

Business Support Overview and Scrutiny Committee

BRIEFING NOTE – No. 02/14

- Date:** 28 JANUARY 2014
- Briefing paper to:** All Members of the Business Support Overview & Scrutiny Committee
- Purpose:** This briefing note was requested by Members at the meeting of this Committee on 5 December 2013.

HMO Inspections

The definition of an HMO is contained in sections 254-259 of the *2004 Housing Act*, with a judgement being made against 3 different tests as set out within the legislation with additional statutory guidance also provided. A judgement is required for each property as to its status but in general a property would be considered to be a HMO if it was originally built as a single dwelling but has subsequently been converted into 2 or more dwellings. Depending upon the circumstance, a HMO could have shared facilities or be self-contained.

It is important to note that although a property may be a HMO it may not be subject to the mandatory licensing scheme as this only applies to certain large HMO's.

HMO's require a licence if they consist of 3 storeys or more, which are occupied by 5 or more tenants in two or more households. Converted blocks of flats are not subject to mandatory licensing.

The actual number of HMO's continues to vary as properties either fall into or out of the relevant definitions and currently 102 properties have been identified as licensable under the mandatory scheme. In addition to this there are a further 587 HMO's which do not fall within the definition of those requiring licensing under the mandatory scheme.

Licensed HMO's are all inspected and required to meet minimal legal standards prior to licensing. This is a rolling programme dependant upon the original date of licensing. Those HMO's that are not licensable have all been subjected to a Risk Assessment in-line with Government guidance. This assessment considers a range of factors including the number of units, stories whether the units are self-contained or shared and also the type of occupation.

Properties are assessed as being high, medium or low, as part of its Housing Strategy the Council set out a target to inspect all HMO's with priority given to high and medium risk properties. To date 505 HMO's have been inspected, with all High and medium assessed properties visited whilst the inspection of low and responsive inspections continues. For the year 2013/14 to date the Council has inspected 62 HMO's to renew licenses, 8 where new license applications have been made and 108 inspections of non-licensable HMO's undertaken.

For the non-licensable HMO's inspected their current status is:-

1	Environmental Protection Act 1990 notice served and complied with
1	Emergency Prohibition Notice – property closed down
53	Resolved informally
4	Further formal action being initiated
19	Advice only required
30	Cases on-going

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