



## **Notice of Designation of an area for Selective Licensing**

**This notice is published in accordance with Section 80 to 84 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 County Council of Durham Designations of Areas for Selective Licensing 2021**

The County Council of Durham in exercise of their powers under section 80 of the Housing Act 2004 ("the Act") HEREBY GIVES NOTICE that it designates for selective licensing the areas described in paragraph 4.

#### **Citation, Commencement and Duration**

1. This designation may be cited as the County Council of Durham Designations of Areas for Selective Licensing 2021.
2. The designations were approved by the Cabinet for The County Council of Durham on 16 September 2020 and requires confirmation by the Secretary of State, Department for Levelling Up, Housing and Communities.
3. The Secretary of State confirmed on 30<sup>th</sup> November 2021 that the designations shall come into force on 1<sup>st</sup> April 2022 and shall cease to have effect five years after such date, namely 31<sup>st</sup> March 2027, or earlier if the Council revokes the scheme under Section 84 of the Act.

#### **Designation and Area**

4. The designations shall apply to the following Lower Super Output Areas of the County Council of Durham and as shown shaded on the map attached to this notice at Annex A.

##### **Designation One**

- Chester Central 2
- Dawdon South 2
- Shildon West
- Consett South
- Haswell
- Cockton Hill East
- Consett West
- Horden South
- Cockton Hill North
- Havannah South
- West Cornforth
- Newfield
- Leadgate North
- Stanley Crook
- Roddymoor
- Leadgate Central
- Tow Law Rural

- Henknowle North
- Kelloe
- Dalton Park
- Hunwick
- Waterhouses
- Murton East
- Tow Law Central
- Blackhall Rocks North
- South Hetton East

**Designation Two**

- Catchgate North
- Ferryhill Dean Bank South
- Murton Central
- Sunnybrow
- Passfield North

**Designation Three**

- Moorside West
- Eden Hill North
- Woodham Village South West
- Annfield Plain
- Acre Rigg North
- West North
- Stanley Hall North
- Acre Rigg South
- West Central
- Stanley Hall West
- Eden Hill South
- West South
- Craghead North
- Eden Hill Central
- Middridge South
- Pelton North
- Dene House Central
- Thickley
- Pelton Fell
- Dene House East
- Shildon East
- Chester West 2
- Blackhall Colliery North
- Woodhouse Close South
- Murton Moor & South Hetton
- Blackhall Rocks South
- Low Spennymoor
- Dalton le Dale
- Passfield East
- Middlestone Moor
- Dawdon South 1
- Shotton East
- Willington Central
- Seaham Harbour South
- Shotton Colliery Central
- Crook East
- Easington Colliery South
- Wingate West
- Esh Winning
- Horden North
- Wheatley Hill South
- Ushaw Moor East
- Horden West
- Trimdon South
- Bearpark
- Howletch East

#### **Designation Four**

- New Kyo
- Blackhall Colliery South
- Ferryhill South & Station
- South Moor North
- Wheatley Hill North
- Ferryhill Dean Bank North
- South Moor Central
- Station Town
- Spennymoor Central
- South Moor South
- Deaf Hill
- Coundon South
- Grange Villa
- Sunnydale
- Coundon Grange
- Easington Colliery North
- New Shildon
- Eldon
- Easington Colliery Central
- Henknowle South
- Toronto
- Horden Central
- West Auckland East
- Crook Central 2
- Horden East
- Dawdon North 2

#### **Application of the Designation**

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
- (a) The house is a house in multiple occupation and is required to be licensed under Part 2 of the Act<sup>2</sup> ;
  - (b) The tenancy or licence of the house has been granted by a registered social landlord<sup>3</sup>;
  - (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<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in The Selective Licensing of Houses (Specified Exemptions)(England) Order 2006 SI 2006/370.

#### **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<sup>5</sup>

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<sup>1</sup> For the definition of “house” see sections 79 and 99 of the Act

<sup>2</sup> 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)

<sup>3</sup> Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

<sup>4</sup> Section 79 (4) of the Act and SI 370/2006

<sup>5</sup> 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.

7. The County Council of Durham 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<sup>6</sup>

### **Consequences of Failing to Licence a Property that is Required to be Licensed**

8. Upon the Designation coming into force any person who operates a licensable property without a licence or allows a licensed property to be occupied by more households or persons other than as authorised by the licence, is, pursuant to the provisions of Section 95(1) of the Act, liable to prosecution (and upon summary conviction to an unlimited fine), or a financial penalty not exceeding £30,000.
9. A person who breaches a condition of a licence shall either be liable to prosecution (and upon summary conviction to an unlimited fine), or a financial penalty not exceeding £30,000
10. Operating an unlicensed property may also lead to the Council, or a tenant, making an application to the First-tier Tribunal to obtain a Rent Repayment Order in respect of up to 12 months' rent or housing benefit monies paid.
11. The Council is also empowered to take control of unlicensed premises by making an Interim Management Order.
12. Furthermore, in relation to shorthold tenancies, no Section 21 notice may be served under the Housing Act 1988 in respect of an unlicensed property.

Applying for a licence should be made online at:

<http://www.durham.gov.uk/article/2882/Selective-licensing-of-privately-rented-properties>

Maps of the designated areas are also available to view at the above website. Any landlord, managing agent or tenant within the Designated Areas of the County requiring further information or advice should contact the Council's Selective Licensing Team on 03000 260000 or by email to [selectivelicensing@durham.gov.uk](mailto:selectivelicensing@durham.gov.uk)

The Designation may be inspected during normal office hours at County Hall, Durham, DH1 5UQ and can be also obtained from the Council's website.

Date: 3rd December 2021

**Helen Lynch**  
Head of Legal & Democratic Services  
County Hall, Durham DH1 5UL

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<sup>6</sup> Section 232 of the Act and paragraph 11 of SI 373/2006

# Annex A: Map showing the County Council of Durham Designations of Areas for Selective Licensing 2021.

