



**REPORTS FOR DECISION BY THE
CABINET MEMBER FOR REGENERATION**

Date Issued: 17 March 2011

	Page Nos.
1. Report of the Head of Housing and Community Safety - Private Sector Housing - HMO licence fees and conditions	1 - 11

K = Key Decision

A Record of Decision will be issued following the conclusion of 5 clear working days from the date of issue of the Report

The Reports listed above can be made available in alternative formats for the visually impaired. For further information about this service, or if you have any queries regarding the above items please contact Karen Luck on 01622 602743

Agenda Item 1

MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR REGENERATION

REPORT OF THE HEAD OF HOUSING AND COMMUNITY SAFETY

Report prepared by Stuart White

Date Issued: 17 March 2011

1. Private Sector Housing: Review of Houses in Multiple Occupation licence fees and conditions

1.1 Key Issue for Decision

- 1.1.1 To consider the level of fees charged by the council for licensing Houses in Multiple Occupation with the intention of implementing the new charge from 1st April 2011. In addition this report seeks changes to the Houses in Multiple Occupation licence conditions to include an anti social behaviour condition from 1st April 2011.

1.2 Recommendation of the Head of Housing and Community Safety

- 1.2.1 That the Cabinet Member for Regeneration agrees that the level of fee charged for a House In Multiple Occupation is increased to £350 for landlords who are accredited under the council's accreditation scheme and £400 for landlords who are not accredited; the fees to be levied from 1st April 2011.
- 1.2.2 That the Cabinet Member for Regeneration agrees that a condition relating to landlords' responsibilities in managing tenants who cause anti social behaviour be added to licences from 1st April 2011.

1.3 Reasons for Recommendation

- 1.3.1 The following information sets out the reasons for recommendation:

Houses in Multiple Occupation Licence fees

- 1.3.2 The council can charge reasonable fees in issuing licences for Houses in Multiple Occupation. Licences are issued for a period of 5 years. In 2005 the council set its fees at £300 per house and there is now a need to revise the fees to ensure administration costs are covered.

Since setting the fees in 2005 an accreditation scheme for landlords has been introduced to improve standards in the private rented sector.

- 1.3.3 It is considered appropriate that landlords who become accredited should benefit from some incentive given the requirements of the scheme. It is therefore proposed to have a £50 differential between accredited and non accredited landlords. The average cost per application is calculated to be £353.

Licence conditions

- 1.3.4 Houses in Multiple Occupation tend to be occupied by younger, more transient tenants and in some residential areas this can give rise to problems with noise and anti social behaviour (ASB). The council can impose a licence condition relating to the landlords' involvement in dealing with ASB issues. This is a discretionary condition and until now has not been added to any licence issued.
- 1.3.5 The Council has received a number of complaints about noise and ASB that have been difficult to resolve. These complaints would have possibly been easier to resolve with the involvement of landlords who are sometimes reluctant to take action. Having liaised with officers from the council's Community Safety Unit it was agreed that this condition will provide the council with another way of resolving ASB and noise issues in Houses in Multiple Occupation. Some research has been undertaken to establish what other councils are doing. Thanet is currently the only council in Kent to apply the condition, they have a greater number of Houses in Multiple Occupation than any other council in Kent. Other councils have found the condition to be useful and attached as Appendix 1 is the ASB condition used by Weymouth and Portland. Other examples were reviewed and were broadly similar but this was felt by officers to be a particularly good example that Maidstone could adapt and use.

1.4 Alternative Action and why not Recommended

- 1.4.1 The council could choose to keep Houses in Multiple Occupation licence fees at the current level. This is not recommended as it would not cover the costs of administering the licence applications. This would also lose the opportunity to introduce an incentive for landlords to become accredited which is seen as a means of improving standards in the private rented sector.
- 1.4.2 The council could choose not to introduce a condition for ASB on licences for Houses in Multiple Occupation. This would be a missed opportunity to help the council deal with ASB issues more effectively by requiring the involvement of landlords.

1.5 Impact on Corporate Objectives

1.5.1 The recommendations support the council's objectives set out in the strategic plan, in particular improving the quality of the existing housing stock.

1.6 Risk Management

1.6.1 There is a slight risk that the fees proposed may not cover costs in full but this is considered unlikely as the proposed fees have been calculated on the total cost of staff involved. This is also for many landlords a second term of licencing so this should make the process easier.

1.7 Other Implications

1.7.1

1. Financial	X
2. Staffing	
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.2 Financial implications are explained in the report. This is a mandatory function and the council is allowed to recover costs in its administration. The fees are set at a level to allow the function to be cost neutral.

1.7.3 Legal implications There may be legal implications in dealing with non compliance with the ASB licence condition, however, this will probably be less of a burden than dealing with ASB issues by existing means.

1.7.4 Appendices Appendix 1 Weymouth and Portlands ASB condition

1.7.5 Background Documents None

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

September 2010

This is a Key Decision because:

It affects all wards

Wards/Parishes affected:

.....

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

Councillor Malcolm Greer

Cabinet Member for Regeneration
Telephone: 01634 862876
E-mail: malcolmgreer@maidstone.gov.uk

Stuart White

Private Sector Housing Manager
Telephone: 01622 602103
E-mail: stuartwhite@maidstone.gov.uk

Anti Social Behaviour - HMO Condition: number 7

- 7 The licence holder shall take all reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house and shall:
 - 7.1 comply with the Council's Anti-Social Behaviour Code (**Appendix A**);
 - 7.2 provide a copy of the Council's Anti-Social Behaviour Code to each and every tenant on the date they first occupy the house and require said tenants to sign a declaration that they have received the Council's Anti-Social Behaviour Code (**Appendix B**);
 - 7.3 retain a copy of all declarations signed by tenants in accordance with Clause 7.2 for the duration of this licence;
 - 7.4 implement and maintain a register of complaints and retain this register for the duration of this licence (**Appendix C**);
 - 7.5 investigate all complaints of anti-social behaviour arising from the house and being caused by the tenants or tenants' visitors and enter details of complaints in the register detailed in Clause 7.4;
 - 7.6 where appropriate take legal advice and act either to issue formal warnings or evict the tenants.

Anti-Social Behaviour Code – Appendix A

The Housing Act 2004 section 57 (5) defines “anti-social behaviour” as conduct on the part of occupiers of, or visitors to, residential premises –

- a) which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or
- b) which involves or is likely to involve the use of such premises for illegal purposes.

The Council considers the following to be examples of anti-social behaviour: -

- Causing a nuisance or annoyance to other occupiers and neighbouring residents;
- Harassing anyone in the local area (because of their race, colour, nationality, ethnic origin, sexuality, sex, religion, politics, age, medical condition, or disability);
- Violence (including domestic abuse) against any person (including the landlord or persons acting on their behalf);
- Interfering with security or safety equipment;
- Using the property (including all communal areas bin stores, yards and gardens etc) for any criminal, immoral or illegal purpose, including buying, selling or using any illegal drugs, or storing or handling stolen goods;
- Damaging any part of the premises and property or neighbouring premises and property.

Contact

Should either residents, tenants or the licence holder wish to make a complaint or discuss a situation involving anti social behaviour please contact:

Weymouth & Portland Borough Council

– General 01305 838432

- Out of Hours 01305 838427

Police 01305 222222 (non emergency)

Anti Social Behaviour Team 01305 226536

Enforcement

In accordance with the Housing Act 2004 Licence Holders of Houses in Multiple Occupation must take reasonable steps to tackle anti-social behaviour.

To ensure compliance with Condition 7 of the House in Multiple Occupation Licence the following points show the kind of ‘reasonable steps’ that are expected of landlords in order to tackle anti-social behaviour.

- The Licence Holder must provide a copy of this anti-social behaviour code to each tenant and every tenant on the date they first occupy the property. Each tenant must sign a declaration that they have received the Council’s anti-social behaviour code. The Council has provided an example in **appendix B** of a declaration. This form or a form detailing similar information must be used.
- The Licence Holder is required under these licensing conditions to keep a register of all complaints received from occupiers, visitors and neighbours. The Council has provided an example in **appendix C**. This form or a form detailing information must be used.
- The register must contain the following information:
 - Date & Time of complaint
 - Name and address of complainant (person making complaint)
 - Date & time of incident
 - Details of the incident/ complaint (location, what exactly happened, who was involved, any witnesses)
 - Was the incident reported (Police, details etc)
 - Name and address of the alleged ‘perpetrator’
 - Action taken by the licence holder to resolve the problem (e.g. contact made with the ‘alleged perpetrator’; face to face or by letter or both).
- The Licence Holder shall inform the police if there is reason to believe that a criminal offence has been, or is being, committed on the premises.
- The Licence Holder shall affix in a prominent position, within the communal area of the property a **sign** containing a statement that the Licence Holder will not tolerate anti social behaviour and encouraging the reporting of those responsible, including a telephone number and an address to which complaints should be made. This sign shall be replaced if it is torn, defaced or removed.
- The Licence Holder shall investigate complaints of anti-social behaviour arising from the property and being caused by their tenants or tenants’ visitors. Where appropriate they shall take legal advice and act to either caution or evict the tenants.
- The Council strongly suggest that the Licence Holder should be part of the Weymouth & Portland Borough Council Accreditation Scheme.

Date and time complaint	Name & Address of complainant	Date & time of incident	Location of incident	Details of incident (what exactly happened)	Details of any other witnesses or reported (Yes/NO)	Name & Address of the alleged perpetrator	Action Licence Holder has taken to resolve the problem

Licence Holder signature:

Date:

