

LICENSING AND REGULATION COMMITTEE
7 February 2023

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: **ADOPTION OF AN HMO LICENSING POLICY**

REPORT OF: **THE LICENSING AND COMMUNITY SAFETY MANAGER**

EXECUTIVE MEMBER: **HOUSING AND ENVIRONMENTAL HEALTH**

COUNCIL PRIORITIES: **PEOPLE FIRST, SUSTAINABILITY, A BRIGHTER FUTURE TOGETHER**

1. EXECUTIVE SUMMARY

The purpose of this report is to adopt a licensing policy for houses in multiple occupation, consolidating existing local guidance plus national legislative standards into one single policy document.

2. RECOMMENDATIONS

- 2.1. That the Committee be recommended to adopt the HMO Licensing Policy attached as Appendices 1 to 5.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Whilst the Council has applied national legislative standards and local guidance to all existing HMOs, it is important to ensure that the Council has a clear and transparent policy for the determination of applications and the enforcement of licences. This policy should also be easily accessible for customers.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 No alternative options were considered as the key consideration at this stage is to adopt existing guidance and standards into one single policy to make the licensing process more accessible and transparent for customers.
- 4.2 All licensing policies are subject to regular review and this policy can be reviewed at the appropriate time to ensure it remains fit for purpose.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member (and his Deputy) for Housing and Environmental Health has been consulted and supports the proposal to consolidate existing documentation into one single policy document.

- 5.2 No public consultation was undertaken as the proposed policy document does not change the current standards applied to all existing HMOs and will place no additional burden on them.
- 5.3 The policy includes provisions for public consultation regarding any future changes to the policy if it is determined appropriate to review standards in the future.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Most of the requirements of mandatory HMO licensing are legislative, although there is a degree of subjectivity in local interpretation.
- 7.2 The environmental health service, who previously administered and enforced HMO licensing, worked on a cross-district basis to ensure consistent local standards for Hertfordshire.
- 7.3 New applicants for an HMO licence would have access to all the legislative standards, local standards, and mandatory conditions required for a licensable HMO however they are covered in multiple documents and numerous Statutory Instruments. This information would not be easily accessible to customers.
- 7.4 This policy seeks to combine all the existing documentation into one single policy document.

8. RELEVANT CONSIDERATIONS

- 8.1. The adoption of this policy will not impact on existing licensed HMOs which have all been considered against the policy, albeit a formal policy document did not exist.
- 8.2 HMOs are a cross-service function with those meeting the criteria for mandatory licensing being administered by the licensing service, and those not subject to mandatory licensing being administered by the environmental health service.
- 8.3 The proposed policy makes reference to this separation of duties, and it is important that the standards applied to all HMOs, whether licensable or not, are consistent.
- 8.4 It is not appropriate at this stage to consider changes to the local standards. Once a policy is adopted, standards could be reviewed in the future and be subjected to a public consultation before returning to this committee for consideration.

9. LEGAL IMPLICATIONS

- 9.1. Section 8.2.3 states that the Licensing and Regulation Committee shall meet at least twice per civic year:
 - (a) *to consider all licensing matters with the exception of the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those*

*matters delegated to the Licensing Sub-Committee and the Service Director:
Legal and Community*

(c) *to consider and amend other non-executive licensing policies (minor amendments to be delegated to the Licensing Manager in consultation with the Chair of Committee and the relevant Executive Member).*

9.2 The adoption of an HMO policy is not an executive function, nor is it delegated to a licensing sub-committee or the relevant service director, therefore falls within the remit of the Licensing and Regulation Committee.

9.3 Whilst the policy proposes no change to the current administrative or enforcement practices, no formal policy exists, therefore this would not fall under the definition of a minor amendment for officers in consultation with the Chair and Executive Member.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.

10.2 Legislation permits the Council to recover its reasonable costs of administration and enforcement of the HMO licensing regime through licence fees.

10.3 Licence fees are set annually in accordance with the Medium-Term Financial Strategy and a resolution of the Licensing and Appeals Committee held on 12 December 2013.

11. RISK IMPLICATIONS

11.1 The refusal to grant, the revocation of, or formal enforcement action against licences has an appeal to the courts therefore it is essential that the Council exercises its discretion reasonably and consistently to avoid the risk of a successful appeal. It is normal practice in the Magistrates Court that the losing party pays the successful party's costs. The provision of a robust, transparent policy will help mitigate this risk.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. The policy contains a section on equality and diversity and appropriate consideration will be given during the application process.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known environmental impacts or requirements that apply to the adoption of this policy.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.

16. APPENDICES

- 16.1 Appendix 1 Policy for licensing houses in multiple occupation (HMOs)
16.2 Appendix 2 Standards for houses in multiple occupation
16.3 Appendix 3 Guide to fire safety for houses in multiple occupation
16.4 Appendix 4 Minimum space requirements
16.5 Appendix 5 Standard licence conditions

17. CONTACT OFFICERS

- 17.1 Steve Cobb, Licensing and Community Safety Manager
steven.cobb@north-herts.gov.uk; ext. 4833

18. BACKGROUND PAPERS

- 18.1 None