

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
16 August 2022
Our ref: 8361895

Thank you for your request received on 12 August 2022, for the following information:

Under the Freedom of Information Act please would you give the purpose of the 3 month exemption availability from licensing as an HMO?

Is it offered to any landlords? When? How often is it granted?

We have processed this request under the Freedom of Information Act 2000.

Response

The council holds the information requested and it is attached/ the answers to your questions are below

Under the Freedom of Information Act please would you give the purpose of the 3 month exemption availability from licensing as an HMO?

Is it offered to any landlords? When? How often is it granted?

In summary, s.62 of the Housing Act 2004 says that where a person having control of or managing an HMO which is required to be licensed under Act but is not so licensed, notifies the Council of their intention to take particular steps with a view to securing that the house is no longer required to be licensed, the Council may if they think fit, serve on that person a notice under this section ('a temporary exemption notice') in respect of the house.

Where the temporary exemption notice (TEN) is served, the exemption from licensing is for 3 months beginning on the date the notice is served.

Where another notification is made to the Council by the person having control or managing an HMO and it considers that there are exceptional circumstances that justify the service of a second temporary exemption notice, it may serve a second such notice. The second notice shall be for 3 months from the date when the first exemption notice ceases to be in force.

The law is not prescriptive in relation to how the Council makes its decisions to serve a TEN, but it will usually look at all the circumstances put forward, including what steps have been taken and evidence to support what is being said.

The Council will consider these following factors: -

- at the time the notification is given there is firm intention to secure that the property ceases to be licensable
- that intention is evidenced with steps taken to achieve that intention and
- the Council is satisfied that during the period of the TEN the applicant will put the affairs of the property in order to enable the steps to be implemented

There must be a genuine intention that the property ceases to be one that is capable of being licensed. TENs are not intended to be a device to enable landlords simply to avoid licensing because they do not want their properties licensed, but have no firm plans to do anything with their properties that would take them outside licensing.

It is not possible to say how often a TENs will be granted and the decision will be made considering the particular circumstances of each case.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.

