

## Licensing Committee

28 November 2018

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### HOUSES IN MULTIPLE OCCUPATION LICENSING

Report of Environmental Health Team Leader

**All Wards  
Key Decision = N**

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#### **1.0 Purpose of Report**

1.1 The purpose of this report is to update the committee on changes to the licensing of Houses of Multiple Occupation (“HMO”s) and the implications thereof.

#### **2.0 Decisions Sought**

2.1 That officers be authorised to undertake a review of relevant policies relating to private sector housing and houses of multiple occupation, to reflect updated legislative requirements.

#### **3.0 Link to Corporate Priorities**

3.1 This links to the Council's Helping Vulnerable People priority by improving access to good quality private sector housing.

#### **4.0 Introduction & Background**

4.1 The Housing Act 2004 introduced a definition of a House in Multiple Occupation (HMO) that was effective 6 April 2006 in England. HMOs are properties rented by at least 3 people who are not from 1 ‘household’ (for example a family) but share facilities like the bathroom and kitchen. It’s sometimes called a ‘house share’.

4.2 At its meeting on 16 September 2014, the Licensing Committee approved the Council’s current Houses of Multiple Occupation Amenity Standards (Minute L12 refers).

4.3 The prescribed definition of an HMO has now been widened under new regulations taking effect on 1 October 2018. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (‘the Prescribed Description Order 2018’) has the effect of extending the scope of section 55(2)(a) of the Housing Act 2004 (‘the Act’), so that mandatory HMO licensing removes the requirement for HMO properties to have at least three storeys.

4.4 To ensure the adequate quality of this accommodation, an HMO licence is now mandatory from the Council if the following apply:

- it is rented to 5 or more people who form more than 1 household

- some or all tenants share toilet, bathroom or kitchen facilities
- at least 1 tenant pays rent (or their employer pays it for them)

4.5 The Prescribed Description Order 2018 also deals with the passporting of licences granted under additional and selective licensing schemes into the mandatory licensing regime.

4.6 A second statutory instrument, the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 ('the Mandatory Conditions Regulations 2018') amends Schedule 4 of the Act, introducing new conditions that must be included in licences that have been granted under Part 2 of the Act. These are:

- (a) Mandatory national minimum sleeping room sizes; and
- (b) Waste disposal provision requirements.

4.7 The primary changes are therefore:

- (a) An HMO does not now have to have three storeys – it can apply to any building that meets the other criteria;
- (b) Introduction of mandatory national minimum sleeping room sizes; and
- (c) Introduction of waste disposal provision requirements.

## **5.0 Policy Implications**

5.1 The new regulations require that the following documents be amended or introduced to allow officers to effectively licence HMOs:

- (a) The Council's Houses of Multiple Occupation Amenity Standards will need to be amended to reflect revised standards set out in the regulations;
- (b) The Residential Team Enforcement and Housing Standards Enforcement policies both relate to HMOs and so need amending to reflect the new regulations'
- (c) Any additional fees and charges required to facilitate the licensing of HMOs will be fed into the budget setting process and reported to Full Council in February.
- (d) Fixed Penalty Notices may be necessary as an alternative to prosecution and/or works in default of enforcement notices. The level of those FPNs will be as per the matrix included as part of the report on Private Sector Housing elsewhere on the agenda for this meeting.

5.2 Where a new policy is required or substantive changes be required beyond those expressly required by the regulations then they will be brought back to a future meeting of Licensing Committee for consideration and approval.

## **6.0 Recommendations**

6.1 That officers be authorised to undertake a review of relevant policies relating to private sector housing and houses of multiple occupation, to reflect updated legislative requirements.

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## 7.0 Corporate Implications

Scrutiny Consultation	None.
Community Engagement	No consultation has been undertaken in relation to this policy revision however the new regulations will be publicised for the benefit of public and landlords via the Council's usual communications channels.
Environment & Sustainability	None.
Financial Implications	There are no financial implications associated with the adoption of this Policy.
Legal Implications	By adopting this Policy, the Council will be able to demonstrate consistency in the application of standards for the benefit of residents and landlords.
Risk Implications	There are no significant risks associated with this report.
Human Resource Implications	An increased quantity of licensable properties within the definition of a HMO, together with longer inspection times due to further assessment criteria will impact upon staffing time however this will be managed within current resources.
Equalities Implications	None.
Health & Safety Implications	None.

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## 8.0 Further Information

### 8.1 Background Papers –

- (a) The Housing Act 2004
- (b) The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018
- (c) The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

### 8.2 File Reference – None

### 8.3 Appendices – None

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