

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE - 21 SEPTEMBER 2000

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To advise the Committee of the introduction of mandatory licensing of houses in multiple occupation and of the administrative steps which require to be put in place.

2. BACKGROUND

- 2.1 The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 requires local authorities to implement the licensing of houses in multiple occupation from 1st October 2000.
- 2.2 The licensing scheme will be progressively implemented between 1st October 2000 and 1st October 2003, Licence applications should be submitted by 10th October 2000 in respect of properties accommodating more than 5 persons. In the period covering 1st October 2000 and 30th September 2001 owners of properties accommodating more than 4 persons must obtain a licence; The qualifying threshold reduces by one each year until 2003.
- 2.3 A house in multiple occupation is a house which is the sole or principal accommodation for a number of persons who are from more than two different families. In practice, houses in multiple occupation will essentially be shared accommodation such as flats, bedsits, bed and breakfast accommodation, plus communal accommodation such as hostels, student residences, etc.
- 2.4 The Order allows local authorities a maximum period of 12 months for the determination of licence applications although it is hoped that applications will be processed and determined within 6 months.

3. DISCUSSION

- 3.1 Up until the present time, there has been no legal requirement on local authorities to licence houses in multiple occupation. Section 87 of the Civic Government (Scotland) Act 1982 and Section 152 of the Housing (Scotland) Act 1987 (and subsequent regulations made thereunder) made provision for local authorities, if they so wished, to introduce local

schemes for the registration/licensing of houses in multiple occupation in their area.

- 3.2 It is expected that this legislation will now ensure a greater consistency of enforcement and application of standards in respect of houses in multiple occupation. To this end, the Order is accompanied by guidance issued by the Scottish Executive on the establishment of management standards and the application of technical standards (i.e. space standards, kitchen and sanitary facilities, heating, lighting and ventilation, fire safety, electrical safety and general standards).
- 3.3 The licensing scheme will involve a number of different Council Departments and other agencies. Housing authorities which own accommodation falling within the definition of houses in multiple occupation are not exempt from the mandatory legal requirements and must submit application for licence along with private property owners.
- 3.4 Strathclyde Police will be statutory consultees in respect of applications submitted for licence. Strathclyde Fire Brigade will also have a major involvement in the scheme in view of the necessity to ensure that any premises, which are the subject of an application, comply with fire safety standards.
- 3.5 The number of houses in multiple occupation is not known precisely at this time and will require considerable investigative work by the staff involved in the implementation of the scheme. The introduction of the licensing scheme will also be advertised through the local press and publicised by leaflets and posters which are currently in course of preparation.

4. FINANCIAL IMPLICATIONS

- 4.1 An initial application fee of £480. is suggested for approval by the Committee, with a renewal fee of £300. Licences will fall to be renewed every three years.
- 4.2 Whilst the Draft Guidance issued by the Scottish Executive suggests that fees received should cover the costs of the licensing scheme, they also indicate that they should be kept as low as possible.
- 4.3 Some initial costs will be incurred by the necessity to advertise the introduction of the licensing scheme in the local press and also prepare and issue publicity material in connection with the scheme.

5. LEGAL IMPLICATIONS

- 5.1 The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 require the progressive licensing of

houses in multiple occupation over the next three year period, commencing from 1st October 2000.

6. POLICY IMPLICATIONS

- 6.1 The introduction of a licensing scheme for houses in multiple occupation is in line with the Council Plan.

7. CONCLUSIONS

- 7.1 All properties falling within the scope of the new houses in multiple occupation licensing scheme will require to be licensed by the Council within the appropriate prescribed timescale.

8. RECOMMENDATIONS

- 8.1 The Committee is invited to:-

- (i) Remit to the Director of Community Services to implement the new legislation on houses in multiple occupation;
- (ii) Agree the level of fees suggested in paragraph of this remit;
- (iii) recommend to the Policy and Resources Committee that the Scheme of Delegation be amended in due course; and (iv) otherwise note the content of this report.

William Stafford
Director of Community Services

31 August 2000

WS/MJR/EHG

LIST OF BACKGROUND PAPERS

1. Mandatory Licensing of Houses in Multiple Occupation: Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000; Guidance on Implementation -Scottish Executive.

Any person wishing to inspect the background papers listed above should contact Paul L Todd, Telephone (01563) 554021.

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AGENDA