

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	SELLY OAK DISTRICT COMMITTEE	<i>Exempt information paragraph number – if private report:</i>
Report of:	ROBERT JAMES - SERVICE DIRECTOR HOUSING TRANSFORMATION	
Date of Decision:	17 March 2016	
SUBJECT:	ADDITIONAL HOUSE IN MULTIPLE OCCUPATION (HMO) LICENSING – CONSULTATION ON PROPOSALS FOR SELLY OAK WARD	
Key Decision: No	Relevant Forward Plan Ref: NA	
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>	
Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:	Councillor John Cotton – Neighbourhood Management and Homes	
Relevant O&S Chairman:	Councillor Zafar Iqbal – Neighbourhood and Community Services	
Wards affected:	Selly Oak	

1. Purpose of report:
<p>1.1 To inform Committee on the preparation of the Business Case for Additional Licensing in the Selly Oak Ward</p> <p>1.2 To seek support for the commencement of formal consultation on proposals to extend HMO licensing in the Selly Oak Ward which is subject to a decision by Cabinet Member for Neighbourhood Management and Homes</p>

2. Decision(s) recommended:
<p>2.1 That the District Committee supports formal consultation on Additional Licensing for HMOs in the Selly Oak Ward and recommends that the Cabinet Member publishes the business case and commences the consultation in accordance with the Housing Act 2004.</p>

Lead Contact Officer(s):	Peter Hobbs – Service Head Housing
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3. Consultation

Consultation should include those that have an interest in the decisions recommended

3.1 Internal

The proposal to consult on additional licensing has been reported to the District Committee at the meeting on 28 January 2016. The proposal has also been discussed with Councillor John Cotton- Cabinet Member Neighbourhood Management and Homes.

3.2 External

The Council carried out an initial consultation on Be Heard from May to July 2015 on the proposal to consider using additional powers under licensing for the Private Rented Sector. The proposal has also been discussed with Birmingham's Private Landlord Forum Steering Group and representatives of the National Landlords Association.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The proposal is consistent with the Council's policies on enforcement for the Private Rented Sector and plans to improve neighbourhood management to support communities.

4.2 Financial Implications (Will decisions be carried out within existing finance and Resources?)

The consultation will be undertaken within existing financial resources

4.3 Legal Implications

The Council has the power to designate an area of their district as subject to additional licensing under Part 2, Section 56 Housing Act 2004, in relation to a description of HMOs specified in the designation, if the following requirements are met.

“(2) The authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

(3) Before making a designation the authority must—

(a) take reasonable steps to consult persons who are likely to be affected by the designation; and

(b) consider any representations made in accordance with the consultation and not withdrawn.

4.4 Public Sector Equality Duty (see separate guidance note)

The Council will undertake an assessment of equality impact as part of the final decision making on whether to proceed with Additional Licensing in the Selly oak Ward.

5. **Relevant background/chronology of key events:**

5.1 The Council currently operates a statutory licensing scheme for certain types of House in Multiple Occupation

- it's rented to 5 or more people who form more than 1 household
- it's at least 3 storeys high
- tenants share toilet, bathroom or kitchen facilities

The Council commenced consultation on whether to extend the existing scheme in May 2015. As a result of the feedback from the public it has been agreed by the Cabinet Member for Neighbourhood Management and Homes to develop a business case with a view to formally consult local stakeholders in the Selly Oak Ward over Additional Licensing for HMOs. The District Committee received an update briefing at the meeting on 28 January 2016. Local work by a project team has developed the outline business case to address the key issues raised by the public and local elected members, namely

5.2 Key Issues

- **Rubbish and Waste Management in particular at the end of college terms**
- **Unregulated Development by landlords such as new extensions or loft conversions without planning approval or use of unsuitable buildings as living accommodation**
- **Building and Construction Works impacting on the highway and neighbouring properties**
- **Fire protection and low quality repair standards causing problems during periods of tenancy**
- **Lack of effective heating and insulation giving rise to damp and mould growth impacting on health of tenants**

5.3	The Selly Oak Project Officers group, that has been working in partnership for some time to tackle issues in the area resulting from poorly managed PRS properties, has provided evidence for the Business Case. In addition the Council has received detailed feedback from local community groups.
5.4	Should formal consultation go ahead the minimum period would be 12 weeks and a report would then be presented to the Cabinet Member for decision. The consultation would focus on the Selly Oak Ward but may recommend variations to the proposal for types of HMO or the area to be included in the designation dependent on the feedback or other alternative proposals that come forward.
5.5	A further report will come to the District Committee in due course.

6.	Evaluation of alternative option(s):
6.1	The Council has an existing scheme for HMO licensing, but not all HMOs in the Selly Oak Ward are included in the scheme. The Council has other powers to tackle some the issues highlighted but the use of HMO licensing conditions and powers is seen as potentially a stronger framework for compliance. The report on the outcome of the formal consultation will include a review of options for the Council.

7.	Reasons for Decision(s):
7.1	To support a case for formal consultation on Additional Licensing in Selly Oak Ward

Signatures	<u>Date</u>
Executive Member for Local Services Selly Oak District

List of Background Documents used to compile this Report:
None

List of Appendices accompanying this Report (if any):
1. Nil

Report Version	<u>1</u>	Dated	<u>8/03/2016</u>
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