

REPORT

To: PLANNING AND ENVIRONMENT (PROTECTIVE SERVICES) SUB COMMITTEE		Subject: Mandatory Licensing of Houses in Multiple Occupation – Revised Guidance
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 5 October 2004	Ref: RS/58/602	

1. Purpose of Report/ Introduction

1.1 Members will be aware from previous reports of the introduction by the Scottish Parliament of a Mandatory Licensing Scheme for Houses in Multiple Occupation in Scotland. This has been achieved through the introduction of the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (as amended). The purpose of this report is to advise members of changes to the licensing regime initiated through new guidance issued by the Scottish Executive.

2 Background

2.1 The Protective Services Division has co-ordinated the licensing arrangements for the whole council, and has established a working group comprising representatives from Building Control, Legal Services, Housing and Property Services, Development Control and Social Work within North Lanarkshire Council, and the Police and Fire Authorities. Procedures have been established to ensure that all parties are consulted on applications, and to ensure appropriate representation at inspections for licensing purposes.

2.2 North Lanarkshire Council has issued 10 licences to date, and 20 applications are currently being processed. Environmental Health staff have undertaken comprehensive surveys of several housing areas where Houses in Multiple Occupation (HMOs) are known to exist, and throughout the year further surveys will be carried out to establish the location of any HMO premises which are not on departmental records.

2.3 The licensing procedures and all North Lanarkshire Council conditions are based on the provisions of the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (as amended) and guidance previously issued by the Scottish Executive. Following consultation, the Executive have reissued the guidance to Local Authorities and this has resulted in changes which will require to be reflected in our own standard conditions for HMO premises.

3 Proposals/Considerations

3.1 When the licensing scheme was first introduced, Benchmark and Tenancy Management Standards were adopted for properties within North Lanarkshire Council, based on national guidance.

3.2 A set of standard licence conditions was also adopted for attachment to every licence issued. These conditions were developed following detailed consultation with the members of the working group, and compliance with the conditions is mandatory once the licence is issued. The format adopted permits the council to apply deviations from the standard conditions where this is required for operational or safety reasons.

3.3 The new guidance issued by the Scottish Executive has pulled together all of the best practice developed since licensing was introduced, and it has been published in two formats – one for Licensing Authorities and one for landlords. It is proposed that North Lanarkshire Council adopt the Benchmark and Tenancy Management Standards in the Mandatory Licensing of Houses in Multiple Occupation: Guidance for Licensing Authorities as its Benchmark and Tenancy Management Standards. This will ensure compliance with national standards and help to promote consistency of application throughout Scotland. However, the ability of North Lanarkshire Council to apply deviations from the standard conditions where this is required for operational or safety reasons shall be preserved, and a list of all conditions shall be appended to every licence issued.

3.4 The main changes to the Benchmark and Tenancy Management Standards are:

- a) The introduction of a scheme of self certification by publicly accountable and reliable landlords. Licensing authorities can accept “verification by licensee’s declaration,” which is a legally binding document stating that the North Lanarkshire Council standards and licence conditions are being complied with. It is recommended that all initial licence applications are the subject of full direct inspections, but when licence renewal applications are received from publicly accountable and reliable landlords and the authority is satisfied by previous history and evidence from third parties, such as persons certifying gas and electrical safety, that the premises comply then verifications in the form of a signed completed questionnaire can be accepted. Properties qualified to verify by such declarations would be checked by direct inspection on a periodic sampling basis.
- b) The tenancy management standards have been significantly revised and nine key licensing conditions and six key elements are set out. It is recommended that these form part of tenancy agreements to ensure that landlords implement good practice in their dealings with tenants. The key licensing conditions relate to the actions of the licence holder with regard to maintaining the property, handling rents and deposits, lawful repossession, complying with legislation, preventing and dealing with anti-social behaviour, provision of telephone line, provision of emergency contact details, and advice to tenants on the action to be taken in the event of an emergency. The key elements relate to the content, clarity and quality of tenancy/occupancy agreements.
- c) Several minor changes to the physical standards including specific reference to noise reduction, for example maintaining deafening between floors and recommending carpet floor covering rather than wooden flooring. Other changes include that the electrical system now requires to be examined by a competent person and certified safe every three years instead of annually.

3.5 The new guidance documents and leaflets are available in the members library.

4 Corporate Considerations

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

4.2 All decisions or actions with possible legal implications to be confirmed with North Lanarkshire Council's Legal Services.

5. Recommendations

- 5.1 That the Committee endorses the adoption of the Benchmark and Tenancy Management Standards in the Mandatory Licensing of Houses in Multiple Occupation: Guidance for Licensing Authorities issued by the Scottish Executive as its Benchmark and Tenancy Management Standards.

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