

S 257 HMOs Selective Licensing

Andrew Griffiths

Chartered Institute of
Environmental Health

Programme

S 257 HMOs

Outline of S 257

What's the problem?

CLG action (or inaction)

Timetable

CIEH role

Programme

Selective Licensing

What is it?

Making it work

Good practice

S 257 HMOs

Exceedingly complex'

HMOs: certain converted blocks of flats

Building including self contained flats

Do not comply with Building Regulations
1991

S 257 HMOs

Less than two thirds of flats are owner occupied

Owner occupier – leaseholder (more than 21 years) or freeholder

Individual flats could still be HMOs regardless

S 257 HMOs

Problems –

- deciding on self containment
- compliance with (old) Building Regs
- determining freehold/leasehold (inc members of households)

S 257 HMOs

Communities and Local Government

Promised regulations

Draft order in 2006

Didn't address problems

Overtaken by Tenancy Deposit Scheme

Promised for October 2007

Still waiting.....

Selective Licensing

S 80 HA 2004

Power to LHAs to designate areas
for licensing of private rented housing
(except those that have been exempted)

Selective Licensing

Conditions:

Low housing demand

Contribution to improvement in social or economic conditions in the area

Big problems with anti-social behaviour (due to landlords) which Selective Licensing will address

Selective Licensing

Additional flexibility in Wales:

LA has declared a renewal area

LA has given financial assistance under
2002 RRO

The area comprises at least 25% houses
let by private landlords

Selective Licensing

Further conditions – LAs must

- Ensure SL fits with overall housing strategy

- Co-ordinate with homelessness, empty properties and anti-social behaviour affecting the PRS

- Consider alternatives – e.g. accreditation, IMOs or SIMOs

- Believe that SL will achieve stated objectives

Selective Licensing

Identifying the factors

1. Low demand

Value of property in area compared with others

Turnover of occupiers

Number or properties for sale or to let

Long term empties

Lack of mixed communities

Lack of local facilities

Crime levels

Selective Licensing

Identifying the factors

2. Anti-social behaviour

Crime – no respect for property (vandalism, criminal damage, burglary, robbery/theft, car crime etc

Nuisance neighbours – harassment, animal and vehicle related problems, drinking, prostitution, drugs.

Environmental crime – graffiti, fly posting, litter and waste, nuisance vehicles, fireworks misuse

Selective Licensing

Special Interim Management Orders

SL not appropriate for dealing with isolated anti-social behaviour

SIMO – transfers management to LHA for up to 12 months

Landlord failing to take action to deal with anti-social behaviour .

SIMO necessary to protect tenants

Selective Licensing

Consultation

LHA must:

Consult anyone likely to be affected by the designation

Tenants, landlords, agents, businesses (also those outside the area who might be affected)

Consider representations

Publish results

Selective Licensing

Consultation

Consultation must:

Explain proposals with reasons and explain how they will tackle the problems

Explain factors – low demand, anti-social behaviour etc

How SL will address the issues

Allow sufficient time for responses

Selective Licensing

Consultation

However, in Wales (only) –

- provided LAs comply with all the rules and follow the advice, Selective Licensing can be introduced without formal approval

Schemes that don't meet the requirements will need formal approval from the NAW.



Summary

S 257 HMOs

You're going to have to wait like the rest of us

Selective Licensing

All systems go in Wales – you can go ahead and make use of a good tool

