

Meeting:	LICENSING & GENERAL PURPOSES COMMITTEE
Date:	19 September 2005
Subject:	Housing Act 2004: Adoption of an Additional Licensing Scheme for Houses in Multiple Occupation consisting of 2 storey properties
Responsible Officer:	Gareth Llywelyn-Roberts, Chief Environmental Health Officer
Contact Officer:	Geraldine Levy-Hayes, Team Leader, Private Sector Housing Enforcement
Portfolio Holder:	Keith Burchell
Key Decision:	No
Status:	Public

Section 1: Summary

Decision Required

1 Members agree the proposed additional licensing scheme (transitional scheme) for 3 years to license 2 storey Houses in Multiple Occupation (HMOs) with 5 or more tenants, from the date of commencement of Part 2 of the Housing Act 2004 in November 2005.

2. Approval is given to adopt the additional licensing scheme at the end of the transitional period to ensure that so that 2 storey HMOs continue to be covered.

Reason for report

The Housing Act 1985 set out enforcement powers for local authorities to address disrepair in residential accommodation and to allow local authorities to adopt registration schemes for HMOs. These powers have been replaced by parts 1 and 2 of the Housing Act 2004.

In order to continue to operate the existing Scheme adopted by Harrow in 2000 and continue to protect vulnerable people in high risk properties, the scheme must be adopted under the new legislation. This report concentrates on those provisions relating to HMOs which come into force in October 2005 and require a decision by Members.

Benefits

There is a need in Harrow for safe affordable housing. HMOs are at the lower end of the available private sector rent market and often provide homes for households on low income including key workers. HMOs are to be found in both 2 and 3 storey properties. It is therefore important to maintain a safe supply of this type of accommodation to meet housing need and demand.

Cost of Proposals

A growth bid was agreed at Cabinet, in February 2005 as part of the budget setting process for 2005/06, to increase the staff resource in the Private Sector Housing Enforcement in order to meet the statutory requirements of the Housing Act 2004 and meet increasing demand for service. The anticipated costs of the training of newly appointed staff can be contained within existing budgets.

Risks

There is the potential for criticism of the Council should there be an incident (involving serious injury or loss of life) in a HMO which is not known to the Council but falls within the Licensing scheme.

Implications if recommendations rejected

If the decision is made not to include two storey properties in the new licensing scheme all of the two storey properties will be removed from the register and will not be licensed. This will mean that potentially poorly managed properties will no longer be monitored and may become high risk leading to potential loss of life i.e. in the case of fire caused through disrepair or substandard conditions.

Section 2: Report

2.1 Brief History

2.1.1 The Housing Act 2004 is a major piece of legislation that has far reaching implications for the Council's Housing Strategy. The Act is intended to provide local authorities with the means to tackle low housing standards and work towards the provision of decent homes both in the public and private sector and ensure a sufficient supply of affordable homes and access to home ownership in sustainable communities.

2.1.2 The Act sets out specific legislation in five main areas:

- Improving housing conditions
- Revitalising the private rented sector
- Encouraging home ownership
- Improving the home buying and selling process
- Restoring Liveability

2.1.3 The Housing Act 1985 as amended set out enforcement powers for local authorities to address disrepair in residential accommodation and to allow local authorities to adopt registration schemes for HMOs. These powers have been replaced by parts 1 and 2 of the Housing Act 2004.

2.1.4 Under the powers of the 1985 Act, The London Borough of Harrow (Registration of Houses in Multiple Occupation) Control Scheme 2000, was adopted by the Council in anticipation of the national licensing scheme. The Council's Scheme has been operating for 5 years and empowers the Council to compel landlords of HMOs to register their properties on the basis that fire safety and management issues are dealt with. The properties are then monitored periodically. There are currently 157 properties on the register.

2.1.5 The 2004 Act introduces a mandatory national licensing scheme for Houses in Multiple Occupation (HMOs) being properties of 3 storeys or more and occupied by 5 or more people.

2.1.6 Current advice from the ODPM is that all existing registration schemes with control measures can be transferred to the new Licensing scheme. Harrow's scheme has control measures and it is proposed that this is transferred accordingly. Harrow's scheme includes 2 storey properties as most residential houses in Harrow and 62% of registered HMO's fall into this category.

2.1.7 In order to continue to actively protect the health safety and welfare of those who live in 2 storey properties it is proposed that Harrow should apply to the Office of the Deputy Prime Minister for the existing scheme to be adopted in addition to the new Statutory Licensing requirements.

2.2 Options considered

- 2.2.1 The Council is obliged to implement the Housing Act 2004. However, it must be recognised that as the majority of housing stock and HMOs in the borough are 2 storey HMO they should be included in a licensing Scheme. Not to do so would expose residents of these properties, who are often the most vulnerable, to poor housing conditions and potentially life threatening risk.

2.3 Consultation

- 2.3.1 Those affected by the change in legislation will be informed and advised of the impact of through informative leaflets, the website and landlord and tenant forums.

2.4 Financial Implications

- 2.4.1 There are no financial implications arising from this recommendation

2.5 Legal Implications

- 2.5.1 There are no legal implications arising from this recommendation

2.6 Equalities Impact

- 2.6.1 The recommendations potentially affect all property in all wards, if these become HMOs, but will have a greater impact where these properties are occupied by vulnerable people and those on low incomes, thus contributing to the strengthening of Harrow's communities.

Section 3: Supporting Information/Background Documents

Background Documents:

Housing act 2004,

HMO Licensing Project Plan – a guide to local authorities

Any person wishing to inspect the background papers should telephone 020 8424 1367