

Breckland District Council

Consultation on an additional licencing scheme for Houses in Multiple Occupation

1.0 Introduction

- 1.1 The Housing Act 2004 Part 2 introduced measures to licence Houses in Multiple Occupation (HMOs).**
- 1.2 HMOs of 3 or more stories, occupied by 5 or more people in 2 or more households are subject to a mandatory licencing scheme.**
- 1.3 Local Housing Authorities may designate all, or part, of their district for an additional licencing scheme covering all, or any, HMOs not subject to mandatory licencing except those expressly excluded from the definition of HMO by reason of Schedule 14 of the Act. The Authority must consider that a significant proportion of the HMOs in their area are being managed sufficiently ineffectively 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.**
- 1.4 Before making a designation a Local Housing Authority must take reasonable steps to consult persons who are likely to be affected by the designation. This document forms part of the process of consultation. All representations made in accordance with the consultation, and not withdrawn, will be considered.**

2.0 Breckland's proposals

- 2.1 Breckland intends to apply to the Secretary of State to have an additional licencing scheme covering the whole of its administrative district and all classes of HMO, but excluding those already licenced under the mandatory scheme.**
- 2.2 The basis of the additional scheme will be exactly the same as for the mandatory scheme covering both facilities and management. The intent is to have equitable standards for all licencable HMOs throughout the district.**
- 2.3 The fee for the licence will also be the same as for the mandatory scheme at £225 per HMO.**
- 2.4 The proposal is in accordance with the Council's Housing Strategy Objective 1 – to work towards a balanced appropriate housing market and Objective 1.4 – to maximise the use of social and private housing stock.**

- 2.5 The Council proposes that additional HMO licencing will form part of a co-ordinated approach for dealing with homelessness, empty dwellings and anti-social behaviour and that making the designation will significantly assist in dealing with those problems.
- 2.6 Breckland Council is seeking designation of the additional scheme to combat the problems identified in the HMO stock due to insufficient management, namely:
- Overcrowding
 - Lack of facilities
 - Lack of fire precautions and satisfactory means of escape
 - Deficiencies in stock condition
 - Lack of security of tenure of residents
 - Excess charges for rent and services
 - Underpayment of Council Tax
 - Noise and other nuisances caused to neighbours
 - Lack of proper refuse disposal and recycling
- 2.7 In addition locating HMOs, given the wide ranging circumstances in which they exist in a rural context, is a major barrier to effective enforcement.

3.0 Effect of the proposals

- 3.1 All HMOs covered by the scheme will be required to be licenced except where a temporary exemption notice is in force or an interim, or final, management order is in place. It will be illegal to operate an HMO covered by the scheme without a licence.
- 3.2 The scheme will last for a maximum of 5 years, but may be renewed.
- 3.3 A licence will only be granted where both the licence holder and manager, if any, are fit and proper persons.
- 3.4 A licence will only be granted where the HMO is reasonably suitable for occupation by not more than a specified maximum number of households or persons, or can be made suitable by the imposition of conditions.
- 3.5 A person having control of or managing an HMO commits an offence if he operates an HMO required to be licenced under the scheme without a licence and will be subject, on summary conviction, to a fine not exceeding £20,000
- 3.6 A person having control of or managing an HMO which is licenced commits an offence if he permits another person to occupy the HMO and such occupation results in more households or persons

occupying the HMO than the permitted number, and on summary conviction will be subject to a fine not exceeding £20,000.

3.7 A licence holder who fails to comply with any condition of the licence will, on summary conviction, be liable to a fine not exceeding level 5 on the standard scale.

3.8 Where tenant's rents have been supported by housing benefit in an HMO which was not licenced when it should have been, it will be open to the Council to seek repayment of that benefit from the person having control of the HMO.

3.9 The normal provisions of the Housing Health and Safety Rating System will apply in all HMOs whether licencable or not.

3.10 Licencing will enable the Council to identify poor housing conditions more quickly and to thereby improve the housing situation for affected tenants reducing their housing inequalities. It will also help reduce anti-social behaviour by ensuring effective management of HMOs.

3.11 Licences will have conditions attached ensuring that the HMO:

- will not be occupied by more persons than can be safely accommodated
- that there will be sufficient amenities provided for the number of occupants
- that there will be an effective means of providing warning of fire
- that there will be a safe and effective means of escape in case of fire
- that all gas and electricity supplies are in a safe condition
- that all furniture supplied as part of the letting meets current safety requirements
- that there will be effective management to reduce any possible anti-social behaviour
- that managers and owners will be fit and proper persons to perform those functions

4.0 What properties will be covered by the additional scheme?

4.1 A property will be an HMO if:

- It is a house shared by 3 or more people from two or more families and there is sharing of at least one facility
- It is a house divided into bedsits and is occupied by two or more families and there is sharing of at least one facility
- It is a self contained flat occupied by two or more families and there is sharing of at least one facility
- It is a building converted into flats that do not meet the standards of the Building Regulations 1991.

4.2 There will be exemptions applicable to some circumstances and these will be addressed individually at the time of application for a licence. HMOs covered by the mandatory scheme will not be affected.

4.3 The additional scheme will apply to all wards in the Breckland District Council administrative area.

5.0 Your views

5.1 The Council would like to hear your views on the proposals. In particular you may care to consider the following questions:

- Should the Council introduce an additional HMO licencing scheme?
- Should the scheme cover all, or only some, types of HMO? (see 4.1)
- Should the scheme cover all, or only part, of the Council's district?
- Should the licence conditions be the same for both the mandatory and additional schemes?
- Should the charge for the licence, £225, be the same for both schemes?
- Do you believe that the additional scheme will help to achieve the Council's objectives of helping to control anti-social behaviour and removing housing inequalities?

It would be helpful if you could explain the reasons behind your answers.

Please make your views in writing to Gordon Partridge, Principal Environmental Health Officer at:

Private Sector Housing
Breckland Council
Elizabeth House
Walpole Loke
Dereham
NR19 1EE

Or:

By email at:

gordon.partridge@breckland.gov.uk

By telephone at:

01362 656275 (DDI)

Thank you for your interest. Closing date for comments is Monday 3rd September 2007