

Houses in Multiple Occupation in Spelthorne



- HMOs currently 'hot topic' in the Borough
- Have recently seen increase in number of HMOs/increased number of service requests
- The Council's Planning, Community Safety and Environmental Health Teams work closely together to co-ordinate appropriate action against unlicensed and unlawful Houses in Multiple Occupation (HMOs) and any anti-social behaviour that may arise from those properties.
- Council has a range of powers to control HMOs and any problems arising.



Planning

Outline of planning requirements for HMOs, the effect of Article 4 Directions, and the steps we are taking to develop a Supplementary Planning Document for HMOs.

The Current National Planning Position

- The Planning requirements are different to, and separate from, Environmental Health requirements.
- An HMO is a property occupied by three or more people from more than one household, who share toilet, bathroom or kitchen facilities.
- Planning permission is not required for HMOs occupied by three to six people (known as “Permitted Development” (PD)).
- Planning permission is always required for HMOs occupied by seven or more people.
- These 'national PD rules' change if an Article 4 Direction is in place

What is an Article 4 Direction?

- An Article 4 Direction removes the Permitted Development Rights for HMOs.
- An Article 4 Direction applies within a defined geographical area.
- This means that HMOs occupied by three to six people is no longer PD and all new HMOs of this size will now require planning permission.
- Planning permission is always required for HMOs occupied by seven or more people – this is not changed by an Article 4 Direction.

Article 4 Directions in Spelthorne

- An Article 4 Direction came into force on 29 August 2025 for 3 Wards: Staines, Stanwell North, and Ashford North and Stanwell South
- All new HMOs in these 3 Wards now require planning permission.
- It is intended to confirm an Article 4 Direction for the other 10 Wards in the Borough in December 2025.
- If confirmed, this will come into effect on 13 March 2026.
- This will mean that all new HMOs in the Borough, irrespective of their size, will require planning permission.
- An Article 4 Direction cannot be applied retrospectively.

Reasons for Preparing an HMO SPD

- If the second Article 4 is confirmed, all HMOs in the Borough will require planning permission from 13 March 2026.
- There will be an increase in planning applications for HMOs – the SPD will assist us to better control their location and density.
- These applications need to be assessed against impacts at a neighbourhood and street level – at present, there are no measurement criteria.
- A Supplementary Planning Document will provide these quantitative assessment tools and provide a clear set of policies to help assess the impact of all new HMO proposals at the local level.

Timescale for Preparing an HMO SPD

- The HMO SPD will sit alongside and “supplement” the new Local Plan.
- It is hoped to adopt the new Local Plan in December/January.
- It is intended to seek internal approval for consultation purposes in November/December 2025, with the consultation being subject to adoption of the Local Plan.
- A 4-week consultation will be undertaken once the LP is adopted.
- The objective is to adopt the SPD before the end of March 2026.
- It will come into force immediately upon the SPD’s adoption.

Other Planning Implications

- Once the Article 4s are in effect across the whole Borough, the number of planning applications for HMOs will inevitably increase.
- The SPD is likely to include criteria to enable an assessment of the existing number of HMOs in the vicinity of a proposal.
- This assessment process is likely to identify existing HMOs that do not have planning permission and are therefore operating unlawfully.
- The result is likely to be increased planning enforcement activity.



Environmental Health

Outline of our responsibilities for HMOs, what we can and cannot enforce, the current challenges we face and the steps we are taking to improve standards.



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The EH Residential Team

- The Residential Team within the EH department is responsible for the implementation of the HMO Licensing regime.
- Comprises of 8 officers. In addition, currently trying to recruit to two vacant posts.
- Work coming to the department is triaged and prioritised for allocation to an officer according to risk.

Legislation

- **Housing Act 2004** – mandatory HMO licensing and general housing standards
- **Management of Houses in Multiple Occupation (England) Regulations 2006**, these apply to all HMOs which include such matters as rubbish disposal and untidy gardens as well as conditions within the property.
- **Environmental Protection Act 1990, the Prevention of Damage by Pests Act and the Anti-social Behaviour, Crime and Policing Act 2014** to deal with noise and other nuisance; accumulations of rubbish; and to address complaints about anti-social behaviour (ASB).
- **HMO Licensing Conditions** – the Act prescribes mandatory conditions relating to gas safety, electrical safety, smoke / fire detection and the provision. We also impose our own conditions (ASB / rubbish).

HMO Licensing

Environmental Health has a duty to investigate complaints and to ensure that the licensing process is properly enforced.

We are also responsible for granting (or refusing) licences to landlords where the property they are operating falls within scope:

- The dwelling is occupied by five or more people who form two or more households; and
- All or some of the occupants share bathroom, toilet, or kitchen facilities.

Properties with less than 5 occupants may still be an HMO but do not fall within the mandatory licensing regime.

Self-contained units are not in scope.

Licensing Criteria

Environmental Health must grant an HMO licence with appropriate conditions where:

1. The house is **reasonably suitable for occupation** having regard to amenity levels, available living space and general health and safety consideration.
2. **Management arrangements** are satisfactory.
3. The licensee, manager and others involved in the running of the property are **fit and proper persons**.

This regime is different to the Planning one and some other licensing processes as there is no mechanism for consultation with neighbours or the community.

We will however consider legitimate complaints from neighbours about relevant issues such as noise and waste management as part of the risk assessment that is undertaken.

HMO Risk Assessment & Monitoring

- Unlike many other Local Authorities (who just issue 5-year licences), we operate a risk-based system that determines the duration of a new or renewal HMO licence by considering the landlord's level of compliance, the condition of the property, and the risks posed by the HMO to its occupants and neighbours.
- System was introduced in April 2024.
- The purpose is to drive up standards by rewarding compliant landlords with the maximum 5-year licence period, while those less compliant HMO landlords will be granted a shorter licence meaning they pay more.
- Assessment considers structure, number of occupants, fire safety, other hazards and confidence in management.

Risk Assessment & Monitoring

Low Risk = 5 years

Landlords who provide well-managed, safe accommodation, to a good standard, will receive a 5-year licence.

The vast majority of licensed HMOs are well run and will fall into this category.

Medium Risk = 3 years

Properties calculated as being medium risk due to confidence in management and the level of property defects found during inspection will receive a 3-year licence.

High Risk = 1 year

Properties calculated as being of high risk will only receive a 1-year licence. This includes if there is no planning permission, concerns about fire safety, poor history of compliance, structural defects, failure to apply for a licence.

Please note that the licence will be refused if the minimum standards are not met or the applicant is not considered fit and proper.

What Environmental Health cannot do:

- We cannot consider parking issues as part of the HMO licensing process; this falls outside the remit of Environmental Health.
- We cannot restrict or condition who can live within a property.
- We cannot consider density or the location of existing licensed HMOs.
- There is no mechanism for neighbouring properties to object to a licence and there is no process of consultation with neighbours. The regime is different to, and separate from, the Planning process.
- We can only enforce the regulations we are authorised under and our conditions. We cannot investigate complaints that fall outside of our remit.
- We cannot enforce party wall agreements – this is a civil issue.

Challenges: Resourcing

- The EH team has faced significant staffing difficulties over the last 18 months, as there is a recognised national shortage of qualified officers.
- The department received approval to expand the team in April 2025. Two additional Housing Standards Officer posts were advertised. One has been filled and we are still trying to recruit to the other post.
- Additional funding was agreed in September 2025 to appoint contractors.
- Although we have also previously experienced difficulties appointing suitable agency staff we have recently been able to source two contractors who have now started and been allocated work to progress.

Challenges: Increased Service Demand

- Number of Applications Received

2022/2023	2023/2024	2024/2025
33	77	115

- Number of Complaints/Allegations about potential HMOs

2022/2023	2023/2024	2024/2025
23	70	99

*Data runs from 1 Oct to 30 September

- Further demands are expected to be placed upon the team with the introduction of the Renters Rights Bill which is due to receive Royal Assent later this year.

Complaint Data

The vast majority of our licensed HMOs are compliant and do not present a risk to those who live within or a nuisance to their neighbours. They provide an essential and affordable means of accommodation.

Total no. of complaints* received about HMOs 2024/25	Total number of housing complaints received by EH 2024/25
65	831

***Complaints about accumulations, noise, anti-social behaviour and pests.**

What we are doing

- Additional resourcing and development of existing staff
- Improved how residents can raise concerns with us.
- Revised our HMO Guide for Landlords and published an Anti-Social Behaviour Guide for Landlords and are also reviewing our processes.
- Taking further enforcement action for non-compliance and breaches, including issuing financial penalties
- Increased partnership work with our colleagues in Planning, Community Safety and Housing Options, and external organisations such as Surrey Police and Surrey Fire and Rescue Service.

Future Considerations

The Housing Act 2004 allows Councils to extend the mandatory licensing regime for HMOs with two additional options:

1. **Additional Licensing** - only applies to HMOs, and is an extension of mandatory HMO licensing. So, an additional licensing declaration would have the effect of meaning that all HMOs (not just those with 5 or more occupants) would require a licence.
2. **Selective Licensing** - applies to all tenanted properties (whether in single or multi occupation), **but with the exception of social housing**. So, all privately rented properties would require a licence.

Currently Spelthorne only implements mandatory licensing, and we are taking steps to ensure that we are adequately resourced and able to enforce this fully before considering the introduction of further licensing controls.

Community Safety

- Community Safety Team works with Environmental Health where reports indicate that crime, disorder or anti-social behaviour are taking place relating to HMOs
- These properties are placed on the Tasking & Coordinating Group agenda for discussion with partners, including the police
- Information sharing takes place at those meetings, and a joint partnership solution is discussed

Community Safety

- Powers available to tackle Anti-Social Behaviour (ASB) are drawn from the Anti-Social, Crime & Policing Act 2014 which empowers both the police and the local authority to issue:
 - Closure Notices
 - ASB Injunctions
 - Community Protection Warnings, and
 - Community Protection Notices.
- These place requirements on either the offender or in some cases the landlord, where it is clear that they have been negligent in exercising their lawful duties.

Action Plan summary

- Article 4 Directions will cover the entire Borough by March 2026 – all new HMOs, irrespective of size, will require planning permission
- New SPD in place by the end of March 2026 to control location and density of new HMOs
- Additional resourcing for Environmental Health to tackle increased volume of licensing applications and service requests re HMOs
- Increased enforcement activity to tackle poor conditions, ASB and problem landlords. Publicising successful prosecutions to encourage compliance
- Increased joint action through Tasking & Coordinating Group to tackle most problematic HMOs
- Letter to all HMO landlords from Leader reminding them of responsibilities

Contact us

Please contact us for the following:

- If you are concerned that a property is operating as an HMO without a licence or the required planning permission
- That the conditions within a property are unsafe or unsuitable,
- There are issues with noise or anti-social behaviour.

We have an online '**Report it' form** on our website and you can call (01784 446251) or email us (eh.residential@spelthorne.gov.uk).