

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY 5 FEBRUARY 2019

Title of report	HOUSES IN MULTIPLE OCCUPATION
Key Decision	a) Financial Yes b) Community Yes
Contacts	Councillor Alison Smith 01530 835668 alison.smith@nwleicestershire.gov.uk Strategic Director of Place 01530 454555 james.arnold@nwleicestershire.gov.uk Head of Community Services 01530 454832 paul.sanders@nwleicestershire.gov.uk
Purpose of report	To provide an update on the recent changes in housing legislation and review the application fee
Reason for Decision	The changes in legislation have meant minimum room sizes need to be adopted and it has allowed for a review of the fee
Council Priorities	Value for Money Homes and Communities
Implications:	
Financial/Staff	The report is setting the fee charge for each licence which will generate income.
Link to relevant CAT	N/A
Risk Management	N/A
Equalities Impact Assessment	N/A
Human Rights	N/A
Transformational Government	N/A
Comments of Head of Paid Service	Report is satisfactory

Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	<p>The Housing Act 2004 https://www.legislation.gov.uk/ukpga/2004/34/contents</p> <p>The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 http://www.legislation.gov.uk/uksi/2018/221/pdfs/uksiem_20180221_en.pdf</p> <p>The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 http://www.legislation.gov.uk/uksi/2018/616/contents/made</p> <p>CIEH Publication – Amenity Standards for Houses in Multiple Occupation https://www.thenbs.com/PublicationIndex/documents/details?DocId=261397</p>
Recommendations	<p>THAT CABINET</p> <ol style="list-style-type: none"> 1. AGREE THE LICENCE FEE INCREASE FOR HOUSES IN MULTIPLE OCCUPATION, MINIMUM ROOM SIZES AND LICENCE CONDITIONS, THE USE OF CIVIL PENALTIES AND BANNING ORDERS. 2. DELEGATE FUTURE REVISIONS TO THE POLICY TO THE STRATEGIC DIRECTOR OF PLACE

1.0 BACKGROUND

- 1.1 The Housing Act 2004 introduced licensing for certain types of Houses in Multiple Occupation (HMO's) and the Council adopted the Houses in Multiple Occupation Licensing Policy in April 2008.
- 1.2 In 2018 further two pieces of legislation were introduced: the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (the order) and the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 (the regulations).
- 1.3 The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 changes the definition of a licensable HMO. It removes the number of storeys condition. Therefore an HMO needs licensing if it meets the following criteria:
 - it is **an HMO** as defined by the 2008 policy
 - it is occupied by **five people or more who do not form a single household**

- 1.4 The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 introduces two new mandatory conditions that must be included when granting new or renewing licences. The first specifies minimum sizes of rooms which may be occupied as sleeping accommodation and also requires the licence to specify the maximum number of persons (if any) who may occupy a specified room for the purpose of sleeping accommodation in the licensed HMO. The second new condition requires licence holders to comply with any local authority scheme made in respect of refuse storage and disposal at the HMO.
- 1.5 The Housing and Planning Act 2016 introduced further actions that can be taken by way of enforcement by the local authority. The specific actions are banning orders, civil penalties and a entry onto the national rogue landlords database. It also provided an extension of rent repayment orders to cover illegal eviction and breach of banning orders.

2.0 FEES

- 2.1 As part of reviewing the new requirements in legislation the current fee structure has been reviewed and it has been recognised that it needs to be split into two elements. The first to cover the cost of administration for the application and the second to cover the cost of granting and inspecting the licensed HMO property throughout the license period.
- 2.2 The fees have been set as follows. The first element for the application administration is £290 and the second element to cover the cost of granting and inspecting the HMO is £380. This gives a total fee of £670. For a full breakdown of the costs please see **Appendix 1**. The Council are entitled to fully recover the cost of the licensing process and the fees will be reviewed annually as part of the setting of fees and charges.

3.0 ROOM SIZES

- 3.1 The Chartered Institute of Environmental Health have issued guidance on room sizes for HMO's which is attached in **Appendix 2**.
- 3.2 Officers have reviewed these conditions and feel they are appropriate for adoption within NWLDC because they reflect the guidance currently available and ensures good standard accommodation is provided.

4.0 CONDITIONS

- 4.1 The recent legislation has also introduced a condition stating *'Where the HMO is in England, a licence under Part 2 must include conditions requiring the licence holder to comply with any scheme which is provided by the local authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.'*

Therefore it is mandatory for the licence holder to comply with the local authority's waste storage/ disposal scheme. Suitable and sufficient provision for household waste and recycling disposal both within the unit of accommodation and outside must be in place pending collection.

- 4.2 A typical licence is included in **Appendix 3**.

5.0 RECOMMENDATION

- 5.1 Cabinet notes the updated legislation for HMO's and agrees to adopt new fees for HMO applications as well as the adoption of the room sizes. Also, to retitle the policy to "Houses in Multiple Occupation Licensing Policy April 2008 (as amended 2018). See **Appendix 4**.
- 5.2 Cabinet agree to the use of civil penalties and banning orders.
- 5.3 To delegate future revisions to the Policy to the Strategic Director of Place.