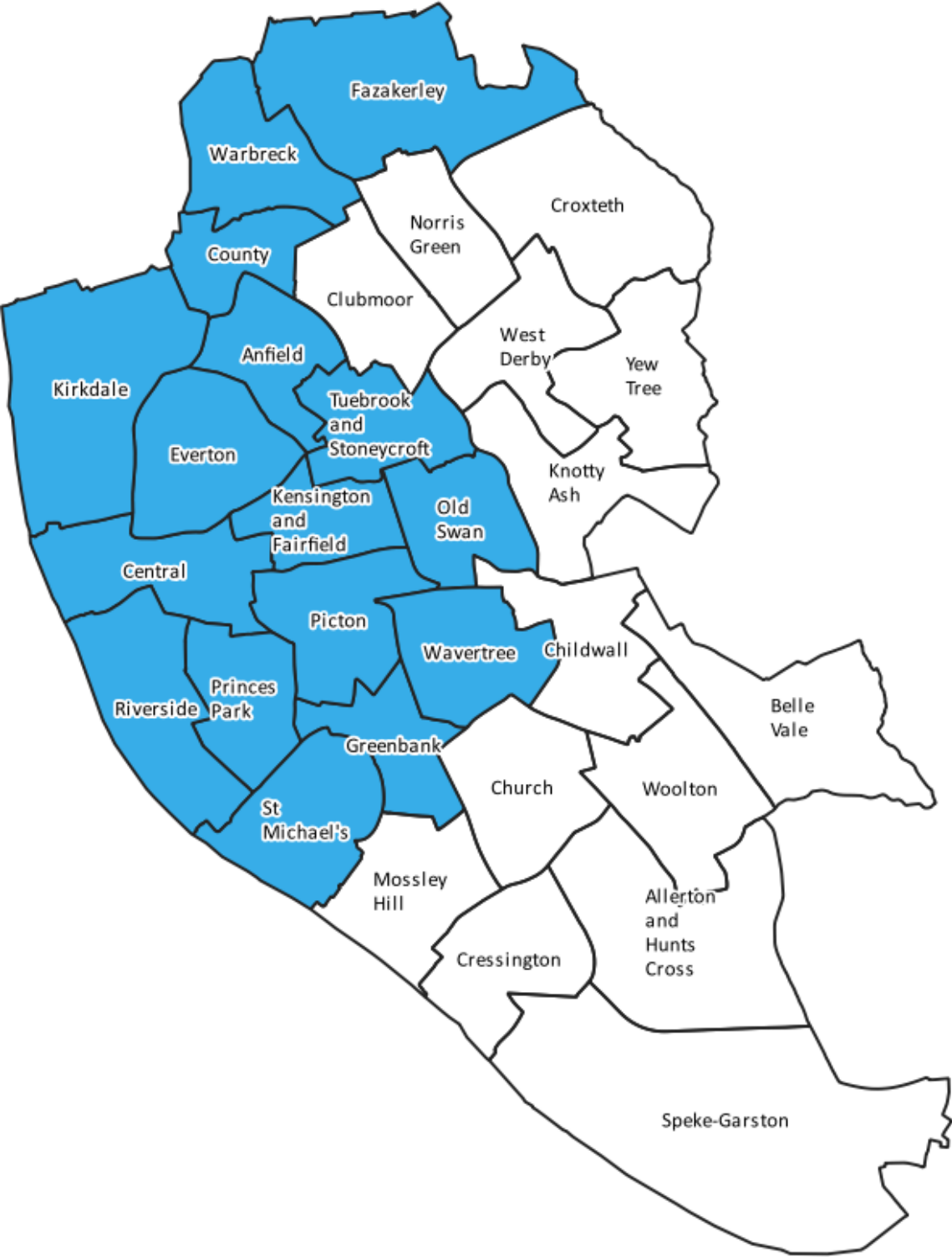
The Designation may be inspected between 9.00 and 17:00 on weekdays at: Private Sector Housing, Liverpool City Council, Cunard Building, Water Street, Liverpool, L3 1AH (Tel: 0151 233 3055) [PrivateSector.Housing@liverpool.gov.uk](mailto:PrivateSector.Housing@liverpool.gov.uk)

## **Important notice: Where to obtain advice**

If you are an owner, a landlord, an agent, or a person otherwise managing or occupying a property in the Designation area you are strongly advised to seek advice from the Council about the need to license the property. If you wish to do this, or you require a licence application or general advice about the Designation you are advised to contact: Iain Crawford, Private Sector Housing, Liverpool City Council, Cunard Building, Water Street, Liverpool, L3 1AH (Tel: 0151 233 3055)

[PrivateSector.Housing@liverpool.gov.uk](mailto:PrivateSector.Housing@liverpool.gov.uk)

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**Dated** 7<sup>th</sup> December 2021

Daniel Fenwick  
Director of Law & Governance  
Liverpool City Council

Kind Regards

Liverpool Student Homes  
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[www.liverpoolstudenthomes.org](http://www.liverpoolstudenthomes.org)

*Liverpool Student Homes is a service owned and managed by University of Liverpool, Liverpool John Moores University, Liverpool Hope University, Liverpool Institute for Performing Arts, Liverpool School of Tropical Medicine*