

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	21 March 2019
Subject:	Licensing General Update
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	None

Executive Summary:

This report provides an update to Members in respect of the significant changes to Houses in Multiple Occupation (HMO) licensing and the Animal Welfare Regulations 2018 which came into effect on 1 October 2018.

Recommendation:

To **CONSIDER** the updates in respect of:

- i. **Changes to the Houses in Multiple Occupation Regulatory Regime; and**
- ii. **Implementation of the Animal Welfare Regulations 2018.**

Reasons for Recommendation:

To update Members in relation to the significant changes to Houses in Multiple Occupation licensing and the Animal Welfare Regulations 2018 which came into effect on 1 October 2018.

Resource Implications:

There are no significant resource implications arising from this report

Legal Implications:

1. The Council has a legal duty to set fees on a cost recovery basis. Not setting a fee would have legal and cost implications for the Council; however, those fees will need to be recalculated and based on "reasonable anticipated costs" of the process.
2. The Council must ensure that any decision-making or delegation complies with its powers under the Council's Constitution.

Risk Management Implications:

None.

Performance Management Follow-up:

A further update will be provided at the Licensing Committee on 13 June 2019.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 At its meeting on 18 October 2018, the Licensing Committee received an update in respect of recent changes to licensing legislation that is likely to have a significant impact upon the Council.

1.2 This report provides a further update on the impact of the changes to the regulation of Houses in Multiple Occupation (HMO) and the introduction of the Animal Welfare Regulations 2018.

2.0 HOUSE IN MULTIPLE OCCUPATION (HMO)

2.1 As advised at the Licensing Committee on 18 October 2018, there has been a tightening of the regulation of HMOs. The previous licensing requirement for HMOs only applied to properties of three stories or more. As of 1 October, the licensing requirement applies to properties of that are two stories high or above with at least five tenants that form more than one household. At the previous Licensing Committee it was advised that, based on discussions at County level, it was estimated that there could potentially be around 100 additional HMOs within Tewkesbury Borough.

2.2 Nine landlords initially contacted the Council to apply to be an HMO under the new regime. Of these, only one has completed the application form and paid the relevant fee. This application is currently being processed. The status of the remaining eight is as follows:

- Two are obtaining the appropriate documentation to be submitted with the application. An Officer has visited these two sites to provide advice on the relevant documentation.
- One HMO has been confirmed as a registered charity and is therefore exempt from the licensing regime.
- One landlord has advised that the property is up for sale and not currently being used as an HMO. An Officer will visit the property to verify this claim.
- One landlord has advised that building works are being carried out and, as a result, at this moment there are only four tenants in the property; however, the number of tenants could increase on completion of the works. An Officer will monitor the situation at this property.
- One landlord has requested an Officer visit to confirm that they fall within the definition of a licensable HMO. An Officer is due to visit this property and provide the relevant advice.
- One landlord has advised that they no longer use the property as an HMO. An Officer will visit to verify this is the case.
- Despite a number of reminders, one landlord has failed to return the application form or contact the Council. An Officer is currently investigating this situation and will take any appropriate action.

2.3 As advised in the previous update it was originally anticipated that there could be up to 100 new HMOs across the borough; however, only a fraction of landlords have contacted the Council to request they be licensed. Discussions with neighbouring authorities have indicated that they are experiencing a similar pattern. In order to try to identify any licensable HMOs across the borough it is intended to run a targeted campaign in the first quarter of 2019/20. The campaign will seek to publicise the need for qualifying HMO's to be licensed and the consequences of not being licensed. During this campaign, Officers will seek to use all available data to try to identify licensable HMOs; should Members have any information that may help identify potentially licensable HMOs, they should forward this information to the Environmental Health Team who will investigate.

2.4 Members should also be aware that, on 4 February 2019, a successful prosecution was brought against an HMO landlord. The landlord pleaded guilty at Cheltenham Magistrates Court to four charges. These were:

- Failing to license the premises as a HMO under the Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- Offences under the Management of Houses in Multiple Occupation (England) Regulations 2006 for failing to ensure adequate firefighting equipment and alarms, failing to inspect electrical installations, and failing to supply a supply of hot water to the premises.
- Failing to comply with the improvement notice under section 30 of the Housing Act 2004.
- Failing to comply with 3 of the prohibition notices under section 32 of the Housing Act 2004

The landlord was fined £6,000 which was reduced to £4,200 due to his early guilty plea. This equates to £600 per offence. He was also ordered to pay a £60 victim surcharge and costs of £1,500. As part of the Council's strategy to publicise the requirement of HMOs to be licensed, and the consequences of not being licensed, this case was heavily publicised across social media and through a full article with pictures which appeared in the Gloucestershire Echo.

3.0 ANIMAL WELFARE REGULATIONS 2018

3.1 The Animal Welfare Regulations 2018 came into force on 1 October 2018. These regulations have the potential to significantly increase the number of animal activities that are licensed.

3.2 Since the last update to Licensing Committee on 18 October 2018, the Council has received 42 applications for licensable animal activities, of these 25 have been licensed. inspections have been programmed in for the remaining 17 with a view to having all activities licensed by 1 April 2019.

3.3 Now that a number of inspections have been carried out, Members should be aware that the inspection and processing of applications is significantly more time consuming than the previous regime. Where an inspection and issuing of a licence may have taken between two to three hours previously, on average inspections and issuing of a licence under the new regime for an equivalent animal activity is proving to be on average six to seven hours of Officer time.

3.4 Members should also be aware that there is a requirement to inspect a broader range of animal activities with a vet. Therefore, the inspection regime is, to a certain degree, subject to the availability of a suitably qualified vet.

4.0 OTHER OPTIONS CONSIDERED

4.1 N/A

5.0 CONSULTATION

5.1 N/A

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 N/A

7.0 RELEVANT GOVERNMENT POLICIES

7.1 N/A

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None arising out of this report

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None arising out of this report

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None arising out of this report

Background Papers: None.

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Appendices: None