

ITEM 8

To: GENERAL PURPOSES LICENSING COMMITTEE

Date: 15 June 2009 **Item No:** 8

Report of: Head of Environmental Development

Title of Report: HMO Licensing Variation Fees and Proposed Changes to the Scheme

Summary and Recommendations

Purpose of report: To seek approval to introduce a fee to vary a HMO Licence at the request of the licensee and to reduce the period of time a licence is granted for in some circumstances.

Report Approved by:

Finance: Anna Winship

Legal: Daniel Smith

Policy Framework:

Housing Act 2004

Recommendation(s):

Committee is requested to agree:

- 1) that a fee of £100 is charged where the HMO Licence is varied at the licence holder's request and that this charge is implemented from 1 July 2009,
- 2) that Where the Council identifies a property that should have been licensed since April 2006, the licence should then not be issued for the full 5 years but for the remainder of the 5 year period beginning on 06 April 2006, and
- 3) in connection with recommendation 2, if the owner can provide suitable evidence of recent purchase, material change of use or change of occupancy or volunteers the information to the Council about the property then the full 5 years will continue to be granted.

Introduction

1. Committee received a report at its meeting on 3 February 2005 seeking approval of fees and charges for 2009/10. An additional fee for the variation of a HMO Licence was added to the fees and charges section of

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the Budget Book and agreed by Council subject to confirmation by this committee.

Background

2. The Housing Act 2004 introduced the mandatory licensing of HMOs that came into force on 6 April 2006.
3. Within this legislation there is the ability for the Council, as the enforcing authority, to charge a fee for licensing HMOs; indeed government guidance advises that fees should be set at a level that covers the cost of administering the licences.
4. With the original fee set by the Council prior to the introduction of mandatory HMO Licensing having recently been increased by the Licensing Committee other costs incurred by the Council as a result of HMO licensing have also been highlighted.
5. Fees for varying a licence were not considered by the Council when HMO licensing first came into effect in 2006. However, since the first licence for operating a HMO was granted on 31 August 2006 over 40 variations to HMO licences have also been issued. This represents a figure of almost 10% of the total licences issued. No charge is currently made for varying a licence.
6. It is therefore proposed that a fee of £100 is charged where the licence is varied at the licence holder's request and that this charge is implemented from 1 July 2009.
7. When the government introduced mandatory HMO licensing in April 2006 it was estimated by the Oxford House Condition Survey that there were in the order of 789 HMOs requiring a mandatory licence throughout the city. Since that date extensive work surveying HMOs possibly subject to mandatory licensing has reduced this number to approximately 670 and of these approximately 120 are still waiting for an application to be made.
8. Identifying such properties is increasingly time-consuming so it is proposed that if the Council identifies a property that should have been licensed since April 2006 the licence should then not be issued for the full 5 years but for the remainder of the 5 year period beginning on 06 April 2006. If the owner can provide suitable evidence of recent purchase, material change of use or change of occupancy or volunteers the information to the Council about the property then the full 5 years will continue to be granted.

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Background papers:

Version number: 1