

The London Borough of Sutton Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2025

The London Borough of Sutton in exercise of their powers under section 56 of the Housing Act (“the Act”) hereby designates for additional licensing of Houses in Multiple Occupation (“HMO’s”) the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Sutton Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2025.
2. This designation is made on 22 December 2025 and shall come into force on 22 March 2026.
3. This designation shall cease to have effect on 21 December 2030 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 area of the district of the London Borough of Sutton as delineated and edged black on the map 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 HMO’s 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 Act¹; or
 - (d) The HMO is required to be licensed under section 52(2)(a) of the Act (mandatory licensing).

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.
7. London Borough of Sutton 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 Act².

¹ 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

8. 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 Act, namely The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 which came into force on the 01 April 2015.

The designation is herein made by the Chief Executive of the London Borough of Sutton under the power conferred by the Section 3 of the Council Constitution 2024 as delegated by the London Borough of Sutton.



Signed: Date: 22 December 2025

Authorised Signatory: Spencer Palmer, Strategic Director of Environment, Housing and Neighbourhoods

ANNEX B – Paragraph 5: HMO's subject to the designation

The designation applies to any House in Multiple Occupation (HMO) that meets the definition set out in Part 7 (Sections 254 to 259) of the Housing Act 2004, excluding those HMOs that are subject to mandatory licensing under the criteria prescribed by The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018.

ANNEX C – Paragraph 5(a): Buildings that are not HMO’s for the purpose of the Act

Buildings controlled or managed by public sector bodies etc.

1. 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, under section 1 of the Police Reform and Social Responsibility Act or the Mayor’s Office for Policing and Crime under section 3 of the same Act.
- e) a fire and rescue authority under the Fire and Rescue Services Act 2004
- f) a health service body within the meaning of section 9 of the National Health Service Act 2006.
- g) a profit-making registered provider of social housing where it is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.

Buildings controlled or managed by a co-operative society

2. (1) A building where—

- a) 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
- b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.

(2) 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.

For the purposes of above “co-operative society” means a body that—

- a) 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
- b) is neither—
 - i. a non-profit registered provider of social housing, nor
 - ii. 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;
- “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.

Buildings regulated otherwise than under this Act

3. 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.

Certain student lettings

4. (1) 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 (1) “specified ” means specified for the purposes of this paragraph in regulations made by the appropriate national authority.

Sub-paragraph (2) 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.

(2) 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 (2) “ 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.

Religious communities

6. 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

6. Any building which is only occupied by persons within the following paragraphs—

1. 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;
2. any member of the household of such a person or persons;

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 resident landlord

7. A building which is occupied by a person or persons to whom paragraph 6 applies and no more than two other persons not forming part of the owner's household.

Buildings occupied by two persons

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