

Private rented property licensing

Guide to temporary exemptions

What is a temporary exemption?

We issue temporary exemption notices for licensable properties which are not so licensed and where particular steps are being taken which will exempt the property from requiring a license under Part 2 or 3 of the Housing Act 2004.

Who can apply for a temporary exemption notice?

Only the owner or person in control of the property can submit an application for a temporary exemption.

How can I apply for a temporary exemption notice?

You can submit an application for temporary exemption from licensing by completing the notification of temporary exemption form.

You must provide detailed explanation supporting your request for a temporary exemption including any steps you intend to take. Evidence will need to be attached to support any statements made, which may include court correspondence; copy of death certificate; confirmation of sale and so on.

A separate form must be completed for every property that requires a temporary exemption.

How long does a temporary exemption notice last?

Temporary exemption notices can only be granted for a maximum of three months.

In exceptional circumstances it can be renewed for an additional three months on further application to the Council. This must be made before expiry of the existing temporary exemption and further evidence must be provided to the Council to consider a renewal.

What happens after I apply?

The Council will consider your submission and will notify you of our decision to in writing within 28 days of your application. If the Council decides to refuse your application, you will be notified of the reason in writing.

What happens after the temporary exemption notice expires?

Following expiry of the temporary exemption notice, if the property is now exempt from licensing no further action is required.

If an extension has been issued and the property is still licensable following expiry, a valid application for a property licence must be submitted without delay to prevent enforcement action being taken against you for failure to licence.

What can I do if my application is refused?

If your application is refused, you will be issued with a refusal to grant a temporary exemption notice. You can also be issued with a refusal notice following your enquiry relating to a temporary exemption if no satisfactory follow-up application is made with the required evidence within 28 days.

The applicant or any 'relevant person' may appeal against the licence refusal to a Residential Property Tribunal within 28 days from the date the decision to refuse the licence was made. Housing Act 2004 Section 86 (7)

The 'relevant person' means any person having an interest or estate, managing or having control, of the house. It can also mean any person on whom any restriction or obligation is or is to be imposed by the licence.

An appeal can be made to the Residential Property Tribunal at:

Residential Property Tribunal Service,
10 Alfred Place,
London,
WC1E 7LR

Tel: 0207 446 7700; Fax:0207 637 1250

Other relevant Information

Under the Housing Act 2004 it is an offence to serve notice on the tenants for recovery of possession under section 21 of the Housing Act 1988 (in relation to short-hold tenancies) if the property is unlicensed until a full application has been made to Newham Council or a temporary exemption granted.

By law we have to keep a public register of temporary exemption notice issued (relating to property licensing) which can be viewed online-

www.newham.gov.uk/propertylicensing.