

REPORT TO: Executive Board

DATE: 14 September 2023

REPORTING OFFICER: Director of Public Health

PORTFOLIO: Environment and Urban Renewal

SUBJECT: Houses in Multiple Occupation (HMO)
Licensing requirements and Amenity Standards

WARD(S) Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek Executive Board's approval to adopt the Houses in Multiple Occupation (HMO) Licensing requirements and Amenity Standards policy. (see separate document attached)

2.0 RECOMMENDATION: That

Executive Board approve the adoption of the Houses in Multiple Occupation (HMO) Licensing Requirements and Amenity Standards policy.

3.0 SUPPORTING INFORMATION

3.1 A HMO is defined as a property occupied by 3 or more people who do not form a single household and share facilities such as a bathroom or kitchen.

A large HMO is defined as a property occupied by 5 or more people who do not form a single household and share facilities such as a bathroom or Kitchen.

3.2 Since 2018 any large HMO occupied by 5 or more people who do not form a single household and share facilities such as a kitchen or bathroom must be licensed by the local authority.

3.3 The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provides permitted development rights for the change of use of a dwelling (Class C3) to a small HMO for 3-6 occupants (Class C4) without the need to apply to the council for planning permission. Properties with 7 or more unrelated occupants still require planning permission.

Therefore smaller HMO's with 3-4 beds require neither a license or planning permission.

- 3.4 There are currently 121 licensed HMO's in Halton. (i.e. properties with 5 or more tenants). The number of smaller unlicensed HMO's is unknown. This position is not unique to Halton because there is no requirement to seek a license or planning permission there is no reason for the landlord to notify the council.
- 3.5 Over the last 12 months some members have expressed concerns about the proliferation and standards of HMO properties in certain parts of the borough. This prompted a report to the Environment and Urban Renewal PPB on 21st September 2022 setting out the current controls over HMO's including licensing, property standards and options for additional controls. It was resolved that a working party be established of members and officers to agree a set of HMO amenity standards and explore options for additional control of HMO's.
- 3.6 The working party met on a number of occasions and developed an action plan which was endorsed by the PPB in February 2023. This action plan included;
- Implementation of an Article 4 Direction in areas where there are concentrations of existing HMOs. This would have the effect of removing 'Permitted Development Rights' for automatic changes of use from a single dwelling into a small HMO. Such changes of use would then require the grant of planning permission.
 - Adopting a Supplementary Planning Document (SPD) on HMOs to introduce explicit planning controls on: concentration of HMOs; restricting sandwiching of properties by HMOs; restricting three or more adjacent HMOs; explicitly incorporate property standards; introduce explicit criteria to protect the amenity of neighbours.
 - Investigate options for selective licencing or additional licencing requirements for smaller unlicensed HMOs and other private rental properties.
 - Adopting a Halton Council 'Property Standards for HMOs' policy.
- 3.7 On the 21st June 2023 the PPB received a report on progress made to date on the action plan. Some of the additional controls set out in the first 3 points above require a robust evidence base and in some cases approval by the secretary of state. Work is ongoing to develop this evidence base. The HMO property standards policy has now been finalised. The board endorsed progress made against the action plan so far including the proposal to submit the HMO property standards policy to Executive Board for adoption.

4.0 **POLICY IMPLICATIONS**

- 4.1 The Houses in Multiple Occupation Licensing Requirements and Amenity Standards policy is attached to this report as a separate document. It sets out the standards and mandatory license conditions that all licensed HMO's must meet. The majority of these requirements are set nationally by law. If a property does not meet these standards it cannot be licensed as a HMO.

These standards include;

- Room size and space standards
- Toilet and Bathroom provision
- Kitchen facilities
- Fire Safety
- Electrical Safety
- Gas Safety and Carbon monoxide
- Heating
- Waste Management

- 4.2 The policy provides HMO landlords and tenants with a consolidated and concise source of information on the standards required in Licensed HMO's in Halton. Most of these requirements can also be applied by law independent of this policy.

- 4.3 Should in the future the council determine that it is appropriate to introduce additional licensing to smaller HMO's this policy would then also apply to those properties.

- 4.4 Once adopted the Houses in Multiple Occupation Licensing Requirements and Amenity Standards policy can be a material consideration when determining future planning applications for HMO's.

- 4.4 Any further policy options set out in 3.6 above will be considered by the Environment and Urban Renewal PPB before being presented to Executive Board at the appropriate time.

5.0 **FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications associated with this proposal

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

None

6.2 **Employment, Learning & Skills in Halton**

None

6.3 **A Healthy Halton**

The objective of the licensing requirements for HMO's is to ensure properties provide a safe and healthy environment for residents to live.

6.4 **A Safer Halton**

The objective of the licensing requirements for HMO's is to ensure properties provide a safe and healthy environment for residents to live.

6.5 **Halton's Urban Renewal**

Adoption of the policy enables the HMO licensing requirements and amenity standards to be a material consideration when determining future planning applications for HMO's.

7.0 **RISK ANALYSIS**

7.1 The majority of the requirements set out in the policy can be applied by housing law independent of this policy. However by formally adopting the policy these requirements and standards can become a material consideration when determining future planning applications for HMO's.

There are no significant risks associated with the policy.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 None

9.0 **CLIMATE CHANGE IMPLICATIONS**

9.1 All private rental properties must by law meet a minimum energy efficient rating of E. This is set out in the Licensing Requirements and Amenity Standards Policy and so will be a consideration when determining all HMO licensee applications.

10 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.