

SOUTH HOLLAND DISTRICT COUNCIL

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

To: Policy Development Panel Wednesday, 6 November 2019

Author: Jason King, Housing Landlord Services Manager

Subject Review of HMO Licensing Policy

Purpose: To update the Policy Development Panel on the licensing of Houses in Multiple Occupation in the first six months following the implementation of the Council's revised policy.

Recommendation(s):

- 1) To note the update in the content of the report.

1.0 BACKGROUND

- 1.1 The Housing Act 2004 introduced a new mandatory licensing system for certain types of Houses in Multiple Occupation (HMO's). Following the consultation by central government in late 2015, Statutory Instrument 2018 No 221 was issued. From 1st October 2018 the scope of licenses was increased to include all HMO's occupied by 5 or more people in 2 or more households. On 12th March 2019, Cabinet approved the council's revised HMO Licencing policy. Following the introduction of the policy the Policy Development Panel requested an update on progress made six months after implementation.
- 1.2 Under the revised policy the council have issued 43 licences with a further 15 licences currently in progress. The current licence application fee is £545 and the estimated income from current licence applications is approximately £31,000.
- 1.3 The issuing of a licence can be a time consuming process for the council. The council initially receive an application from the landlord and then the property is assessed to consider its suitability to be a HMO. Landlords may then be required to undertake works to their properties before a licence can be issued. Once the Council is satisfied that the property should be licenced and there are no objections, a formal licence is issued and monitoring arrangements are set to ensure the licence is effective.
- 1.4 To date, the Council has largely been licencing known HMO's. However, the Council receives information from partner agencies, such as the Police and Fire Service on a weekly basis of suspected HMO's. The team will then undertake investigations to ensure that landlords are fulfilling their duties. Currently there are 49 properties identified by partners, suspected of being unlicensed HMO's which require follow up visits from the Council.

1.5 Additional information is also received from Council Tax colleagues in Public Sector Partnership Services when suspected HMO's are identified. There are approximately 220 properties which are currently suspected HMO's and require follow up visits.

1.6 It should be noted that not all HMO's require licencing and therefore landlords are always given an opportunity to satisfy the Council of the use of their properties before formal action is taken.

1.7 Under the licencing policy the Council can issue licences for up to 5 years. Where landlords fail to apply for a licence in a timely manner or to provide required information a licence will be issued for a shorter period. To date, the Council has issued 14 licences to landlords for a 1 year period. At the expiry of a 1 year licence a landlord will be required to reapply for a new licence where the application fee is payable again.

2.0 OPTIONS

2.1 That the panel note the progress made on licencing HMO's during the first six months of the revised licencing policy.

2.2 Option 2- Do nothing.

3.0 REASONS FOR RECOMMENDATION(S)

3.1 The Council is required to have a HMO licencing policy that is compliant with current legislation. The policy is intended to ensure the council upholds appropriate legislation whilst seeking to ensure engagement with private landlords. Where landlords fail to comply with licencing requirements, enforcement action will be taken in accordance with the Private Sector Housing Enforcement Policy.

4.0 IMPLICATIONS

4.1 Constitution & Legal

4.1.1 If enforcement action is considered necessary there would be legal implications in taking these matters forward.

4.2 Financial

4.2.1 HMO licencing will generate an income for the council in the form of licence fees. The licence is usually for a 5 year period but on occasions licences will be issued for only 1 year. Where this occurs the licence fee will become payable again on expiry. Where it is necessary to take enforcement action income may be generated from enforcement notices.

4.3 Health & Wellbeing

4.3.1 There is a positive link between increasing the supply of housing, along with investing the condition of private housing in the district and the broader Health and Wellbeing agenda.

4.4 Staffing

4.4.1 HMO Licencing is a generic function across all Private Sector Housing Officers.

5.0 WARDS/COMMUNITIES AFFECTED

5.1 All Wards

6.0 ACRONYMS

6.1 HMO – Houses in Multiple Occupation.

Background papers: - **N/A.**

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Key Decision: N

Exempt Decision: N

This report refers to a Mandatory Service

Appendices attached to this report: N/A.