

**SUBJECT: HOUSING ACT 2004 PART 2: THE LICENSING OF HOUSES IN
MULTIPLE OCCUPATION (H.M.O.) INCLUDING LICENCE FEES**

MEETING: Cabinet

DATE: 5th September, 2007

DIVISIONS/WARDS AFFECTED: Countywide

1. PURPOSE:

To consider the approach to be adopted for the application of prescribed enforcement duties and powers under Part 2 of the Housing Act 2004 (H.A. 2004).

2. RECOMMENDATIONS:

- 2.1 Cabinet adopt the H.M.O. licensing policy set out in the document received entitled 'Policy for the Licensing of Houses in Multiple Occupation'.
- 2.2 Cabinet agree to set the licence fee at £295 for a five year licence, subject to future increases calculated by the Corporate Director RER to enable the Council to recover its costs of issuing licences.

3. KEY ISSUES:

- 3.1 The H.A. 2004 introduces a licensing system for prioritising regulation of H.M.O.'s because of the increased risks to health, safety and welfare from living in these types of property. Licensing will ensure that the H.M.O.'s that present the greatest risk to tenants are regulated the closest.
- 3.2 The Act places a duty on the Authority to implement a Mandatory licensing scheme for certain categories of H.M.O. and a power to implement additional licensing schemes for H.M.O.'s and other rented accommodation.
- 3.3 In Monmouthshire there are three known properties that fulfil the licensing criteria but more are expected to be identified when the regime is advertised to the landlords and tenants.
- 3.4 This policy will help the authority fulfil its corporate objective '**Promoting a better quality of life for all people and communities in Monmouthshire**' by ensuring HMO tenants (often the most vulnerable members of society) are protected from poor housing conditions.
- 3.5 Council has previously delegated the necessary powers in the Act, to authorised officers.
- 3.6 The legislation makes provision to enable the Council to charge to cover its costs (and no more) for the implementation of the scheme. Based upon current costs, this has been calculated to be £295. Future costs may rise with inflation and account should be taken of this.

4. REASONS:

- 4.1 The implementation of a Mandatory HMO licensing scheme is a duty imposed on the Council by Part 2 of the Housing Act 2004. The policy provides a framework and appropriate guidance for officers to ensure a balanced and proportionate approach to securing satisfactory housing conditions in HMOs, in the context of existing strategies and corporate objectives.
- 4.2 The legislation makes provision to enable the Council to charge to cover its costs for the implementation of the scheme. This has been calculated to be £295, but subject to change in line with future costs.

5. RESOURCE IMPLICATIONS:

Nil

The payment of the fee will cover costs of implementation. The fee will be set at £295 per property initially.

6. CONSULTEES:

Corporate Management Team
Cabinet Member Regulatory Services, Councillor Eric Saxon
Cabinet Member Adult Social Services, Councillor Brian Hood
David Morris, Acting Head of Housing
Ian Bakewell, Strategy & Policy Manager

Results Of Consultation:

Responses to consultation have been reflected in the drafting of this report.

7. BACKGROUND PAPERS:

Attached Policy: Policy for the licensing of houses in multiple occupation July 2007
Housing Act 2004 Part 2

8. AUTHORS:

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