


HMO Licensing- 7 years later

David Smith



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Pressures


- HMO provisions are hard to understand
- Some parts are poorly phrased
- Some issues are yet to be properly worked out
- Ongoing tinkering
- Many interested parties
 - Pressure groups
 - Local government
 - Devolved government
 - National Government



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Problems

- Unclear elements
 - Sole use condition
 - Parts of buildings and units
- Standards & Conditions
 - What level of discretion is afforded to LHAs?
- Applications
 - When are they "made"?
- Licensing/Planning interaction
- HMO/HHSRS interaction



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Growth

- More HMOs
 - .This must continue!
- More additional licensing
- More and wider selective licensing
- More Article 4 directions
- Tension between growth and regulation
 - .Very tough balance



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Emerging Problems

- Mixed use property
 - .Act is unclear, not all EHOs understand it
- Evidence gathering for prosecution
 - .Too much hearsay
 - .Not enough thought given at early stages
- Licensing consultation not always great
 - .*R(Peat) v Hyndburn* was a warning
 - .It has not been heeded



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Fee structures

- Act only allows for a fee on application
- *R(Hemming) v Westminster*
 - .fees can only be charged for authorised items
 - .See also CAM/38UC/HMV/2013/006-7
- Complex structures just make things harder
 - .Extra admin cost obviates many advantages
- Simple costing exercise



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What Can LHAs Do?

- Use HMO declarations
 - Resolved mixed use issues
- Think more carefully about designations
 - Are there better ways?
- Simplify fee structures
- Clear policies
 - When applications are considered made
 - Enforcement options
 - How fitness is considered



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