

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 21th June 2023

REPORTING OFFICER: Executive Director - Environment & Regeneration

PORTFOLIO: Environment and Urban Renewal

SUBJECT: HMO - Working Party Update

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To update the Board on the progress of the Houses of Multiple Occupation (HMO) Action Plan, endorsed by the Board at the February meeting.

2.0 RECOMMENDATION: That

2.1 The Board notes the progress against the action plan (Appendix 1)

3.0 SUPPORTING INFORMATION

3.1 A discussion paper was presented to the Board on 21 September 2022, with a Working Party established to consider those recommendations in more detail.

3.2 The Working Party (WP) met for the first time on the 27 October, a second time on the 19 December, and most recently on the 14 February 2023. An Action Plan was endorsed at the PPB on 15 February.

3.3 The preparation and adoption of formal planning policies and licencing controls must follow processes set out in legislation. The timescales for navigating these statutory procedures will be dependent on both available staff resources and the completion of the evidence report that is described below.

4.0 POLICY IMPLICATIONS

4.1 Members wish to ensure that any HMOs or privately rented accommodation provide suitable standards of housing for their tenants.

4.2 In regard to certain issues, like the condition of premises, antisocial behaviour, and management of domestic refuse, the Council has existing powers that can be used to tackle persistent nuisances.

4.3 At the last meeting, the PPB has recommended the following activity:

- Implementation of an Article 4 Direction in areas where there are concentrations of existing HMOs. This would have the effect of removing

'Permitted Development Rights' for automatic changes of use from a single dwelling into a small HMO. Such changes of use would then require the grant of planning permission.

- Adopting a Supplementary Planning Document (SPD) on HMOs to introduce explicit planning controls on: concentration of HMOs; restricting sandwiching of properties by HMOs; restricting three or more adjacent HMOs; explicitly incorporate property standards; introduce explicit criteria to protect the amenity of neighbours.
- Investigate options for selective licencing or additional licencing requirements for HMOs and private rental properties.
- Adopting a Halton Council 'Property Standards for HMOs' policy.

4.4 In terms of the last point, a report is being prepared for submission to the Council's Executive Board recommending the adoption of the HMO Licensing Requirements and Property Standards document that has been endorsed by the PPB.

4.5 The other recommendations rely upon having an evidence base to justify the need for policy intervention. A specification has been drafted to procure evidence collation, analysis, and production of a stock condition and impacts report. The evidence document will investigate and assess the following factors across the borough:

- Accurate information on the current levels of private rental sector properties and tenure change over time by ward.
- Accurate information on the current level of unlicensed smaller HMO's (3-4 Occupants) by ward
- Levels of serious hazards that might amount to a Category 1 hazard or high scoring category 2 hazard (HHSRS) across the private rented sector by ward.
- Ward level information on housing related stressors, including antisocial behaviour (ASB), crime, deprivation, and population changes including migration linked to the private rented sector in general and houses in multiple occupation specifically.
- A detailed survey of properties within the West Bank area to identify the number of private rental properties and the number of smaller and unlicensed HMO's. The survey should identify tenure, property type e.g self contained flat, HMO, the number of unrelated occupants who do not form the same household, the number of bedrooms and details of the landlord and letting agent.

4.6 Meta Street and ORS have now been commissioned to undertake the commission described above, and as set out in Tasks 3, 4, 7, 8 and 9 of the Action Plan (Appendix 1).

5.0 OTHER IMPLICATIONS

5.1 The formal adoption and implementation of the recommended policies will require additional staff resources.

5.2 Formal policy adoption is undertaken by Executive Board. The PPB Board's recommendations will need to be presented to Executive Board in due course.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children & Young People in Halton

None

6.2 Employment, Learning & Skills in Halton

None

6.3 A Healthy Halton

None

6.4 A Safer Halton

None

6.5 Halton's Urban Renewal

None

7.0 RISK ANALYSIS

7.1 There are no legal or financial risks arising from this report.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 There are no equality and diversity implications arising from this report.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 There are no implications for climate change arising from this report.

10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.

APPENDIX 1 - HMO WORKING PARTY ACTION PLAN

Ref	Task	Progress	Complete
1	Review the concerns raised by Members about HMOs	Complete – discussed at Working Party on 27 October 22 and included in PPB report of 16 November 22	<input checked="" type="checkbox"/>
2	Internal review of Council systems to identify HMOs. Note that small HMOs (4 persons or less) do not require licencing / planning.	Review concluded that door to door enquiry necessary to find small HMOs.	<input checked="" type="checkbox"/>
Commission External Evidence			
3	Specify and commission an external research company to report on: <ul style="list-style-type: none"> • Current levels of private rented sector (PRS) properties and tenure change over time. • Information on the number of Houses in Multiple Occupation (HMOs) as a subset of the PRS. • Levels of serious hazards that might amount to a Category 1 hazard (HHSRS). • Other housing related stressors, including antisocial behaviour (ASB), service demand, population and deprivation linked to the PRS. • Assist the council to make policy decisions, including the possible introduction of property licensing schemes under Part 2 and Part 3 of Housing Act 2004. • Undertake door to door surveys in West Bank (River Mersey up to Waterloo Road) and Fredrick Street to identify private rental properties and small HMOs (4 persons or less that do not require planning permission or HMO licences) • Examine the level of clustering of HMOs at Frederick Street, Widnes • Identify small HMOs and private rented properties in West Bank 	Specification drafted Procurement / commissioning of research during Feb 23	<input checked="" type="checkbox"/>
4	Bid into the Environment Fund with a view to funding the above research	Application for funding being drafted	
Investigate Policy Interventions			
5	Draft and circulate a Planning Policy Scenario test the effectiveness of the policy in specific circumstances (such as Derby Rd, Cholmondeley Street). (Note that a planning policy is required to go through a statutory planning process and public consultation before it can be adopted and given weight in planning decisions).	Complete – policy circulated 19 Dec 2022 <ul style="list-style-type: none"> • WP to decide if suitable for adoption as HMO Supplementary Planning Document by Exec Board 	<input checked="" type="checkbox"/>

6	Draft and circulate a Halton Council 'Property Standards for HMOs' document	Complete – document circulated 21 Sept 2022 <ul style="list-style-type: none"> WP to decide if document suitable for adoption by Exec Board 	<input checked="" type="checkbox"/>
7	Investigate 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).	Awaiting external evidence report to support approach Will need public consultation Will need Exec Board approval Will need Secretary of State Consultation Will need resourcing	
8	Investigate Additional Licencing of smaller HMO's and other private rented properties. West Bank will be used as a pilot study of potential schemes	Awaiting evidence to support approach Will need Exec Board approval Will need public consultation Additional staff resources to undertake inspections	
9	Investigate options for Selective Licencing of private rented properties. The pilot will be used to inform options for any future borough wide scheme	Awaiting evidence to support approach. Will need Secretary of State Consultation (over 20% of Borough)	
10	Encourage the issuing of community protection warnings (CPW) / notices (CPN) to tackle persistent behaviour that is detrimental to the community	Matter raised with the Council's Enforcement Team who have advised that CPWs and CPNs will be issued to tenants and landlords in circumstances where there is evidence of any such persistent detrimental behaviour.	<input checked="" type="checkbox"/>
Other Interventions			
11	To ensure that waste management collections and receptacle provision are appropriate for HMOs, West Bank in particular, and take into account the number of individuals residing at each HMO.	Implemented and to be kept under review	<input checked="" type="checkbox"/>
12	Members to consider a Council Motion on HMOs to provide policy direction or propose adoption of 'Property Standards for HMOs' Document in conjunction with Action 5.	Under consideration	<input checked="" type="checkbox"/>
13	Invite Inspector Thomas Hall of Widnes Local Police Unit (LPU) to the next WP to discuss Police response to ASB arising from HMOs (Police records are a primary source of evidence to demonstrate ASB is linked to HMOs).	Invite sent and Police attendance confirmed for 14 Feb 23	<input checked="" type="checkbox"/>
Resources			
14	Consider appropriate resources to deliver any selected interventions		
Recommendations of Working Party			
15	Report Working Party Recommendations (including necessary resources and timescales) to Executive Board		