

Buildings that are Exempt from Selective Licensing

Completely Exempt

The Selective Licensing of Houses (Specified Exemptions) (England) Regulations Order 2006

states which buildings in the designation area do not have to apply for a licence.

You do not have to have a licence for the property if;

1. it is subject to a current prohibition order;
2. it is being used for business premises;
3. it requires another type of licence (e.g. a HMO licence);
4. it has a tenancy for agricultural land/holdings;
5. it is controlled by a local housing authority, a police authority, metropolitan police authority, a fire and rescue authority or a health service body;
6. it is a property occupied solely by students undertaking a full-time course of further or higher education and where the person managing or in control of it is the educational establishment.
7. the tenancy agreement has been granted for more than 21 years and where the agreement does not contain a provision allowing the landlord to end the tenancy (other than forfeiture) earlier than the term of the lease. (The house or dwelling must be occupied by the original person who was granted the tenancy or any members of their family);
8. the tenant is a member of the landlord's family. (The house must be the occupiers' main residence. The person granting the occupancy must be the freeholder or leaseholder, which is for a period of more than 21 years. This lease must not contain a provision allowing the landlord to end the tenancy (other than forfeiture) earlier than the term of the lease);
9. the tenancy or licence is granted for the occupancy of a holiday home; or
10. the occupier shares the accommodation with the landlord or licensor or a member of the landlord or licensor's family.

If you think your property falls into any of these criteria, then you need to complete the [online exemption application form](#). We will then issue a statement of exemption, confirming that you are not required to apply for a licence for as long as the property meets these criteria.

Temporary Exemption

A landlord can apply for a Temporary Exemption Notice where they intend to take steps to ensure that the house does not require a licence, for example;

1. where there is a sale agreed to someone who intends to live in the property themselves;
2. where the owner is moving back into the property; or
3. where there is current conversion works to change the use of the property to commercial premises.

If you think your property meets the criteria for a Temporary Exemption Notice, please download a Temporary Exemption Application Form from: <http://www.burnley.gov.uk/residents/housing/private-rented-sector/selective>

licensing/selective-licensing-how-apply

Please note that any property which is temporarily exempt from Selective Licensing will be exempt for a minimum of 3 months and a maximum of 6 months.

Any property which is exempt from licensing remains as such provided there are no changes in the circumstances relating to the exemption.

Where the Council confirms exemption, the landlord should notify the licensing team immediately in the event of any changes which may require the property to become licensed.