

**Housing Act 2004 - Implementation & Enforcement  
(Report by Head of Environmental and Community Health)**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to advise members of progress with the introduction of a range of measures under the Housing Act 2004, to seek authority to adopt a new private sector housing enforcement policy, to set licensing conditions for high-risk Houses in Multiple Occupation (HMOs), to adopt minimum standards for other HMOs and to set fees for the mandatory licensing of high-risk HMOs.

**2. BACKGROUND**

- 2.1 Cabinet was informed about the introduction of the Housing Act 2004 and of its main provisions in a report dated 19 May 2005. Subsequently Cabinet made a range of delegations to enable officers to carry out the duties and use the powers set out in the Act.
- 2.2 The Housing Act 2004 makes fundamental changes to the private sector housing enforcement work carried out by Environmental Health staff and much of the new regime becomes effective from 6 April 2006. As a result of this it is now necessary to make more detailed preparations.

**3. NEW PROPOSALS**

- 3.1 The Council is signed up to the Government's Enforcement Concordat and Environmental & Community Health Services has a number of enforcement policies, some of which are specific to certain service areas. There is also a general enforcement policy which has to date included private sector housing. In light of the radical changes brought about by the Housing Act 2004, it is considered that a specific private sector housing enforcement policy should now be adopted. The draft policy accompanies this report.
- 3.2 HMOs are recognised to provide much needed affordable rented accommodation but HMO tenants are often vulnerable members of society and therefore HMOs have to be managed and maintained to agreed standards. The Government has published mandatory and discretionary licensing conditions under the Housing Act and the Council should now publish the conditions that will apply in this area. Attached at annex 2 is a set of draft HMO licensing conditions considered suitable to Huntingdonshire. Only appropriate conditions will be attached to HMO licences following a risk assessment.
- 3.3 Most of the HMOs in this area will not require to be licensed under the provisions of the Housing Act but still frequently require enforcement action. Therefore standards for this type of HMO should be adopted to guide landlords, tenants and the Council's enforcement duties. Draft standards for such HMOs are attached at annex 3 to this report.

- 3.4 Under the new licensing regime the Council is able to charge for the administration of HMO licensing and it is proposed that an initial fee of £300.00 be set. It is also proposed that registered charities be exempt from this fee.
- 3.5 As a consequence of the way that the Housing Act 2004 (Commencement No 5 and Transitional Provisions and Savings) (England) Order 2006 has been drafted, areas that are currently subject to HMO registration schemes with control provision are deemed to have been designated as areas to which additional HMO licensing will apply unless this automatic designation is revoked. This applies to the Huntingdonshire area and it is considered that this automatic designation should be revoked.

#### **4. CONCLUSIONS**

- 4.1 The Council must be ready to deal with the new duties imposed by the Housing Act 2004 with regard to enforcement, HMO licensing conditions, HMO standards and fee setting. The designation of Huntingdonshire as an area subject to additional licensing is not appropriate and should be revoked.
- 4.2 From time to time it will be necessary to make minor modifications to the enforcement policy, the HMO licence conditions and the HMO standards as Government guidance changes. To avoid the need to keep bringing minor amendments back to Cabinet it is considered that the Head of Environmental & Community Health Services should be authorised to make amendments to these documents after consultation with the relevant Cabinet member.

#### **5. RECOMMENDATIONS**

It is RECOMMENDED that Cabinet authorises:

- (a) the adoption of the Private Sector Housing Enforcement Policy set out in the attached document;
- (b) the adoption of the HMO licensing conditions set out at annex 2;
- (c) the adoption of the HMO standards set out at annex 3;
- (d) the adoption of an initial HMO licensing fee of £300.00, with the exception of licensable HMOs under the control of registered charities;
- (e) the revocation of the automatic designation of Huntingdonshire as an area subject to additional HMO licensing; and
- (f) the Head of Environmental & Community Health Services, after consultation with the relevant Cabinet member, to amend:
  - the Private Sector Housing Enforcement Policy;
  - the HMO licensing conditions;
  - the HMO Standards; and
  - the HMO licensing fee.

## **BACKGROUND INFORMATION**

The Housing Act 2004

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