

# **Private Rented Property Licensing**

## **Guide to Temporary Exemption Notices**

### **What is a temporary exemption notice?**

We issue temporary exemption notices for properties that require a licence but are not currently licensed. These notices are issued when specific steps are being taken to exempt the property from needing a licence under Part 2 or Part 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?**

To apply for a temporary exemption from licensing, complete the notification of temporary exemption form. You must provide a detailed explanation supporting your request, including the steps you intend to take. Supporting evidence, such as County or High Court correspondence, a copy of a death certificate, or confirmation of sale, must be attached to the application.

A separate form must be completed for each property requiring 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 the expiry of the temporary exemption notice, if the property is now exempt from licensing, no further action is required. However, if the property remains licensable, a valid application for a property licence must be submitted without delay to prevent enforcement action for failure to licence.

If an extension has been issued and the property is still licensable after its expiry, a valid application for a property licence must also be submitted promptly to avoid enforcement action

### **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 7 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