

## **Houses of Multiple Occupation (HMOs) – Member Working Party (EUR PPB)**

### **Terms of Reference**

#### **Councillor Membership:**

Chair – Bill Woolfall (Birchfield)  
Sharon Thornton (Halton Castle)  
Stan Hill (Central & West Bank)  
Ged Philbin (Appleton)  
Pamela Wallace (Central & West Bank)  
Tom Stretch (Norton South & Preston Brook)  
Alan Lowe (Halton Lea)

#### **HMO Definitions**

A house of multiple occupation (HMO) is defined as a single dwelling occupied by a number of separate households / unrelated individuals (i.e. they do not form a single household), and who share common areas such as kitchens, bathrooms and living rooms.

The control of HMOs is split between the roles of the Local Planning Authority (planning permission) and the Housing Authority (licencing / inspections / standards).

#### **Town Planning Acts**

Under the Town & Country Planning (Use Classes) Order 1987 (as amended) a small HMO (Class C4) accommodates between 3 and 6 unrelated individuals and a large HMO (Sui Generis – outside of any use class) accommodates 7 or more unrelated individuals.

The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provides permitted development rights for the change of use of a single dwelling (Class C3) to a small HMO (Class C4) without the need to apply to the council for planning permission. The change of use of a dwelling to a larger HMO (Sui Generis) requires the submission of a planning application.

#### **Housing Act 2004**

Under the Housing Act the definition of HMO is: any 2 or more people sharing facilities such as kitchen and bathrooms but with separate bedrooms.

- Houses in multiple occupation with 5 or more residents must be licensed and comply with additional requirements including space standards and fire safety
- Smaller HMO's with less than 5 occupants do not require a license but must comply with the requirements of the Housing Health and Safety Rating Scheme.
- All houses must therefore meet the standards set out in the Housing Health and Safety Rating Scheme.
- Note that there will be some properties with 5 or 6 residents that require a HMO license but will not require planning permission.

**Housing health and safety rating scheme** Properties are assessed to determine that they are free of 29 hazards that may impact on the health and safety of residents.

These include

- Damp and mould
- Excessive cold
- Overcrowding
- Falls
- Electrical Safety
- Fire safety

In Halton, Environment Heath exercise the duties of the Housing Authority for HMO licencing and inspection of premises against standards. The Environmental Health Department enforce housing standards in the Private rented sector.

### **Remit of Working Party**

Elected Members have expressed a desire to control the number of HMOs in the Borough. Members are concerned about HMOs because of perceptions that:

- HMO housing is poor quality and does not provide a satisfactory standard of living for people who rent HMO units
- HMOs can result in poor amenity for those living adjacent to HMOs, for example in terms of inadequate parking, waste / rubbish disposal, and anti-social behaviour
- HMOs can take up family housing

The Working Party (WP) has been established by the Environment and Urban Renewal PPB to examine these concerns and report to Executive Board.

The WP recognises the limitations placed upon all Councils in terms of what can be lawfully achieved through licencing and town planning controls. For example, the current national legal framework restricts the councils ability to;

- Seek a blanket moratoria on any further HMOs in the Borough
- Amend the national HMO licencing process
- Attempting to increase Standard for HMOs beyond the national standards

The consequence of attempting the above would include independent appeals against decisions, reputational harm to the Council, and a misallocation of scarce resources.

The WP will need to carefully examine the resourcing implications of any chosen intervention(s). Given the current financial position, it will prove difficult to meet additional service costs from within existing budgets.

## **HMO Working Party - Objectives**

1. Review the concerns raised by Members about HMOs
2. Examine evidence to ascertain if evidence supports the recorded concerns
3. Using an evidence-led approach, investigate suitable interventions, for example:
  - an Article 4 direction for West Bank to remove permitted development rights preventing single dwellings becoming small HMOs (note applications can still be made for planning permission).
  - planning policy options (such as clustering, numbers in a street) to control HMOs if planning applications are made
  - discretionary licencing of smaller HMO's and other private rented properties. West Bank will be used as a pilot study of potential schemes
  - options to improve waste management collection for HMOs, West Bank in particular
4. Consider appropriate resources to deliver any selected interventions
5. Make recommendations to the Executive Board

## **National Standards:**

- National legislation and guidelines are followed when assessing HMO applications. The national guidance can be found here:
  - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/925269/HMOs\\_and\\_residential\\_property\\_licensing\\_reforms\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925269/HMOs_and_residential_property_licensing_reforms_guidance.pdf)
- There are also mandatory conditions within schedule 4 of the Housing Act 2004:
  - <https://www.legislation.gov.uk/ukpga/2004/34/schedule/4>
- There are also a number of prescribed standards set out in legislation:
  - <https://www.legislation.gov.uk/uksi/2006/373/schedule/3/made>
- HMO's also need to comply with general provisions of the Housing Health and Safety Rating Scheme.
  - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7853/safetyratingsystem.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7853/safetyratingsystem.pdf)
- The Housing Authority has a memorandum of understanding with Cheshire Fire service in relation to enforcement of fire safety.