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Suggested distribution

Welfare / community officers and staff, housing specialists, residential managers

Action

For information

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Government announcement to introduce a definition of an HMO within planning legislation (use class orders)

Key Points

- The government made an announcement on 27th January which can be read here: <http://www.communities.gov.uk/news/corporate/1447619>
- This announcement is in response to the consultation that CLG ran last year to gauge opinion on changing the Use Class Order to require planning permission for any property that is intended to be let to more than three unrelated people.
- This is a response to growing concerns from some groups that high concentrations of HMOs have negative impacts on a local neighbourhood, and that curbing the expansion of the HMO market will free up more housing for families
- The Housing Minister John Healey in his statement made assurances that this legislation would not be used to disestablish pre-existing HMO communities, whether these were migrant workers, students, young professionals or other rental groups
- However, recent local press coverage highlights that this is seen by many local activists as a victory in 'banning' students from their streets
- NUS has written to John Healey with a list of demands with regard to student housing and this announcement to mitigate against the potential threats of rental increases or tenant displacement.

Background

In 2008, the Department for Communities and Local Government (CLG) commissioned ECOTEC to carry out a piece of research looking into the issues around high concentrations of Houses in Multiple Occupancy (HMOs) with a particular focus on student housing.

This was the result of fierce lobbying by the HMO Lobby, an association of community groups campaigning for action on the impact of concentrations of HMOs, and the All Party Parliamentary Group for Balanced and Sustainable Communities.

The purpose of this research was to explore whether planning could be used to control the numbers of HMOs and student houses, available to rent, in particular areas in order to limit their expansion.

As a result changes to the Use Class Order will come into effect in April, and will be applicable to England and Wales.

What does the announcement mean?

On the one hand, this announcement is welcome. For the last couple of years we have seen numerous ministers and secretaries of state come and go and policy making about the PRS along with it.

Indeed, just last week, NUS along with Shelter, CAB, the Housing Ombudsman and a whole host of other housing professionals issued a statement to this effect, which you can read here: <http://www.24dash.com/news/Housing/2010-01-22-Private-rented-sector-the-forgotten-piece-of-the-housing-jigsaw>.

All of these recommendations outlined below devolve this issue back down to local authorities to deal with. In a way this is positive in that it is those living locally who have a better idea of the issues. However this can also mean that in some areas these powers may be used to restrict where students or other tenants can live, with no checks in place nationally.

NUS welcomes efforts by the government to raise standards in the private rented sector, to professionalise landlords and to force the very worst from the market entirely. This is an ethos that many would uphold. NUS too recognises the importance of effective planning to guarantee that housing stock is being used in the best possible way for the community. It is vital that any institution expanding in size is required to work in partnership with local authorities and students' unions to assess where students will be living and to have an obligation to provide at least some purpose built student accommodation. This is something that happened all too rarely during the student expansion of the 1990s.

However, this change could have huge knock on effects for shared rented housing – which many students live in currently. NUS has already written to the Minister to seek to constructively engage with the Department to limit the potential negative impacts that such changes may have. In terms of the Use Class Order, we are still waiting on further detail as to what will be covered and what will be exempt and will update you as soon as we have more specifics on this.

We have requested that NUS is included in any upcoming discussions on the detail of these proposals, for a mandatory requirement to consult students' unions locally before any attempt to implement these powers, explicit guidance to local authorities on how this legislation can and cannot be used for a national equality impact assessment on age and ethnicity as young and BME people are more highly represented in the PRS, and for EIAs in local authorities looking to implement these powers.

We will also be looking to see how these changes impact on rents in the private rented sector, and the availability of affordable alternatives for students. Given the potential huge gap in average weekly rents between student accommodation and the private rented sector, it's vital that this does not hit the most economically vulnerable students the hardest.

Discretionary licensing

The announcement also confirmed that local authorities will now be able to introduce discretionary licensing for housing without any agreement from central government. NUS is concerned that this could see some local authorities using licensing to restrict where people can live, rather than to raise standards of rented housing as intended.

NUS absolutely upholds the right for students to live in their local communities and feel like equal valued members of that community and subject to the same rights and responsibilities as their neighbours. NUS is strongly in favour of ensuring local authorities have the powers to ensure balance in communities and sustainable housing stock. However, we will always vehemently oppose any attempts to introduce measures looking to plan students – or any other groups – out of communities.

Finally, the announcement confirmed that this legislation would not be retrospective. This means that it will not have an impact on current HMO housing. Therefore, now more than ever, it is important for us to highlight that it is partnership work, education, volunteering and engagement that can really make a difference to the towns and cities already classified as 'studentified' not legislation.

What you can do:

- **Talk to your university** or college accommodation office and let them know about these changes. It's important that they are made aware of the potential impacts to the supply of rented housing to ensure that this is considered in future student housing plans.
- **Write or meet your MP.** We have drafted a letter which you can use as a template to explore the viewpoint of your elected representative(s) on the issue.
- **Let us know** about the predicted impact of this in your city or town:
What numbers of shared rented housing do you have (with three or more tenants)?
Have your student numbers increased in recent years?
What alternative housing is there?
Do you predict this will have an impact on rents?
Send us copies of media coverage of student housing and this announcement
- **Talk to your local media.** We have generated some model press releases for you to help, but try to

Further information:

NUS response to Use Class Order consultation

http://resource.nusonline.co.uk/media/resource/09_09_NUS-Consultation-HMO_0.pdf

NUS response to Rugg review

http://resource.nusonline.co.uk/media/resource/NUS_Consultation_Rugg_0.pdf

Government response to ECOTECT report

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/housesmultipleconsultation.pdf>

Government response to Rugg review consultation

<http://www.communities.gov.uk/publications/housing/responseruggreview>

Rugg Review

<http://www.york.ac.uk/inst/chp/publications/PDF/prsreviewweb.pdf>

Ecotec report

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/evidencegatheringresearch.pdf>

Information on welfare and student rights

<http://www.officeronline.co.uk/welfare/>

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