

<b>This report is public</b>	
<b>Houses in Multiple Occupation (HMO) Licensing Policy</b>	
<b>Committee</b>	Executive
<b>Date of Committee</b>	4 November 2024
<b>Portfolio Holder presenting the report</b>	Portfolio Holder for Housing, Councillor Nick Cotter
<b>Date Portfolio Holder agreed report</b>	15 October 2024
<b>Report of</b>	Assistant Director Wellbeing and Housing, Nicola Riley

## Purpose of report

To seek approval for the reviewed Houses in Multiple Occupation (HMO) Licensing Policy.

### 1. Recommendations

The Executive resolves:

- 1.1 To approve the reviewed Houses in Multiple Occupation (HMO) Licensing Policy.

### 2. Executive Summary

- 2.1 A House in Multiple Occupation (HMO) is any rented property occupied by three or more people from different households who share basic facilities. By law, any such HMO that is occupied by five or more individuals must have a licence to operate. Such properties tend to be larger and higher-risk and therefore warrant a greater level of regulatory oversight.
- 2.2 As part of its statutory duties regarding private sector housing and enforcement, the Council must ensure that this type of housing is safe for those in occupation and is appropriately regulated. The Council has a statutory duty to make such arrangements as are necessary to secure the effective implementation of HMO licensing in their district.
- 2.3 This is a review of an existing policy and function. One of the main changes outlined within the policy is for the Council to charge for access to the Register of HMO licences, which it does not do charge for currently. The other main change is the proposed introduction of a schedule of instances when the Council will offer refunds of HMO licence fees, to provide clarity on this matter.

## Implications & Impact Assessments

Implications	Commentary			
<b>Finance</b>	There are no financial implications arising from this report which is to approve the reviewed HMO licensing policy. The fees and charges applicable to the issuing of HMO licences is within existing budget. Kelly Wheeler, Finance Business Partner, 30 September 2024			
<b>Legal</b>	The proposed changes to the Policy are legally compliant. Shahin Ismail, Interim head of Legal Services, 2 October 2024			
<b>Risk Management</b>	There are no risk implications arising directly from this report. This policy review mitigates the risks of not meeting customer needs and keep the service legislative sound. Celia Prado-Teeling, Performance Team Leader, 02 October 2024			
Impact Assessments	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>		x		The policy has a neutral impact on group within the protected characteristics and has been developed in line with the council's Equality, Diversity and Inclusion framework, ensuring compliance with the Equality Act 2010. Celia Prado-Teeling, Performance Team Leader, 2 October 2024
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Climate &amp; Environmental Impact</b>		x		An Equalities and Climate Impact Assessment is attached at Appendix 2
<b>ICT &amp; Digital Impact</b>		x		Not applicable

<b>Data Impact</b>		x		Not applicable
<b>Procurement &amp; subsidy</b>		x		Not applicable
<b>Council Priorities</b>	Housing that meets your needs			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			
<b>Consultation &amp; Engagement</b>	Not applicable			

## Supporting Information

### 3. Background

- 3.1 The Council currently licences 230 HMOs across Cherwell and keeps a statutory register of these properties.
- 3.2 A landlord that has an HMO must apply to the Council for a licence. A fee is charged for the Council to consider and assess the issuing of a licence as well as for issuing the licence itself. In its assessment, the Council must ensure that the landlord/applicant is an appropriate person to hold a licence as well as assessing the safety and security of the accommodation.
- 3.3 The Council also must ensure that the property is going to be managed appropriately and thus the landlord/applicant has adequate arrangements in place to support tenants when repairs are required, for instance.
- 3.4 If a landlord does not comply with the terms of the licence, licences can be revoked and other enforcement actions can be considered in conjunction, depending on the circumstances.
- 3.5 The Council issues licences for 5 years in most circumstances. At the end of the 5 year period, there is a renewals process to reissue a licence.
- 3.6 The Council must keep a register of the licences, temporary exemptions from licensing, and management orders in force at any given time. People can make requests to view the register that the Council holds.
- 3.7 The Council does not operate Additional Licensing of other types of HMO, nor licensing of other types of rented accommodation through Selective Licensing.

## **4. Details**

- 4.1 The reviewed policy outlines the Council's statutory duties and responsibilities regarding the licensing of HMOs and the actions that it takes to ensure that this type of accommodation is safe for tenants to live within and to ensure that landlords operate responsibly.
- 4.2 The reviewed policy includes a clause to charge for supplying a copy of the Register of HMO Licences. As part of the Council's responsibilities within legislation, the Council must ensure that the HMO register is available for inspection by members of the public at its head office. However, almost all requests are for copies of the register. When a request is received, officer time is required to check the system, return the information and ready it for release.
- 4.3 Legislation allows for the Council to charge a reasonable fee for providing this service and this fee is determined locally. The Council does not currently exercise its legal ability to do this. The policy now outlines that the Council proposes to charge for supplying copies of the full register. Any proposed charge will be linked to the Officer time taken to complete the request made and will be set out within the Council's fees and charges report.
- 4.4 As part of its duties within legislation, the Council must process and determine applications within a reasonable timeframe. This timeframe has been adjusted from 12 weeks to 8 weeks.
- 4.5 The revised policy proposes that incomplete applications will be automatically closed after 28 days in cases where the licence is unable to progress due to the landlord/applicant, for example failing to supply all requisite information, not providing access for Officers to inspect, or fees are unpaid.

## **5. Alternative Options and Reasons for Rejection**

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not bring forward a reviewed and amended policy. As there has not been any recent changes to legislation in this area, there is no imperative for the current policy to be changed or reviewed. However, it is important the Council policies are reviewed regularly to ensure that they are able to meet customer needs, service needs and are legislatively sound. This option is therefore rejected.

## **6 Conclusion and Reasons for Recommendations**

- 6.1 It is important that the Council has up to date policies and procedures for its statutory and key service areas and it is important that they are legislatively and operationally sound. A periodic review of policies is therefore appropriate.

## Decision Information

<b>Key Decision</b>	Yes
<b>Subject to Call in</b>	Yes
<b>If not, why not subject to call in</b>	N/A
<b>Ward(s) Affected</b>	All wards

## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Houses in Multiple Occupation (HMO) Licensing Policy
<b>Appendix 2</b>	ECIA – HMO Licensing Policy
<b>Background Papers</b>	None
<b>Reference Papers</b>	None
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