

Meeting:	Executive Member for Transport Decision Session
Meeting date:	16/12/2025
Report of:	Garry Taylor
Portfolio of:	Kate Ravillious, Executive Member for Transport

Decision Report: Review of Statutory Consultation for the removal of House of Multiple Occupancy (HMO) Parking Permits

Subject of Report

1. The report will review the representations received to the Statutory consultation for the proposed revocation of the Multiple Occupancy Permit and the Multiple Occupancy Discount Permit from the available permit types within the Residents parking Scheme.
2. The proposed revocation of the permits was advertised on the 23rd May 2025, with the representations received to the proposal considered within this report, to help provide the Executive Member for Transport to make a considered decision on the proposed amendment.

Benefits and Challenges

3. The recommended option is to remove the HMO permit and move all properties onto the Household permit. Household permits are provided on a first come first served basis; those who move from the HMO permit and can buy the first Household permit will make a significant saving. However, those who buy the first or second additional Household permit will pay more.
4. In addition any properties which have four or more HMO permits reduce the available number of permits for the property, given the maximum number of 3 Household permits per property.

5. However, the benefits for this recommended change are to protect the capacity for all residents. Currently HMO permits may be used in the C and GM bays only within the permit holders resident parking zone. Therefore, an increase in HMO properties will see an increase in permit requests which will likely mean many permit holders won't be able to get a parking space.
6. The move of these properties to the Household permit, will mean that residents of HMOs will have access to the whole of the resident parking zone. Therefore, striking a balance between the number of permits per property but the expansion of the access to the whole of the resident parking zone, their property is within, will be of a benefit to them.
7. We do receive a number of complaints about the availability of HMO parking bays, the recommendation to remove the HMO permit altogether will have overall benefits but it is appreciated that the limitation of Household permits available will mean some customers will have to make alternative arrangements to park if they wish to continue ownership of a vehicle within a resident parking zone.

Policy Basis for Decision

8. In the Local Transport Strategy the principle that private cars sit at the bottom of the transport hierarchy. Removing HMO Permits from our Resident's Parking scheme better aligns this scheme with our transport strategy. We recognise that some residents will be adversely impacted by this decision and officers will do what they can to ensure the transition is done as smoothly as possible for affected customers and allow them time to transition to the new arrangements.
9. The recommended option will have a negative impact on some residents with low income who do not have access to the first household permit. If the recommended option is approved and the HMO permit is removed then currently 28 residents will see a yearly increase in their parking permit from £213.00 a year to either £264.00 or £550.00 a year.

Financial Strategy Implications

10. Despite the reason that has informed the development of these options, and the recommended option is to do with capacity, this will also see the councils parking permit revenue decreasing by £6,749.15 (from current figures in this report) if the HMO permit is removed due to the cost difference between the Household and HMO permits and the number of permits per property.
11. Therefore, any loss or increase in revenue is deemed negligible.

Recommendation and Reasons

12. **Option A – approve an amendment of the York Parking Stopping and Waiting Order 2014 to remove the Multiple Occupancy Permit and Discounted Multiple Occupancy Permit from the available permits within the residents parking scheme. (recommended).** This will remove the permits from available permits, with all residents currently utilising the permit being moved to a household permit. The removal of the permit will reduce the impact on the Residents Parking scheme from the increase in the properties that are Houses in Multiple Occupancy. The increase in properties would see an increase in permit applications with insufficient spaces within the zone for the parking of vehicles, which would have a negative impact on the network, as vehicles are driving around the zones to find parking which is unavailable. If the Residents Parking scheme is oversubscribed it makes the scheme ineffective, as there would be too many vehicles for the available spaces.

Background

13. The Council's housing team received approval from the Executive Member of Housing and Safer Neighbourhoods on 28th July 2022 (<https://democracy.york.gov.uk/%28S%28dv4yyj45ufq5szjf2lxmmk45%29%29/ieDecisionDetails.aspx?Id=6603>), to change how they licence Houses in Multiple Occupation (HMO) from 1st April 2023, to bring it in line with national legislation.
14. Under additional HMO Licensing, from 1 April 2023, an HMO licence is required for any HMO property occupied by 3 or 4 people who are from more than one household, where householders share facilities such as the kitchen, bathroom, or toilet. Occupants of a house are part of the same household

(Section 258 Housing Act 2004) if they are all members of the same family. That includes:

- people living together as a cohabiting couple.
- others related to these people such as:
 - parent
 - grandparent
 - child
 - grandchild
 - brother or sister
 - uncle or aunt
 - nephew or niece
 - cousin

15. A half-blood relationship is treated the same as full blood and a stepchild is treated the same as a child. 3 unrelated friends sharing together are 3 households; a couple sharing with a third unrelated person would constitute 2 households; a family renting a property is a single household.
16. The change has led to more properties requiring to be licenced as an HMO, the council housing team are currently processing the change of these properties and actively door knocking to advise tenants/landlords of these requirements.
17. The change in approach has led to residents contacting the Council's Parking Services team to check if their current Household permit is still valid for an HMO property and requesting their accounts be changed to HMOs. This is creating an issue as not all resident parking zones allow HMO parking permits and in the zones that do allow the permits, they are only available to park in certain bays, which in turn will very likely create parking capacity issues.
18. Household permits are also restricted to three permits per household, whereas an HMO permit is one per qualified applicant.. This will increase eligibility in the zones that they are allowed in, which potentially means an increase in demand for permits that surpasses the availability of parking in those zones. There is a bigger issue in zones where HMO permits are not eligible, as there will be household permit holders, who will no longer be eligible for a permit at all.
19. The wording in the TRO (The York Parking, Stopping & Waiting Order 2014) does not define an HMO by the legal definition as

defined within the relevant legislation related to HMOs, the TRO defines the HMO as:

“House in Multiple Occupancy” for the purposes of this Order, means a unit of living accommodation occupied by a number of unrelated and independently recruited tenants each tenant occupying a self-contained lockable room for which that tenant has personal responsibility and which provides, at least, a sleeping facility with provision within that unit of living accommodation of a shared cooking facility and, additionally, shared washing and toilet facilities where such additional facilities are not provided within the self-contained lockable room.

20. This change in licencing of HMO's, requires the council to respond from a parking perspective to ensure the residents' eligibility to parking is continued throughout and to ensure the customer is always aware of the parking permits that are available to them.
21. A report on the HMO parking permit was presented to the Executive Member for Transport on the 12th November 2024. The report recommended that the statutory consultation be undertaken to propose the removal of HMO permits from the Residents Parking Scheme. The Executive Member approved the recommendation, for the statutory consultation to be undertaken for the proposal to remove the Multiple Occupancy Permit and the Multiple Occupancy Discount Permit from the available permit types within the Residents parking Scheme.
22. The statutory consultation was undertaken on 23rd May 2025, all resident (131 residents) who currently have either a Multiple Occupancy Permit or Multiple Occupancy Discount Permit written to (Annex A). The letter advised resident of the proposal and requested that they provided their representations on the proposal. The proposal received representations from 5 residents (Annex B) in objection to the proposal.

Consultation Analysis

23. The representations received to the proposal, were varied. Two residents requested more information about the proposal. They were keen to understand why the proposal has been made and whether it relates to their permanent permits or their eligibility to

visitor permits. They were concerned about their ability to still park within their zone, near their place of residence.

24. A response was sent to each resident to explain the reason behind the proposal and confirm that if approved they would be moved to household permits, to ensure that they are still eligible for a permit.
25. Another representation raised a concern about the financial impact on the permit holders, as prices for household permits some residents will increase. The resident also commented that the proposal will inconvenience HMO residents, as it will significantly impact their ability to park near their home. The proposal would not impact their ability to park, as they live in R70, which is signed through entry and exit signage, with all permit holders eligible to park in any length of unrestricted road within the zone. This is different in some zones and some permit holders are only eligible to park in certain bays, therefore the change would increase the parking amenity, as it would not be so restrictive on where they can park.
26. The council also received a representation from a landlord of a HMO property. The landlord raised concerns about the proposed change discriminating against residents of HMOs, as they are unable buy or rent their own property and choose to rent in a shared property. The residents may still need their own transport for work or study, the change from multi occupancy permits and household permits will see the majority of permit holders receiving a cheaper permit.
27. It was also suggested that tenant would not be able to cut down on car ownership like in a single household, as all the tenants are independent and have their own schedules, so unlikely to car share. The proposal was not made as a way to reduce car ownership, but it will restrict the number of permits available to residents in the property. There is currently only one property with more than 3 permits issued per property, so there will be a very limited impact of the existing permit holders.
28. The landlord does suggest that it may deter people living in a HMO property in York, if the cost of parking is uncertain.
29. The final representation was from a property owner of a building which has 10 HMO residents, as well as the family home of 5 living in it. The previous Head of Parking Services had agreed that as a

property they would allow them to apply for 1 household permit and all other remaining residents (family member and tenants) of the property could apply for a multiple occupancy permit. This was not in line with how the permit scheme was set up, as residents of the property would not be able to apply for different types of permits. This appears to have been done to allow the maximum number of permits at the cheapest possible cost to the residents of the building.

Options Analysis and Evidential Basis

30. **Option A – approve an amendment of the York Parking Stopping and Waiting Order 2014 to remove the Multiple Occupancy Permit and Discounted Multiple Occupancy Permit from the available permits within the residents parking scheme. (recommended).** This will remove the permits from available permits, with all residents currently utilising the permit being moved to a household permit. The removal of the permit will reduce the impact on the Residents Parking scheme from the increase in the properties that are Houses in Multiple Occupancy. The increase in properties would see an increase in permit applications with insufficient spaces within the zone for the parking of vehicles, which would have a negative impact on the network, as vehicles are driving around the zones to find parking which is unavailable. If the Residents Parking scheme is oversubscribed it makes the scheme ineffective, as there would be too many vehicles for the available spaces.
31. This option will require a change to the online permit system, to allow for all households permit holders to apply for visitor permits, to ensure all residents of HMO's are able to have visitors not just the first permit holder. The amendment to the Order will not be able to made until the systems has been upgraded to allow more access to visitor permits.
32. **Option B – Take no further Action (not recommended).** This will leave the multiple occupancy and discounted multiple occupancy permits in circulation and leave the Council in the same situation that it was at the beginning of this process. This will lead to continued increase in applications for the permits and as one permit is available for eligible residents, it is likely to mean that the Resident parking areas are going to be oversubscribed, leaving a lot of permit holders no availability to park.

Organisational Impact and Implications

33. The report has the following organisational impact and implications.

- **Financial,** If the recommended option is approved, removing the HMO permit would reduce the council's parking permit revenue by £6,749.15, due to the cost difference between Household and HMO permits and the number of permits issued per property.
- **Human Resources (HR),** None. The work to amend the Traffic Regulation Order (TRO) and communicate the change with residents will be undertaken by existing CYC, as part of their agreed service level.
- **Legal,** The Council regulates parking by means of TROs made under the Road Traffic Regulation Act 1984 which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. In making decisions on TROs, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions in accordance with s.122 of that Act so far as practicable having regard to the matters in s.122(2) to "secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway". The matters set out in s.122(2) are:
 - a) the desirability of securing and maintaining reasonable access to premises;
 - b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
 - c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - d) any other matters appearing to the local authority to be relevant.

The recommended option will amend the York Parking, Stopping & Waiting Order 2014.

The statutory consultation process for TROs required public advertisement through the placing of public notices within the local press and on-street. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received within the statutory advertisement period of 21 days, the objections received have been considered within this report.

The Council has discretion to amend its original proposal if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

The recommendation in this report is for the decision maker to consider the responses to the statutory consultation and approve the amendment to the TRO.

Case law has confirmed that the Traffic Regulation Act 1984 cannot be used to raise revenue, but that charges can be set to reflect the costs of administering the schemes and the authority's parking policies.

- **Procurement**, None.
- **Health and Wellbeing**, None.
- **Environment and Climate action**, None.
- **Affordability**, None.
- **Equalities and Human Rights**, The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations

between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The impact of the recommendation on protected characteristics has been considered as follows:

- Age – Neutral, the recommended option will have an impact, as residents of HMO properties are generally young adults, but due to the lower cost of the first permit it will have a positive impact on some resident but a negative impact on residents of additional permits as the cost increases;
- Disability – Neutral;
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity - Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
 - Carer - Neutral;
 - Low income groups – Neutral, the recommended option will have an impact, as residents of HMO properties are low income groups, but due to the lower cost of the first permit it will have a positive impact on some resident but a negative impact on residents of additional permits as the cost increases.;
 - Veterans, Armed Forces Community– Neutral

It is recognised that individual traffic regulation order requests may impact protected characteristics in different ways according to the specific nature of the traffic regulation order being considered.

- ***Data Protection and Privacy***, None.
- ***Communications***, None.
- ***Economy***, None.

Risks and Mitigations

34. There are no known risks.

Wards Impacted

35. The affected wards are as follows:

- Hull Road
- Guildhall
- Fishergate
- Clifton
- Heworth
- Micklegate
- Osbaldwick and Derwent
- Fulford & Heslington

Contact details

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Background papers

<https://democracy.york.gov.uk/documents/s179305/EMDS%20HMO%20parking%20permit%20changes.pdf>

Annexes

All annexes to the Decision Report must be listed.

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: Data Protection Impact Assessment DPIA)

Abbreviations used in this report

List abbreviations used