



THE SOUTHAMPTON CITY COUNCIL DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION 2018

Section 56, Housing Act 2004

The Southampton City Council ("the Council") in exercise of its powers under section 56 of the Housing Act 2004 ("the Act") hereby designates for additional licensing of Houses in Multiple Occupation ("HMO's") the area set out in paragraph 4

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Southampton City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2025.
2. This designation was approved by the Council on 17th June 2025 and the approval is effective on 26th June 2025 and the designation shall come into force on 1st October 2025. The designation falls within a description of designations for which the Secretary of State has issued a General Approval dated 30th March 2010.
3. The designation shall cease to have effect on 30th September 2030.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the an area that covers the Bevois, Bargate, Banister & Polygon, Portswood, Swaythling, Shirley, Bassett, Freemantle & Millbrook electoral wards within the City of Southampton as delineated on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ which is a HMO and which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless:
 - (a) the house is a HMO and is required by law to be licensed under part 2 of the Act (Section 55 (1) (b);
 - (b) the tenancy or licence of the house had been granted by a registered social landlord;

¹ For the definition of "house" see sections 79 and 99 of the Act

- (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 Annex B
- (f) Which is a building or part thereof covered by Section 257 of the Act.

EFFECT OF THE DESIGNATION

- 6. Subject to sub paragraphs 5 (a) to (f) every house which is a HMO in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 61 of the Act.
- 7. The Southampton City Council will comply with the notification requirements contained in section 59 of the Act and under the licensing and management of houses in multiple occupation and other houses (miscellaneous provisions) (England) regulations 2006/373 ("regulations") and shall maintain a register of all buildings registered under this designation, as required under section 232 of the Act and under paragraph 11 of the above regulations.

Notes: Please see Annex C for further information concerning the application process

Date and authentication by the Council: 17th June 2025

Date the Approval is effective from 26th June 2025

The Designation falls within a description of designations for which the Secretary of State has issued a General Approval dated 30th March 2010.

Dated this 24th day of July 2025

THE COMMON SEAL of)
SOUTHAMPTON CITY COUNCIL)
Was hereunto affixed in the presence of)

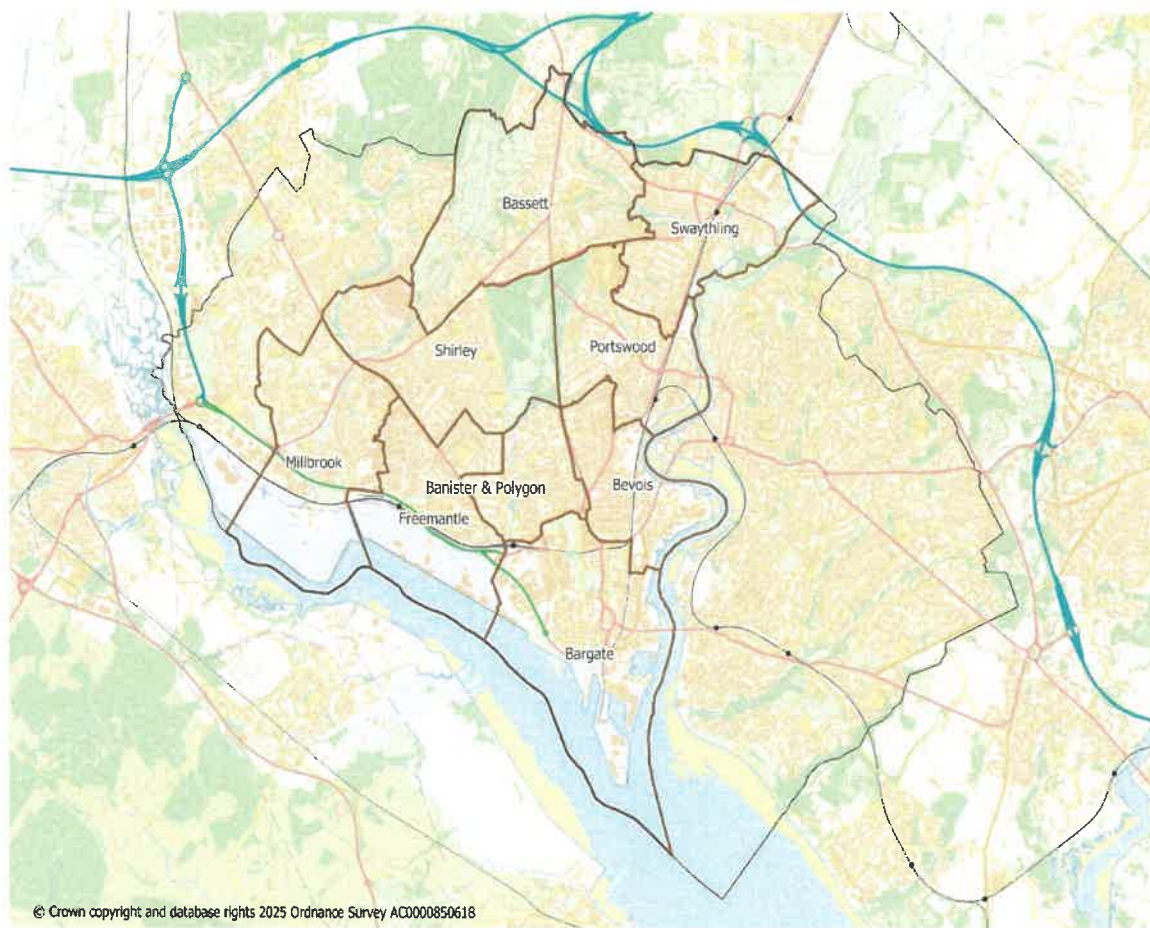

☐ Authorised Signatory



ANNEX A

PARAGRAPH 4

MAP OF DESIGNATED AREA



Southampton ward

ANNEX B

Paragraph 5(d): Exempted tenancies or licences

Prohibition of occupation by law

1. A tenancy or licence of a house or a dwelling within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation had not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part 1 of the Act and which is:
 - (a) a business tenancy under Part 11 of the Landlord and Tenant Act 1954
 - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises
 - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house,
 - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant) in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding.

Tenancies and licenses granted etc by public bodies

3. A tenancy or licence of a house of dwelling within a house that is managed or controlled by:
 - (a) a local authority
 - (b) a police authority established under section 3 of the police !Act 1996 or the Metropolitan Police Authority established under Section 5B of that Act,
 - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004
 - (d) A health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

Tenancies, Licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989
- (b) section 43 (4) of the Prison Act 1952
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002
- (d) The Secure Training Centre Rules 2000
- (e) The Prison Rules 1998
- (f) The young offender institute rules 2000
- (g) The detention centre rules 2001
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001
- (i) The Care Homes Regulations 2001
- U) The Children's Homes (England) Regulations 2015
- (k) The Residential Family Centres Regulations 2002

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house-
(1) which is managed or controlled by a specified educational establishment or is of a specified descriptions of such establishments and

Religious communities

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

Buildings occupied by owners

7. A building which is only occupied by-

(i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building

(ii) and/or any member of the household¹⁸ of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by resident landlord etc

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons²⁰, not forming part of the owner's household.

Buildings occupied by two persons⁹. Any building which is only occupied by two persons (forming two households)

Meaning of "building" In this annex a "building" includes a part of a building

ANNEXC

NOTES: If you are a landlord, managing Agent or a tenant, or if you require any further information regarding this designation, or to apply for a licence, further information and advice is available from the Councils Resident Services, Civic Centre, Southampton, SO14 7LY by telephone on 023 8083 2606 or online at www.southampton.gov.uk/hmo or by email to HMO@southampton.gov.uk or in writing to Resident Services, Civic Centre, Southampton, SO14 7LY. The Designation may be inspected at the above address during office hours.

All landlords, managing Agents or tenants within the designated area should obtain advice to ascertain whether their property is affected by the Designation by contacting the Councils Residential Services, Civic Centre, Southampton, SO14 7LY

Upon the Designation coming into force on 1st October 2025 any person who operates a licensable property without a licence, or allows a licensed property to be occupied by more households or persons than as authorised by a licence, is liable to prosecution and upon conviction is liable to a level five fine. Alternatively, anyone committing such an offence could be issued with a Civil penalty notice up to £30,000. A person who breaches a condition of a licence is also liable upon summary conviction to a level fine or alternatively be issued with a Civil Penalty Notice up to £30,000.