

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 12 NOVEMBER 2003

LICENSING OF HOUSES IN MULTIPLE OCCUPATION: OFFER OF ADDITIONAL FUNDING

Report by Director of Community Services

1. PURPOSE

- 1.1 To advise the Committee of progress in Licensing of Houses in Multiple Occupation and seek authority to appoint a temporary Officer to achieve further targets set out by the Scottish Executive

2. BACKGROUND

- 2.1 On 20th September 2000, Community Services Committee approved a report from the Director of Community Services advising of the introduction of mandatory licensing of houses in multiple occupation.
- 2.2 In accordance with the new legislation, the licensing scheme was progressively implemented between 1st October 2000 and 1st October 2003. Licence applications were submitted by 10th October 2000 in respect of properties accommodating more than five persons; in the period covering 1st October 2000 and 30th September 2001, owners of properties accommodating more than four person were required to obtain a licence; with the qualifying threshold reducing by one each year until 1st October 2003.
- 2.3 A house in multiple occupation is defined as 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, bed-sits, and communal accommodation such as hostels, student residencies etc.

New legislation came into force on 1st October 2003 adding a definition of “co-ownership body” and extended exemption from licensing requirements to such bodies. The legislation also provides for any person living in a house who has a heritable right of ownership in that house to be disregarded from any calculation to establish whether it might otherwise be classified as a house in multiple occupation (e.g. a house occupied by 3 non-related adults, which would otherwise qualify for licensing, would not require a licence if one of the occupying parties was the owner of the property).

The new legislation also makes it an offence to act as an agent for an owner of a house in multiple occupation who is either unlicensed or has not applied for a licence.

- 2.4 The Scottish Executive has now noted that at the end of June 2003, the Council had licensed four premises with a further four applications pending. The Executive also notes that the Council estimates the total number of licensable houses in multiple occupation in East Ayrshire to be thirty and has made funding available during this and the ensuing financial year to assist the Council in completing the registration of these premises.

3. DISCUSSION

- 3.1 The Council has met the deadlines set out in the legislation introduced from 1st October 2000.
- 3.2 In order to have the estimated number of houses in multiple occupation licensed by April 2005, the Council requires to appoint a part-time officer on a temporary basis to undertake the detailed investigations, consultations etc necessary to identify premises which might fall within the licensing system. These activities will include raising public awareness of the licensing regime and encouraging tenants to come forward with appropriate matters of concern.
- 3.3 In developing and implementing a strategy to raise awareness of houses in multiple occupation licensing among landlords and tenants, the temporary officer would undertake such strategies as advertising, leaflet drop, consultations with estate agents, solicitors, hoteliers, care/support service providers etc.
- 3.4 It has to be recognised that as the actual number of premises is unknown at present, the eventual number dealt with cannot be fixed at 30.

4. FINANCIAL IMPLICATIONS

- 4.1 Subject to the Council's proposals being approved by the Scottish Executive, funding allocations of £15,000 in 2003/04 and 2004/05 will be provided.

5. LEGAL IMPLICATIONS

- 5.1 The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 requires the Council to progressively licence houses in multiple occupation.

The Order has since been modified by the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2003

6. POLICY IMPLICATIONS

6.1 Nil.

7. CONCLUSIONS

7.1 The Scottish Executive propose to set the Council an objective of having 30 licences in force in respect of Licensing in Multiple Occupation by March 2005.

7.2 The Scottish Executive recognises that this target maybe particularly challenging and has offered additional funding allocations of £15,000 per annum for this and the ensuing financial year to allow a more proactive approach in identifying premises which should be registered and raising more awareness among landlords and tenants.

8. RECOMMENDATIONS

8.1 The Committee is invited to: -

- (i) note that the funding offered by the Scottish Executive would allow the temporary employment of a part-time officer to be given the remit of securing the objectives set out for the Council i.e. have 30 licences in force by March 2005;
- (ii) note that any officer appointed will also develop and implement a strategy to raise awareness of licensing of house in multiple occupation among landlords and tenants;
- (iii) remit the appointment of a temporary officer to the Corporate Governance Committee in respect of their interest; and
- (iv) otherwise note the report.

William Stafford
Director of Community Services

WS/JFC/CAM

22nd October 2003

LIST OF BACKGROUND PAPERS

1. Letter from Scottish Executive to Director of Community Services dated 10th October 2003.

Any person wishing to inspect the above background paper should contact John F Crawford, Head of Protective Services on 01563 576111.

Implementation Officer: john.crawford@east-ayrshire.gov.uk