

**Council**  
**28<sup>th</sup> July 2022**

<b>Report Title</b>	<b>Response to Council Motion of 23 June 2022 on Houses in Multiple Occupation</b>
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<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Appendices - None

### **1. Purpose of Report**

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- 1.1. To update Council on progress and plans for ensuring the highest standards of licensing and governance for Houses in Multiple Occupation, or HMOs as they are commonly referred to.

### **2. Executive Summary**

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- 2.1. This report provides a response for Members in relation to the amended motion at Council on 23 June 2022. The report outlines progress and plans for gathering evidence to test and develop options on how to ensure the highest standards of licensing and strong governance for HMOs.
- 2.2. This report does not consider the implementation of options, which will be subject to a separate process.

### **3. Recommendations**

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- 3.1. It is recommended that Council:
- a) Endorse the report setting out progress and plans for gathering evidence to test and develop options on how to ensure the highest standards of licensing and strong governance for HMOs, including indicative timescales.

### Reason for Recommendation

- 3.2. *The recommendation responds to a Council Motion and seeks to provide an update on progress made in gathering evidence and outlines the work programme to strengthen evidence and test and develop options to ensure the highest standards of licensing and strong governance of HMOs.*

### Alternative Options Considered

- 3.3. *None*

## **4. Report Background**

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- 4.1. At the meeting of full Council on 23 June 2022, the following motion (as amended) was approved:

*NNC recognise the density of HMOs in certain areas in the Council area and wish to work with Officers and stakeholders to ensure the highest standards of licencing and governance of dwellings in this category. We wish to work in partnership with landlords, tenants, the Council and other stakeholders to utilise the whole suite of regulation and planning requirements, which could include Article 4 regulation in some circumstances, to ensure strong governance of HMOs for the benefit of all those living in such dwellings. The Council also recognises that HMOs play an important part in the housing mix and are a vital resource for many people.*

*We ask the council to report back at the next full council with a plan on how to achieve this aim.*

## **5. Issues and Choices**

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- 5.1. Significant progress has been made in the past twelve months to collect evidence on HMOs following resolution at Planning Policy Executive Advisory Panel on 19 July 2021 to investigate the possible use of Article 4 Directions.
- 5.2. The evidence gathering has been coordinated by a cross cutting officer working group, comprising subject matter experts from various service areas that interact with HMOs in their separate functions, including representatives from Environmental Health, Private Sector Housing, Planning Enforcement, Council Tax, Development Management, Public Health, Housing Strategy and Planning Policy, under the governance of the Planning Policy Executive Advisory Panel that has scrutinised progress of the investigation by way of regular reports.
- 5.3. The first report on [21 February 2022](#) outlined the range of evidence collected to support the investigation, including GIS data analysis to understand the quantity and spatial distribution of HMOs, intelligence on the effects of HMOs concentrations, and the identification of six 'hotspot' wards containing the highest numbers and concentration that will be subject to further local analysis. The report highlighted key information gaps and limitations,

emphasising the importance of reliable and robust evidence to justify any additional planning or regulatory requirements, and noted the investigation is considering a wider range of measures than only Article 4 Directions to ensure the highest standards of licensing and robust governance of HMOs.

- 5.4. The second report on [16 May 2022](#) explained actions taken to improve the quality of the evidence and outlined the process for undertaking a consultation survey to supplement the information already gathered.
- 5.5. The online consultation survey was launched on 15 July 2022 for a period of eight weeks via the Council's Consultation Hub. This includes questions to tenants, landlords, and those living or working near HMOs. The consultation includes an interactive mapping feature where respondents can identify properties they suspect are being used as HMOs, although are required to submit evidence to support this.
- 5.6. Work continues with a parallel project exploring opportunities for transformation of system and services to improve data sharing and establish a central database that can be accessed and updated by multiple people across the relevant departments within the Council to improve monitoring of HMOs, and which will assist in effectively measuring the outcomes and recommendations of the investigation.

## 6. Next Steps

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- 6.1. A timeline of key dates is included below for information. It is important to note that the plans and projected timescales for this project will need to remain relatively flexible to take account of the evidence gathered at each stage of the project.
  - Online consultation ends – **9 September 2022**
  - A summary of the consultation survey results will be reported to Planning Policy Executive Advisory Panel on **24 October 2022**
  - HMO Officer Working Group to review consultation responses and key issues raised by these and develop options – **October/November 2022**
  - Report to Planning Policy Executive Advisory Panel to identify and advise on issues, options, and any potential implications for planning and regulatory functions – **21 November 2022**
- 6.2. This project will run in its current form, with governance by the Planning Policy Executive Advisory Panel, a report will be presented to the Council's Executive at the appropriate time. There will then be a period of implementation that will come after that. It is expected any delivery of the recommendations will not result in an immediate change in the regulatory framework, in particular Article 4 Directions and Discretionary Licensing, that have lengthy periods of mandatory consultation and engagement as part of the process.

## **7. Implications (including financial implications)**

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### **7.1. Resources, Financial and Transformation**

- 7.1.1. The consultation exercise and building of the evidence base is yet to be completed; therefore, it is too soon to specify the financial and transformational impact or type and extent of resources necessary.

### **7.2. Legal and Governance**

- 7.2.1. The Housing Act 2004 (and associated Regulations) and Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 enable the Council to introduce additional licensing and planning requirements. The Planning Policy Executive Advisory Panel is currently providing the governance necessary for the investigative stage of the project.

### **7.3. Relevant Policies and Plans**

- 7.3.1. Robust governance and licensing of HMOs supports the Council's corporate objectives as outlined within the Corporate Plan 2021-25, particularly objectives 1: Active, fulfilled lives, 2: Better, brighter futures; and 3: Safe and thriving places.

### **7.4. Risk**

- 7.4.1. Following the investigation and consideration of options, the Council must ensure that it reaches decision(s) based upon robust evidence to avoid any legal challenge to its decision-making process. The consultation being undertaken will help the Council to determine which options it may wish to pursue to ensure the highest standards of licensing and governance for HMOs. Once a decision is taken on what option(s) are to be pursued, in many cases, there will need to be a separate process to make sure the implementation of that decision is lawful.

### **7.5. Consultation**

- 7.5.1. The HMOs Officers Working Group ensures engagement of various officers across services areas and consultation is currently underway with tenants, landlords, and those living or working near HMOs to ensure any options considered as part of the project are informed by robust and credible evidence.

### **7.6. Consideration by Executive Advisory Panel**

- 7.6.1. Planning Policy Executive Advisory Panel is responsible for governance of investigation and development of options to ensure the highest standards of licensing and governance for HMOs. A series of reports have been presented to the Panel, who are providing advice and input into the investigations and evidence necessary to inform decisions on the Council's options with managing HMOs.

## **7.7. Consideration by Scrutiny**

- 7.7.1. The investigation effectively aligns with the [final report of the Levelling Up Scrutiny Review Working Group](#), published in June 2022, recommending greater clarity on HMOs and how they are dealt with.

## **7.8. Equality Implications**

- 7.8.1. Robust governance and licensing of HMOs will benefit all members of North Northamptonshire's diverse communities. An Equality Screening Assessment has been undertaken in consultation with the Council's Equalities Officer for the consultation survey demonstrating no disproportionate impacts to the protected groups. Further assessments will be undertaken, where necessary, for each of the options that arise from this investigation and are pursued by the Council.

## **7.9. Climate Impact**

- 7.9.1. The Council, having declared a climate change and environment emergency in June 2021, is committed to reducing its climate impact both within its own Council buildings and service delivery and in working in partnership with businesses and the wider community to achieve net zero energy emissions. Any climate or environmental impacts that may arise from this investigation will be considered fully through any options pursued by the Council.

## **7.10. Community Impact**

- 7.10.1. The community impact of HMOs is a key part of this investigation and central feature of the evidence gathering.

## **7.11. Crime and Disorder Impact**

- 7.11.1. The impact of HMOs on crime and disorder is a key part of this investigation. The development of robust evidence will allow the Council to have a greater understanding, which in turn should be helpful in addressing concerns about crime and anti-social behaviour and crime.

## **8. Background Papers**

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- 8.1. Scrutiny Commission on 5 July 2022 Report on Levelling Up Communities Scrutiny Review Final Report ([Agenda item 7](#))
- 8.2. Full Council on 23 June 2022 Motion
- 8.3. Planning Policy Executive Advisory Panel on 21 February 2022 Report on Houses in Multiple Occupation ([Agenda item 4](#))
- 8.4. [North Northamptonshire Strategic Plan Scope and Issues](#), March 2022

8.5. Planning Policy Executive Advisory Panel on 21 July 2021 Minutes of meeting where verbal briefing was given by Interim Planning Policy Lead Manager