

The Hastings Borough Council Designation of an Area for Selective Licensing 2015

The Hastings Borough Council in exercise of their powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Hastings Borough Council Designation of an Area for Selective Licensing 2015.
2. This designation is made on 30 March 2015 and shall come into force on 26th October 2015.
3. This designation shall cease to have effect on 25th October 2020 or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to all streets in Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings, Ore and Tressell wards as delineated and edged red on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ within the area described in paragraph 4 which is let or occupied under one or more tenancies or licences unless:
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act;²
 - (b) the house is subject to a temporary exemption under section 86 of the Act;³
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;⁴
 - (d) the house is occupied under a single tenancy or licence which is exempt under the Act, or under more than one tenancy or licence at least one of which is exempt under the Act.⁵ A tenancy or licence is exempt if:
 - (i) it is granted by a non-profit registered provider of social housing,

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

² Section 85(1)(a) of the Act. Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

³ Section 85(1)(b).

⁴ Section 85(1)(c).

⁵ Section 79(4) of the Act and SI 2006/370.

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- (ii) it is granted by a profit-making registered provider of social housing in respect of social housing⁶,
- (iii) it falls within an exemption as defined in Annexe B.⁷

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁸
7. The Hastings Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁹
8. Landlords, persons managing or a tenant within the designated area should seek advice from the Local Housing Authority by contacting them as specified in Paragraphs 11, 12, and 13 to ascertain whether their property is affected by this designation.
9. Failure to license a property, which requires licensing by virtue of the designation, may result in a fine of up to £20,000 on summary conviction under Section 95 of the Housing Act 2004. It also gives tenants and the Local Housing Authority, in the case of Housing Benefit payments, the ability to apply to the Residential Property Tribunal under Section 96 (5) and (6) and Section 97 of the Housing Act 2004, for a rent repayment order.

INSPECTION OF THE DESIGNATION

10. Hastings Borough Council is the Local Housing Authority, which made the designation. The designation may be inspected during office hours at the address as outlined in Paragraph 11 below and also at the Town Hall, Queens Road, Hastings, TN34 1QR.

APPLICATION FOR SELECTIVE LICENCE AND GENERAL ADVICE ABOUT SELECTIVE LICENSING

11. Applications for selective licences and general advice about selective licensing should be made at the Council's office at the following address:

Hastings Borough Council
Housing Services
Aquila House

⁶ Within the meaning of Part 2 of the Housing and Regeneration Act 2008.

⁷ Under The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371).

⁸ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order - see section 102.

⁹ Section 232 of the Act and paragraph 11 of SI 373/2006.


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Breeds Place
Hastings
East Sussex
TN34 3UY

12. The contact number for the Housing Renewal Team is: 01424 451100

13. The email address for the Housing Renewal Team is: housingadmin@hastings.gov.uk

Date and authentication by the Council: 30 March 2015

Signed 

Simon Hubbard, Director of Regeneration, an officer authorised by Hastings Borough Council

Date 30 March 2015

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Annexe A - Paragraph 4: Map of Designated Area



The area covers the following wards:

- Braybrooke
- Castle
- Central St Leonards
- Gensing
- Old Hastings
- Ore
- Tressell

A full list of the streets affected is given below:

ALBERT ROAD
ALDBOROUGH ROAD
ALEXANDRA ROAD
ALFRED ROAD
ALFRED STREET
ALL SAINTS CRESCENT
ALL SAINTS STREET
ALPINE ROAD
AMHERST CLOSE
AMHERST GARDENS
AMHERST ROAD
ANGLESEA TERRACE
ASHBURNHAM ROAD
ATHELSTAN ROAD
BALDSLOW ROAD
BARLEY AVENUE

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BARLEY LANE
BARNFIELD CLOSE
BEACON ROAD
BEACONSFIELD ROAD
BEATRICE CLOSE
BECKET CLOSE
BEDFORD ROAD
BELMONT ROAD
BEMBROOK ROAD
BERLIN ROAD
BETHUNE WAY
BLOMFIELD ROAD
BOHEMIA ROAD (Part)
BOYNE ROAD
BRACKENDALE
BRAYBROOKE CLOSE
BRAYBROOKE ROAD
BRAYBROOKE TERRACE
BREEDS PLACE
BRIGHTLING AVENUE
BRITTANY MEWS
BRITTANY ROAD
BROADLANDS
BROOK STREET
BROOKLAND CLOSE
BROOMGROVE ROAD (Part)
BURDETT PLACE
CALVERLEY CLOSE
CALVERT ROAD
CAMBRIDGE GARDENS
CAMBRIDGE ROAD
CANUTE ROAD
CARDIFF ROAD
CARISBROOKE ROAD
CARLISLE PARADE
CASTLE GARDENS
CASTLE HILL PASSAGE
CASTLE HILL ROAD
CASTLE STREET
CASTLEDOWN AVENUE
CASTLEDOWN TERRACE
CAVENDISH PLACE
CAVES ROAD
CHAPEL PARK ROAD
CHARLES ROAD
CHARLES ROAD WEST
CHERRY TREE CLOSE

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CHURCH PASSAGE
CHURCH ROAD
CHURCH STREET
CHURCHILL AVENUE
CLAREMONT
CLARENCE ROAD
CLEGG STREET
CLIFTON ROAD
CLINTON CRESCENT
CLIVE AVENUE
CLOUDESLEY ROAD
CLYDE ROAD
COBOURG PLACE
COGHURST ROAD
COLLIER ROAD
COMBERMERE ROAD (Part)
COOKSON GARDENS
CORNFIELD TERRACE
CORNWALLIS GARDENS
CORNWALLIS STREET
CORNWALLIS TERRACE
COURTHOUSE STREET
CRANBROOK ROAD
CROFT ROAD
CROFT TERRACE
CROMER WALK
CROSS STREET
CROWBOROUGH ROAD
CROWN LANE
CUMBERLAND GARDENS
DANE ROAD
DE CHAM AVENUE
DE CHAM ROAD
DECIMUS BURTON WAY
DEEPDENE GARDENS
DENMARK PLACE
DEVONSHIRE ROAD
DITCHLING DRIVE
DORSET PLACE
DUDLEY ROAD
EARL STREET
EAST ASCENT
EAST BEACH STREET
EAST BOURNE STREET
EAST HILL PASSAGE
EAST PARADE
EAST STREET

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EBENEZER ROAD
EDGAR ROAD
EDITH ROAD
EDMUND ROAD
EDWARD ROAD
EDWIN ROAD
EGREMONT PLACE
ELFORD STREET
ELLENSLEA ROAD
ELLIS CLOSE
ELPHINSTONE ROAD (Part)
EMMANUEL ROAD
EVERSFIELD PLACE
EXMOUTH PLACE
FAIRLIGHT AVENUE
FAIRLIGHT ROAD
FAIRSTONE CLOSE
FALAISE ROAD
FARLEY BANK
FEARON ROAD
FIRLE CLOSE
FIVE ACRE WALK
FOREST WAY
FOUNTAIN ROUNDABOUT
FOX WALK
FREDERICK ROAD
GENSING ROAD
GEORGE STREET
GILBERT ROAD
GITHA ROAD
GLADSTONE TERRACE
GLENVIEW CLOSE
GODWIN ROAD
GORDON ROAD
GRAND PARADE
GRAYSTONE LANE
GREVILLE ROAD
GROSVENOR CRESCENT
GROVE ROAD
GURTH ROAD
HALTON CRESCENT
HALTON PLACE
HALTON TERRACE
HAMILTON GARDENS
HAMPDEN CLOSE
HARDWICKE ROAD
HAROLD MEWS

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HAROLD PLACE
HAROLD ROAD
HARTING COMBE
HATHERLEY ROAD
HAVELOCK ROAD
HAWTHORN ROAD
HELENSDENE WALK
HENRY TERRACE
HIGH BANK CLOSE
HIGH STREET
HIGH WICKHAM
HILL STREET
HILLYGLEN CLOSE
HOLMESDALE GARDENS
HOPGARDEN CLOSE
HORNTYE PARK
HORNTYE ROAD
HUGHENDEN PLACE
HUGHENDEN ROAD
HURRELL ROAD
JENNERS LANE
KENILWORTH ROAD
KINGS ROAD
KINGS WALK
LANGHAM PATH
LASER LANE
LATON ROAD
LEEDS CLOSE
LIGHT STEPS
LINTON CRESCENT
LINTON ROAD
LODGE ROAD
LONDON ROAD (Part)
LORDS LANE
LOWER COASTGUARD LANE
LOWER PARK ROAD
LOWER SOUTH ROAD
MAGDALEN ROAD
MANHATTAN GARDENS
MANN STREET
MANOR ROAD
MARINA
MARINE PARADE
MARKET PASSAGE
MARKET PASSAGE
MARKET STREET
MARKWICK TERRACE

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MARTINEAU LANE
MAZE HILL
MAZE HILL TERRACE
MERCATORIA
MEWS ROAD
MIDDLE ROAD
MIDDLE STREET
MILL CLOSE
MILL LANE
MILWARD CRESCENT
MILWARD ROAD
MONTGOMERY ROAD
MOSCOW ROAD
MOUNT PLEASANT
MOUNT PLEASANT
CRESCENT
MOUNT PLEASANT ROAD
MOUNT ROAD
MOUNTBATTEN CLOSE
NELSON ROAD
NEW ROAD
NEWGATE ROAD
NEWMANS WAY
NOOK CLOSE
NORMAN ROAD
NORTH ROAD
NORTH STREET
NORTH TERRACE
OAK PASSAGE
OAKFIELD ROAD
OFFA ROAD
OLD HUMPHREY AVENUE
OLD LONDON ROAD
OLD SCHOOL PATH
OLD TOP ROAD
OLIVER CLOSE
OXFORD TERRACE
PARKER ROAD (Part)
PASHLEY GARDENS
PELHAM CRESCENT
PELHAM PLACE
PELHAM STREET
PERCY ROAD
PEVENSEY ROAD (Part)
PHILIP COLE CLOSE
PILTDOWN CLOSE
PINDERS ROAD

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PINDERS WALK
PLEASANT ROW
PLYNLIMMON ROAD
PORTLAND PLACE
PORTLAND STEPS
POST OFFICE PASSAGE
PRINCES ROAD
PRIORY AVENUE
PRIORY CLOSE
PRIORY ROAD
PRIORY STREET
PROSPECT PLACE
QUARRY CRESCENT
QUARRY ROAD
QUEENS AVENUE
QUEENS PARADE
QUEENS ROAD
QUEENS SQUARE
RED LAKE TERRACE
REDMAYNE DRIVE
RICHLAND CLOSE
RICHMOND STREET
ROBERT TRESSELL CLOSE
ROBERTSON PASSAGE
ROBERTSON STREET
ROBERTSON TERRACE
ROBERTSONS HILL
ROCK CLOSE
ROCK LANE
ROCK-A-NORE ROAD
ROCKLANDS LANE
ROEBUCK STREET
ROTHERFIELD AVENUE
ROTHSAY ROAD
RUSSELL STREET
RYE ROAD
SALISBURY ROAD
SALTERS LANE
SAN JOSE CLOSE
SANDOWN ROAD
SAUNDERS CLOSE
SAXON ROAD
SAXON STREET
SCHOOL ROAD
SELMESTON CLOSE
SHAW CLOSE
SHEPHERD STREET

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SHERWOOD CLOSE
SHORNDEN PASSAGE
SILCHESTER ROAD
SINNOCK SQUARE
SOUTH STREET
SOUTH TERRACE
SOUTHWATER ROAD
SPECKLED WOOD
SPRING STREET
SPRINGFIELD VALLEY
ST ANDREWS SQUARE
ST CATHERINES CLOSE
ST CLEMENTS PLACE
ST GEORGES ROAD
ST HELENS ROAD (Part)
ST JAMESS ROAD
ST JOHNS ROAD
ST MARGARETS ROAD
ST MARGARETS TERRACE
ST MARYS ROAD
ST MARYS TERRACE
ST MICHAELS PLACE
ST PAULS PLACE
ST PAULS ROAD
ST PETERS ROAD
ST THOMASS ROAD
STAINSBY STREET
STANHOPE PLACE
STANLEY GARDENS
STANLEY ROAD
STAPLEY CLOSE
STARRS COTTAGES
STATION APPROACH
STATION APPROACH
STATION ROAD
STOCKLEIGH ROAD
STONE STREET
STONEFIELD PLACE
STONEFIELD ROAD
STRONGS PASSAGE
STURDEE PLACE
SUSSEX ROAD
SWAINES PASSAGE
SWAN AVENUE
SWAN TERRACE
TACKLEWAY
TAMARISK STEPS

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TEDDER TERRACE
TENNIS CLOSE
TERRACE ROAD
THE BOURNE
THE BROADWAY
THE CLOISTERS
THE COPPICE
THE COURTYARD
THE CROFT
THE GLEBE
THE GREEN (Part)
THE HEIGHTS
THE LAWN
THE PIER
THE RIDGE (Part)
THE SPINNEY
THE STADE
THE UPLANDS
TICEHURST CLOSE
TILEKILN LANE
TILLINGTON TERRACE
TORFIELD CLOSE
TOWER ROAD
TOWER ROAD WEST
TRAVELLERS LANE
TRINITY STREET
TRINITY VILLAS
TUPPENNEY CLOSE
UNDERCLIFF
UNION STREET
UPPER CLARENCE ROAD (Part)
UPPER PARK ROAD
UPPER SOUTH ROAD
VALLEY SIDE ROAD
VERDANT CLOSE
VERULAM PLACE
VICARAGE ROAD
VICTORIA AVENUE
VICTORIA ROAD
VIEWBANK
VILLA ROAD
WALDEGRAVE STREET
WARRIOR GARDENS
WARRIOR SQUARE
WATERLOO PLACE
WATERSIDE CLOSE
WATERWORKS ROAD

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WELLESLEY COURT
WELLINGTON GARDENS
WELLINGTON MEWS
WELLINGTON PLACE
WELLINGTON ROAD
WELLINGTON SQUARE
WEST ASCENT
WEST HILL ARCADE
WEST HILL ROAD (Part)
WEST STREET
WEST VIEW
WESTERN ROAD
WHITE ROCK
WHITE ROCK GARDENS
WHITE ROCK ROAD
WHITEFRIARS ROAD
WINCHELSEA LANE
WINCHELSEA ROAD
WINDING STREET
WINTERBOURNE CLOSE
WOODLAND VALE ROAD
WOODS PASSAGE
WYKEHAM ROAD
YORK GARDENS

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Annexe B - Paragraph 5(d)(iii): Exempt Tenancies or Licences¹

Prohibition of occupation by law

1. A tenancy or licence of a house² or a dwelling³ within a house where the house or the dwelling is subject to a prohibition order made under Section 20 of the Act the operation of which has 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 of Schedule 1 of the Act and which is:
 - (a) a business tenancy under Part II 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 premises⁴
 - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house⁵
 - (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 holding⁶

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled⁷ by:
 - (a) a local housing 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;

¹ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

² Sections 79 (2) and 99 of the Act

³ For the definition of a dwelling - see section 99 of the Act

⁴ See paragraph 5 of Schedule 1 of the 1988 Act as amended by Section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

⁵ For the meaning of "agricultural land" section 26 (3) (a) of the General Rate Act 1967

⁶ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

⁷ For the definition of "person managing" and "person having control" see section 263 of the Act

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- (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 1998⁸
 - (e) The Prison Rules 1998⁹
 - (f) The Young Offender Institute Rules 2000¹⁰
 - (g) The Detention Centre Rules 2001¹¹
 - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹²
 - (i) The Care Homes Regulations 2001¹³
 - (j) The Children's Homes Regulations 2001¹⁴
 - (k) The Residential Family Centres Regulations 2002¹⁵

Certain student lettings etc

- 5. A tenancy or licence of a house or a dwelling within a house -
 - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further higher education at the specified establishment¹⁶ and

⁸ SI 472/1998 as amended by SI 3005/2003

⁹ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002, SI 3301/2003 and SI 869/2005

¹⁰ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹¹ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹² SI 850/2001

¹³ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 and SI 3168/2004

¹⁴ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2002 and SI 3168/2004

¹⁵ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

¹⁶ See the schedule to The Houses in Multiple Occupation (Specified Educational

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- (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under Section 233 of the Act¹⁷

Long leaseholders

- 6. A tenancy of a house or a dwelling within a house provided that -
 - (i) the full term of the tenancy is for more than 21 years and
 - (ii) the tenancy does not contain a provision enabling the landlord (or his successor in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

- 7. A tenancy or licence of a house or a dwelling within a house where -
 - (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

- 8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

- 9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Establishments) (England) (No 2) Regulations 2006 for the list of specified bodies

¹⁷ The relevant codes of practice are approved under SI 646/2006 - The Housing (Approval of Codes of Management Practice) (Student Accommodation) (England) Order 2006

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Interpretation

10. In this annexe:

- (a) a "person" includes "persons", where the context is appropriate
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate
- (c) "long leaseholder in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease"
- (d) a person is a member of the family of another person if -
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, a relative of, one member of a couple and the other is a relative of the other member of the couple

and

- (iv) For the purpose of this paragraph -
 - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
 - (4) a stepchild of a person is to be treated as his child

