

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>HOUSES IN MULTIPLE OCCUPATION LICENSING POLICY</b>		
<b>DATE OF DECISION:</b>	<b>20<sup>th</sup> August 2019</b>		
<b>REPORT OF:</b>	<b>CABINET MEMBER FOR HOMES AND CULTURE</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>			
Not applicable			
<b>BRIEF SUMMARY</b>			
Approval is sought to implement a policy to support HMO licensing in the city. The council currently runs the HMO mandatory scheme and has 2 areas designated as additional licensing schemes. The new policy will cover these schemes and any future schemes and takes account of new legislation and case law, in particular dealing with banning orders, civil penalties and HMO licence fees.			
<b>RECOMMENDATIONS:</b>			
	(i)	That Cabinet considers and approves the proposed policy, attached as Appendix 1.	
	(ii)	That Cabinet delegates authority to the Director of Transactions & Universal Services to make minor amendments to the policy in relation to technical clarifications and legislative change.	
	(iii)	That Cabinet delegates authority to the Director of Transactions & Universal Services to set and amend the HMO licence fees.	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
1.	The HMO Licensing Policy sets out how the council will administer HMO licensing in Southampton in accordance with the provisions of the Housing Act 2004. The Policy publishes specific information regarding refunds, fit and proper persons assessments & length of licences which fall outside the scope of the statutory framework within which HMO licensing is currently administered.		
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>			
2.	Not having a policy on HMO licensing would limit the discretion of the council and would not make the council position clear and transparent on HMO licensing.		

<b>DETAIL (Including consultation carried out)</b>	
3.	Southampton City Council currently administers two additional HMO licensing schemes and the Mandatory HMO licensing regime under the provisions of the Housing Act 2004 part 2.
4.	The additional licensing schemes and the mandatory regime are administered in accordance with the statutory framework of the Housing Act 2004.
5	This policy sets out the council's administration of the schemes and is now published so that it is clearer to all applicants, officers and members of the public.
6	Whilst it is not necessary to publish a policy on HMO licencing due to it being administered in accordance with a statutory framework, a published policy allows the council to provide guidance & advice to applicants & members of the public and to make specific local rules in regards to the administration including the setting of license fees and licence fee refund policy.
7	The Policy includes a detailed section on fit and proper person assessments necessary to ensure that licence holders are fit & proper. The Policy allows the council to strengthen the statutory requirements and provide the framework for decision making and appeals with regard the process.
8	The published policy provides guidance on all aspects of the licensing regime and will ensure that the council operates in a consistent manner in relation to the administration of HMO licensing.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
9	The administering of HMO licensing schemes is funded through HMO licensing, which is ring fenced to each individual scheme. Fees are set on a cost recovery basis in accordance with relevant legislation.
<b><u>Property/Other</u></b>	
10	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
11	HMO Licensing is undertaken in accordance with the Housing Act 2004 (as amended)
<b><u>Other Legal Implications:</u></b>	
12	The council must have due regard to the Public Sector Equality Duty under the Equality Act 2010 when carrying out any functions including developing any policies that may have any effect on any protected persons, in particular the duty to eliminate discrimination, harassment and victimisation and advance equality of opportunity and fostering good relations. Local Authorities also have a duty under the Human Rights Act 1998, when carrying out any function, not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms.

<b>RISK MANAGEMENT IMPLICATIONS</b>	
13	If the council does not publish a policy there is a risk that it could be challenged on the administration of the schemes, in particular with regards refunding of HMO licence fees and refusing licence applications following fit and proper person assessments.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
14	The HMO licensing Policy supports the Southampton City Council Housing Strategy 2016-2025 priorities and outcomes; <ul style="list-style-type: none"> <li>• People in Southampton live safe, healthy, independent lives</li> </ul>
15	The HMO licensing Policy is supported by the Private Sector Enforcement Policy 2019
<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	HMO Licensing Policy
2.	ESIA
3.	DPIA
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
<b>Data Protection Impact Assessment</b>	
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>Yes</b>
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None