

Cabinet

4. **Schedule of written responses to Members' questions not answered at the meeting** (Pages 3 - 4)

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Questioners were not present for the following questions. Responses were not given at the meeting but are listed below.

Question H - Councillor Andrew Lawrence had submitted the following question to the Portfolio Holder for Housing and Homelessness, Councillor Louwella Prenter:

"Can the Portfolio Holder please advise how many unlicenced Households in Multiple Occupation (HMOs) are operating in Medway and what action she is taking to bring these into compliance, in giving her answer would the Portfolio Holder agree with me that enforcement action may actually deter those who see Medway as "paved in gold" for creating new HMOs?"

Response:

The Council has a statutory duty to licence large HMOs (defined as where there are five or more tenants forming two or more households using shared facilities such as toilets, bathrooms or kitchens) under the Housing Act 2004. This is to ensure minimum standards of safety and maintenance.

The Council sets out its approach to housing enforcement for mandatory licensing in its Housing Enforcement Policy (found on our website). As part of the Council's ongoing commitment to providing good quality affordable housing, the Cabinet approved the introduction of Additional and Selective Licensing and the commissioning of statutory consultation to provide additional evidence.

As part of the exercise to consider the implementation of additional and selective licensing, a tenure intelligence report was commissioned, this piece of work looked at the potential number of HMOs (including reviewing existing licensed properties) to establish the need for additional licensing.

The Council does not know where unlicensed HMOs (those which would require a mandatory license) are in Medway unless a complaint or other intelligence is received. However, as part of the tenure intelligence exercise the evidence gathered suggested that Medway may have as many as 750 predicted HMOs (in the non-mandatory category). This intelligence supported the recommendation to introduce additional licenses as per the October Cabinet paper.

The Private Sector Housing Team has increased their enforcement action over the last few years, with the team issuing £97,000 of fixed penalty notices since January 2025.

The implementation of additional licensing will increase the capacity and ability to enforce minimum standards in all forms of HMOs in the proposed designation areas (areas which have the highest number of predicted HMOs which are currently outside of mandatory licensing). This would deter landlords from setting up low quality HMOs where they could not meet licencing requirements.

Question I - Councillor Phil Filmer had submitted the following question to the Portfolio Holder for Climate Change and Strategic Regeneration, Councillor Simon Curry:

“Can the Portfolio Holder please explain how the proposed Article 4 Direction will not displace the issue of Households in Multiple Occupations (HMOS) into areas of Medway not covered by the Article 4 Direction?”

Response:

Legislation and Government guidance on the use of Article 4s are very clear. They must not cover an entire Council area and should be evidence based. At present, with the work that has been done on licensing, the evidence only supports Article 4s within the selected 7 wards. Once served, the Council and Planning Authority will need to monitor impact and if the Article 4s result in pressure on other areas, consideration will be given to the serving of further Article 4s.

Please note though that the Article 4s that have been put in place are subject to the Secretary of State not disagreeing that the chosen wards and the evidence support and justify the serving of them.

Also, be aware that the serving of an Article 4 does not mean that all applications for small scale HMOs will be refused, but just that they require planning permission. Any planning application received will be considered against all material planning matters including national and local planning policy.