



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Housing Overview and Scrutiny Committee

22 January 2024

Report of Councillor Phil Dilks
Cabinet Member for Housing and
Planning

Private Sector Housing Houses of Multiple Occupation Licensing Policy

Report Author

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Purpose of Report

The Council is required to licence specified Houses of Multiple Occupation (HMO) under the Housing Act 2004. This has been a requirement since 2006 and is currently undertaken by the Private Sector Housing Team. There is no requirement to have a policy on the licensing of these HMO's, however the purpose of this report is to present a HMO Licensing Policy that is considered good practice and demonstrates how the Council performs this statutory requirement in a transparent and consistent manner.

Recommendations

That the Committee:

1. The Committee notes the proposed Private Sector Housing Houses of Multiple Occupation Licensing Policy is in line with best practice and will provide clear operational guidance.
2. The Committee recommends the Private Sector Housing Houses of Multiple Occupation Licensing Policy for submission and adoption at Cabinet.

Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Housing that meets the needs of all residents

Which wards are impacted? All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no financial implications associated with the adoption of this policy, the income received from Multiple Occupation licences is included in the General Fund budget.

Completed by: Alison Hall-Wright, Deputy Director (Finance & ICT) and Deputy S151 Officer

Legal and Governance

- 1.2 There are no significant legal and governance arrangements arising from this report. The development and adoption is discretionary, but is considered good practice.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

Diversity and Inclusion

- 1.2 An equality impact assessment is not required as it does not adversely affect any protected characteristics.

Human Resources

- 1.3 No additional staffing is required as the function is already undertaken within the existing team structure.

2. Background to the Report

- 2.1 The Housing Act 2004 Part 2 places a statutory duty upon the Council to licence HMO's that meet the prescribed description under The Licensing of Houses of Multiple Occupation (Prescribed Description) (England) Order 2018. The Council carry out this function and has 56 properties that are currently licensed under this requirement.
- 2.2 The Private Sector Housing Licensing of Houses of Multiple Occupation Policy has been created to strengthen the current process by providing an overview as to how the Council undertakes this process and provides a clear, transparent, and consistent approach to the licensing requirements.
- 2.3 There is no legal requirement to produce and publish such a policy, but by having a policy it helps demonstrate best practice and adds strength to decision making in the licensing process that may be subject to appeals.
- 2.4 The policy covers the main areas around licensing of such properties, which are the Fit and Proper Person checks/criteria, suitability for multiple occupation, licensing length and clarifies the licensing of companies as the licence holder.

3. Key Considerations

- 3.1 The Private Sector Housing Licensing of Houses of Multiple Occupation Policy is a working document that assists the Private Sector Housing Team carry out the statutory function of licencing Houses of Multiple Occupation.
- 3.2 Currently the Private Sector Housing Enforcement policy briefly comments on the licensing process and this policy is designed to work in conjunction with the enforcement policy. It strengthens the Councils procedures and position in licensing such properties.

4. Other Options Considered

- 4.1 The other option considered is to not produce and publish the HMO licensing policy and strengthen the section within the Private Sector Housing Enforcement Policy.

5. Reasons for the Recommendations

- 5.1 HMO licensing is a key function that has a complex and detailed licensing process, currently the Private Sector Housing Enforcement Policy has a light touch consideration and leaves the council decisions open to being overturned during the appeal process if the applicant is dissatisfied with the decision as to whether to grant, refuse, vary or revoke a Licence.

- 5.2 The proposed Houses of Multiple Occupation licensing policy provides a document that is clear, and demonstrates consistent decision making that will greatly reduce the likelihood of successful appeals to decisions made by the Council.

6. Consultation

- 6.1 There is no statutory requirements for a consultation on the proposed Houses of Multiple Occupation Licensing Policy and no consultation is proposed. The policy is intended to be working reference document that pulls together the legislative requirements around the licensing and states how the Council applies it practically.

7. Appendices

- 7.1 Appendix A: Draft Houses of Multiple Occupation Licensing Policy.