

# Pre-Scrutiny questions and answers on reports being considered by Executive on 18 March 2021

*(The deadline for questions was 9am on 15 March 2021.)*

## **Item 5 – HMO Licensing and Planning Permission - Report Author: Mark Lingard**

Questions asked by Councillor Milton with responses in red from Mark Lingard:

8.13-8.15 set out the process for landlords of current HMOs applying for planning permission. Could you give an idea of the expected numbers please over the next 3 years (I note there are none next year) and also what resource is expected to be needed in the Planning Department to deal with this.

HMO licensing and planning permission have legally been two separate pieces of legislation and one could not be used to enforce the other. This created a perverse situation where if an HMO license application was correctly made a license would have to be issued even where planning permission had not been obtained, which is contrary to the Council's own planning policies. Therefore, the Private Sector Housing Team could only strongly advise landlords of licensed HMO's that they also need to have planning permission. This has been the situation since HMO licensing was introduced in 2007, and will remain unchanged until the Executive report recommendations are approved.

When the opportunity arose to start to bring forward the proposed new policy the number of licensable HMO's operating without planning permission was unclear. However, the Planning Enforcement Team had already started work on identifying the planning status of licensed HMO's. As this work has progressed it has become clear that there are only a small number of licensable HMO's that do not either have planning permission or that would not qualify for a Certificate of Lawful Development. There are no licensable HMO's in the first year of the new policy (2021-22) that would not comply with it. In 2022-23 we have just been advised that there are also no HMO's that would not comply. In 2023-24 we have been advised that 8 HMO's would potentially not comply and still need further investigation and in 2024-25 we have been advised that there are 2 HMO's that would potentially not comply and still need further investigation. Planning Enforcement will not wait until these properties come up for relicensing and would be able to deal with these numbers within the existing resources of the team.

In the policy document - page 8, section 3.0 second bullet. What will be done to communicate with landlords about this change? Is all communication direct.

We will be looking to use a range of communication methods to publicise the proposed new policy. Our e mail list of Landlords and Lettings Agents, the e mail list of licensed HMO landlords, Landlords Forum, Landlords Newsletter, FAQ's for landlords, Private Sector Housing web pages and possibly Media Team input - WDC Twitter account etc.

One thing I got slightly confused on was the subject of grace periods. Can you clarify that during the two month period landlords would still be able to operate their premises as HMOs prior to this not the case?

We are only now, subject to Executive approval, able to link the granting of HMO licenses (first time HMO license applications for new HMO's and when HMO licenses have to be renewed) with the need to obtain planning permission, and we can only do this at the point an HMO license has to be applied for. The proposed policy relates to the point at which a new HMO license is required and we are not able to apply it retrospectively to current licenses. In respect of first time HMO license applications the report states that we will not process HMO license applications that do not have planning permission, so we will not be issuing HMO licenses for these cases. There is a period of two months for the landlord to make a valid planning application. If they fail to meet this timescale they will face enforcement action under the new policy. The fact that they would be given a reasonable period of two months to comply with the requirement to make a valid application for planning permission will help strengthen our case, if enforcement action is required.