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| Subject: | Update on the Implementation of the Additional Licensing Scheme for Houses in Multiple Occupation (HMO) | | |
| Date of Meeting: | 26 September 2012 | | |
| Report of: | Strategic Director Place | | |
| Contact Officer: | Name: | Martin Reid | Tel: 293321 |
| | Email: | Martin.reid@brighton-hove.gov.uk | |
| Ward(s) affected: | Five wards: Hanover & Elm Grove, Moulsecoomb & Bevendean, St Peters & North Laine, Hollingdean & Stanmer and Queen's Park | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Housing Committee on 20 June 2012 designated the wards of Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park as subject to additional licensing under S56(1) of the Housing Act 2004 in relation to smaller Houses in Multiple Occupation of two or more storeys and three or more occupiers. The designation comes into force from 5 November 2012 and will last for 5 years.
- 1.2 This paper updates Housing Committee on progress on preparation for implementation of additional licensing as requested by members at Housing Committee on 20 June 2012.
- 1.3 In addition to update on progress on preparation for implementation of additional licensing the report proposes the following minor amendments on fees and standards:-
 - that, in common with the fees that apply to the national mandatory licensing scheme, charities be granted free applications;
 - revisions to the shared kitchen sizes in the Standards for Houses in Multiple Occupation.

Standards relating to general application of HMO requirements applying to shared kitchen and wash basins in larger HMOs and shared houses are also clarified in the body of the report and appendix.

2. RECOMMENDATIONS:

- 2.1 That Housing Committee notes the steps taken by the Private Sector Housing Team to prepare for implementation of the Additional Licensing Scheme in the five wards.
- 2.2 That Housing Committee approves that licence applicants that are registered charities be granted a free application.

- 2.3 That Housing Committee approves areas of clarification and revisions to the acceptable sizes for shared kitchens in the Brighton & Hove City Council Standards for Licensable Houses in Multiple Occupation as outlined in this report and in Appendix A.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Details of the proposed Additional HMO Licensing Scheme

- 3.1 An Additional HMO Licensing Scheme will be introduced for the following wards , Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park for five years, from 5 November 2012.
- 3.2 Under additional licensing proposals landlords and managers of smaller HMOs would have to:
- Meet appropriate personal and professional standards of conduct
 - Upgrade poorer buildings to minimum health and safety standards including fire and electrical safety
 - Exercise appropriate management and supervision of the buildings to help reduce any adverse impact of HMOs on the neighbourhood
 - Meet council standards for licensable HMOs.
- 3.3 The scheme will be reviewed after two years of implementation to review progress against objectives.
- 3.4 The Additional HMO Licensing Scheme will apply to all HMOs of two or more storeys within which there is some sharing of facilities and which are occupied by three or more persons comprising two or more households in the five wards already outlined.
- 3.5 For the avoidance of doubt, the proposed additional licensing scheme does not apply to any HMO to which the national mandatory licensing scheme applies. Also, the proposed designation will not apply to any building which is a HMO as defined in S257 of the Housing Act 2004, relating to certain converted blocks of flats.
- 3.6 The fees for Additional Licensing agreed and approved by Housing Committee on 20 June 2012 have been set at a level that is reasonably expected will cover the costs of providing the service.
- 3.7 Under the national mandatory licensing scheme, registered charities are not charged for making an application. In the past six years the council has only received one application from a registered charity but, in the event that any are received under the Additional Licensing Scheme, it is recommended that, similarly, they are not charged a fee.
- 3.8 Following a period of consultation, Housing Committee on 20 June approved the council's revised HMO standards. Additional Licensing brings houses occupied by 3 and 4 people under HMO standards. Ongoing representations from landlords and managing agents have highlighted that kitchens in smaller houses may operate safely with a smaller size than the standards previously adopted. In response to these representations a further review of the adequacy of kitchen dimensions for each level of occupancy has been undertaken based on the supposition that not all sharers will cook at the same time. Following this review

it is recommended that the size requirements for a shared kitchen be reduced as outlined in Appendix A.

- 3.9 This further review of standards also highlighted an issue requiring clarification in relation to requirements for shared kitchens and for wash basins in units of living accommodation in some bedsit HMOs. Points of clarification are also detailed in Appendix A.

4. Implementation Plan

4.1 Implementation Schedule & Management

A project team involving key officers continues to have regular (weekly) oversight on key issues, tasks and progress, major tasks are detailed below.

4.2 Major tasks

- **Publicising the Scheme**

The council has met statutory requirements in relation to notification of designation of the five wards in the report as subject to additional licensing.

Following a decision to designate an area for additional licensing, before the designation comes into force, the council must meet statutory notification requirements. This involves: publishing a notice of designation; placing copies of the notice on public notice boards in public buildings within the designated area and in the local press; informing people who made formal representations to the consultation; informing landlord organisations, tenant organisations, managing/estate/letting agent organisations and advice agencies known to be operating in the areas affected.

In line with statutory requirements the designation of the five wards as subject to additional licensing has been publicised by notification of the scheme in The Argus; The Leader, in three libraries and on Council & Private Sector Housing website.

In line with statutory requirements we have also publicised (through letters & email) the designation of the five wards as subject to additional licensing to those who were consulted on the proposals, including representatives of the following: the universities; student unions; landlord associations; letting agents; estate agents; residents associations; Local Action Teams; local advice centres including CAB, Disability Advice Centre & Age Concern; other local partners including business representatives; residents and businesses who sent in comments.

Since the designation was agreed at Housing Committee on 20 June 2012 we have received and responded to 26 early requests for pre-licensing inspections.

- **Additional Staffing & Training**

The Additional Licensing Scheme should be self-financing and break even at the end of the five year period, and therefore requires careful planning to ensure resources are clearly aligned to delivery. It is anticipated that a significant number of applications will be received in the first year of operation and it is therefore intended to resource the service flexibly in response to this demand.

Agreement has been given to recruit up to 3 full time, permanent Environmental Health Officers / Technical staff. Advertising on the Brighton & Hove City Council job website took place between 25 July and 15 August 2012. The EHO positions were also advertised in the Environmental Health News journal between 25 July and 15 August. Interviews of shortlisted candidates are currently underway.

- **Moving to Self-Serve On-line services including application and payment**

Support for the efficient processing of licence applications is key to avoid unnecessary delay to licence applicants.

To ensure implementation runs as smoothly as possible and to make best use of the existing support staff a Work Package has been authorised which will consist of 2 staff members who will be setting up an online application form and online letters and forms to automate the process as far as possible.

In addition to our current process for acceptance of licence payments under the current mandatory licensing scheme, in preparation for additional licensing we are also working toward implementation of an online payment module (ICON ServicePay) available on the council website through which we aim to enable Landlords to pay their licence fee directly online. We are also working on set up of a method for payments to be taken by card over the telephone in the interim.

4.3 **Review**

As well as monthly, quarterly and yearly reports, progress will be measured against objectives at year 2 and year 4.

5. **COMMUNITY ENGAGEMENT AND CONSULTATION**

5.1 Full external and internal engagement and consultation has been completed as reported to Housing Committee on 20th June 2012.

5.2 Following representations from landlords and Managing Agents, the Private Sector Housing team has carried out a review of the sizes of kitchens in the Brighton and Hove Standards for Licensable Houses in Multiple Occupation and it is recommended that they are reduced as listed in Appendix A.

6. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 6.1 The cost of the proposed additional staffing in 2012/13 is £53k which will be funded from licence fee income. It is intended to monitor the number of applications closely and use existing resources where necessary in order to respond to demand.

Finance Officer Consulted: Michelle Herrington Date: 31/08/12

Legal Implications:

- 6.2 Paragraph 4.2 of the report summarises the post designation publicity requirements of the Housing Act 2004 and the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. The steps taken by the council satisfy those requirements.

Lawyer Consulted: Name Liz Woodley Date: 24/08/12

Equalities Implications:

- 6.3 A full equalities impact assessment has been undertaken was presented to Housing Committee on 20 June 2012. No negative consequences of additional licensing were identified.

Sustainability Implications:

- 6.4 Maintenance and improvement of existing housing stock is generally more sustainable than continued deterioration. Licensing of HMOs should improve standards for the residents in those homes and the liveability of residential areas more generally.

Crime & Disorder Implications:

- 6.5 Additional licensing will assist the Private Sector Housing team to have a better understanding of the problems in the five wards. This in turn should be helpful in addressing concerns about crime and disorder and in some cases additional licensing will help reduce the likelihood of neighbourhood nuisance.

Risk and Opportunity Management Implications:

- 6.6 The risks associated with the proposals in this report have been managed in compliance with the Council's risk management strategy and a full risk log was presented to Housing Committee on 20 June 2012

Public Health Implications:

- 6.7 Additional Licensing of smaller Homes in Multiple Occupation will have a positive effect on public health for residents as reported to Committee on 20 June 2012.

Corporate / Citywide Implications:

6.8 Additional Licensing will have a positive impact on residents in the five wards, particularly for those living in smaller HMOs. Experience with mandatory licensing suggests that additional licensing would have no significant adverse effect on property supply.

7. EVALUATION OF ANY ALTERNATIVE OPTION(S):

7.1 A full evaluation of all alternative options was presented to Committee on 20 June 2012.

8. REASONS FOR REPORT RECOMMENDATIONS

- 8.1 At its meeting on 20 June, Committee requested that an update implementation report be brought to its next meeting. This report seeks to meet that request.
- 8.2 The report also seeks to correct an anomaly concerning application fees payable by registered charities which would otherwise result in charities being exempt from fees for HMOs that are licensable under the national mandatory scheme but having to pay a fee for any smaller HMOs covered by the additional licensing scheme.
- 8.3 Following adoption of the revised Standards for Licensable HMOs at Housing Committee's last meeting, a number of representations were received asking for a review of shared kitchen sizes. The outcome of the review has resulted in the changes recommended in 2.3 above.
- 8.4 The Standards could currently be read as applying a lower standard to multiple-tenancy/bedsit HMOs than that applying to shared house HMOs. This is referred to in paragraph 3.9 and the revisions necessary to clarify the requirements are included in Appendix A.

SUPPORTING DOCUMENTATION

Appendices:

None

1.

Documents in Members' Rooms

1. None

Background Documents

1. Housing Committee 20 June 2012: Proposed Additional Licensing Scheme for Houses in Multiple Occupation (HMO) & Amendment of Standards for Licensed HMOs.
2. Appendix A: Standards

Appendix A - Standards

Revisions to standards

In addition to update on progress on preparation for implementation of additional licensing the report proposes the following minor amendments on fees and standards:-

- that, in common with the fees that apply to the national mandatory licensing scheme, charities be granted free applications;
- revisions to the shared kitchen sizes in the Standards for Houses in Multiple Occupation.

Standards relating to general application of HMO requirements applying to shared kitchen and wash basins in larger HMOs and shared houses are also clarified in the body of the report and appendix.

The sizes for shared kitchens without dining facilities to be as follows:

Three and four people – 6.5 sq m

Five people – 7 sq m

Six people – 8.5 sq m

Seven people – 9 sq m

Eight people – 9.5 sq m

Nine people - 10 sq m

The sizes for shared kitchens with dining facilities in them to be as follows:

Three and four people – 11.5 sq m

Five people – 12 sq m

Six people – 13.5 sq m

Seven people – 14 sq m

Eight people – 14.5 sq m

Nine people - 15 sq m

That the Standards for Licensable HMOs be suitably amended as follows: -

by including in the Shared Bathroom sections of Part 2 that relate to 5 or more occupiers a sentence saying 'Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation' and;

by including at the end of the Kitchens section of Part 2 a sentence saying 'Where kitchens or kitchens with dining facilities in them are shared, the requirements are those listed for kitchens and kitchens with dining facilities in them in Part 1 – SHARED HOUSES of these Standards'.

Under The Housing Act 2004, a Local Housing Authority is able to set its own standards, including those for the size of a kitchen, in a licensable House in Multiple Occupation. Kitchen size should be based on the amount of facilities required for the number of people sharing it and the usable space available to manoeuvre around the kitchen without causing an accident in the process of cooking. The majority of licensable HMOs were originally built as family homes where it is common for one person to cook the family meal. In the case of a HMO, it is likely that a number of adults may wish to use the kitchen at the same time and so the kitchen needs to be of an adequate size to enable this.

The current sizes in the standards were set on the basis that original family living rooms were being turned into bedrooms and family homes are now accommodating 5, 6 and even 7 adults. The kitchens and dining areas in some were cramped. Additional Licensing brings in houses occupied by 3 and 4 people and representations from landlords and managing agents have highlighted that kitchens in smaller houses may operate safely with a smaller size than the standards previously adopted. A review of the adequacy of kitchen dimensions for each level of occupancy has been undertaken and it has been based on the supposition that not all sharers will cook at the same time. It is recommended that the size for a shared kitchen without dining facilities in it be reduced as follows:

Three people – From 7 sq m to 6.5 sq m

Four people – From 8 sq m to 6.5 sq m

Five people – From 9 sq m to 7 sq m

Six people – From 10 sq m to 8.5 sq m

Seven people – From 11 sq m to 9 sq m

Eight people – From 12 sq m to 9.5 sq m

Nine people - From 13 sq m to 10 sq m

For a shared kitchen with dining facilities in it the sizes to be reduced as follows:

Three people – From 12 sq m to 11.5 sq m

Four people – From 13 sq m to 11.5 sq m

Five people – From 14 sq m to 12 sq m

Six people – From 15 sq m to 13.5 sq m

Seven people – From 16 sq m to 14 sq m

Eight people – From 17 sq m to 14.5 sq m

Nine people - From 18 sq m to 15 sq m

This further review of standards also highlighted an issue requiring clarification in relation to requirements for shared kitchens and for wash basins in units of living accommodation. Points of clarification are detailed in Appendix A.

The proposed changes are shown in bold and underlined below.

PART 2 – BEDSIT / NON-SELF CONTAINED UNITS

Shared Bathrooms

| Amenity Standards in Relation to Number of Persons | |
|---|---|
| Up to 4 occupiers | At least 1 bathroom and 1 WC (the bathroom and WC may be combined) Wash hand basin required in bathroom and in separate WC (if provided) |
| 5 occupiers | 1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom) <u>Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation</u> |
| 6 - 8 occupiers | 2 bathrooms with 2 WCs and wash hand basins <u>Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation</u> |
| 9 – 10 occupiers | 2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms) <u>Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation</u> |
| 11 -15 occupiers | 3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms) <u>Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation</u> |

Kitchens

Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, & there are no other kitchen facilities available for that household, that unit should be provided with –

- (a) Adequate appliances & equipment for the cooking of food;
- (b) A sink with an adequate supply of cold (from rising main) & constant hot water;
- (c) A work top for the preparation of food;
- (d) Sufficient electrical sockets;
- (e) A cupboard for the storage of kitchen utensils & crockery;
- (f) A refrigerator;
- (g) A slip resistant, impervious and easily cleansable floor covering.

| FACILITY | MINIMUM STANDARD | EACH UNIT |
|--|---|-----------------------|
| <i>a sink with an adequate supply of cold & constant hot water;</i> | A fixed impervious sink with a drainer. It should be provided with an adequate and wholesome supply of cold water and a adequate supply of constant hot water | Per unit |
| <i>adequate appliances & equipment for the cooking of food;</i> | A cooker with at least two rings with an oven and a grill. Rings should be at a height level with adjacent worktops. | Per unit |
| <i>sufficient electrical</i> | Points should be set at a | 4 sockets (2 doubles) |

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| sockets; | convenient height & safe position. | Additional dedicated sockets are required for a cooker & refrigerator. |
| a work top for the preparation of food; | The worktop should be secure, fixed & of an impervious material | Minimum size 600mm X 1000mm (in useable sections – do not include area underneath microwave or cooker) |
| a cupboard for the storage of kitchen utensils & crockery; | Standard floor or wall mounted cupboard. The space below the sink unit is not acceptable to comply with this standard. | |
| a refrigerator | A standard refrigerator | A refrigerator with a minimum capacity of 0.15m ³ |

Where kitchens or kitchens with dining facilities in them are shared, the requirements are those listed for kitchens and kitchens with dining facilities in them in Part 1 – SHARED HOUSES of these Standards