

# Community Wellbeing and Housing Committee



**Date of meeting: 28 November 2024**

<b>Title</b>	An update from the Environmental Health Department on Houses in Multiple Occupation (HMOs)
<b>Purpose of the report</b>	To note
<b>Report Author</b>	Fidelma Bahoshy, Joint Senior Environmental Health Manager
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not applicable
<b>Corporate Priority</b>	Community Addressing Housing Need Services
<b>Recommendations</b>	<b>Committee is asked to:</b> To note the contents of this report.
<b>Reason for Recommendation</b>	Not applicable

## 1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>The Strategic Housing Group (which is attended by the Chair and Vice Chair of this committee) asked that a report for information be written providing an update on Houses in Multiple Occupation (HMOs) and outlining the current situation.</li> </ul>	<ul style="list-style-type: none"> <li>There had been an increase in HMO applications and complaint work over the last few months.</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>We want you to know the current work that is ongoing within the Environmental Health team with regards HMOs.</li> </ul>	<ul style="list-style-type: none"> <li>A review of the resourcing required to deliver this service to the expected standard will be undertaken as part of a wider review of the resourcing need within Environmental Health department.</li> </ul>

1.1 This report seeks to provide an update on the current situation with regards to ongoing and backlogged HMO work within the Environmental Health (EH) department and to clarify the HMO licensing process.

## **2. Key issues**

2.1 Over the past few months the EH department has noted an increase in complaints and queries about HMOs and potential HMOs still under construction.

2.2 The Residential Team within the EH department is responsible for the implementation of the HMO licensing regime in addition to undertaking compliance visits, investigating both allegations about HMOs that potentially require a licence and complaints from tenants living within licensed and unlicensed HMOs. The team is also responsible for private sector housing condition complaints, statutory nuisance work, public health matters (such as drainage complaints, private water supplies, welfare funerals, pest and waste accumulations on private land), planning application consultations, caravan/camping site licence applications and compliance inspections.

2.3 The Residential Team has suffered four significant staff changes this year (this represents 80% of our senior EHOs/EHROs). As a result of this, all planned work and services requests from the public and councillors is being prioritised in order of urgency and harm. Non-urgent cases are being held until more resource is available and complainants being advised of this action. Cases in triage are regularly reviewed and the priority status of individual cases may change as their circumstances alter and as new cases come in. Currently allegations and complaints against HMOs are considered as high priority work.

2.4 We have received a number of queries about the licensing process from Councillors. A licence for an HMO is required from Environmental Health under the mandatory scheme in the following circumstances:

- The dwelling is occupied by five or more people who form two or more households; and
- all or some of the occupants share bathroom, toilet, or kitchen facilities.

HMOs with less than five occupants do not require licensing within Spelthorne.

2.5 Once an application is received by the department, the applicant can operate the property as an HMO. This is normal practice across local authorities. The landlord operates at their own risk as on full consideration of their application it may be refused.

2.6 When determining whether to grant a licence for an HMO, Environmental Health is not able to take into consideration whether or not the property has or requires planning permission to operate as an HMO. Environmental Health does, however, consult with Planning on any licence applications received and notify them when granting a licence so that Planning can take appropriate enforcement action for unlawful development if required. Environmental Health also strongly advise HMO licence applicants to contact Planning where planning permission is not in place and may be required.

- 2.7 When a HMO application is received the applicant is provided with all the necessary information to run the establishment safely and in compliance with the legislation. The applicant is required to submit detailed plans of the property in addition to certification for their fire alarm system, emergency lighting where applicable (this is dependent on the layout and size of the property), gas and electrical safety checks. The officer processing the application undertakes a risk assessment based on the information provided and may seek additional information or clarification from the landlord. As a result of the assessment the application could be refused or issued with a 1, 3 or 5 year licence, the period is dependent on the risk presented. If the officer is concerned that the plans and documents submitted are of a poor quality or suspicious as to their accuracy, then the application can be deemed invalid, a site visit made or further checks carried out prior to the licence being granted. In addition, if complaints have been received while the application is under determination, particularly from the tenants, then a site visit will usually be made as part of the processing stage.
- 2.8 Environmental Health has powers under various legislation such as the Environmental Protection Act, the Prevention of Damage by Pests Act and the Anti-social Behaviour, Crime and Policing Act 2014 to deal with noise and other nuisance; accumulations of rubbish; and along with our colleagues in Community Safety, to address complaints about anti-social behaviour (ASB) These powers apply to all residential properties in the Borough including licensed and unlicensed HMOs.
- 2.9 Generally EHOs have found a high standard of compliance with legislation across our licensed HMOs which goes against the perception many people have. Officers have noted issues with aesthetics and wear and tear rather than safety or the suitability of a property. Many of our licensed HMO are used by professionals working within the area and are of a high standard.
- 2.10 Environmental Health only responds to complaints about properties that fall outside the scope of licensing (HMOs with less than five occupants) so it is more difficult to comment on the standards within those.
- 2.11 HMOs statistics:
- Number of Licensed HMOs in Spelthorne on 14 October 2024 is 117, this figure does not include HMOs where the licence has expired and a new licence is yet to be issued.
  - Number of HMO applications awaiting processing: 39 including new and renewal applications.

Due to very high workloads in the team, we recognise that we are currently taking longer to process an application and have received one complaint against service about the time taken. To try and mitigate workloads, in September we appointed a casual member of staff to predominantly work on processing applications in an effort to address the backlog. This officer will be in post until December 2024.

- 2.12 Licensed HMOs are subject to programmed inspections to check compliance with relevant legislation and licence conditions relating to fire safety, amenities and management. These licence conditions include matters that might adversely impact on nearby residents, particularly in relation to anti-social behaviour and accumulations of rubbish.

2.13 The vast majority of HMOs that the team deal with provide good quality affordable accommodation, consistent with the Council's objective of providing housing which meets the needs of residents and does not detrimentally impact the tenants or the residents living nearby.

2.14 Complaints and allegations about potential HMOs

	2020	2021	2022	2023	2024*
Allegation of potential HMO	39	25	33	46	63
Defects in Licensed HMO	8	7	7	21	11
Defects in Unlicensed HMO	0	1	0	5	2
Total	47	33	40	72	76

\*not full year data, accurate as of 14 October 2024

We received 56 complaints about potential HMOs between the 1 January 2024 to 21 August 2024 and went through each of these to look at the outcome. Of these allegations, 41 have been closed (they were not HMOs) with five making an application to be licensed, the rest remain under investigation. Of the 36 addresses contacted following a complaint and found not to require further action, the majority we found to be family homes, often homes to multi-generations of the same family and one was found to be renting out their drive-way for parking due to their proximity to a train station.

2.15 The area of HMO licensing has become particularly challenging with the department now facing objections from neighbours while the property concerned is still under construction/renovation and before applications are even received. Most recently an officer noted a placard in a street protesting against a new HMO. The HMO licensing regime does not allow the Council to take into account objections or representations from neighbours or others, and there is no mechanism for members of the public to do so. If the applicant is considered as a fit and proper person and can demonstrate compliance with the criteria set down in legislation, then a licence must be issued. Depending on the size of the HMO, planning permission may be required and residents would have the opportunity to object during this process.

2.16 Parking is a significant concern raised by neighbouring properties, however this is not an issue that can be considered as part of the licensing process.

### 3. Options analysis and proposal

3.1 Not applicable, this report is for note only.

### 4. Financial management comments

4.1 Not applicable, this report is for note only, however a review is being undertaken of the HMO licensing resourcing and depending on the outcome of this process additional funding may be required.

### 5. Risk management comments

- 5.1 The Environmental Health department has identified HMO applications, complaints and queries as high priority work due to the potential risk to those living within them and the increased number of complaints that we are receiving from neighbouring properties.
- 5.2 The Council is not currently meeting our target times for issuing licences to new applicants and renewals. The resource currently in place to deal with applications and the backlog of work is temporary and does not address the backlog of compliance visits. This temporary post is currently funded by a vacant post which is for a generalist position and is out for advert. The prioritisation of HMO applications means that other work is backlogging and staffing issues will need to be addressed.
- 5.3 The consequence for the delays in issuing licences include an increased risk of serious harm to the residents of the licensable HMO and increased complaints from residents within the property and from neighbouring properties. Additionally should there be an incident within a HMOs or complaint, the Council could potentially be subjected to further scrutiny by other organisations such as the Coroners Court and the Ombudsman which can result in reputational damage and compensation claims.

## **6. Procurement comments**

7. There is no procurement issues associated with this report.

## **8. Legal comments**

- 8.1 The Legal team has expressed concerns over the time it is currently taking to issue HMO licences.
- 8.2 The Council is under a statutory duty pursuant to s.55 of the Housing Act 2004 to determine applications for licences within a reasonable time.

## **9. Other considerations**

- 9.1 The Strategic Lead for Housing has provided the following comments;
  - HMOs do fulfil a vital role in providing affordable accommodation for individuals and they are an essential part of the housing stock.
  - The housing benefit system is complex and most people under the age of 35 who do not live with a partner or children, will usually only be able to claim for a single room in a shared house.
  - In Spelthorne we don't have enough HMO's to meet the demand, but at the same time, many people don't want to share even if they can't afford to cover the rent otherwise. The issue is that the quality of HMO's is often poor which is what puts people off and HMO's are poorly managed and maintained. Landlords often see HMOs as an income generating opportunity, not as a long-term investment and a quality product.
  - Our Rentstart colleagues offer support into HMO accommodation but a number of people reject the offer as they don't want to share, and the quality of the property is not very inviting. So, despite the support in rent and deposit payment, it is not a popular choice. People often go into an HMO because they run out of options, not because of their own choice.

- So, while HMO's are in high demand (on paper) and the only option for many under 35 year olds, there are some challenges in the delivery which are worth explaining as well.

**10. Equality and Diversity**

10.1 This report has no impact on equality or diversity issues and is for note only.

**11. Sustainability/Climate Change Implications**

11.1 This report has no impact on sustainability or climate change issues and is for note only.

**12. Timetable for implementation**

12.1 Not applicable

**13. Contact**

13.1 Fidelma Bahoshy – [f.bahoshy@spelthorne.gov.uk](mailto:f.bahoshy@spelthorne.gov.uk) or Tracey Willmott-French – [t.willmott-french@spelthorne.gov.uk](mailto:t.willmott-french@spelthorne.gov.uk).

**Please submit any material questions to the Committee Chair and Officer  
Contact by two days in advance of the meeting.**

**Background papers:** There are none

**Appendices:**

**Appendix A** – photographs illustrating housing standards found in HMOs within the Borough