

PUBLIC NOTICE

Notice of Designation of an Area for Additional Licensing of Houses in Multiple Occupation (HMOs)

This notice is published in accordance with Sections 56 to 60 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.

The London Borough of Sutton Council in exercise of their powers under section 56 of the Housing Act 2004 ("the Act") gives notice that it has designated for additional licensing of Houses in Multiple Occupation ("HMOs") the area described in paragraph 4.

1. The designation may be cited as the London Borough of Sutton Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2025.
2. The designation was made on 22 December 2025 and shall come into force on 22 March 2026.
3. The designation shall cease to have effect on 21 December 2030 or earlier if the Council revokes the scheme under section 60 of the Act.
4. The designation shall apply to the whole area of the district of the London Borough of Sutton.
5. The designation applies to all HMOs as defined by section 254 of the Housing Act 2004 that are occupied by three or more persons comprising two or more households, and HMOs as defined in section 257 of that Act where less than half of the flats are owner-occupied within the area described in paragraph 4 unless:
 - a. The building is of a description specified in annex C of the designation (Buildings which are not HMOs for the purpose of the Act - other than Part 1. See schedule 14 of the Housing Act 2004);
 - 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).
6. Subject to sub paragraphs 5(a) to (d) above, 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. The London Borough of Sutton 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 Act.
8. The 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 Housing Act 2004, namely: The Housing Act 2004 : Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2024, which came into force on the 23 December 2024.
9. A person having control of or managing a prescribed HMO must apply to the London Borough of Sutton for a licence. Managing or being in control of an unlicensed HMO in the designated area is an offence under Section 72(1) of the Housing Act 2004, punishable on conviction by an unlimited fine. As an alternative to prosecution, the Council may impose a financial penalty of up to £30,000. In addition, the landlord may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the First-tier Tribunal (Property Chamber) under the provisions of section 41 of the Housing and Planning Act 2016 for a rent repayment order.
10. This designation has been made by the London Borough of Sutton, Civic Offices, St Nicholas Way, Sutton SM1 1EA; telephone: 020 8770 5000; email: environmentalhealth@sutton.gov.uk
11. If you wish to inspect the designation in respect of additional licensing of HMOs in the London Borough of Sutton, it may be viewed at <https://www.sutton.gov.uk/w/houses-in-multiple-occupation> or inspected at Sutton's offices at Civic Offices, St Nicholas Way, Sutton SM1 1EA; arrange this by telephoning 020 8770 5000 during normal office hours (9am to 5pm, Monday to Friday), or by emailing environmentalhealth@sutton.gov.uk.
12. Once the designation is in force, an application may be made and general advice may be obtained from the Council's website <https://www.sutton.gov.uk/w/houses-in-multiple-occupation>, or the Residential Enforcement Team, Civic Offices, St Nicholas Way, Sutton SM1 1EA, telephone: 020 8770 5000; email: environmentalhealth@sutton.gov.uk.
13. Any landlord, managing agent or other person in control of or managing an HMO, or any tenant within the Borough, may seek advice as to whether their property is affected by the designation from the Council's website, <https://www.sutton.gov.uk/w/houses-in-multiple-occupation>, by telephoning 020

8770 5000 during normal office hours (9am to 5pm, Monday to Friday), or by emailing environmentalhealth@sutton.gov.uk.