



# Houses in Multiple Occupation (HMOs)

Overview and Scrutiny Committee  
September 2023

# Objectives

- To consider if the council's current supplementary planning document on HMOs is fit for purpose;
- To consider if there are any recommendations around the identification, monitoring and enforcement of HMOs; and,
- To consider whether a more detailed examination of the topic should be recommended for the 2025/26 OSC work programme.

# Planning

Planning Enforcement Powers under S172 (1) of the Town and Country Planning Act 1990, to issue an enforcement notice where:

- There has been a breach of planning control; and
- Where it is expedient to issue the notice, having regard to the provisions of the development plan and other material considerations.

# Planning

- There are 2 types of HMO for Planning purposes:
  - Class C4 – small houses occupied by 3-6 unrelated persons
  - Large HMOs of over 6 persons Sharing
- The use of planning enforcement powers must be proportionate.
- A potential breach of a policy does not automatically mean that an enforcement notice should be served. Planning judgement still has to be exercised and should not be influenced by public opinion.

# HMO Licensing

- Currently the Council enforces Mandatory HMO licensing.
- A Mandatory HMO is defined as having 5 or more people forming 2 or more households.
- We have 366 properties currently Licenced.
- Not having planning permission does not prevent a property owner/agent from applying for an HMO Licence.
- The team cannot refuse a licence based on a lack of planning permission alone. They can advise the applicant to liaise with Planning Services if there are any concerns but cannot force the licence holder to do so.
- The majority of unlicenced HMO cases come from residents and Members.

# Recommendations for identifying HMOs

Potential desktop investigation including

- Assessing the data held by all departments and cross checking this to identify potential HMO's. For example, Council Tax, Waste services, planning etc.
- Work with partner agencies to identify potential HMO's.
- Research local rental websites to identify potential HMO's.