

RECORD OF EXECUTIVE DECISION

Tuesday, 17 July 2018

Decision No: (CAB 18/19 20805)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	Cabinet Member for Sustainable Living
SUBJECT:	Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) - Consultation Results and final approval
AUTHOR:	Steven Hayes-Arter

THE DECISION

- (i) To note the outcome of a full consultation, which has taken place in accordance with the Housing Act 2004 and to consider and take into account the consultation responses in making a decision on this matter.
- (ii) Subject to (i) above, to approve the designation of Bevois, Bargate, Portswood and Swaythling wards as being subject to additional licensing, requiring all houses in multiple occupation (HMOs) to be licensed, apart from section 257 HMOs and buildings exempted by schedule 14 of the Housing Act 2004, to take effect from 1st October 2018 for five years.
- (iii) To delegate authority to the Director of Transactions & Universal Services to approve any changes to the Councils HMO licensing Policy and procedures as amended and / or extended as set out above required in connection with the said designation.

REASONS FOR THE DECISION

The current Additional HMO licensing scheme that covers Bevois, Bargate, Portswood and Swaythling has been running since 1st July 2013 and will expire on 30th June 2018. The scheme requires that all HMO properties (other than those covered by the Mandatory Licensing scheme and HMO's governed by S257 of the Housing Act 2004) with three or more occupiers from two or more households are licensed and must comply with any licence conditions including conditions relating to standards for safety and amenities set by Southampton City Council. It is not lawful to extend the designation, a new designation would need to be approved if the council wished the area to be subject to a licensing scheme.

The current scheme has issued over 3600 licenses.. The scheme has dealt with issues of poor property conditions, poor management and anti-social behaviour & ultimately raising the safety standards of the HMO stock. This ensures safe, good quality private rented accommodation is available to meet housing needs in the city.

The evidence obtained over the five years of the additional scheme does however indicate that despite many positive outcomes of the scheme a significant proportion of houses in multiple occupation in these four wards are still being sufficiently ineffectively managed as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

The current Additional Licensing Scheme that covers the proposed ward has ensured that the Council's objectives for the scheme have been achieved. The main objective being to improve housing conditions within this type of property to ensure the health and safety of the tenants. The scheme has enabled that concerns and complaints about conditions and the impact of the property on the local community can be addressed effectively and promptly, such as noise nuisance & anti-social behaviour and issues with waste and letting boards. The numbers of complaints about HMOs have fallen since the Additional Scheme was introduced in 2013.

The Council has considered other courses of action that are available to it to achieve the Council's objectives to tackling these problems, including the use of existing powers under the Housing Act 2004, but consider these would not provide an effective method of achieving the objectives and believe that the designation would significantly assist the Council in achieving these objectives. The Council's objectives for the proposed Additional licensing scheme are set out in paragraph 29.

The current additional scheme has ensured that the smaller HMOs not included in the Mandatory licensing scheme are adequately regulated. Currently Mandatory licensing of HMOs only includes those with three or more storeys and five or more occupants.

The Housing Act 2004 requires a public consultation on proposals for an Additional Licensing Scheme to be carried out before any designation could be considered. That consultation has now been completed and all reasonable steps have been taken to consult persons who are likely to be affected by the designation and representations have been considered.

Ensuring that the Director of Transactions & Universal Services has delegated authority under the officer scheme of delegation to determine and alter as necessary a scale of reasonable fees for the licensing of HMOs for any changes required to the Councils HMO licensing policy or procedures will help ensure its smooth implementation from 1st October 2018

DETAILS OF ANY ALTERNATIVE OPTIONS

That the Council manages the issues associated with HMOs without an Additional Licensing Scheme. The Mandatory HMO Licensing regime is to be extended from 1st October 2018 to include all HMOs with five or more occupiers irrespective of how many storeys the HMO has. This will decrease the number of properties covered by the proposed Additional Scheme to approximately 1750 (47% reduction). Whilst the new mandatory scheme will ensure larger HMOs will be regulated, there will still be a significant number of HMOs that are not licensable. The Mandatory scheme will also

not cover any of the large purpose built student accommodation blocks within the city. These blocks contain several hundred licensable HMOs across the city and through licensing we can ensure that this accommodation is sufficiently regulated. There is still a significant fire risk in this type of accommodation and the smaller HMOs and through additional licensing the council will be able to deal with these issues effectively. Therefore the proposed designation will enable a more proactive and comprehensive approach and will significantly assist with dealing with identified problems associated with the high density of HMOs in these four wards.

The council could solely rely on powers contained within Part 1 of the Housing Act 2004 & The Houses in Multiple Occupation (Management) Regulations 2009 to deal with issues associated with HMOs. This approach is restrictive as relies on complaints being received about property conditions. It is not a proactive programme and does not tackle poor practices of rogue landlords and would not provide a detailed information about HMO properties in Southampton. The council has therefore determined that these powers alone would not sufficiently address the problems that have been identified with HMO's in the area and would not provide an effective method of achieving the council's objectives.

The Council could consider a City wide scheme for smaller HMOs or could extend the designated area to cover other wards not included in the current additional schemes. However there is insufficient evidence to show that there are sufficient numbers of HMOs that are poorly managed outside of the designated wards. Also the extended mandatory licensing regime being implemented in 2018 will bring more HMOs under licensing control, so widening the additional scheme is not considered proportionate.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None.

CONFLICTS OF INTEREST

None.

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 17th July 2018

Decision Maker:
The Cabinet

Proper Officer:
Claire Heather

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*