

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Portfolio Holder for Housing and Health & Executive Director - Place

**To:** Cabinet Tuesday, 12 March 2019

**(Author:** Phil Stacey, Jason King Housing Options Manager, Housing Landlord Services Manager)

**Subject** HIMO Licensing Policy

**Purpose:** To advise Members of the new HIMO Licencing Policy and to seek approval to implement the revised Policy.

### **Recommendation(s):**

**To note recent legislative changes affecting the Councils Private Sector Housing Team and give approval to the policy entitled HIMO Licencing Policy.**

### **1.0 BACKGROUND**

- 1.1 The Housing Act 2004 introduced a new mandatory licensing system for certain types of Houses in Multiple Occupation (“HIMO”). Following consultation by central government in late 2015, Statutory Instrument 2018 No 221 was issued. From 1<sup>st</sup> October 2018 the scope of licenses has been increased to include all HIMOs occupied by 5 or more people more than one household. This report and Appendix sets out how South Holland District Council meets the requirements of the new legislation.
- 1.2 The Policy and Procedure for licensing HIMO’s has not been updated since 2004 but was reviewed in 2009. The Policy replaces the previous policy taking into account the new regulatory requirements. The current draft Policy was considered by the Policy Development Panel at its meeting on 19 September 2018 and approved to be considered by Cabinet. .
- 1.3 A HIMO is any house or flat which is occupied by more than one household who share (or lack) kitchen, bathroom or toilet facilities. If these facilities are for exclusive use but they are not self-contained within the living accommodation, the property will still count as a HIMO. Self-contained flats in converted buildings may also be HIMOs if they were converted before 1991 and at least one third of the flats are occupied under short tenancies. HIMOs include bedsits, some shared houses, hostels and houses converted into flats. A household is made up of members of the same family.
- 1.4 From April 2006 the owners of certain types of HIMO must apply to the Council to have their property licensed. HIMO licensing will apply throughout the district. The Council must maintain a register of licensed HIMOs for the public to view.

A HIMO must have a licence if the following apply:

- It has five or more people in two or more households, and

- The occupants share amenities such as bathrooms, toilets or cooking facilities.

The following properties are exempt:

- Where the whole property is in self-contained flats
- Where it is owned or managed by a housing association, local authority, education authority, police or health services.

The responsibility for licensing rests with the person having control of, or the person managing the property. This is basically the owner, or the person who lets the property and collects the rent.

## **2.0 OPTIONS**

- 2.1 Option 1 - That Members note the changes to legislation affecting HIMO's and grant approval to the implementation of the revised Policy- recommended.
- 2.2 Option 2:- Do nothing and continue with the existing Policy- not recommended.

## **3.0 REASONS FOR RECOMMENDATION(S)**

- 3.1 South Holland District Council seeks to have a licencing policy which is compliant with current legislation and meets the needs of a responsive Private Sector Housing service.

## **4.0 EXPECTED BENEFITS**

- 4.1 The Council recognises the importance of HIMO's in providing valuable good quality accommodation and meeting housing need. The Council is aware that the majority of landlords managing HIMO's maintain those properties to a good standard, however there are some who neglect their responsibilities and put their tenants at risk due to the poor condition and management of their properties. Substandard housing can have a profound impact on mental and physical health of its occupants, and poorly maintained and managed HIMO's also negatively impacts on its surrounding neighbourhood. The adoption of this policy will enable the Council to educate and tackle these issues and improve the standards of HIMO's within the district.

## **5.0 IMPLICATIONS**

### **5.1 Constitution & Legal**

- 5.1.1 If enforcement action is considered necessary there would be legal implications in taking these matters forward. The legal implications would be assessed on a case by case basis.

- 5.1.2 This is an executive function, and therefore is a decision for the Cabinet.

### **5.2 Corporate Priorities**

- 5.2.1 There is a strong link between enforcement and our corporate priorities, notably 'to have pride in South Holland by supporting the district and residents to develop and thrive.

### **5.3 Crime and Disorder**

- 5.3.1 Tackling HIMO licencing should make a contribution to wider efforts to address anti-social behaviour.
- 5.4 Financial
  - 5.4.1 The Council has powers to set a fee for licences which are usually issued for a five year period. The Council can license properties for shorter periods when there is concern about the property or the manager. The fees charged by South Holland District Council were reviewed in October 2018.
- 5.5 Health & Wellbeing
  - 5.5.1 There is a positive link between increasing the supply of housing, along with investing into the condition of private housing in the district and the broader Health and Wellbeing agenda.
- 5.6 Risk Management
  - 5.6.1 There are risks to the authority associated with certain courses of action. Failing to ensure HIMO's are properly licenced could lead to an increase in enforcement action resulting in a potential increase in homelessness.
- 5.7 Safeguarding
  - 5.7.1 Enforcing landlords to ensure that private sector accommodation meets safe and legislative requirements will ensure residents of the district are safeguarded against poor quality accommodation.
- 5.8 Staffing
  - 5.8.1 Five Private Sector Housing Officers are within the current establishment and HIMO licencing is a generic function across all of these Officer roles.
- 5.9 Stakeholders / Consultation / Timescales
  - 5.9.1 There are no known implications for stakeholders. As this Policy relates to the licencing activities of South Holland District Council, wider consultation is not considered relevant. It is not considered necessary to conduct an Equality Impact Assessment.

## **6.0 WARDS/COMMUNITIES AFFECTED**

- 6.1 All Wards

## **7.0 ACRONYMS**

- 7.1 **HIMO – Houses in Multiple Occupation**

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**Key Decision: No**

**Exempt Decision: No**

**This report refers to a Mandatory Service**

**Appendices attached to this report: None**

Appendix A South Holland District Council HIMO Licencing Policy