

RECORD OF EXECUTIVE DECISION

Tuesday, 21 August 2012

Decision No: (CAB 12/13 8652)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	HOUSING AND LEISURE SERVICES
SUBJECT:	LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION (HMOS)
AUTHOR:	Paul Juan, Regulatory Services Manager

THE DECISION

- (i) That Cabinet approves the proposals for a Southampton Licensing Scheme for Houses in Multiple Occupation (HMOs) for public consultation, for twelve weeks from 3 September 2012 to 26 November 2012.
- (ii) That Cabinet considers the outcome of the consultation at its meeting on 29 January 2013 and, if appropriate, designates the entire City as being subject to additional licensing, which will come into effect on 1 April 2013 and be phased over five years.

REASONS FOR THE DECISION

1. Evidence shows that there are significant problems associated with Houses in Multiple Occupation (HMOs) in Southampton, including poor property conditions, poor management and anti-social behaviour, which are not being adequately addressed through the Council's Mandatory Licensing Scheme (which covers HMOs comprising three or more storeys and occupied by five or more people) and other enforcement and regulatory measures.
2. An Additional Licensing Scheme covering smaller HMOs, including those consisting of two storeys and those occupied by three or more unrelated people, would help to improve the condition and management of these properties. This would be a proportionate response to address community concerns about the local impact of HMOs whilst ensuring safe, good quality privately rented accommodation is available to meet housing needs. The mandatory and additional elements of HMO licensing would together form the Southampton HMO Licensing Scheme.
3. The Housing Act 2004 requires a public consultation on proposals for an Additional Licensing Scheme before any designation is made.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. That the Council manages issues associated with HMOs without an Additional Licensing Scheme. The Article 4 Direction now means that planning permission is required for all new HMOs in the City, but this does not apply to existing HMOs. A 'virtual HMO' team, made up of all Council services involved in regulating HMOs, has targeted enforcement effectively, but the proposed Southampton HMO Licensing Scheme would enable a more proactive and comprehensive approach and will significantly assist the Council in dealing with HMO issues.
2. That an Additional Licensing Scheme be implemented without public consultation. This has been rejected as it would be unlawful. The General Consent given by the Secretary of State on 30 March 2010 to local authorities to designate an area or areas does not apply unless consultation has taken place for a minimum of ten weeks.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

None

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 21 August 2012

Decision Maker:
The Cabinet

Proper Officer:
Judy Cordell

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on
Date of Call-in (<i>if applicable</i>) (<i>this suspends implementation</i>)
Call-in Procedure completed (<i>if applicable</i>)
Call-in heard by (<i>if applicable</i>)
Results of Call-in (<i>if applicable</i>)