

NORTH LANARKSHIRE COUNCIL

REPORT

To: ENVIRONMENTAL SERVICES COMMITTEE		Subject: NEW PROVISIONS AFFECTING THE LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMO'S)
From: HEAD OF PROTECTIVE SERVICES		
Date: 26 JULY 2011	Ref: CM/AMcP	

1. Purpose of Report/Introduction

- 1.1. This report is to advise Elected Members of changes to the licensing requirements affecting Houses in Multiple Occupation (HMO's)

2. Background

- 2.1. Mandatory licensing of HMO's has operated under the Civic Government (Scotland) Act 1982 since 2000.

- 2.2. Part 5 of the Housing (Scotland) Act 2006 transfers the licensing of HMO's to primary housing legislation. Both regimes are broadly similar, but some important differences have been introduced under Part 5 of the 2006 Act, namely:

- More punitive enforcement options are available to local authorities including:
 - no rent payable orders can be served where an HMO is not licensed or a license condition has been breached;
 - powers to enable local authorities to serve notice where a license condition has been or is likely to be breached; and
 - powers to enable local authorities to serve HMO amenity notices where the local authority considers that is not reasonably fit for occupation by the number of persons living there. Such notice requires the owner/license holder to make the accommodation reasonably fit for occupation.
- Local authorities have to take account of the new statutory guidance issued by the Scottish Ministers and specific guidance for HMO landlords will also be produced and circulated by the Scottish Ministers.
- Increasing the penalty for operating an unlicensed HMO to £50,000 (previously £5,000).

- 2.3 North Lanarkshire Council currently has 24 licensed HMO's who pay a three yearly licence fee of £1,000 which is comparable to other local authorities.

3. Proposals/Considerations

- 3.1. At least a month before the transition date of 31 August 2011, local authorities are required to write to every HMO landlord advising of the changes.
- 3.2 The Public Health and Housing Team within Environmental Services will shortly commence procedures to formulate new application forms, inspection reports, orders/notices and details of applicable fees in line with the E U Services Directive.

3.3 Until such times as the new statutory guidance is issued by the Scottish Government, it is proposed that the licence fee for each HMO shall be retained at £1,000 and a review of this licence fee shall be undertaken following publication of the guidance to account for any increased administration/ enforcement costs.

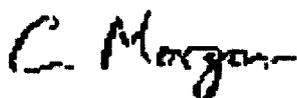
4. Corporate Considerations

4.1. The recommendations to the Committee are consistent with policy and there are no financial, personnel or property implications in the report.

5. Recommendations

5.1. That Committee note the contents of the report.

5.2. That Committee agree with the continuation of the three yearly £1,000 licence fee for HMO's and that a review of this licence fee is undertaken following publication of the statutory guidance to ensure that any charge is in line with the relevant E U Services Directive.



**CRAWFORD MORGAN
HEAD OF PROTECTIVE SERVICES**

Local Government Access to Information Act: for further information about this report please contact Andrew McPherson, Environmental Health Manager on 01236 638575.