

RECORD OF EXECUTIVE DECISION

Tuesday, 26 November 2024

Decision No: (CAB 24/25 46250)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	Cabinet Member for Housing Operations
SUBJECT:	Additional licensing scheme for Houses in Multiple Occupation (HMOs)
AUTHOR:	Steven Hayes-Arter

THE DECISION

- (i) To approve the proposals for a public consultation for an additional HMO licensing scheme in Banister and Polygon, Bevois, Bargate, Portswood, Swaythling, Bassett, Freemantle, Shirley and Millbrook wards. The proposed start of the consultation is from 3rd December 2024 for twelve weeks.
- (ii) To consider the outcome of the consultation at its meeting on 25th March 2025 and, if appropriate, designates the proposed area as being subject to additional HMO licensing, which will come into effect in May 2025, following required publication and advertising of scheme.

REASONS FOR THE DECISION

1. Southampton City Council has previously designated three additional HMO licensing schemes within the City since 2013. These have covered the following wards: Bevois, Bargate, Portswood, Swaythling, Freemantle, Shirley, Bassett and Millbrook. Schemes once designated can only run for a maximum of five years, and on expiry cannot be renewed. The previous schemes have ensured that the majority of HMOs within Southampton fall under a licensing scheme and have to meet prescribed local standards covering, management, safety (and Fire safety) and amenities. These schemes have ensured that the HMO stock within the City is safe and well managed, reducing numbers of complaints from both tenants and nearby residents.
2. The proposed scheme will require that all HMO properties (other than those covered by the Mandatory Licensing Scheme and HMOs governed by S257 of the Housing Act 2004) with three or more occupiers from two or more households, are licensed and must comply with any licence conditions including conditions relating to standards for safety, amenities and waste set by Southampton City Council.
3. The previous additional HMO licensing schemes in the City resulted in over

3000 smaller HMOs being licensed. This had a very positive effect on the conditions of this type of property. Through licensing, Southampton City Council was able to deal more effectively with issues of poor property conditions, poor management and anti-social behaviour.

4. An additional HMO licensing scheme ensures that HMOs not covered by the national Mandatory licensing scheme are licensed to the same standards. It also ensures that concerns and complaints about conditions and the impacts of the HMOs on their local community can be addressed effectively and promptly. Particularly in regards issues of noise nuisance, anti-social behaviour and waste.
5. Before any Additional HMO licensing scheme can be designated the Housing Act 2004 requires that a public consultation on the proposals be carried out. Cabinet approval is therefore required to initiate this consultation.
6. The proposed new scheme would see between 2500-3000 smaller HMOs and HMOs within private purpose-built student accommodation blocks be subject to HMO licensing. In addition to the mandatory HMO licensing scheme this would result in approximately 5000 of the Cities estimated 6-7000 HMOs being under a licensing regime.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. That the Council manages the issues associated with HMOs without an additional licensing scheme. The properties associated with the new designation approval have not been subject to any licensing since the previous schemes ended in October 2023. During this time there has been no proactive approach to deal with these properties and without a new scheme, problems associated with them cannot be as effectively or quickly addressed. The proposed new additional licensing scheme will enable a more proactive and comprehensive response and will significantly reduce complaints and problems associated with the high numbers of HMOs across this designated area.
2. The Council could consider a city-wide scheme to cover all HMOs not captured by the Mandatory HMO licensing regime. However, there is currently insufficient evidence that there are sufficient numbers of HMOs within the other wards of the city and that these are poorly managed. The selected wards have all been subject to previous additional HMO licensing due to the numbers of HMOs and issues associated with them.
3. The Council could solely rely on its existing regulatory powers under part 1 of the Housing Act 2004 and the Houses in Multiple Occupation (Management) Regulations 2009 to deal with issues resulting in poor management of these HMOs. However, without a licensing scheme in place the Council would only be providing a reactive response to issues arising from HMOs, whereas the licensing schemes permits a proactive approach to deal effectively with these HMOs. So, this would not be a favoured option to achieve the desired objectives.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

Cabinet considered the following recommendation from Overview and Scrutiny Management Committee held on 21 November 2024.

That, whilst recognising that there is a formal process to follow to adopt a new Additional HMO licensing scheme, if this scheme is approved the Council reviews the fee structure, including discounts available, to support the improvement of housing conditions and the management of HMOs in Southampton.

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: 26 November 2024

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 *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in (<i>if applicable</i>)