STATUTORY INSTRUMENTS

2015 No. 977

HOUSING, ENGLAND

The Selective Licensing of Houses (Additional Conditions) (England) Order 2015

Made - - - - 26th March 2015

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by sections 80(7) and (8) and 250(2) of the Housing Act 2004(**1**).

In accordance with section 250(6) of the Housing Act 2004, a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

Application, citation and commencement

1. This Order, which applies in relation to England only, may be cited as the Selective Licensing of Houses (Additional Conditions) (England) Order 2015 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order, "the 2004 Act" means the Housing Act 2004.

Conditions specified for the purposes of section 80(2)(b) of the 2004 Act

3.—(1) The following conditions are specified as additional conditions for the purposes of section 80(2)(b) of the 2004 Act, which a local housing authority must consider are satisfied in relation to the area before making a selective licensing designation under this provision—

(a) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;

(b) that the properties referred to in sub-paragraph (a) are occupied either under assured tenancies or licences to occupy; and

(c) that one or more of the sets of conditions in articles 4 to 7 is satisfied.

(**1**) 2004 c.34.

(2) For the purposes of this article, a property shall not be regarded as being in the private rented sector where the landlord is a private registered provider of social housing, as defined by section 80 of the Housing and Regeneration Act 2008(**2**).

Conditions in relation to housing conditions

4. The first set of conditions is—

(a) that having carried out a review of housing conditions under section 3(1) of the 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties referred to in article 3(1)(a) to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises(**3**);

(b) that the local housing authority intends to carry out such inspections as referred to in paragraph (a), with a view to carrying out any necessary enforcement action; and

(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, including any licence conditions imposed under section 90 of the 2004 Act, contribute to an improvement in general housing conditions in the area.

Conditions in relation to migration

5. The second set of conditions is—

(a) that the area has recently experienced or is experiencing an influx of migration into it;

(b) that a significant number of the properties referred to in article 3(1)(a) are occupied by those migrants referred to in paragraph (a); and

(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to—

(i) the preservation or improvement of the social or economic conditions in the area; and

(ii) ensuring that the properties referred to in article 3(1)(a) are properly managed, and in particular, that overcrowding is prevented.

Conditions in relation to deprivation

6.—(1) The third set of conditions is—

(a) that the area is suffering from a high level of deprivation, which affects a significant number of the occupiers of properties referred to in article 3(1)(a); and

(b) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to a reduction in the level of deprivation in the area.

(2) In determining whether an area is suffering from a high level of deprivation, the local housing authority may have regard to the following factors in relation to the area—

(a) the employment status of adults;

(b) the average income of households;

(c) the health of households;

(d) the availability and ease of access to education, training and other services for households;

(**2**) 2008 c.17. Section 80(3) was inserted by S.I. 2010/844.
(**3**) See sections 4 to 7 of the Housing Act 2004 (c.34).