THE WORCESTER CITY COUNCIL DESIGNATION FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION 2025

Worcester 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 ("HMOs") the area described in paragraph 4.

CITATION COMMENCEMENT AND DURATION

1. This designation may be cited as the "Worcester City Council Designation for Additional Licensing of Houses in Multiple Occupation 2025"
2. This designation is made on 21st May 2025 and shall come into force on 1st September 2025. The designation falls within the description of designations for which the Secretary of State has issued a General Approval dated 26th March 2015.
3. This designation shall cease to have effect on 31st August 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 every ward in the City of Worcester as delineated and edged red on the map at Annex A ("the Area").

APPLICATION OF THE DESIGNATION

5. This designation applies to HMOs of the description specified in Annex B within the Area unless –
    a. The building is of a description specified in Schedule 14 of the Act (Buildings which are not HMOs for the purpose of the Act – excluding Part 1);
    b. The House of Multiple Occupation ("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;
    d. The HMO is required to be licensed under section 55 (2)(a) of the Act (Mandatory licensing)
    e. The HMO is specifically excluded from the scheme in Annex B

EFFECT OF THE DESIGNATION

6. Subject to paragraph 5 above every HMO of the description specified in that paragraph in the Area shall be required to be licensed under section 61 of the Act.
7. The 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 by section 232 of the Act.
8. Landlords, persons managing or a tenant within the Area should seek advice from the Council by contacting them as specified in paragraph 14 to ascertain whether their property is affected by this designation.

CONSEQUENCES OF FAILING TO LICENCE A HMO

9. A person who fails to licence a property which requires licensing by virtue of this designation 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 by virtue of Section 72 of the Act. The Council may, as an alternative to prosecution, impose a financial penalty of up to £30,000.00 by virtue of section 249A of the Act.
10. A person who breaches a condition of a licence is liable upon summary conviction to a level five fine (section 72 of the Act). The Council may as an alternative to prosecution impose a financial penalty of up to £30,000 (section 249A of the Act).
11. The tenant(s) and/or the Council may apply to the First-Tier Tribunal (Residential Tribunal) under the provisions of section 41 of the Housing and Planning Act 2016 for a rent repayment order.
12. No section 21 notice pursuant to the Housing Act 1988 (recovery of possession on termination of shorthold tenancy) may be given in relation to a shorthold tenancy of a part of an unlicensed HMO so long as it remains unlicensed.

INSPECTION OF THE DESIGNATION

13. The Council is the Local Housing Authority which made the designation. Subject to paragraph 15, the designation may be inspected at:
    Customer Service Centre, 89 High Street, Worcester, WR1 2EY
14. Information, advice and applications relating to HMO licensing, including additional licensing, should be made to the Council's Private Sector Housing Team as follows:

    Post: Private Sector Housing Team, Worcester City Council, Guildhall, High Street, Worcester, WR1 2EY

    Telephone: 01905 722288

    Email: privatehousing@worcester.gov.uk

    Website: https://www.worcester.gov.uk/housing/landlord-advice/additional-licensing-of-hmos

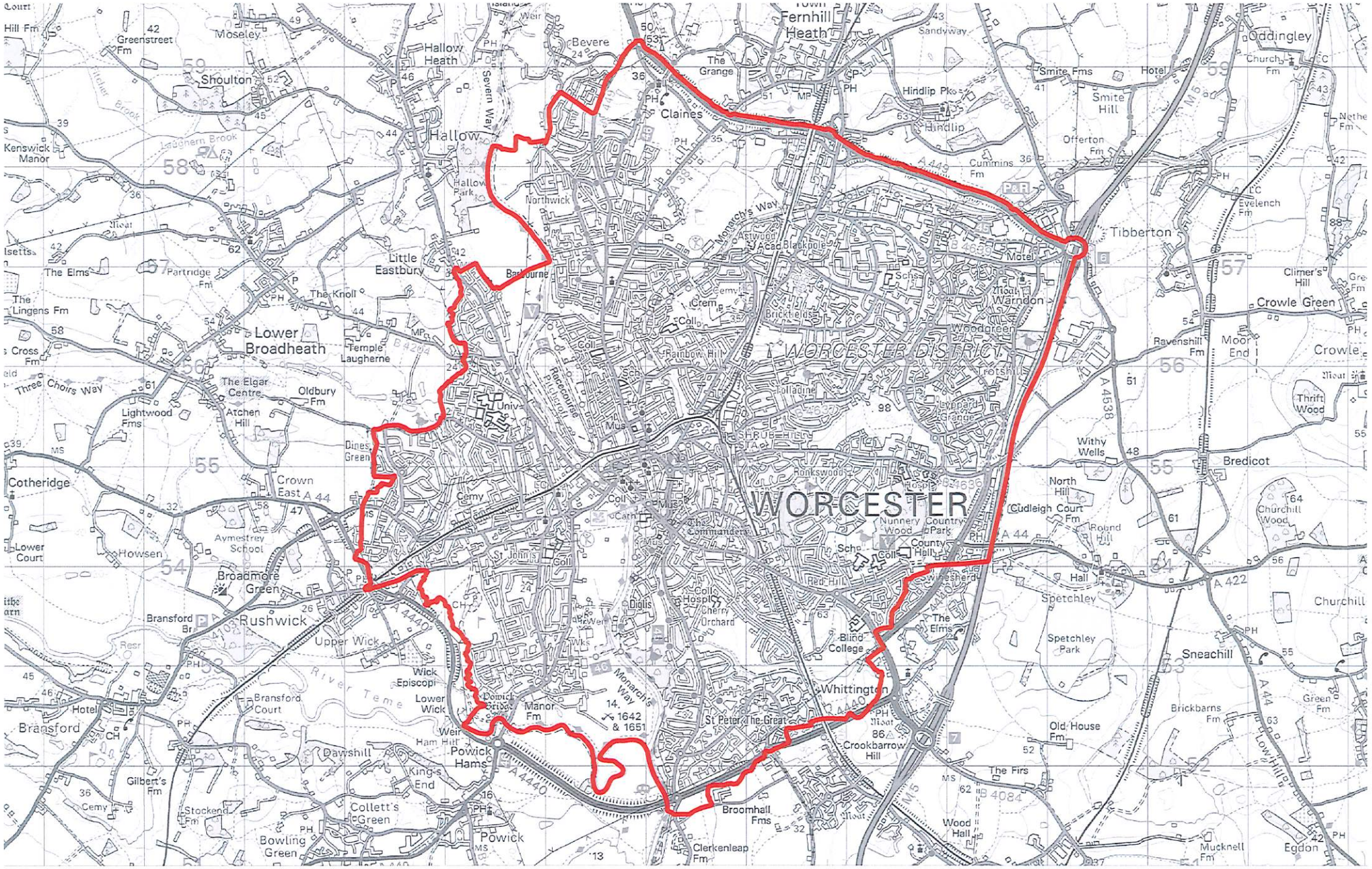
15. Copies of the designation are available for members of the public to view at the above Customer Service Centre, on the Council's website and will be emailed upon request to privatehousing@worcester.gov.uk.

Dated: 21/05/2025

Signed: Claire Chaplin

Claire Chaplin, Deputy Monitoring Officer

Annex A – Map of the Area subject to the designation


WORCESTER
WORCESTER DISTRICT
Fernhill Heath
Claines
Hallow
Little Eastbury
Lower Broadheath
Tibberton
Warndon
Crowle Green
Bredicot
Rushwick
Broadmore Green
Cotheridge
Whittington
Powick
Broomhall Fms
Sneachill
Spetchley
Oddingley
Hindlip
Smite Hill
Offerton Fm
Withy Wells
Crookbarrow Hill
Blind College
Bransford
Upper Wick
Lower Wick
Wick Episcopi
Powick Hams
Kings End
Collett's Green
Bowling Green
Stockend Fm
Gilbert's Fm
Dawshill
Howsen
Lightwood Fms
Oldbury Fm
The Elgar Centre
Atchen Hill
Three Choirs Way
Temple Laugherne
Barbourne
Northwick
Severn Way
Monarch's Way
Shoulton
Moseley
Greenstreet Fm
Kenswick Manor
The Elms
Partridge Fm
The Knoll
The Lingens Fm
Cross Fm
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Dines Green
Crown East
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Lower Court
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Hotel
River Teme
Ham Hill
Manor Fm
Powick Bridge
Cherry Orchard
Diglis
Nunnery Wood
County Hall
Cudleigh Court Fm
North Hill
Roland Hill
Churchill Wood
Thrift Wood
Ravenshill Fm
Moor End
Climer's Hill
Evelench Fm
Smite Fms
Cummins Fm
Hindlip Pke
The Grange
Sandyway
Church Fm
Nethe Fm
Brickbarns Fm
Old House Fm
Low Hill
Green Fm
Churchill
Spetchley Park
The Firs
Wood Hall
Mucknell Fm
Egdon
Clerkenleap Fm
Hall
Red Hill
Rainbow Hill
Brickfields
Woodgreen
Ronkswood
Hollidene
Lyppard Grange
Astwood
Acad Blackpole
Motel
Hotel
Meat
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Racecourse
Pitchcroft
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Hallow Heath
Beverey
Weir
Island
Court
Hill Fm
Fernhill Heath
Sandyway
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Smite Fms
Hotel
Offerton Fm
Hindlip Pke
Hindlip
Cummins Fm
Evelench Fm
Climer's Hill
Crowle Green
Moor End
Crowle
Ravenshill Fm
Thrift Wood
Withy Wells
Bredicot
North Hill
Cudleigh Court Fm
Roland Hill
Churchill Wood
Nunnery Wood Country Park
County Hall
Hall
Spetchley
Churchill
Spetchley Park
Sneachill
The Elms
Blind College
Whittington
St Peter The Great
Crookbarrow Hill
Old House Fm
Brickbarns Fm
Low Hill
Green Fm
The Firs
Wood Hall
Mucknell Fm
Egdon
Broomhall Fms
Clerkenleap Fm
Powick
Bowling Green
Stockend Fm
Gilbert's Fm
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Monarch's Way
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Moseley
Greenstreet Fm
Kenswick Manor
The Elms
Partridge Fm
The Knoll
The Lingens Fm
Cross Fm
Isetts
Dines Green
Crown East
Cotheridge
Little Eastbury
Lower Broadheath
Hallow
Hallow Heath
Claines
The Grange
Fernhill Heath
Tibberton
Warndon
Crowle Green
Bredicot
Rushwick
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Annex B – HMOs subject to the designation

For the purpose of this designation and subject to paragraphs 6 to 10 below a building or part of a building is a HMO if it falls into any of the categories detailed in paragraphs 1 – 5 below.

1. A building or a part of a building is a HMO if:-
    a. It consists of one or more units of living accommodation not consisting of a self-contained flat or flats; and
    b. The living accommodation is occupied by persons who do not form a single household (see paragraph 6 and section 258 Housing Act 2004); and
    c. The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it; and
    d. Their occupation of the living accommodation constitutes the only use of that accommodation; and
    e. Rents are payable or other consideration is to be provided in respect of at least one of those person' occupation of the living accommodation; and
    f. Two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.
2. A self-contained flat is a HMO if paragraphs 1(b) to 1(f) apply.
3. A converted building or a part of a converted building is an HMO if:-
    a. It is a converted building; and
    b. It contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats); and
    c. The living accommodation is occupied by persons who do not form a single household; and
    d. The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it; and
    e. Their occupation of the living accommodation constitutes the only use of that accommodation; and
    f. Rents are payable or other consideration is to be provided in respect of at least one of those person's occupation of the living accommodation.
4. It is a converted block of flats to which section 257 of the Act applies (further detail is contained within said section of the Act)
5. A HMO declaration is in force in respect of the building under section 255 of the Act
6. Persons are to be regarded as not forming a single household unless:-
    a. They are all members of the same family, or
    b. Their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
7. A person is a member of the same family as another person if:-
    a. Those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);

b. One of them is a relative of the other; or
c. One of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.

8. For those purposes:-
    a. A "couple" means two persons who are married to each other or otherwise fall within 7a;
    b. "relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
    c. A relationship of the half-blood shall be treated as a relationship of whole blood; and
    d. The stepchild of a person shall be treated as his child.
9. A person is still to be treated as occupying a building or part of a building as their only or main residence even where it is occupied by the person:-
    a. As the person's residence for the purpose of undertaking a full-time course of further or higher education;
    b. As a refuge; or
    c. For occupation by a migrant or seasonal workers (where the occupation is provided by their employer or agent); or
    d. For occupation by asylum seekers and their dependents when such accommodation is provided under section 95 of the Immigration and Asylum Act 1999 and provided on behalf of the UK Board Agency.
    e. In any other circumstances which are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
10. "Refuge" means a building or part of a building managed by a voluntary organisation and under wholly or mainly for the temporary accommodation of person who have left their homes as a result of:-
    a. Physical violence or mental abuse, or
    b. Threats of such violence of abuse, from persons to whom they are or were married or with whom they are or were co-habiting.