

HMO Licencing Proposals

Cllr. Trevor Gates, 22nd March 2024

My proposal is that the Overview & Scrutiny Committee recommend the following to be included in the Environment & Sustainability Committee's review of Licensing options for HMOs which features in the approved 2024/25 service area plan. These proposals have been discussed with the Corporate Head of Environmental Services, the Principal Environmental Health Officer, and the Private Sector Housing Manager.

Proposal 1: To consider the introduction of an Additional Licencing Scheme to include non-licensable HMOs

All HMOs are covered by regulations relating to the management of HMOs. They are expected to meet minimum standards regarding fire protection, numbers of kitchens and bathrooms, room sizes and general repair and safety. Inspections are required to see that these standards are met irrespective of whether licensable or not. Inspections under Part I of the Housing Act 2004, using the Housing Health and Safety Rating System are already carried out on non-licensable HMOs at present but only when they are known to Private Sector Housing. Additional Licencing will enable RBC to ensure all HMOs are risk-assessed using this system.

Under Section 56 of the Housing Act 2004 an **Additional Licencing** scheme enables a local authority to impose a licence on the smaller non-licensable HMOs (with 3 or four occupiers) in its area which are not subject to mandatory licensing. The local authority can do this if it considers that a significant proportion of these HMOs are being managed sufficiently ineffectively giving rise to one or more particular problems, either for the occupants of the HMOs or for members of the public.

Why consider the introduction of Additional Licencing?

- To ensure minimum and consistent room standards are achieved across all HMOs
- Potential to improve conditions in HMO's not previously known to the department.
- Could provide a condition (or conditions) that contribute/are an additional tool in respect of tackling ASB.

Proposal 2: To explore the introduction of new HMO Licence conditions on the following themes which would apply to existing and additionally licensed HMOs:

Bins and waste management: potential for a new licensing condition, to supplement the existing Management Regulations which presently require all HMO managers to have sufficient bins with regard to any service for waste disposal provided by the local authority

Garden Maintenance: potential for a new licensing condition, to supplement the existing Management Regulations which presently require all HMO gardens to be kept in a 'safe and tidy condition'

ASB & nuisance behaviour: potential for new licensing conditions requiring landlords to include ASB related clauses into Assured Shorthold Tenancy agreements, and to take graduated action under Civil law in respect of ongoing ASB

Note:

All these proposed licence condition themes are already included in RBC Standards for Houses in Multiple Occupation – A landlord's guide.

Proposal 3: To review HMO Licencing Fees

Fees for current Licensable HMO to be reviewed and fees for small newly licensable HMOs to be estimated.

Note:

Fees for additional Licencing category must be set on a cost recovery basis (in accordance with LGA guidance and the legislation, for example enforcement costs cannot be included).