

Community Services – additional information

Question	Response
<p>Approximately how many HMO landlords are there in Oxford and what proportion of HMOs are currently covered by our licensing scheme?</p>	<p>There are approximately 1,380 HMO Licence holders and 100% of the HMOs we know about are licensed.</p> <p>However, the estimated figure for HMOs in the City is 5,000 and so far we've licensed 3,500, so the figure is 70%. It's not that we know of 5,000 HMOs but we've only managed to work through 3,500 up to now. The 5,000 figure was either wrong, or there are up to 1,500 avoiding licensing or that have turned into non-HMOs instead i.e. houses rented to families.</p> <p>HMOs aren't like shops or taxis with high visibility or a requirement to have a licence before they can operate. Many are owned and rented out by unscrupulous individuals who are avoiding licensing, tax, planning, immigration controls etc. We are constantly chasing unlicensed HMOs and regularly prosecuting landlords for failing to licence:</p> <p>I've been setting the HMO Enforcement Team's workplan with the Team Manager this week and there will now be a HMO Review Report to go to CEB in June so Scrutiny will get an opportunity to look at that report later this year.</p>
<p>Street Trading – was is the rationale behind the charging regime, what is the total income, why are some going down?</p>	<p>The regime is based on covering the Council's costs in administering the street trading scheme and we cannot charge for enforcement or make a profit. The changes are proposed to clarify the officer costs involved in processing new applications and in real terms, there is no reduction in the overall fee. The fee for a new application has been increased by £200 whilst the annual consent fee has been reduced by the same amount to take this into account and to rebalance the total fee payable. The annual consent fee has also been increased by 1.9%. The total income budget for miscellaneous licensing is £225,000.</p>
<p>Street Cafes – this is high so high so that no one takes up? Could more income be derived and greater local vibrancy if the fees were dropped?</p>	<p>Prior to 2013/14 the Council charged on a 'per table' basis (£366/table). Following legal advice, in 2013/14 a 'per premises' fee of £750 was introduced to try and encourage more applications. This fee level was not increased in the 14/15 fees and charges. 8 Street Café Licences have been issued in 14/15, which is an increase of 1 premises. In many cases the need for planning permission and highways approval is the primary blockage, but the introduction of a reduced fee may encourage more businesses to apply.</p>

<p>Are there any fees that we have the discretion to increase that we have chosen not to? If so why and is more income possible if we did raise?</p>	<p>The event fee (currently £25) has not been increased as the definition of an event has been reviewed and amended in the Street Trading Policy (recently subject to consultation and to be presented to the General Purposes Licensing Committee on 27th January). All other fees have been increased in line with inflation.</p>
<p>We often hear that we can't make a profit from some licence fees (fair enough) but can we and do we cover the cost of enforcement?</p>	<p>The Council can charge fees that cover elements of enforcement e.g. compliance inspections and responding to complaints, but it cannot recover the costs of legal enforcement e.g. prosecution. The Council seeks to cover as much of the costs as it can when it sets fees.</p>
<p>Is there a specific piece of legislation that prevents this and has it been open to challenge?</p>	<p>The European Union Services Directive covers licensing fees. In a landmark court case in 2012, <i>Hemming v Westminster</i>, the Court of Appeal ruled that the fees set must not exceed the costs of administering the licensing regime. This meant that the council was no longer able to include the cost of enforcement against unlicensed sex establishment operators when setting the licence fee, although the cost of visits to licensed premises to monitor compliance could be recovered through fees. The case was upheld at appeal, although it was subject to a further appeal to the Supreme Court that was heard on the 13th January 2015. The decision is not imminent and if the Court refers the matter to Europe, a final determination may not materialise until late 2016.</p>