

**Corporate and Scrutiny Management Policy and
Scrutiny Committee (Calling-In)**

3 April 2018

Report of the Assistant Director – Legal and Governance

**Called-in Item Post-Decision: Review of the Evidence Base Supporting
the Case for the Extension of Licensing of Houses in Multiple
Occupation (HMO) Across the City.**

Summary

1. This report sets out the reasons for the post decision call-in of the decisions made by the Executive on 15 March 2018 in respect of the review of the evidence base supporting the case for the extension of Licensing of Houses in Multiple Occupation (HMOs) across the city. The Executive resolved to focus on extending the current mandatory scheme and to look at whether there is sufficient evidence to come back to Members within three years to consider the need for a local scheme. This cover report sets out the powers and role of the Corporate & Scrutiny Management Policy & Scrutiny Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Executive meeting is attached as Annex A to this report. This sets out the decision taken by the Executive on the called-in item. The original report to the Executive on 15 March 2018 on the called-in item is attached as Annex 2 to this report.
3. The Executive's decision has been called in post decision by Councillors Wells, Pavlovic and Funnell for review by the Corporate & Scrutiny Management Policy & Scrutiny Committee (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
 - The extension of mandatory licensing under the Government's planned changes (effective 1 October 2018) will only extend

licensing to a limited number of HMOs, leaving fewer than 1000 licensed, and thousands unlicensed.

- By signalling a review in three years, the Executive has effectively dismissed poor private sector housing standards as an issue for York; contrary to the Council's responsibilities under the Housing Act 2004 to act on category 1 hazards
- The Executive has taken a decision in conflict with the council's own Private Sector Housing Strategy commitment to regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards
- The Executive report did not consider the financial implications of a comprehensive HMO licensing scheme, including how over time it could be a cost neutral solution to addressing poor standards in the sector, in informing its decision.

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to CSMC (Calling-In) Members in relation to dealing with this post decision call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a) To decide that there are no grounds to make specific recommendations to the Executive in respect of the report. If this option is chosen, the original decision taken on the item by the Executive on 15 March 2018 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or
 - b) To make specific recommendations to the Executive on the report, in light of the reasons given for the post decision call-in. If this option is chosen, the matter will be reconsidered by the Executive at a meeting of Executive (Calling-In) to be held on 26 April 2018.

Analysis

6. Members need to consider the reasons for call-in and the report to the Executive and form a view on whether there is a basis to make specific recommendations to the Executive in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations

10. Members are asked to consider all the reasons for calling-in this decision and decide whether they wish to confirm the decisions made by the Executive or refer the matter back for reconsideration and make specific recommendations on the report to the Executive.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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**Report
Approved**



Date 21 March 2018

Specialist Implications Officer(s) None

Wards Affected: All

For further information please contact the author of the report

Annexes

Annex 1 – Extract from the Decision Sheet produced following the Executive meeting on the called-in item.

Annex 2 – Report to the Executive of the Assistant Director of Housing & Community Safety on *“Review of the Evidence Base Supporting the case for the Extension of Licensing of Houses in Multiple Occupation (HMO) across the City”* (15 March 2018).

Background Papers

None