

**DEVELOPMENT CONTROL COMMITTEE**  
**18 APRIL 2023**

**THE FOLLOWING QUESTIONS HAVE BEEN SUBMITTED FOR WRITTEN REPLY**

**1. From Dermot Mckibbin:**

With regard to Agenda Item 10: Delegated Enforcement Action (October to December 2022):

How many of the HMO's prosecuted under planning legislation were licensable HMO's, were these owners prosecuted under the Housing Act and if not, why not? Will the Council act under Planning and Housing law simultaneously?

**Reply:**

None of the current investigations into Houses in Multiple Occupancy have proceeded to prosecution as there have been no breaches of planning control where an enforcement notice has been issued and not complied with. The Housing Act requires that the Local Housing Authority must take all reasonable steps to ensure that applications for licenses are made to them in respect of HMOs in their area which are required to be licensed, and the Local Authority would therefore seek an application in the first instance prior to prosecuting. Should it be established that there was a breach of enforcement notice by an HMO, the Local Authority's Legal Service would issue legal proceedings and as Planning and Housing Law operate separately, the Local Authority would be able to act under both where appropriate.

It should be noted that with regard to HMOs, a planning offence does not indicate a licensing offence and vice versa, and where a property meets the relevant legal criteria, the Public Protection and Enforcement Service would issue a license regardless of Planning status.