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Date: 11<sup>th</sup> March 2013

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**To: All Members of the Housing and Major Projects Policy Development and Scrutiny Panel**

Councillor Eleanor Jackson

Councillor Steve Hedges

Councillor Les Kew

Councillor Brian Simmons

Councillor Will Sandry

Councillor Gerry Curran

Councillor June Player

Cabinet Member for Homes & Planning: Councillor Tim Ball

Cabinet Member for Sustainable Development: Councillor Cherry Beath

Chief Executive and other appropriate officers

Press and Public

Dear Member

**Housing and Major Projects Policy Development and Scrutiny Panel: Tuesday, 19th March, 2013**

You are invited to attend a meeting of the **Housing and Major Projects Policy Development and Scrutiny Panel**, to be held on **Tuesday, 19th March, 2013 at 5.30 pm** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Mark Durnford  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Mark Durnford who is available by telephoning Bath 01225 394458 or by calling at The Guildhall, Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Mark Durnford as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Mark Durnford as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Housing and Major Projects Policy Development and Scrutiny Panel - Tuesday, 19th  
March, 2013**

**at 5.30 pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or **an other interest**,  
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

Councillor Lesley Mansell, Chair of Radstock Town Council has notified the Chair of the Panel of her wish to ask a question at the meeting.

7. MINUTES - 22ND JANUARY 2013 (Pages 7 - 14)

8. CABINET MEMBER UPDATE

This item gives the Panel an opportunity to ask questions to the Cabinet Member(s) and for them to update the Panel on any current issues.

9. SHELTERED HOUSING (Pages 15 - 20)

At the request of the Panel, this report sets out the issues facing the Council in terms of the changing housing and support needs and aspirations of older people.

10. UPDATE ON PROPOSED PLANNING CONTROLS FOR HOUSES IN MULTIPLE OCCUPATION IN BATH (ARTICLE 4)

The Panel will receive a presentation on this matter.

11. ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION (Pages 21 - 168)

This report aims to provide the Panel with an overview of additional licensing, the results of the evidence collection and consultation exercise.

12. MAJOR PROJECTS UPDATE (Pages 169 - 178)

This is a routine report for update on Major Projects, Project Delivery activity.

13. PANEL WORKPLAN (Pages 179 - 190)

This report presents the latest workplan for the Panel (Appendix 1).

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**HOUSING AND MAJOR PROJECTS POLICY DEVELOPMENT AND SCRUTINY PANEL**

Tuesday 22nd January, 2013

**Present:-** Councillors Eleanor Jackson (Chair), Steve Hedges (Vice-Chair), Brian Simmons, Will Sandry, Gerry Curran and June Player

**Cabinet Member for Homes & Planning:** Councillor Tim Ball

**Cabinet Member for Sustainable Development:** Councillor Cherry Beath

**Also in attendance:** Derek Quilter (Divisional Director, Project Management), Graham Sabourn (Associate Director for Housing), Cleo Newcombe-Jones (Planning Policy Officer), David Trigwell (Divisional Director for Planning and Transport), Donna Vercoe (Policy Development & Scrutiny Manager), Richard Daone (Planning Policy Team Leader) and Jeremy Manners (Environmental Health Officer)

**53 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

**54 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the emergency evacuation procedure.

**55 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Les Kew sent his apologies to the Panel.

**56 DECLARATIONS OF INTEREST**

There were none.

**57 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

**58 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING**

The Chair announced that a member of the public, Mr Ransom would make a statement to the Panel relating to the Boat Dwellers & River Travellers Task and Finish Group report.

## 59 MINUTES - 20TH NOVEMBER 2012

The Chair informed the Democratic Services Officer that the word 'do' was missing from the fourth paragraph of Minute 50.

The Democratic Services Officer thanked her for this observation and said that he would make the amendment to the minutes.

With this amendment the Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chair.

## 60 CABINET MEMBER UPDATE

The Cabinet Member for Homes & Planning, Councillor Tim Ball addressed the Panel. He announced that Curo were forming a Strategic Partnership which he would be a member of. He invited the Chair to become a member and said that nominations were being sought from the Conservative and Independent groups.

The Cabinet Member for Sustainable Development addressed the Panel. She informed them that the Heads of Terms Agreement had been signed in relation to the Guildhall Tech Hub and that completion of the project would be by the end of March 2013.

She said that there had recently been a proposal to market the South Road Car Park at Midsomer Norton and stated that the Ministry of Defence had selected their preferred bidders for their three sites in Bath.

The Chair commented that she believed an offer for the South Road Car Park was on the table. She added that a major retailer would be a good way of beefing up the offer that Midsomer Norton High Street already has.

Councillor Will Sandry asked if there was any risk of losing housing land on the Somerdale site following the detailed archaeological investigation.

Councillor Cherry Beath replied that the area currently being investigated had not been highlighted for housing development.

The Chair on behalf of the Panel thanked them both for their update.

## 61 MAJOR PROJECTS UPDATE

The Divisional Director for Project Management introduced this item to the Panel. He highlighted some of the key elements from within the report.

### **Southgate:**

- The freehold title was granted to Aviva 21st December 2012
- The retail square has now been fully let

## **Children's Services:**

### **Ralph Allen School Applied Learning Centre and all weather pitch**

- Project programme on schedule and on budget
- All weather pitch to be completed February 2013 – Weather dependent
- Construction aim to complete Summer 2013

### **St Gregory's & St Mark's Joint 6th Form Centre**

- Project remains on budget and to programme
- The Environment Agency has approved the piling designs
- Foundations and drainage works are well underway
- All pre-start planning conditions have been submitted
- Furniture, Fixtures & Equipment discussions have started with the school

## **Keynsham Regeneration Project:**

- Project remains on budget and to programme
- Asbestos removal is complete
- Demolition of the retail units (to ground level) is complete
- Temporary highway works are complete, including relocation of Temple Street bus stop
- Works to the multi-story car park are scheduled to start on 14th January 2013
- Awaiting formal discharge of the archaeology, contamination and drainage planning conditions, which will then enable ground works to start.

## **Bath Western Riverside:**

### **Residential occupations**

- First 30 private residential units now occupied or sold.
- First 100 affordable units now occupied

### **Phase 2**

- Occupation due 2013
- 2<sup>nd</sup> Phase infrastructure for replacement Destructor Bridge commenced November 2012

### **BWR Main scheme**

- Crest are progressing terms with Wales and West (WWU) to decommission the gas holders subject to funding.
- Council Report to be drafted for February 2013
- Decommissioning is expected to take up to 2 years from the point WWU contract with Crest.

## **Former Railway Land, Radstock:**

- In early December the cabinet announced plans to progress with an updated outline planning application.
- It is anticipated that this will be submitted in late Spring.

- Linden are progressing plans for the development which will form part of the updated outline planning application

### **Keynsham K2:**

- The Council is currently considering bids received for the sale of the K2 site in South West Keynsham.

Councillor Gerry Curran asked if he could explain why it would take two years to decommission the gas holders.

The Divisional Director for Project Management replied that there were three stages to the process. The units first of all have to be isolated, the tanks then need to be emptied and finally the site must be decontaminated.

Councillor Will Sandry asked if the Council were likely to face a financial risk if a campaign were launched to save the Destructor Bridge.

The Divisional Director for Project Management replied that any planning obligation with regard to the bridge lies with Crest and not the Council.

Councillor Will Sandry asked if any indication could be given as to how long the Victoria Bridge would be closed for during phase 3.

The Divisional Director for Project Management replied that it would be for a number of months. He added that a design team had been appointed and that listed building consent was being sought. He said that the intention was to retain as much of the existing structure as possible.

Councillor Will Sandry asked if the rail electrification works in the Brougham Hayes area would coincide with the works on the Victoria Bridge to avoid an extended disruption to the public.

The Divisional Director for Project Management replied that they would look to link any works where possible.

Councillor Steve Hedges asked if any information could be provided on the status of the proposed movement of Sainsbury's to the Homebase site.

Councillor Gerry Curran commented that as far as he was aware in his role as Chairman of the Development Control Committee, Homebase have eight years remaining on their lease and have no intention of moving.

The Chair suggested that at their next meeting the Panel receives a report on project work within Midsomer Norton and Westfield similar to the one they received on Keynsham in November 2012.

The Divisional Director for Project Management replied that he would be happy to provide this to the Panel.



## 62 **BOAT DWELLERS & RIVER TRAVELLERS TASK AND FINISH GROUP - TERMS OF REFERENCE**

The Chair invited Mr Ransom to address the Panel.

Mr Ransom informed them that he had lived on the river for seven years and was proud of the community in which he lived in. He explained that a co-operative had been set up for the community which now had 17 members. He added that the site is now home to several families, including two new babies over the Christmas period.

He said that the site was adjacent to Somerdale and that they considered themselves to be very much a part of the Keynsham community. He offered the Panel the opportunity to visit the site as part of the review.

The Policy Development & Scrutiny Manager introduced the report to the Panel. She explained that at the November meeting of the Panel they received an update on Boat and Mobile Home Dwellers from the Cabinet Member for Homes & Planning, which included a draft Memorandum of Understanding (MOU) between the Council and the Canals and River Trust.

She added that the Panel were asked to consider if they wished to undertake any policy review work on this matter and if they would support the MOU. It was agreed at the meeting that there were a number of issues that still needed further investigation and that the Panel should undertake some Task and Finish Group work to explore some of these issues further and report back to the Panel in May 2013.

Councillor Will Sandry commented that he was delighted to see this piece of work being progressed. He asked if the area of river for review had been decided upon. He suggested that it could be carried out between Bradford on Avon and Bristol.

The Chair replied that the review area had not been decided upon yet.

Councillor Charles Gerrish addressed the Panel. He spoke of the vibrant boating communities within Keynsham East and Saltford and that he was keen for their voices to be heard. He added that he felt there was a natural boundary for the review at the Hanham Gorge.

The Chair invited Councillor Dave Laming to address the Panel. He stated that vibrant communities existed along the whole length of the river. He informed them that the Portavon Marina had substantial moorings but no facilities on site. He added that many more vessels were moored between here and the site at Newbridge and that safe moorings were required for all.

The Chair proposed that the area for review should be between Hanham Lock and Dundas Aqueduct.

The Panel agreed with this proposal.

The Chair invited members of the Panel to join her as part of the Task & Finish Group.

Councillor Brian Simmons (Conservative) and Councillor Gerry Curran (Liberal Democrat) agreed to take part on behalf of their groups.

Councillor June Player nominated Councillor Dave Laming to be co-opted onto the Task & Finish Group as the representative for the Independent Group.

The Panel **RESOLVED** to;

- i) Approve the draft terms of reference for the Task and Finish Group work
- ii) Agree to undertake the review within the timescales set out in the terms of reference.
- iii) Agree a Cross Party Membership Task and Finish Group who will lead on co-ordinating the Task and Finish group's activities

Task & Finish Group Members:

Councillor Eleanor Jackson (Lead Member)  
Councillor Brian Simmons  
Councillor Gerry Curran  
Councillor Dave Laming

## **63 CORE STRATEGY UPDATE**

At this point in the meeting the Chair was advised of the worsening weather conditions in the area.

She asked if the next two agenda items could be dealt with as swiftly as possible.

The Divisional Director for Planning and Transport informed the Panel that the Core Strategy examination had been suspended in response to concerns raised by the Inspector, primarily about the sufficiency of the District's housing land supply. He explained that a review of the District's housing need was on-going and that the review would lead to changes to the Core Strategy which will be considered by Council in February or March 2013.

He added that the representatives on the Local Development Framework (LDF) Steering Group should be passing information onto their respective political groups.

The Panel **RESOLVED** to note the update.

## **64 GYPSIES & TRAVELLERS UPDATE**

The Divisional Director for Planning and Transport gave an update to the Panel on this item. He informed them that most of the current work had been suspended in light of the need to focus on the Core Strategy.

The Panel **RESOLVED** to note the update.

**65 ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION**

The Chair asked the Associate Director for Housing if there was any scope in moving this report to the March meeting of the Panel.

He replied that as the related Cabinet decision had moved to April the Panel could receive this report at their March meeting.

The Panel **RESOLVED** to defer this report until March.

**66 UPDATE ON PROPOSED PLANNING CONTROLS FOR HOUSES IN MULTIPLE OCCUPATION IN BATH (ARTICLE 4)**

The Chair, having regard to the decision taken on the previous item suggested that this report also be deferred until March.

The Panel agreed with this proposal.

**67 PANEL WORKPLAN**

The Panel **RESOLVED** to amend the workplan so that the following reports would be listed under March 2013.

*Update on Proposed Planning Controls for Houses in Multiple Occupation in Bath (Article 4)*

*Additional HMO Licensing*

The meeting ended at 6.10 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	Housing & Major Projects Policy Development and Scrutiny Panel
MEETING DATE:	19 March 2013
TITLE:	Briefing on Sheltered Housing
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
None.	

## **1 THE ISSUE**

1.1 At the request of the Panel, this report sets out the issues facing the Council in terms of the changing housing and support needs and aspirations of older people.

## **2 RECOMMENDATION**

The Housing & Major Projects Panel is asked to:

2.1 Note the contents of the briefing.

### **3 FINANCIAL IMPLICATIONS**

3.1 There are no direct financial implications arising from the contents of this report.

### **4 THE REPORT**

4.1 Current Provision

4.2 Sheltered housing with an on-site warden has been the traditional response to the support and accommodation needs of older people since the 1960's. During the last decade, most local sheltered housing providers have removed the on-site wardens and replaced them with peripatetic sheltered housing officers. In some instances, the only thing that distinguishes "sheltered" housing from other forms of housing is that the occupant has access to an "alarm" that can be activated in the event of an emergency, including a fall. Bath & North East Somerset this 'sheltered' housing is allocated through the Homesearch Register, Choice Based Letting Scheme.

4.3 The Supporting People & Communities team commissions 2,288 units of sheltered support from the following providers:

- Curo – 1922 – mixture of alarm only, Extra Care and cross tenure support
- Methodist Homes – 57 (includes 37 units of non-commissioned 'virtual Extra Care' See para.4.7 for further details)
- Anchor – 49 (Alarm Only)
- Guinness Care and Support – 96 (Alarm Only)
- Hanover – 73 (Alarm Only)
- Knightstone – 58 (includes 20 Extra Care and up to 10 units of 'virtual extra care)
- Sanctuary – 9 (Alarm Only)
- Riverside – 8 (Alarm Only)
- Places for People – 16 (Alarm Only)

4.4 Current demand

4.5 The Council's Homesearch Register processes applications from people requiring housing from both within and outside of the Bath & North East Somerset area. Demand for accommodation from people aged over-60 from both within and outside the Bath & North East Somerset area has reduced year on year for the last 3 financial years. In 2010/11, 537 households registered a need for sheltered accommodation; in 2011/12 this dropped to 407 and as at 13 February 2013, the total number registered as requiring sheltered housing stands at 321 households. Overwhelmingly, the demand continues to be for one-bedroom accommodation, though this may reflect expectation rather than preference.

4.6 The costs associated with sheltered housing are met through a mixture of rents charged to the tenant (which are met either through Housing Benefit or the tenant's income) and Supporting People Charges (met either through subsidy from the Supporting People Team or from the tenants own income). The allocation from the Supporting People & Communities budget for sheltered accommodation, Extra Care

and cross-tenure floating support services in 2012/13 totals £1,052,085 and is made up as follows:

- Accommodation Based and alarm only provisions (traditional sheltered housing) - £716,717
- Extra Care - £65,368
- Floating Support (Curo Independent Living Service, cross-tenure support at home) - £270,000

4.7 The development of schemes which offer Extra Care or 'housing with care' (previously known as 'very sheltered' housing) provides options to older people who have higher support needs but who still want to maintain their own tenancy. Care staff in extra care schemes are available to deliver support packages to individual tenants and to provide 24 hour cover. There is usually an option of a cooked meal eaten communally and social activities involving tenants are encouraged. Bath & North East Somerset has seen a significant expansion in the provision of extra care in recent years, with several new builds / redevelopments in partnership with local housing providers. This expansion occurred as part of a major change management programme to modernise services for older people, which included the closure and re-provision of several old style local authority-run Elderly Persons Homes (EPHs) which were no longer fit for purpose, and the building of three mixed-use Community Resource Centres. An extension of the Extra Care option, known as 'virtual Extra Care', was developed in response to those people already in sheltered accommodation who wanted to scale-up the level of support they receive. In this situation, their landlord and support provider is usually running an Extra Care scheme nearby and offers a limited number of tenants in the non-Extra Care accommodation additional services. This means that a higher number of people are able to remain in the accommodation of their choice and receive appropriate support to maintain their independence.

4.8 Current provision of extra care units totals 140 units (plus a further 37 units of virtual extra care as listed above).

Scheme	RSL Partner	Location	Units
St John's Court	Curo	BATH Central	30
Avondown	Guinness	BATH Twerton	30
The Orchard	Knightstone	BATH Combe Down	20
Greenacres	Curo	NE SOMERSET Midsomer Norton	30
Keynsham	Curo	NE SOMERSET Keynsham	30

Care has been taken to meet the needs of individuals with dementia in the newly built schemes, with the physical layout designed with dementia in mind, and the staff recruited trained to provide care for people with varying levels of dementia.

#### 4.9 A Changing Market

4.8 The needs and aspirations of older people are changing. The traditional approach to sheltered housing no longer meets demand for flexible, person-centred support and accommodation. The key changes are:

- An increasing demand for services that enable people to stay in their own homes. This is not only more cost effective; more importantly it is what older people tell us they want.
- Financial challenges for both commissioning authorities and providers direct both towards taking a more joined-up approach to resources. Avoiding duplication in provision through joint commissioning across health, social care and housing-related support will enhance value for money and contribute to a better experience of services by the user.
- Developments in telecare are a massive growth area, and whilst technology cannot replace personal contact and interaction, it can enhance quality of life for carers and cared-for people and present opportunities for more flexible, safer provision. 'Younger older people' are also, broadly speaking, increasingly comfortable with new technology and are more likely to adopt this approach to their care in later life.
- Welfare Reform, in particular changes to Housing Benefit, mean that some older people will start to consider moving out of general needs, family-sized accommodation into sheltered housing. This is likely to have an impact, though at this stage, the scale of such a trend is unlikely to be significant.

4.10 The Joint Strategic Needs Assessment carried out in 2012 highlights significant increases in the numbers of older people in Bath & North East Somerset. In particular, the number of people aged 80+ is projected to increase by 40% from 9,900 in 2010 to 13,900 in 2026. This increase will present the local authority with strategic challenges, not least because of the sheer volume of demand, but also due to changing expectations and aspirations. In order to achieve the best possible outcomes for this growing cohort of people, a range of options is needed to ensure a diversity of service provision across Bath & North East Somerset.

4.11 *The Key to Independence 2008-2013* reported on and made recommendations for the housing and support needs of older people living in Bath & North East Somerset. It was commissioned by the Supporting People team and identified significant gaps in provision of housing related support for older people in the private sector. One of the most important findings, that has informed future commissioning plans was that, whilst there were a range of options for older people either already living in or wishing to move into the social rented sector, there was little or no provision for anyone wishing to receive support in an owner-occupied or privately rented home. As the numbers of people living in the private sector is significantly higher than those living in the social rented sector, closing this gap was identified as a commissioning priority. Since January 2011, Curo (formerly Somer Community Housing Trust), has, therefore, been commissioned by the Non-Acute & Social Care Commissioning Team (which includes the SP team) to provide a cross-tenure housing related support service to older people (and a smaller number of working age disabled



people). The service is currently working with 390 clients, of whom 86 are working age people with either a physical disability or mental health problem.

- 4.12 It has long been the case that a high proportion of those living in sheltered housing, whilst needing suitable accommodation, do not actually have any support needs. A significant proportion may have some support needs, but these do not reach the levels provided for by Sheltered Housing Officers. In recognition of this, in April 2011, almost all sheltered housing contracts held with Registered Providers reduced to provision of an alarm only. The intention of this development was that the Curo Independent Living Scheme would deliver support to those who needed it, wherever they lived in B&NES and regardless of tenure. Despite this reduction in the scope and value of most contracts, all but one of the sheltered providers has continued to deliver an element of support to their tenants. The only provider still contracted to provide support in addition to the alarm after April 2011 was Curo. The rationale for this approach is that, as Curo is the major provider of sheltered accommodation in the Bath & North East Somerset area and is the only housing related support provider with full geographic coverage across the district.

Since April 2012, Curo have been operating a banded charging system for all its sheltered accommodation, using the same service delivery and charging options as the Independent Living Scheme, which enables tenants to select the level of support they require.

- 4.13 Telecare

- 4.14 Telecare can be described as ‘the continuous, automatic and remote monitoring of emergencies and changes in usual lifestyle patterns (for example, changes to an individual’s established patterns of going to bed and getting out of bed) in order to manage the risks associated with independent living.’ Telecare systems ensure that a minor event does not turn into a crisis by making sure that when something potentially significant happens (for example, someone usually gets out of bed at 8am and is not out of bed by 9am), an alarm is raised and an appropriate response is provided promptly. For people who do not wish to move into sheltered accommodation, the introduction of telecare into their homes can mean prolonged independence and increased security and peace of mind for themselves, their carers and families.

- 4.15 Using £20,000 of government funding, the Council has instigated a pilot of telecare provision in Bath & North East Somerset. The pilot scheme provides an opportunity for service users, carers and practitioners to explore the use and benefits of telecare options in meeting an individual’s need. The pilot will be delivered by a partnership of two local organisations, The Carers Centre and DeafPlus. Funding will be split between the two hubs/organisations, one being situated within Deaf Plus in central Bath, the other at The Carers Centre, Radstock; this provides parity across targeted sector groups and urban and rural areas. The pilot will run for one year and will fund two hubs offering a range of telecare equipment to meet the needs of a wide range of service users. An evaluation report on the outcomes achieved and on potential for development will be provided and will inform future commissioning plans.

**5 RISK MANAGEMENT**

5.1 This briefing report has not been the subject of a formal risk assessment. Any key policy changes and/or decisions referred to in this briefing have been or will be the subject of appropriate risk assessment, in compliance with the Council's decision making risk management guidance.

**6 EQUALITIES**

6.1 An Equality Impact Assessment has not been completed because the report aims to provide a briefing only and does not make recommendations for changes to provision, service delivery or policy.

**7 CONSULTATION**

7.1 The Supporting People & Communities team provided information on policy development, feedback on services currently being delivered and developments undertaken as a result of commissioning policy.

**8 ISSUES TO CONSIDER IN REACHING THE DECISION**

8.1 Social Inclusion; Customer Focus; Sustainability;

**9 ADVICE SOUGHT**

9.1 Advice has not been sought from the usual sources as the report aims to provide a summary of previously agreed approaches and work still under development.

<b>Contact person</b>	Ann Robins, Planning & Partnership/Supporting People Manager. Tel. 01225 396288
<b>Background papers</b>	The Key to Independence 2008-2013
<b>Please contact the report author if you need to access this report in an alternative format</b>	

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	Housing & Major Projects Policy Development & Scrutiny Panel
MEETING DATE:	19 <sup>th</sup> March 2013
TITLE:	Additional Licensing of Houses in Multiple Occupation
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b></p> <p>Appendix 1 - Evidence Report</p> <p>Appendix 2 - Consultation Report</p> <p>Appendix 3 – The Proposed Scheme</p> <p>Appendix 4 – Equalities Impact Assessment</p>	

## 1 THE ISSUE

- 1.1 On 14 March 2012, Cabinet resolved to request that evidence be gathered to ascertain whether the legislative conditions for introducing the additional licensing of Houses in Multiple Occupation (HMO) could be met, and if so, undertake a 10-week public consultation exercise. The outcome of this process would be subject to a further report to Cabinet, expected to be June 2013, when a decision will be made as to whether to implement additional licensing, and if so, for what parts of the District and classes of HMO.
- 1.2 This briefing paper aims to provide the Panel with an overview of additional licensing, the results of the evidence collection and consultation exercise.

## 2 RECOMMENDATION

The Housing & Major Projects Policy Development & Scrutiny Panel is asked to:

- 2.1 Note and comment on the proposal to introduce the additional licensing of HMOs as detailed within this report.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 Housing Services has already incurred costs investigating the feasibility of additional licensing including developing the evidence base and undertaking the consultation exercise. These costs were not part of Housing Services financial plans and are being met by a re-prioritisation of existing work streams.
- 3.2 Licensing is both administratively complex and resource intensive. From experience of the existing mandatory licencing scheme, and looking at other schemes, the author estimates that for every 1,000 HMOs brought into licensing 4 permanent staff, or the equivalent resource, is required. However, fees can be levied to cover the administrative costs of licensing including publicity, back-office functions & inspections. Current mandatory HMO licensing fees start at £750 for a 5 year licence. However, with the added quantum of additional licensing it is considered that we will be able to achieve economies of scale that could be exploited, including re-designing the administration around e-work flow systems (apply for it/pay for it on-line). This would reduce the unit costs of both mandatory and additional licencing whilst still ensuring that the scheme remains cost-neutral to the Council.
- 3.4 It is important to remember that whilst the scheme should be cost neutral to the Council there are some significant risks associated with:
- a. calculating the fee, particularly given the lack of certainty around HMO numbers and in particular the timing of the IT e-work flow implementation;
  - b. the potential for the scheme to generate additional non-fee generating work, such as enforcement action;
  - c. the costs of defending any judicial challenge to the designation.

However, it should be noted that the service's experience in mandatory licensing means that risks 'a' and 'b' above, with the exception of the timing of the IT e-work flow implementation, are relatively modest and unlikely to pose a significant risk to the cost neutrality of the scheme.

### **4 THE REPORT**

#### **Background**

- 4.1 The Housing Act 2004 increased Local Housing Authorities' (LHA) abilities to regulate the private rented sector by introducing three forms of licensing, these being: mandatory licensing of HMOs, additional licensing of HMOs, and selective licensing of the private rented sector. Operating a property covered by the designation without a licence is an offence punishable by a fine up to £20,000.
- 4.2 On 14<sup>th</sup> March 2012 Cabinet were presented with a report by consultants ARUP who were consulting residents and interested parties around the issue and impacts associated with the proliferation of HMOs. This report suggested that additional licensing could be beneficial in addressing some of the local residents' concerns. Cabinet therefore resolved to request that evidence be gathered to ascertain whether the legislative conditions for introducing the additional licensing of Houses in Multiple Occupation could be met, and if so, undertake a 10-week public consultation exercise. The outcome of this process would be subject to a further report to Cabinet, expected to be June 2013, whereby a decision will be

made whether to implement additional licensing, and if so for what parts of the District and classes of Houses in Multiple Occupation.

- 4.3 Introducing additional licensing is not a decision to be taken lightly by the Council. The conditions that must be satisfied are contained in Part 2 of the Housing Act 2004 and are further detailed in guidance issued by the Department of Communities & Local Government (CLG) issued in December 2007. The guidance makes it clear that additional licensing is not just another tool in the toolbox and that it should only be seen as an option to use when there are real problems with HMOs that have not been solved by using other available powers and a variety of approaches. This is reflected in the relatively low numbers of additional licensing schemes that exist at present, though in the last few years there have been an increase in the use of these powers.
- 4.4 The primary purpose of HMO licensing is to improve housing standards. It allows the LHA to ensure that conditions, amenity & fire safety standards comply with current legislative standards. As such the principal beneficiaries of licensing are tenants. However, some LHAs use the licence as a vehicle to improve the management of the property and to respond to complaints by local residents about the condition of houses and behaviour of tenants. Hence licences often contain conditions relating to the number of waste receptacles required and management conditions, such as, that the landlord takes reasonable steps to minimise any nuisance, alarm or harassment by tenants etc.
- 4.5 In order to ensure that the Council takes a lawful decision and therefore one that is resistant to a legal challenge by way of judicial review, it must be satisfied that the legislative test for the designation is met. That is firstly that there is genuine persuasive evidence that

*“a significant proportion of HMO’s [to be included in the scheme] are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems for those occupying the HMO’s or for members of the public”.*

Secondly, the Council must consider whether there are any other courses of action available to it that might provide, either alternatively or additionally an effective method of dealing with the problem or problems. Finally the authority must be satisfied that making the designation will

*“significantly assist [it] to deal with the problem, whether or not it takes any other course of action as well”.*

### **The Evidence Base**

- 4.6 Appendix 1 contains the evidence base for introducing additional licensing. It includes the following headline information:
- The House Condition Survey (2012) indicates that the private rented sector within Bath & North East Somerset has increased significantly since 2004. There are now an estimated 4,400 buildings defined as HMOs making up a total of 6,310 dwellings. This is just over three times the national average rate.

- The Wards of Westmoreland, Oldfield and Widcombe have both the greatest number of shared HMOs (that is, excluding s257 HMOs<sup>1</sup> in flats) and the highest percentage of properties that are HMOs. They also host the highest number of HMOs subject to mandatory licensing (181 dwellings). The number of HMOs within three Wards that would be subject to additional licensing is estimated at between 700 -1,400 properties.
- Over recent years there has been a steady increase in fires reported in HMOs within Bath & North East Somerset. The likelihood of a fire in Bath & North East Somerset is 2.83 per 1,000 single household properties and 5.03 per 1,000 in an HMO.
- There is no clear evidence that individual HMO conditions are significantly worse in the Wards of Westmoreland, Oldfield and Widcombe than HMOs in other areas. However, there are a number of issues that raise concern including:
  - Over the previous 4 years Housing Services has received a higher rate of complaints about HMOs in the Wards of Westmoreland, Oldfield and Widcombe than in other areas. Similarly whilst these Wards host around a third of all HMOs they account for almost 50% of Council service requests relating to the management of HMOs and over 40% of those related to waste accumulations and disrepair.
  - Survey respondents advised that around a quarter had only been provided with battery operated smoke alarms. These are considered unacceptable due to the high failure rate which national evidence puts at around 45%. In addition around a quarter of respondents had not been provided with a fire blanket in the kitchen, considered essential in an HMO.
- Since mandatory HMO licensing has been introduced Housing Services has issued 487 new licences. Nearly 90% of all new licences were served with a schedule of works to bring them up to minimum licensing standards. The rate of significant hazards identified in the licensable HMOs in Wards of Westmoreland, Oldfield and Widcombe was greater than in the rest of the district.
- There is evidence to suggest that a significant number of HMOs are being poorly managed. This includes:
  - A direct relationship between HMOs by Ward and domestic waste complaints. Given the high number of HMOs within the Wards of Westmoreland, Oldfield and Widcombe this is a particular local issue.
  - Survey information suggesting that at least 40% of tenants within the Westmoreland, Oldfield and Widcombe area were not provided with copies of Energy Performance Certificate despite this being a legal requirement. In addition almost a quarter of tenants reported that they

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<sup>1</sup> These are buildings converted into self contained flats and where less than 2/3<sup>rd</sup> are owner-occupied and the conversion did not meet the requirements of the 1991 Building Regulations.

had not been given a copy of the gas safety certificate, also a legal requirement.

- Survey respondents advised that two thirds had not been advised how to test their alarms or that they needed to be tested weekly. Over half were not advised what to do if there was a problem with the alarm.
- Whilst the voluntary property accreditation scheme has been very successful, its efficacy is being seriously challenged. Despite the dramatic rise in the private rented sector the number of new accreditations has been reducing, 25% lower in 2011/12 than the previous year. Re-accreditations have reduced by 18% over the same period.

It is also important to note that the evidence revealed a number of positive characteristics of the local HMO market. Some of these include:

- The House Condition Survey (2012) indicates that HMOs are not in poorer condition than the rest of the housing stock. Indeed they may be in a slightly better condition than the wider private rented sector. This is not the same as neighbouring authorities where HMO's are generally in poorer condition than other housing sectors.
- The rate of housing complaints from HMOs is lower than the rest of the private rented sector, though they are generally more complex to resolve.
- Most tenants indicated that they were satisfied with the facilities in their home, the information provided by their landlord/agent and that their home provides a safe and healthy place to live. Most tenants were also provided with 24 hour contact details for their landlord/agent.

## Formal Consultation

- 4.7 After due consideration of the evidence base it was concluded that there was a reasonable likelihood that the legislative conditions for introducing additional licensing could be fulfilled. As such formal consultation was undertaken with landlords, residents and other interested parties on a proposal to introduce additional licensing for all shared HMOs (that is excluding s.257 flats) in an area broadly based upon the Wards of Westmoreland, Oldfield and Widcombe.
- 4.8 Whilst consultation activities have taken place at various times since March 2012, the formal consultation period ran from 17<sup>th</sup> September 2012 until 30<sup>th</sup> November 2012. The consultation was extensive and included the following activities:

Activity	Numbers
Stakeholders workshop	19
On-line questionnaire	272
Written and other responses	62
Drop in events x 3	116
University market stalls x 2	85
Polish Community Event – delegates and service providers	20
Southdown electric blanket testing event	5
Mandatory HMO licence holders mail shot	265
Accredited landlords email shot	400

Letting agents mail shot	46
National Landlords Association (NLA) meeting	68
Accreditation working group	20
West of England Private sector Housing group	4
B&NES Equality Impact Assessment Quality Control Group	8
West of England Landlord Panel	8
Residents (households visited in proposed area)	1120
Businesses visited in proposed area	169
Equality groups and service providers	23
Meetings with student's Union from Bath Spa and University of Bath	4
Local Development Framework (LDF) Steering group	10
B&NES website - Unique page views (17 <sup>th</sup> Sept – 30 <sup>th</sup> Nov 2012)	
<a href="http://www.bathnes.gov.uk/hmos">www.bathnes.gov.uk/hmos</a> (additional licensing info page)	515
<a href="http://www.bathnes.gov.uk/hmo">www.bathnes.gov.uk/hmo</a> (Article 4 Direction/additional licensing info page)	769
<b>Total</b>	4008*

\* Will include an unquantifiable element of double counting

- 4.9 As a result of the above activities a total of 901 responses were received comprising: 272 completed on-line questionnaires; 62 written/other responses; 278 door step surveys; 289 responses during the consultation events which were either verbal or placed directly on display charts.
- 4.10 Overall the views on the proposal were both mixed and often strongly expressed. Residents, particularly those within the proposed area, were in favour of introducing the scheme as proposed. Indeed 89% of respondents to the on-line questionnaire who were resident in the area thought that the scheme would help improve both the condition of HMO and the local area. Over 92% thought the scheme would improve how HMOs are managed. Written and verbal responses spoke of disinterested/neglectful landlords and having to endure poor garden maintenance, rubbish accumulations and other anti-social activities.
- 4.11 Landlords and business were less convinced that additional licencing was appropriate. Indeed only 36% of the on-line respondents thought that the scheme would improve conditions; 27% thought it would improve the area; and 32% that it would improve the management of HMOs. Written and verbal responses spoke of additional bureaucracy and costs that would ultimately be passed on to tenants, that there should be better use of existing powers and that good landlords would be punished for the actions of bad landlords. There were also specific comments and suggested amendments on the proposed conditions.
- 4.12 Other organisations provided written responded with mixed enthusiasm for the proposal including:
- Avon and Somerset Police who were keen to see security measures included in any scheme.
  - Avon Fire and Rescue Service who were in favour of any measure that would protect occupiers and provide training to tenants.
  - Bath Spa University and Bath Spa Students Union (joint response) welcomed improving standards but had concerns about licensing and potential for rental increases.
  - The University of Bath Students Union were generally against any licensing and questioned the evidence and the conditions being proposed.



- The University of Bath were in favour of additional licensing.
- National Landlords Association and the Residential Landlords Association who were against the proposals raising concerns about the evidence base and the potential for rent increases.

4.13 Appendix 2 contains contains the report on the consultation exercise and provides a significant amount of information.

4.14 As a result of the consultation exercise a number of amendments are suggested to the proposed scheme. The proposed scheme is shown at Appendix 3 and includes a number of suggested amendments to the licensing conditions; the licence fee structure; the evidence report; and the proposed area being covered.

## **5 RISK MANAGEMENT**

5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## **6 EQUALITIES**

6.1 An initial equalities impact assessment has been undertaken and is attached in Appendix 4. The conclusions of the assessment in relation to additional licensing can be summarised as follows:

- Additional licencing is likely to have a positive effect on all equality groups by raising the standard of designated HMOs.
- Adequate provision should be made to help some equality groups fill in any necessary paperwork to comply with licencing process.
- Licencing could act as inflationary pressure on rental prices if landlords are able to pass the costs onto tenants. This is likely to have a disproportionate affect on people with lower salaries, usually young people.

## **7 CONSULTATION**

7.1 Cabinet Member; Other B&NES Services; Service Users; Local Residents; Stakeholders/Partners.

7.2 Detailed fully within the Consultation Report at Appendix 2.

## **8 ISSUES TO CONSIDER IN REACHING THE DECISION**

8.1 Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights; Other Legal Considerations

## **9 ADVICE SOUGHT**

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Graham Sabourn, Associate Director (Housing) 01225 477949 Jeremy Manners, Senior Environmental Health Practitioner 01225 396276
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## HOUSING SERVICES

### EVIDENCE FOR AN ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION IN BATH AND NORTH EAST SOMERSET



v2.1 - March 2013

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## 1 EXECUTIVE SUMMARY

The Council is considering whether there is a need to implement an additional licensing scheme for Houses in Multiple Occupation (HMOs) in Bath and North East Somerset. An additional licensing scheme would operate together with the current mandatory scheme, which only licenses larger HMOs in the area.

In order to justify having an additional licensing scheme for either the whole or part of the district, the Council must be satisfied that a significant proportion of HMOs in that area are being managed ineffectively and that this is likely to result in occupiers or members of the public experiencing particular problems. If it is, the Council must additionally be satisfied that no other effective course of action is available to it to tackle the problem.

The sorts of particular problems that are common in HMOs include increased fire risks, cold homes with inadequate energy efficiency measures, risk of falling on stairs and poor arrangements for storing and disposing of domestic waste. Areas with high concentrations of HMOs show a relationship with domestic waste complaints and requests for street sweeping.

HMOs are flats or houses lived in by three or more people from more than one household and are usually privately rented. These include shared houses and bedsit accommodation.

Over the last 10 years the private rented sector has dramatically increased, with a corresponding growth in the number of HMOs with shared facilities in the district. With an anticipated increasing demand for affordable housing it is likely that the number of HMOs will continue to grow.

The people that live in HMOs with shared facilities tend to be low-income households who are often young, single and transient in nature, including students. They also provide essential accommodation for vulnerable and otherwise homeless households who can't afford other private housing options. These type of tenants are likely to need strong and effective property management arrangements in order to support them in being good tenants as they may have less experience in running a home and less awareness of the impact of poor housing conditions and how their actions can impact on the local community. HMOs are often, therefore, lived in by the people who will benefit most from an effective good property management service provided by their landlords.

The Council improves HMOs in the private housing sector through mandatory licensing of larger HMOs and voluntary accreditation which both set reasonable standards for HMO landlords to comply with. The Council also proactively inspect properties and respond to housing condition complaints. The Council encourage and, if necessary, enforce reasonable standards of health and safety that protect the occupants. An additional licensing scheme would enable the Council to identify and improve HMOs that are not controlled and inspected under the current schemes.

Nearly half (46%) of the privately rented dwellings in Bath and North East Somerset are HMOs. Some of these are houses converted into non multiple occupancy flats but nearly 4,000 are HMOs with shared facilities. These HMOs are distributed throughout the district but are notably concentrated in the city of Bath and the three Wards of Oldfield, Westmoreland and Widcombe with a peripheral spread into neighbouring Wards.

Fewer than 400 HMOs are inspected and regulated under the mandatory licensing scheme. This means that around 90% of the HMOs with shared facilities in the district are not licensed and, many of these non-licensed HMOs are concentrated in the Wards of Oldfield, Westmoreland and Widcombe.

A recent survey of housing stock found that one in every eight HMOs in the Bath and North East Somerset area have at least one serious health and safety hazards and that HMOs in Oldfield Ward have significantly more of the most serious health and safety hazards than average over all sampled HMOs in the district. The survey found that in Oldfield Ward, one in three HMOs has a serious health and safety hazard. HMOs in Widcombe and Westmoreland did not show any significant difference. The survey also found that across the district as a whole, HMOs had a slightly lower rate of hazards than the other privately rented stock.

Of the 364 HMOs that have been subject to mandatory licensing, one in four have had at least one significant hazard, such as excess cold, fire risk and falling on stairs, that has needed to be remedied. It is estimated that the health and safety risk prevention of mandatory licensing has protected over 500 local residents from potential harms.

Within the Wards of Oldfield, Westmoreland and Widcombe, nearly one in three mandatory licensed HMOs have been assessed with a significant hazard(s) compared to one in five in the remaining Wards.

There are around 1500 properties in the Accreditation scheme which protects nearly 5,000 occupants. Nearly one third of these accredited properties have had to have remedial works to reach the minimum health and safety standard or higher. Landlord engagement has been very productive and demonstrated a willingness to provide safe and well managed homes. However, the scheme is voluntary and the rate of engagement has fallen in the last few years.

The evidence in Section 6 of the report includes consultation feedback from residents and HMO tenants as well as evidence from the Council's Housing Services who respond to complaints and inspect HMOs. 62% of HMO residents were very happy with the management of their home for example:

*"The landlord provides everything and we were well informed about all the different procedures. Have always had a good experience and the house is in good condition."*

However, the Council receives more than 400 service requests relating to HMOs every year and some HMO tenants and residents have expressed serious concerns and experienced

disrepair and poor management that have put their health and safety at risk and caused community concern. 24% of HMO residents expressed dissatisfaction with the management of their homes, for example:

*“My landlord is very kind but maintains the house to bare minimum, damp under floor, in bedrooms, in bathrooms, rats etc. all dealt with minimally.”*

Throughout this report the evidence, when viewed cumulatively, indicates that whereas a large number of occupants are content with their landlord’s management, a significant number of them are not and, in the absence of any other effective means of control, there is justification for a targeted additional licensing scheme.

The Council has implemented a number of different activities aimed at improving HMOs and reducing the negative impact of some HMOs. Additional licensing could compliment these activities and fit in with the Councils existing agendas and strategies. If an additional licensing scheme is introduced to cover HMOs with shared facilities in the proposed target area centred around Oldfield, Westmoreland and Widcombe, it is estimated that it could regulate up to 1,400 Houses in Multiple Occupation and identify up to 400 HMOs with a significant health and safety hazard affecting the health of up to 1600 potentially vulnerable people.



## 2 INTRODUCTION TO THE EVIDENCE REQUIREMENT

Houses in Multiple Occupation (HMOs) are buildings or parts of buildings which are occupied by three or more people from more than one household. These may be occupied as bedsits, shared houses, hostels or a combination of these. Some buildings converted into self-contained flats are also HMOs. The majority of HMO accommodation is privately rented.

In locations where property and rental prices are high such as Bath, HMOs provide essential accommodation for young professionals. However generally, occupiers of HMOs tend to be low-income households, mainly because they are either economically inactive, full-time students or working in low-paid jobs<sup>1</sup>. These types of tenants are more likely to be vulnerable, have less financial backing and disadvantaged in the marketplace<sup>2</sup>.

The number of young people aged 15-24 in Bath and North East Somerset has increased by 27% since 2001 and is higher than the national average<sup>3</sup>. It can be assumed that the demand for HMOs has increased alongside the changing demographics.

The Housing Act 2004 increased Local Housing Authority's (LHA) abilities to regulate HMOs by introducing licensing. Mandatory licensing applies to HMOs of 3 storeys or more, occupied by 5 or more people who are not a single household. Additional licensing allows the LHA to designate all or part of their district to be subject to additional licensing for classes of HMOs specified by the LHA.

Following the introduction of a General Approval Order in March 2010<sup>4</sup> an LHA can now introduce additional licensing without the need for Secretary of State approval. However, introducing additional licensing is not a decision to be taken lightly by the Council. The conditions that must be satisfied are contained in Part 2 of the Housing Act 2004 and are further detailed in guidance issued by the Department of Communities & Local Government (CLG) issued in February 2010<sup>5</sup>.

The legislative requirement for additional licensing of HMOs will only allow the Council to implement a scheme if it can be shown that a significant proportion of the HMOs are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

<sup>1</sup> DETR (1999), cited in DCLG, Evidence Gathering – Housing in Multiple Occupation and possible planning responses, Final Report, 2008

<sup>2</sup> Private Renting in Transition, Coventry, Chartered Institute of Housing, PA Kemp, 2004

<sup>3</sup> Census 2011 First Release – Key findings for Bath and North East Somerset, [www.ons.gov.uk/census-2011](http://www.ons.gov.uk/census-2011) (taken from [www.bathnes.gov.uk](http://www.bathnes.gov.uk) [2012])

<sup>4</sup> [The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation \(England\) General Approval 2010](#)

<sup>5</sup> Approval steps for additional and selective licensing designations in England, Department for Communities and Local Government, Revised edition February 2010.

### 3 CONTEXT OF HMOs

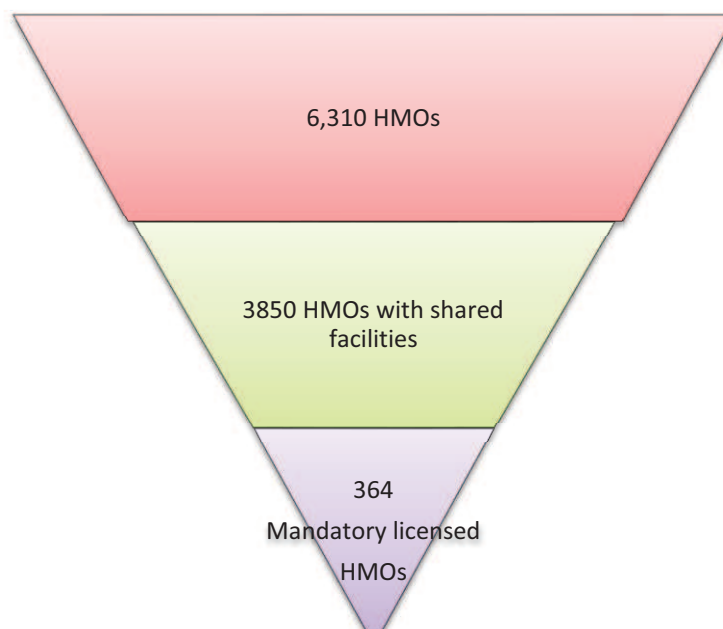
The total housing stock in Bath and North East Somerset is 77,530 with 18% (13,730) privately rented<sup>6</sup>.

This indicates the private rented sector in B&NES has increased significantly since the 2004 B&NES House Conditions Survey which estimated 10% of the stock was privately rented.

The 2001 Census puts private rented tenure in B&NES at nearer 12%, compared to the 2011 Census which suggests an increase to nearly 17%. There is some disagreement on the absolute but nonetheless indicates a large increase in B&NES which is expected to grow further. For comparison, the 2011 Census puts private rented tenure at nearly 17% across England and Wales.

46% (6,310 dwellings or 4,420 buildings) of privately rented dwellings in B&NES are defined under the Housing Act 2004 as HMOs<sup>6</sup>. 3,850 are HMO houses with shared facilities, the rest are houses converted into non multiple occupancy flats.

An HMO with shared facilities is a property where a group of people from different households share a bathroom or kitchen. Where 'HMOs with shared facilities' are referred to in this report, it should be taken as meaning all HMOs excluding section 257 HMOs<sup>7</sup>. Section 257 HMOs<sup>7</sup> are buildings converted entirely into self-contained flats which do not meet the 1991 Building Regulations and less than two thirds of the flats are owner occupied.



<sup>6</sup> B&NES Private Sector Housing Stock Condition Survey, Opinion Research Services, 2012

<sup>7</sup> Housing Act 2004, Section 257

Through various initiatives such as mandatory licensing, voluntary accreditation, and reactive and proactive enforcement, Housing Services have become aware of around 3,500 HMOs (of which 1,800 have shared facilities)<sup>8</sup> of the estimated total of 6,310<sup>6</sup> and in many cases have improved standards of health and safety. Since the introduction of the Housing Act 2004 in 2006, Housing Services have identified 1,175 properties with significant health and safety hazards<sup>16</sup> (up until September 2012). 38% of these were HMOs.

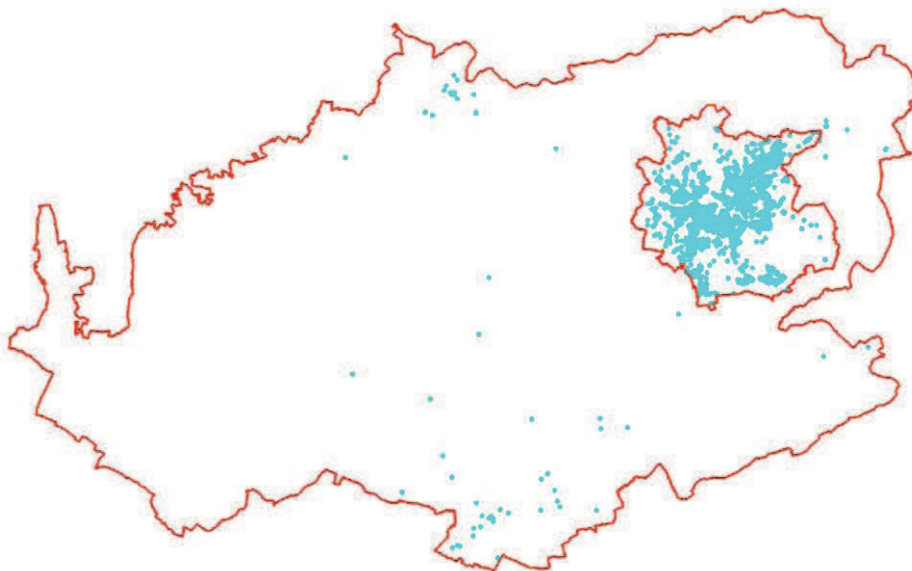
Only 364 HMOs are controlled by mandatory licensing<sup>8</sup> (mandatory licensing is a statutory provision for larger HMOs with 3 or more floors and 5 or more occupants sharing facilities). Despite the improvements seen through the mandatory scheme and voluntary accreditation, the majority of HMOs remain non-licensable with less local authority control.

The B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup> is a survey of house conditions across B&NES. The survey looked at 1000 private sector properties including 124 HMOs. The survey found that 12.2% of HMOs have the most serious health and safety hazards (known as category 1 hazards defined under Part 1 of the Housing Act 2004). This compares to 14.5% of the other private rented stock.

HMOs continue to take up a considerable council resource which is required to respond to and provide remedies for requests for service and to improve standards.

Figure 1 shows the location of known HMOs in B&NES, most of which are located within city of Bath.

Fig. 1 Location of HMOs in B&NES



<sup>8</sup> Housing Services, March 2012

Table 1 shows that of the known HMOs with shared facilities, over 50% are located within the three Wards of Westmoreland (20%), Oldfield (16%) and Widcombe (15%) and that most of these are not covered by the mandatory licensing scheme.

Table 1 also compares the number of known HMOs in each Ward to the total number of households and shows that just over 12% of households in the three Wards of Westmoreland, Oldfield and Widcombe live in HMOs with shared facilities. The table also shows that around half of the 2,260 Council Tax Student Exempt properties in B&NES are located in the three Wards of Westmoreland, Oldfield and Widcombe.

Table 1 HMOs with shared facilities known to Housing Services compared to Ward and households<sup>8</sup>

Ward	HMOs*		HMOs* <u>not</u> covered by mandatory licensing	% of households that are HMOs*	Council tax student exemptions
	% of total	Number			
WESTMORELAND	20	356	291	16	408
OLDFIELD	16	287	233	13	323
WIDCOMBE	15	263	201	11	310
KINGSMEAD	10	180	141	7	244
WALCOT	6	113	101	4	135
NEWBRIDGE	5	93	70	4	62
ABBEY	5	86	67	3	268
LYNCOMBE	4	71	58	3	63
ODD DOWN	4	66	47	3	45
COMBE DOWN	3	46	42	2	58
TWERTON	2	43	41	2	50
LANSDOWN	2	41	33	2	91
LAMBRIDGE	2	40	37	2	19
SOUTHDOWN	2	35	32	1	50
BATHWICK	2	28	22	2	49
WESTON	1	13	13	1	21
Remaining 21 Wards	1	29	27	1.7	64

\*Not including s257 HMOs<sup>7</sup> (buildings converted into self-contained flats which don't meet the 1991 Building Regulations and less than 2/3 are owner occupied)

## 4 ENVIRONMENTAL AND SOCIAL IMPACTS OF HMOS

While many HMOs are well managed, a number do not meet minimum standards and present risks and concerns both for occupants and local residents.

### FUEL POVERTY

The information below on fuel poverty is taken from the local housing stock conditions survey<sup>6</sup>.

In the 3 Wards with greatest numbers of HMOs with shared facilities known to Housing Services, 16-21% of private households are in fuel poverty.

Occupants of a dwelling are considered to be in fuel poverty if they have to spend more than 10% of their net household income in order to get adequate heating and hot water. Dwellings occupied by residents in fuel poverty generally have poor energy efficiency (which is often related to an excess cold hazard) and are also generally occupied by people on low income and least likely to be able to afford improvements<sup>6</sup>.

The Housing Stock Condition Survey<sup>6</sup> tells us that 13.5% of households in the private rented sector are in fuel poverty. The number of occupied private sector properties in fuel poverty in B&NES is slightly lower than the national average but still presents huge issues in terms of both energy efficiency and occupier health<sup>6</sup>.

Fuel poverty is in nearly all cases associated with residents on the lowest incomes, and this bears similarities to some typical occupants of HMOs. In Bath and North East Somerset, 9,090 households (71% of all households in fuel poverty) had an income of less than £10,000 per annum. The majority of the remaining households (2,260) had an income of between £10,000 and £20,000 per year. A small number of households (180) in fuel poverty had an income of over £20,000 per year brought about by the high prices of fuel<sup>6</sup>.

The Building Research Establishment (BRE) Models<sup>9</sup> and B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup> indicate that there are 3 Wards in the City of Bath boundary where over 21% of private sector dwellings have a household in fuel poverty. These are Oldfield, Widcombe and Bathwick. Whereas Bathwick has a low proportion of known HMOs, Oldfield and Widcombe Wards have the second and third highest numbers of known HMOs with shared facilities in the City. The Ward with the highest number of known HMOs with shared facilities is Westmoreland and this has between 16% and 19% of households in fuel poverty which is in the mid-range compared to the other Wards in the City.

<sup>9</sup> Building Research Establishment (BRE) Models, cited in B&NES Private Sector Housing Stock Conditions Survey, 2012

This report is not suggesting there is a direct link between fuel poverty and HMOs but drawing attention to the circumstantial evidence.

## FIRE INCIDENTS

HMO's are often associated with having a higher risk of fire than single family dwellings due to increased occupancy, multiple ignition sources, vulnerable occupants, poor construction and lack of fire prevention measures.

HMOs in B&NES have a higher risk of fire than single household properties.

The 'LACoRS Housing - Fire Safety'<sup>10</sup> national guidance document confirms that existing residential accommodation comprises of a wide range of property types, occupancy arrangements and types of occupants. Fire risk in rented accommodation, and in particular in HMOs, can be complex. HMOs often provide accommodation for people from a wide range of backgrounds and may house vulnerable or disadvantaged groups. In some HMOs there is a high occupancy turnover rate with little social interaction or cohesion between occupiers. The mix of often poor-quality, low-cost housing and vulnerable occupants can lead to a higher than normal fire risk<sup>10</sup>.

According to a Government publication<sup>11</sup>, "*people living in rented or shared accommodation are seven times more likely to have a fire*".

By using available data from Avon Fire and Rescue Service for the financial year 2011-12 there is no correlation between HMOs per 1000 population and fire incidents in B&NES. Since April 2006 until March 2012, Avon Fire and Rescue Service have also not recorded any dwellings fire fatalities in B&NES, although the Council are aware of a previous fire related death.



Disabled smoke alarm with the cover removed

National figures indicate that annual accidental dwelling fire deaths and casualties have decreased dramatically in the 10 year period from 1999/00 to 2009/10 across all tenures<sup>12</sup>.

In B&NES, although the numbers are low, since 2008 there has been a steady increase in fires reported in HMOs in B&NES year on year up until the end of the calendar year 2011. In addition, from the period of October 2008 to February 2012 there have been 2.83 fires per

<sup>10</sup> [LACoRS Housing - Fire Safety, LACoRS, 2008](#)

<sup>11</sup> Communities and Local Government (CLG) publication, Fire safety in shared or rented accommodation, CLG, 2008

<sup>12</sup> [Fire Kills Campaign, Annual Report 2010-11, CLG, 2011](#)

1000 single household properties in B&NES. This compares to 5.03 fires per 1000 HMOs in B&NES indicating that a fire in a HMO is 1.78 times as likely as in a single household property. Figures relating to fire obtained from Avon Fire and Rescue Service, March 2012. Property numbers obtained from The B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup>.

Around 400 people die every year in accidental house fires. Risk of death is doubled if you do not have a working smoke alarm and faulty electrics cause around 7,000 house fires each year<sup>11</sup>. In addition to this, battery smoke alarms have a 45% failure rate<sup>13</sup>. Over one quarter of occupants of HMOs in Oldfield, Westmoreland and Widcombe who responded to the B&NES HMO residents survey<sup>14</sup>, reported that they only had battery operated alarms.

Fire is one of the most common hazards identified by Housing Services through their reactive and proactive inspection and enforcement work. Mandatory licensing allows the Council to ensure that all HMOs in the scheme have working mains powered smoke alarms and that the electrical installation is checked and maintained. Additional licensing could ensure an adequate level of fire safety is provided.

## DOMESTIC WASTE AND STREET SWEEPING

Council Connect are the front face of the Council and receive enquires related to all manner of services provided by the Council. Amongst other things, they receive public requests relating to domestic waste and street sweeping.

Between January 2010 and March 2012 Council Connect received 1,335 complaints of domestic waste being left out on the wrong day. During the same period Council Connect received 3,313 requests for street sweeping. When specifically looking at the three Wards with the highest numbers of HMOs with shared facilities known to the Council (Oldfield, Westmoreland and Widcombe), in the same period a combined total of 228 domestic waste complaints and 537 requests for street sweeping were received. This averages out to be roughly 9 domestic waste complaints and 21 requests for street sweeping every month.

The total figures from Council Connect were then compared to HMOs known to Housing Services<sup>9</sup> by Ward using linear regression models, which examine the likelihood of two factors being statistically related to each other.

Accounting for the impact of City Centre Wards, the R<sup>2</sup> correlation values suggest there is a relationship between both HMOs and domestic waste complaints and HMOs and requests for street sweeping. The Wards with the highest concentration of HMOs appear to be related to

<sup>13</sup> [Housing Health and Safety Rating System Operating Guidance, ODPM, 2006](#)

<sup>14</sup> Bath & North East Somerset, HMO Residents Survey, 2012

concerns of domestic waste being left out on the wrong day and an increased need for street sweeping.

Calls to Council Connect regarding both street sweeping and domestic waste follow a similar trend which could quite realistically mean that the issues are related. However, it could also mean that residents of certain Wards are more inclined to complain than residents of other Wards or, these residents are more sensitive to certain problems than other residents may be. Areas with high densities of transient populations such as students for example, may also be less likely to complain.

Under the West of England Good Management Code of Practice which all licence holders (in the mandatory licensing scheme) are required to sign up to, landlords are required to “*make reasonable arrangements for the storage and disposal of refuse*”.

## CRIME, ANTI-SOCIAL BEHAVIOUR

For the year 2010/11 there were 5421 calls to Avon & Somerset Constabulary relating to specific incidents of anti-social behaviour (ASB), namely rowdy behaviour, street drinking, noise and nuisance neighbours. However, there is inconclusive evidence of any relationship between ASB and HMOs. The largest concentration of ASB is in the centre of Bath, and could be caused by people living in any area of the city<sup>15</sup>. There is also no correlation between HMOs and ASB recorded for the financial year 2011-12.

Theft of pedal cycles per 1000 households shows a significant correlation with HMOs. However, this is the only correlation between crime and crime types and HMOs.

## GARAGES CONVERTED INTO BEDROOMS

Concerns have been raised by some residents about the use of garages located at the end of back gardens being converted and used for living accommodation.

B&NES Housing Services are aware of at least two HMOs in the Widcombe Ward where externally located garages have been converted into extra bedrooms. The conversions do not need planning permission as they are not fully self-contained. The occupant of the garage bedroom have their own en-suite shower and toilet but have to access the full kitchen and living area in the main house by crossing the rear garden of the property and entering through the back door.

<sup>15</sup> Bath & North East Somerset Council, Article 4 Direction for HMOs, Feasibility Study, ARUP, 2012



Local residents have expressed their concerns about the conversions and it is anticipated that future conversions may increase as a way to maximise occupancy and income. It is also apparent that 2 storey HMOs can add an extra bedroom through this method and therefore not require mandatory licensing as they may do if they were to add a loft conversion.

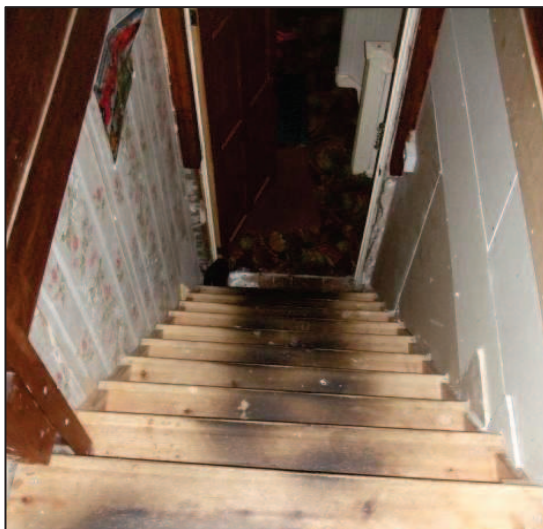
## 5 HAZARDS AND DEFECTS IDENTIFIED AND REMEDIED BY MANDATORY LICENSING AND ENFORCEMENT OF HMOS

The council operate a statutory Mandatory Licensing Scheme and a voluntary Accreditation Scheme to improve standards of health and safety for residents of HMOs. It also provides a reactive service that responds to complaints about HMOs and proactively inspects HMOs based on risk. HMOs not subject to licensing are likely to have similar incidence and types of hazards and defects to those that have been addressed by these services.

### HEALTH AND SAFETY HAZARDS IDENTIFIED AND REMEDIED BY MANDATORY LICENSING

Mandatory licensing has provided a platform for Housing Services to proactively target, inspect and improve a number of larger HMOs in the district, some of which the Council had no previous record of. Through the mandatory licensing scheme Housing Services believe HMOs have been improved in terms of health, safety, welfare and management.

- 89% of all new licences issued were served with schedules of work
- 159 significant health and safety hazards identified through mandatory licensing
- 25% of Mandatory licensable HMOs had a significant health and safety hazard
- 'Excess Cold', 'Fire' and 'Falling on Stairs' are the most common hazards found in mandatory licensed HMOs



**Dangerous stairs with no covering and no handrails increasing the risk of a fall**

Table 2 shows that since mandatory licensing of larger HMOs became a statutory provision in 2006, Housing Services have identified 159 significant health and safety hazards<sup>16</sup> in licensed HMOs (July 2006 until March 2012).

Hazard	Number identified	%
Excess Cold	46	28.9
Fire	42	26.4
Falling on stairs	36	22.6
Falling between levels	9	5.7
Other	26	16.4
Total	159	100

The three most common hazards identified in licensed HMOs and shown in table 2, were Excess Cold, Fire and Falling on Stairs (accounting for 78% of all significant hazards). Mandatory licensing has brought these properties and hazards to the attention of the Council so that appropriate action could be taken to make the premises safer and healthier.

The 159 significant hazards identified were spread over 90 different licensed HMOs. This indicates that out of the 364 mandatory licences<sup>8</sup> currently in place, 25% have been identified with a significant hazard presenting a real risk to the health and safety of the occupants, estimated to be over 500 people potentially affected at any one time (based on an average of 6 occupants).

53% (84) of the significant health and safety hazards identified in mandatory licensed HMOs were from those HMOs located in the proposed additional licensing area<sup>♦</sup> (roughly 3 Wards out of a total of 37). The hazards were found in 54 mandatory licensed HMOs. This means that 60% of all licensed HMOs with significant health and safety hazards were located in the proposed additional licensing area<sup>♦</sup>. For comparison, out of the 364 mandatory licensed HMOs in place, 181 or 50% are located in the three Wards of Oldfield, Westmoreland and Widcombe<sup>8</sup> (the basis of the proposed additional licensing area<sup>♦</sup>).

As mentioned above and shown below in table 3, the district average for licensed HMOs with at least one significant health and safety hazard is 25%. Table 3 shows that within the three Wards of Oldfield, Westmoreland and Widcombe, 30% of licensed HMOs have hazards(s) compared to the remainder of B&NES Wards which have only 20%. This indicates that the three Wards at the centre of the proposed additional licensing area have a higher rate of hazards when compared to the rest of the district.

<sup>16</sup> Significant health and safety hazard defined by Housing Services as a band A-D hazard assessed using the Housing Health and Safety Rating System (HHSRS) under Part 1 of the Housing Act 2004. A-D hazards are those that are actionable under the Housing Services Enforcement Policy and present a significant risk to safety and health.

<sup>♦</sup> Proposed additional licensing area: Oldfield, Westmoreland, Widcombe and small sections of adjoining Wards including Bathwick, Lyncombe, Southdown and Twerton.

	B&NES Total	Oldfield, Westmoreland, Widcombe	The rest of B&NES
Licensed HMOs	100% (364)	49.7% (181)	50.3% (183)
Licensed HMOs with hazard(s)	25% (90)	29.8% (54)	19.7% (36)

## MANAGEMENT DEFECTS IDENTIFIED AND REMEDIED BY MANDATORY LICENSING

Since the introduction of mandatory licensing in 2006 up until the end of May 2012, Housing Services have issued 487 new licences and a further 134 renewals (a total of 621 licences).

Over 89% of all new licences issued were served with schedule 3 attachments (see table 4). A schedule 3 is a list of works required in order to meet the licensing standard.

	Numbers	%
New licences issued (not including renewals)	487	100.0
New licenses issued with Schedule 3's attached	434	89.1

The licensing standards<sup>17</sup> have been applied in order to meet minimum management requirements for HMOs. The requirements added to the schedule of works ensure that adequate bathroom and kitchen facilities are provided for the number of occupants, that there is enough space for occupants in terms of room sizes; that fire precautions are of a minimum standard and where necessary sufficient heating is provided. Landlords can show good management by meeting minimum requirements.

Each HMO which had a schedule of works attached had on average 3 separate conditions applied. The conditions applied were made up of the following areas of work as shown in table 5 and figure 2.

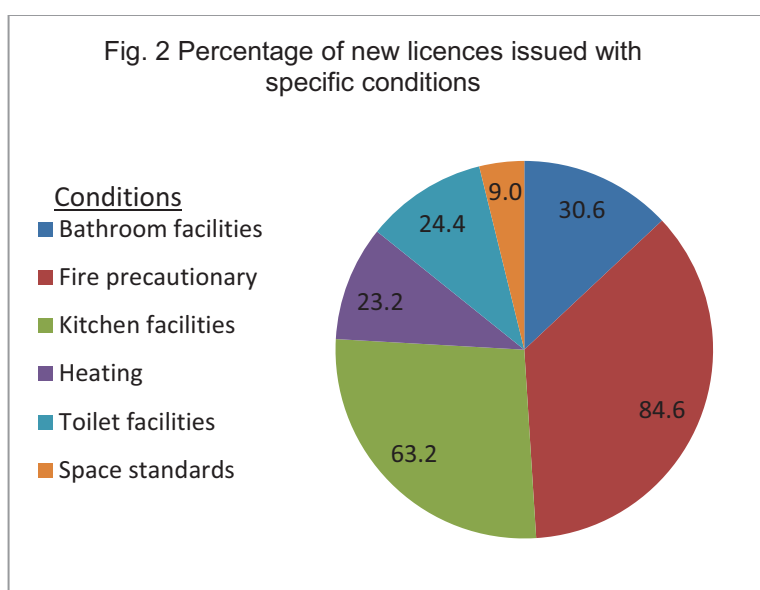
Schedule 3 condition	No.	As a % of all conditions	% of new licences issued with the	Description of works included
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<sup>17</sup> [The West of England \(WoE\) local authorities' standards for licensed Houses in Multiple Occupation \(HMOs\) under Part 2 Housing Act 2004 \(revised Sep 2010\)](#)

			condition	
Fire precautionary	412	36.0	84.6	Fire blanket to the kitchen, fire door to the kitchen, install and maintain or upgrade a fire alarm system, providing emergency lighting, changing bedroom and front door locks
Kitchen facilities	308	26.9	63.2	Safe and efficient layout, suitable dining area, sinks, mechanical ventilation, cookers, cupboard space, electric sockets, work tops, fridge, freezers, refuse facilities
Bathroom facilities	149	13.0	30.6	Mechanical ventilation, additional shower room, additional bathroom
Toilet facilities	119	10.4	24.4	Additional toilet, separate toilet, wash hand basin to toilet
Heating	113	9.9	23.2	Heating to the bathroom, bedrooms and/or living room
Space standards	44	3.8	9.0	Increase room sizes (kitchen, bedrooms, living space) or decrease occupancy
*Total	1145	100.0		

\* The total does not include the condition requiring wash hand basins in every bedroom which was an original licensing requirement. A change in legislation led this condition to be removed from the majority of licences.

Out of the 487 new licences issued, 412 (85%) were required to improve fire precautions in the property. Although licensing was a new concept in 2006, the need for fire precautions was nothing new to landlords and agents.



Separate enforcement action taken on mandatory licensed HMOs has also resulted in 246 informal or formal notices being served requiring works to improve the properties up to minimum standards.

Mandatory licensing has given Housing Services access to larger HMOs allowing substantial improvements to be made to management, welfare and safety. This is unlikely to have been achieved without the introduction of licensing or a similar mandatory scheme.

## HAZARDS AND DEFECTS IDENTIFIED AND REMEDIED BY VOLUNTARY ACCREDITATION

By the end of the financial year 2011-12 there were around 1,500 accredited properties in the private rented sector in B&NES making up a figure of 4,761 bed spaces covered by the scheme.

The total number of accredited properties is increasing year on year. However, in 2011-12 the number of new properties joining the scheme (74) was 25% lower than in 2010-11 when there were 99. Reaccreditation was also down 18% during the same period from 941 to 770.

207 properties that have been included in the mandatory licensing scheme were part of the voluntary property accreditation scheme prior to their first new licence being issued. This indicates that those landlords had voluntarily chosen to engage with the Council and bring their properties up to and above minimum standards before having to be licensed. However, based on the current figure of 364 licensed properties<sup>8</sup> the mandatory licensing scheme has brought an additional 157 HMOs to the attention of Housing Services, landlords who otherwise had not engaged with the Council. Since mandatory licensing commenced in 2006, an additional 46 licensed HMOs have voluntarily joined the Accreditation scheme.

Accreditation has been a notable success and has encouraged landlords to voluntarily improve their properties, exceed minimum standards and engage with the Council. However, the scheme has significant limitations.

Accreditation is voluntary and this is one of its most encouraging features, however this is also one of its drawbacks as the Council has no way of making landlords come forward to improve their properties. The Accreditation standard is also higher than minimum enforceable standards, and landlords who can rent their properties regardless may view the cost of voluntary accreditation as a disincentive. Property owners are also, on occasions, conscious that if they come forward to the attentions of the authority they may receive unwanted inspections and additional demands for work and subsequent expense.

Some positive aspects and limitations of the voluntary property Accreditation scheme are listed below in table 6.

Table 6 Positive aspects and limitations of Accreditation	
Positives	Limitations
<ul style="list-style-type: none"> <li>• Voluntary improving the private rented sector;</li> <li>• Building good working relationships with landlords, agents, property owners and partners;</li> <li>• Better engagement with landlords and agents;</li> <li>• Reduced enforcement activity;</li> <li>• Building of local information;</li> <li>• Covers non-HMOs and is district wide</li> </ul>	<ul style="list-style-type: none"> <li>• Not mandatory;</li> <li>• Only limited engagement;</li> <li>• Lack of incentive due to high demand for private sector accommodation;</li> <li>• Requires Council resources;</li> <li>• Confusion with mandatory licensing;</li> <li>• Conflicting standards</li> <li>• Poor landlords choose not to engage</li> </ul>

Out of the properties currently in the Accreditation scheme (1,500), 471 (31%) have been required to carry out works to bring them up to the statutory minimum standard or the higher Accreditation standard. These are the properties that are owned and managed by the better landlords who want to engage with the Council, and have still required improvement.

Out of the 471 properties that have been improved through Accreditation, 305 were contained within the 3 Wards of Oldfield, Westmoreland and Widcombe.

In total there are 636 accredited properties in these 3 Wards many of which will be HMOs and nearly half of these have been improved through Accreditation. However, as figures suggest in section 3, the number of HMOs in these three Wards is likely to be much higher. These are properties that may remain under the radar and may require intervention. Landlords who have not already voluntarily engaged with the Council are unlikely to engage without an incentive or regulatory push.

## HAZARDS AND DEFECTS REMEDIATED BY REACTIVE SERVICE AND ENFORCEMENT

Housing Services often respond to complaints about property conditions with reactive enforcement actions.

- 38% of all HMO complaints to Housing Services originate from Oldfield, Widcombe and Westmoreland.
- HMOs account for 22% of all housing condition complaints.

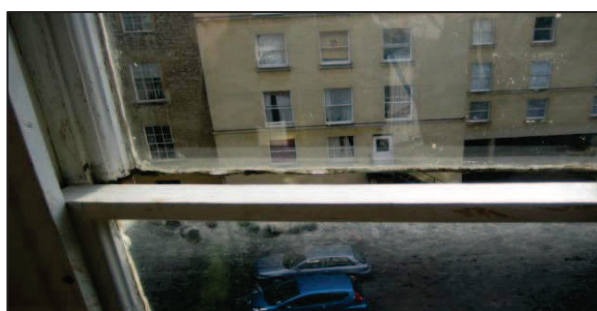
B&NES Housing Services directly receive on average 350 property condition complaints every year. These are mainly associated with single households although a sizeable proportion are related to HMOs. Once a request for a service is received, the matter investigated and where

appropriate a property inspection is carried out and work is required to make the home safer and healthier.

Table 7 shows the number of property condition complaints received related to HMOs and more specifically the HMOs located in the three Wards of Oldfield, Westmoreland and Widcombe.

Table 7 Housing Condition complaints related to HMOs				
Year	Complaints relating to HMOs		Complaints relating to HMOs in Oldfield, Westmoreland and Widcombe	
	Number	As % of total complaints	Number	As % of all HMO complaints
08/09	70	23%	25	36%
09/10	70	19%	28	40%
10/11	84	21%	27	32%
11/12	74	23%	31	42%
Ave.	75	22%	28	38%

HMOs account for 46% of dwellings in the district<sup>6</sup> and an average of 22% of all housing condition complaints received. Although Housing Services are less likely to receive a complaint about a HMO than a single household, the experience of Housing Services is that HMOs generally take up considerably more resources per property than other privately rented dwellings.



Broken sash window with a large gap allowing cold draughts into the home potentially leading to discomfort and respiratory and cardiovascular ill-health

From April 2008 – March 2012 Housing Services issued 265 notices and 47% were in relation to HMOs.

Of the complaints received by Housing Services in relation to HMOs, an average of 38% were in relation to HMOs located within the three Wards of Oldfield, Westmoreland and Widcombe. This may be as a result of the large number of HMOs (32%) concentrated in these three Wards but nonetheless, also indicates that the public have concerns relating to HMOs in these three



Wards important enough for them to request an intervention from Housing Services. Targeting an area with a high concentration of HMOs will likely reduce complaints by proactively improving conditions and management.

Housing Services will only prosecute landlords as a last resort where all other means have been exhausted. In the 2 year period (December 2010 - December 2012) Housing Services have taken 4 successful prosecutions, all of which were in relation to HMOs located in the proposed additional licensing area\*. Further prosecutions are expected early 2013.

**Damp leading to mould and potentially mental and social health effects**



Housing Services experience is that damp and mould is one of the most common complaints received, especially during the colder months as it can be linked to excess cold. Causes of damp and mould can relate to occupant behaviour as well as property related issues such as insulation, heating and ventilation provision. From 2010-2012 (financial years) Housing Services received 120 damp and mould complaints, 33 (28%) of these were in relation to HMOs.

## REGULATORY SERVICE REQUESTS

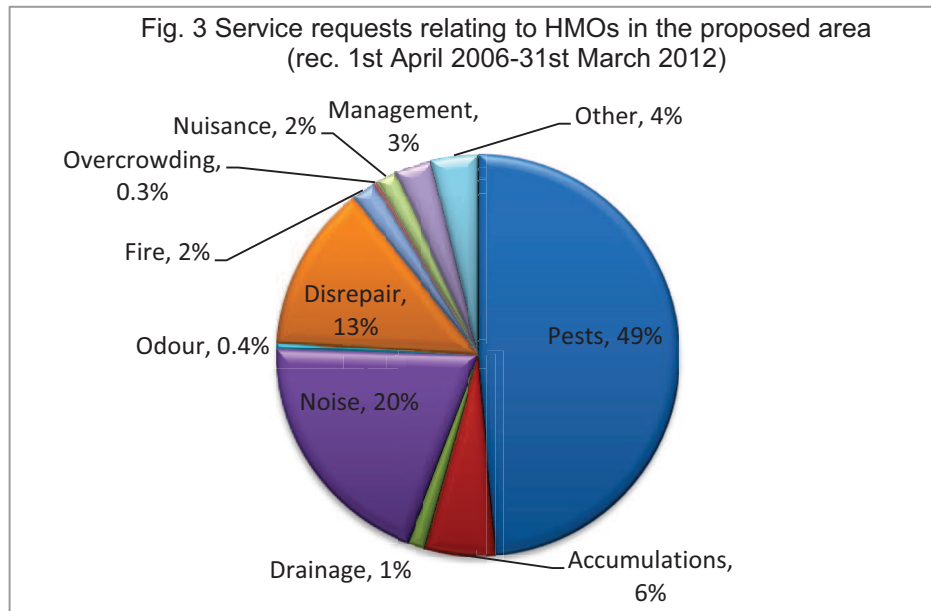
From the 1<sup>st</sup> April 2006 until the 31<sup>st</sup> March 2012, the Council's regulatory services including Neighbourhood and Waste Services received 2,570 service requests related directly to the domestic use of HMOs<sup>18</sup>. This averages out to be 428 service requests per year requiring investigation and allocation of resources. The nature of these requests for a service can be grouped into the areas shown in table 8.

Pests	Noise	Disrepair
Accumulations	Management	Nuisance
Fire	Drainage	Odour
Overcrowding	Other	

<sup>18</sup> Bath and North East Somerset UNiform database

Of these requests for a service, 35% (over 900) were directly related to HMOs in the proposed additional licensing area\*.

Figure 3 below shows the percentages of total service requests received in relation to HMOs in the proposed additional licensing area.



The three biggest areas of concern directly related to the domestic use of HMOs that caused people to request a service are pests, noise and disrepair. Combined they account for over 80% of the service requests received relating to HMOs in the proposed area.

Figure 3 indicates that nearly half of the service requests received by the Council in relation to HMOs in the proposed area were related to pests (49%). This figure is made up of all range of pests including rats, mice, flies, cockroaches, bedbugs and fleas etc. usually as a result of complaints directly from concerned occupants. The cause of these concerns is often varied although can to some extent, be associated with disrepair and high turnover of occupants.

Complaints received about noise are the second biggest source of service requests received in the proposed area. The majority (18%) relate directly to domestic noise. The remainder are made up of intruder alarms and miscellaneous noise.

13% of service requests were related directly to disrepair such as health and safety concerns, asbestos, gas appliances and damp etc. These usually come direct from occupants concerned about their living conditions.



Unsafe boiler potentially leading to carbon monoxide poisoning and explosion

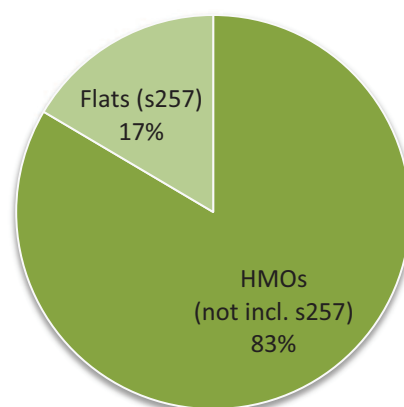
Accumulations including litter and refuse are related to 6% of service requests and often come from concerned neighbours.

Over 40% of all service requests relating to accumulations and disrepair from HMOs came from the proposed additional licensing area.

The remainder are made up of a variety of issues including nuisance, management issues, overcrowding, fire, drainage, odour and requests for advice. Combined they account for around 12% of service requests.

Of all the service requests received by the Council relating to 'management', nearly half came from HMOs in the proposed area\*.

Fig. 4 Service requests relating to HMOs in the proposed area



Of these service requests received in the proposed area\***Error! Bookmark not defined.**, the majority (over 80%) relate to HMOs with shared facilities. See figure 4.

## 6 HMOs IN OLDFIELD, WESTMORELAND AND WIDCOMBE

Oldfield, Westmoreland and Widcombe are three adjoining Wards located within the City of Bath. The Ward boundaries are shown below in figure 5. Combined they account for nearly 11% (19,343 people) of the population of B&NES (179,700 people)<sup>3</sup> and are home to around 50% of the HMOs with shared facilities known to Housing Services.

An Additional Licensing Scheme that was targeted in these three Wards would mean that over half of all the HMOs with shared facilities in B&NES and known to Housing Services would be more effectively controlled and well managed.

Oldfield, Westmoreland and Widcombe have an average of 302 HMOs with shared facilities per Ward compared to a Bath City average of 110 per Ward and a B&NES average of 48 per Ward (see table 1)<sup>8</sup>. An average of 13% of households in Oldfield, Westmoreland and Widcombe are HMOs with shared facilities compared to a Bath City average of 5% and a B&NES average of 2%. This is not altogether surprising and gives some indication of the intensification of HMOs with shared facilities in these Wards.

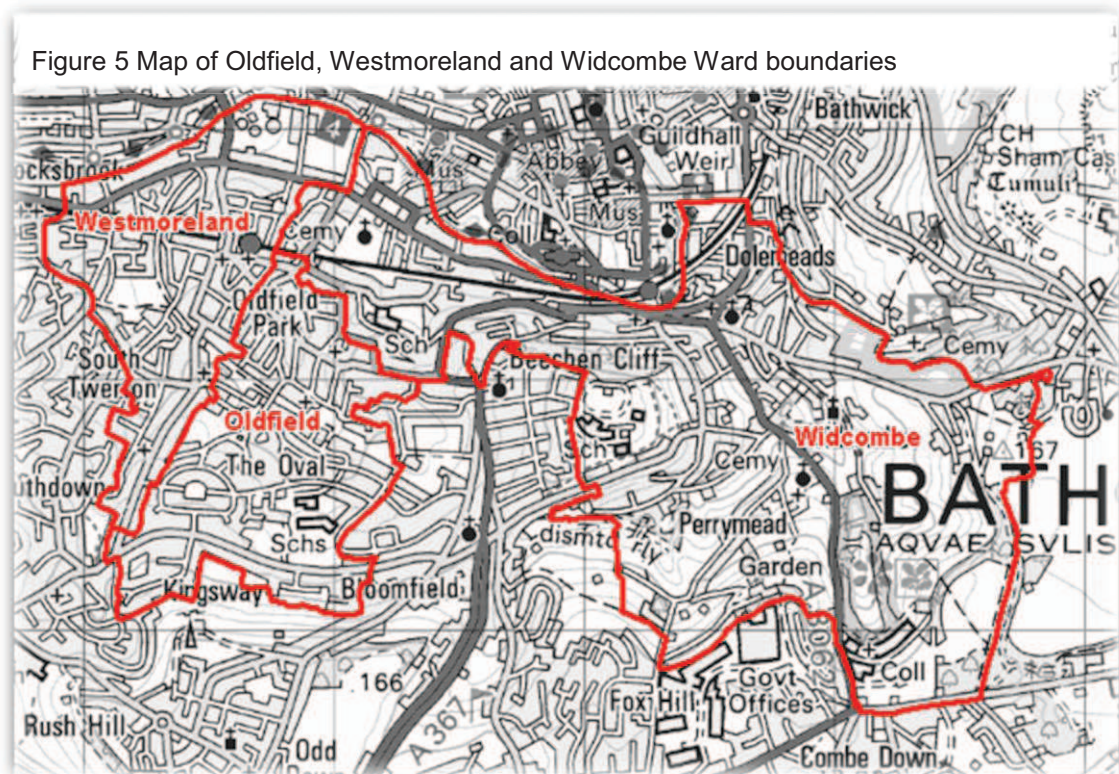


Table 9 shows that 31% of all HMOs identified with significant health and safety hazards were located in Oldfield, Westmoreland and Widcombe Wards.

	Total	HMOs		HMOs in Oldfield, Westmoreland and Widcombe	
		Number	%	Number	As a % of HMOs
Properties with hazards	1175	446	38%	138	31%
Actual Hazards	1474	573	39%	182	32%

The B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup> found that HMOs in Oldfield Ward have significantly more of the most serious health and safety hazards than average over all sampled HMOs in the district. The survey suggested that in Oldfield, 34% of HMOs have a serious health and safety hazard. HMOs in Widcombe and Westmoreland showed nothing significant.

Figure 6 shows that around half of all HMOs with shared facilities in B&NES and known to Housing Services are located in Oldfield, Westmoreland and Widcombe Wards.

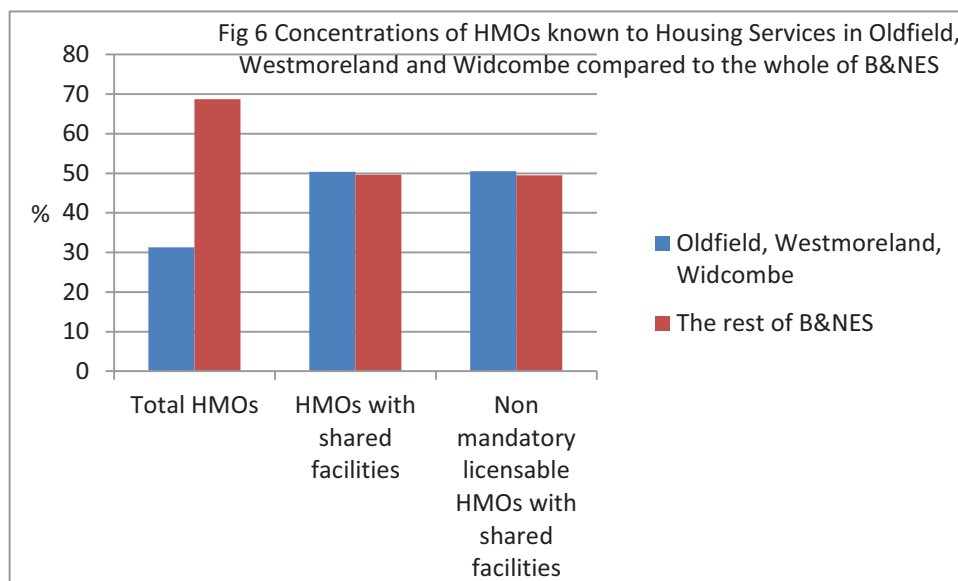
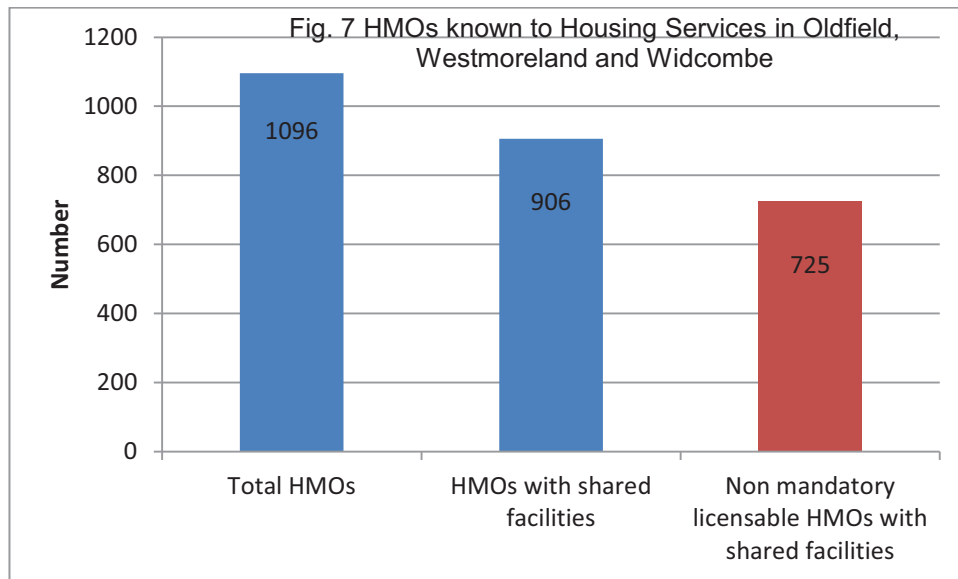


Figure 7 shows that two thirds of HMOs in these three Wards (shown in red) have shared facilities and are not controlled by the mandatory licensing scheme.



When comparing the information held by Housing Services to the B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup>, there is a large discrepancy indicating the true figure of HMOs with shared facilities in Oldfield, Westmoreland and Widcombe and not covered by mandatory licensing could be closer to 1,400.

## HMO TENANT CONSULTATION IN OLDFIELD, WESTMORELAND AND WIDCOMBE

Housing Services sent out 1158 survey forms to all HMOs on their database in Oldfield, Widcombe and Westmoreland Wards (B&NES HMO Residents survey<sup>14</sup>). The majority of HMOs that Housing Services surveyed are known as a result of interventions such as mandatory HMO licensing, accreditation, complaint visits and proactive inspections as well as historical knowledge.

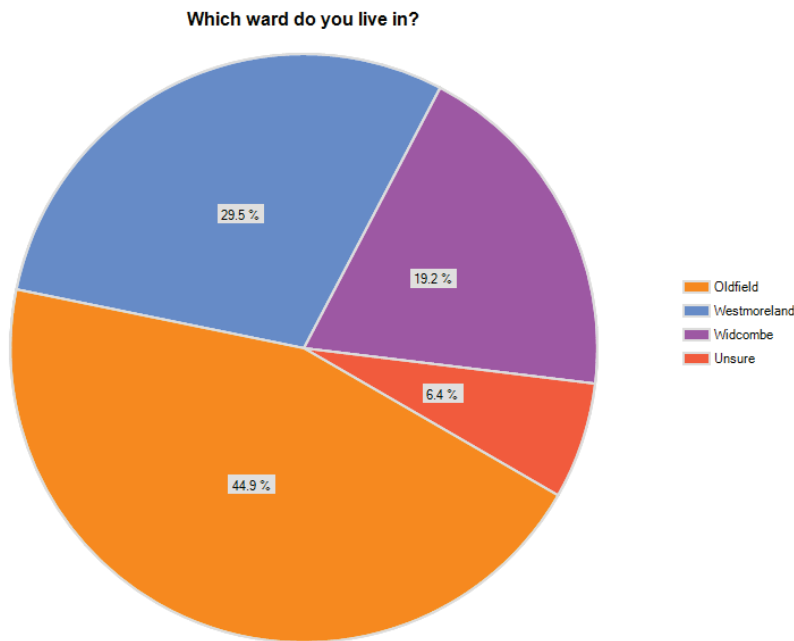
The survey was sent out on the 26<sup>th</sup> May 2012 and responses were accepted until the 22<sup>nd</sup> June 2012. 78 responses to the consultation were registered. Of the survey forms returned, 73% of respondents do not have their housing conditions protected under the mandatory licensing scheme.

A summary of responses is shown below.

### Ward Area

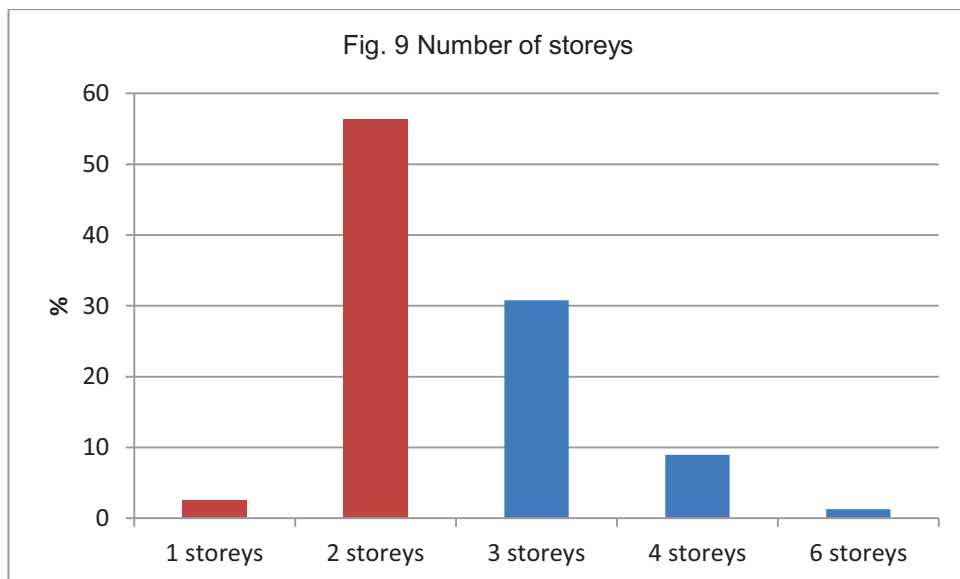
Figure 8 shows that responses were received from each of the Wards in the proposed additional licensing target area.

Fig 8 Which Ward do you live in



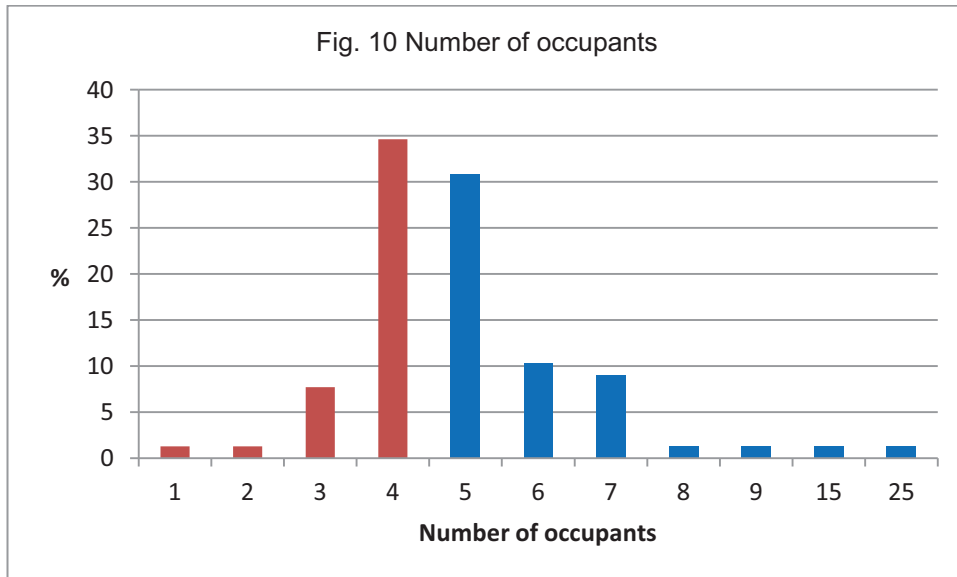
**HMO Number of Storeys**

Figure 9 shows that 59% of HMOs (in red) would be covered by the proposed Additional Licensing Scheme. These HMOs are currently not covered by the Mandatory Licensing of HMOs as they have fewer than 3 storeys. An additional 14% of the HMOs in blue would also come under additional licensing as they have less than 5 occupants.



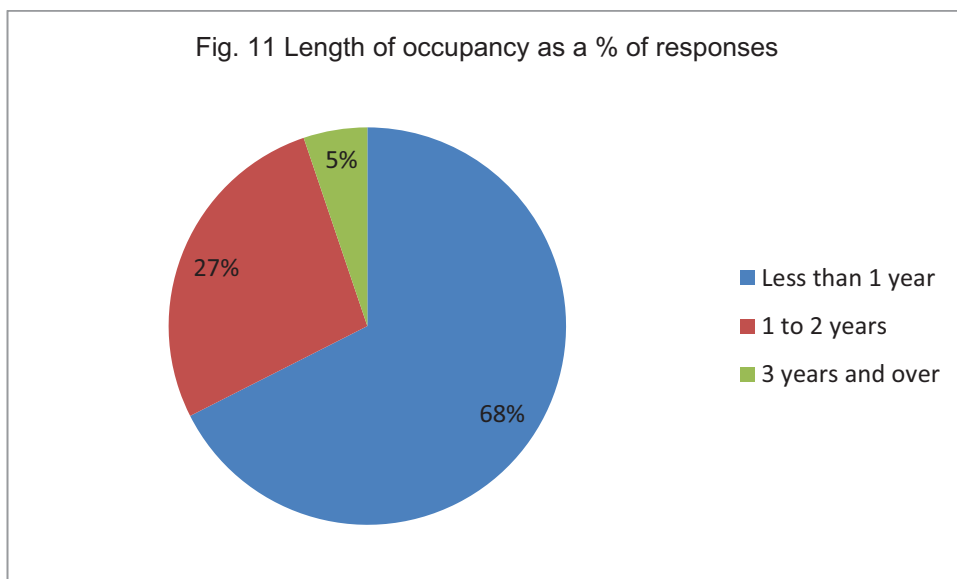
### Number of Occupants

Figure 10 shows that the majority of HMOs (66%) have 4 or 5 occupants and nearly all (93%) have between 3 and 7. Two responses indicated there were only 1 and 2 occupants in the premises and these would not be classed as HMOs under the Housing Act 2004 unless living in a flat within a larger HMO. More than 40% of respondents live in HMOs with 3 or 4 occupants which are not covered by Mandatory Licensing. A further 28% have 5 or more occupants but less than 3 storeys so are also not covered by mandatory licensing. However, they would likely come under an additional licensing scheme if introduced.



### Length of Occupancy

Figure 11 shows that most of the respondents have lived in their home for less than one year and nearly all for less than 3 years. This indicates that most people live in HMOs as short term accommodation.





### Sharing Bedrooms and Bathrooms

The majority of returned survey forms indicate that there was one person per room. However, a small number (6%) show that at least one bedroom is occupied by more than one person. This does not indicate a problem if a bedroom is occupied by a cohabiting couple for example. For mandatory licensing the standard states that there should not be any obligate sharing of bedrooms.

The results indicate that the majority of properties had suitable toilet and bathroom facilities. However, a small number (5% and 6%) appeared to have inadequate numbers of toilets and baths/showers respectively for the number of occupants. This could be addressed through licensing.

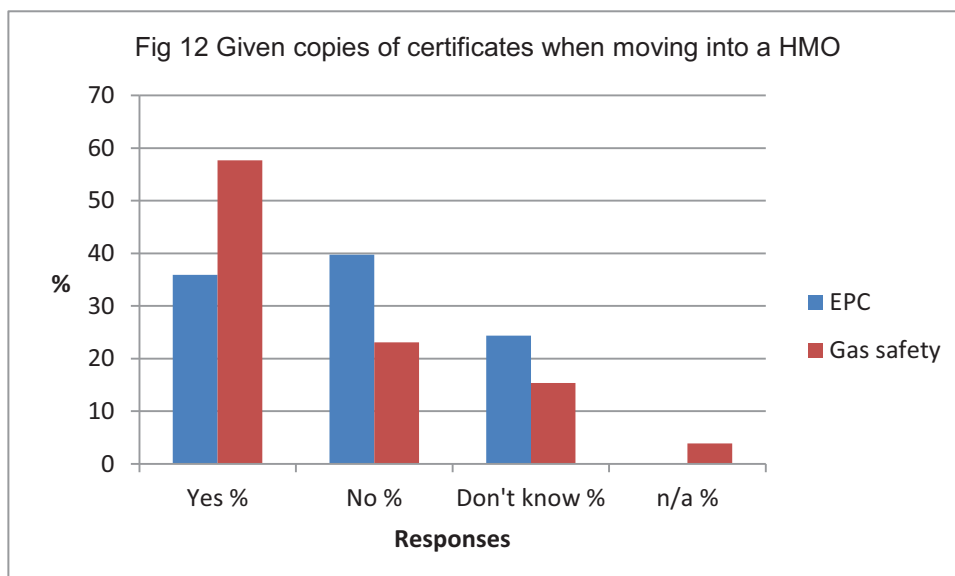
### Statutory Provision of Energy and Safety Certificates

Figure 12 shows that 40% of respondents were not given a copy of the Energy Performance Certificate (EPC) when they moved in and nearly a quarter weren't given a copy of the gas safety certificate when they moved in. Responses indicate that many residents are living in HMOs where gas safety legislation has not been fully and correctly followed.

Note:

It is a requirement under The Gas Safety (Installation and Use) Regulations 1998 that a copy of the gas safety certificate is provided to tenants.

From 1st October 2008, landlords had to provide a free copy of the energy performance certificate to new and prospective tenants. Existing tenants at 1<sup>st</sup> October 2008 are not entitled to one unless they renew their lease. Most respondents to this survey (see figure 11) have only lived in the property for a maximum of 2 years so should have received a copy of the certificate.

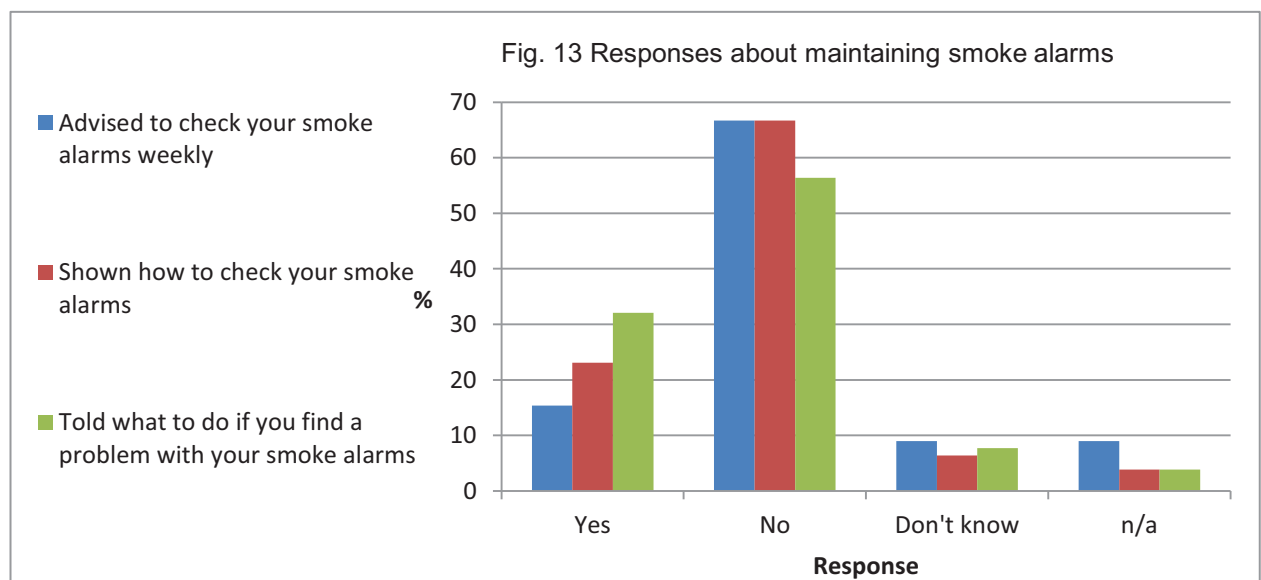


### Fire Safety: Smoke Alarms

Government advice is that you are more than twice as likely to die in a fire at home if you haven't got a working smoke alarm<sup>19</sup>. Reassuringly 95% of respondents reported that they had working smoke alarm(s) in their home which was very positive and demonstrates the hard work and promotion by the fire authority and the Council as well as good awareness from tenants and landlords. This figure is comparable to the B&NES Private Sector Housing Stock Condition Survey<sup>6</sup> which estimates nearly 97% of HMOs in B&NES have some form of smoke detection.

Of those that answered 'yes' to having working smoke alarm(s), over a quarter (27%) had just battery operated alarms. This result is also comparable to the B&NES Private Sector Housing Stock Condition Survey<sup>6</sup> which estimates 24% of HMOs only have battery detectors. Battery operated smoke alarms have a 45% failure rate<sup>13</sup> and are not an appropriate fire safety measure in HMOs. In addition, 37% of respondents did not know whether their alarms were just battery or mains wired indicating a lack of knowledge and understanding by tenants.

Figure 13 shows that the majority of respondents (two thirds) were not advised by their landlords to check their smoke alarms weekly, something which is standard government advice<sup>19</sup>. Two thirds of respondents were also not shown how to check their smoke alarms and over half responded that they were not told what to do if there is a problem with the alarms.



### Fire Safety: Provision of Fire Blankets and Exit Locks

<sup>19</sup> Directgov, [http://www.direct.gov.uk/en/homeandcommunity/inyourhome/firesafety/dg\\_071751](http://www.direct.gov.uk/en/homeandcommunity/inyourhome/firesafety/dg_071751) , 2012

Nearly one quarter of respondents (23%) reported not having a fire blanket in their kitchen. This is a standard recommendation by the Council and Avon Fire and Rescue Service. This is in line with national fire safety guidance<sup>10</sup> and is a requirement of mandatory licensing. Having a fire blanket in the kitchen will allow occupants to quickly and safely contain a small fire to prevent it spreading out of control while exiting the property and waiting for the fire service.

The majority of respondents (82%) reported that they did not need a key to unlock their front door from the inside. The remaining 18% required a key to unlock their front door from the inside, potentially delaying their escape. Being able to unlock your front door from the inside without the use of a key is another standard fire precaution which enables occupants to escape premises quickly and safely in the event of a fire or other emergency. This is a requirement of mandatory licensing.

### **Tenant Information: Waste/Recycling and How to Complain**

The survey asked respondents how well informed they felt about recycling, waste collections, Council services and complaining about the condition of their property (see table 10). It should be noted that the survey shows that nearly two thirds of landlords visit their properties every 3 months with 80% visiting their properties at least every 6 months.

More than 80% of respondents felt very or fairly well informed about recycling and household waste collections. When considered against one of the common complaints from local residents concerning waste being left out on the wrong day and waste being left in gardens, this could indicate that respondents know about waste and recycling collections but may have inadequate provision of facilities to manage them, or do not act on their knowledge.

Conversely the responses also indicated that over a quarter (26%) were not informed about refuse and recycling and a further 5% did not know whether they had or had not been informed. This suggests that the occupants of nearly one third of the HMOs surveyed, were not given a clear message on recycling and refuse collections when they moved in to their home.

Only a third of respondents felt very or fairly well informed about Council Services compared to 59% feeling not very well informed or not well informed at all.

56% felt not very well informed or not well informed at all about complaining about the condition of their property.

	Very well informed	Fairly well informed	Not very well informed	Not well informed at all	Don't know
How and when to recycle	53.8%	29.5%	7.7%	7.7%	1.3%
Household waste collection	53.2%	27.3%	11.7%	5.2%	2.6%
Council services	11.5%	23.1%	34.6%	24.4%	6.4%
How to complain about the condition of your property	26.0%	13.0%	24.7%	31.2%	5.2%

### **Tenant Information: Reporting Repairs/Contacting Landlord**

Over three quarters (77%) of respondents indicated that when they moved in, they were informed what to do if their home needed a repair. This is positive for tenants and shows that landlords are thinking ahead and planning for repair issues as and when they are required.

The survey also asked respondents whether they were provided with 24 hour contact details for their landlord. Nearly three quarters of respondents (72%) indicated that they were provided with the details for their landlord which again is very positive. However, nearly one quarter (23%) said they were not given 24 hour contact details for their landlord and 5% did not know either way. This suggests that in an emergency where the health and safety of tenants may be affected such as a major electrical fault or blocked WC, some occupants would not be able to quickly raise their concerns with their landlord to organise a repair.

Under the West of England Good Management Code of Practice which all licence holders (in the mandatory licensing scheme) are required to sign up to, landlords are required to carry out repair and maintenance in time periods appropriate to the severity of the problem and carryout emergency repairs within 24 hours. Signing up to the code is likely to be a condition for all discretionary licensing.

### **Tenant Information: Being a good neighbour**

Respondents were asked whether they were advised by their landlords to be courteous to their neighbours. Less than half (49%) said that they were given this advice when they moved in, 42% said they were not and the remaining 9% said they did not know. Also, under the West of England Good Management Code of Practice which all licence holders (in the mandatory licensing scheme) are required to sign up to, landlords are required to “...take reasonable steps to minimise any nuisance, alarm, harassment or distress that may be caused to neighbours...”.

### **Garden Maintenance**

The survey asked respondents whether their landlord maintains their garden or yard. Not all HMOs have a garden or outside space and indeed the question was only applicable to 90% of respondents. 57% of these respondents, who the question was applicable to, indicated their landlord does not maintain their garden or yard (this represents 40 respondents).

The survey also asked respondents if they were provided with the equipment to maintain their garden. In the 57% of cases where the landlord does not maintain the garden, 65% (26 respondents) indicated that they were not provided with the equipment to maintain their garden themselves. This suggests that 65% of HMOs with a garden (37% overall) are likely to have poorly maintained outside space because the landlord does not maintain it and the occupants have not been provided with the equipment to do it.

### **Tenant Satisfaction**

Table 11 shows that more than two thirds of the respondents were very or fairly satisfied with their home. 18% were fairly or very dissatisfied. Just under two thirds were very or fairly satisfied with the management of their home. However, nearly a quarter of respondents were either fairly or very dissatisfied with the management of their home. Nearly three quarters of respondents were either fairly or very satisfied with facilities in their home. On information provided by landlords, 56% were either fairly or very satisfied compared to 22% who were fairly or very dissatisfied and 19% who were neither satisfied nor dissatisfied. When asked about their home providing a safe and healthy place to live, 69% of respondents were either fairly or very satisfied compared to 21% who were fairly or very dissatisfied.

Answer options	Overall, how satisfied are you with your home?	Overall, how satisfied are you with the management of your home?	How satisfied or dissatisfied are you with each of the following?		
			Facilities in your home	The information provided by your landlord/agent?	That your home provides a safe and healthy place to live?
Very satisfied	26.9%	33.3%	22.1%	25.6%	26.9%
Fairly satisfied	42.3%	28.2%	50.6%	30.8%	42.3%
Neither satisfied or dissatisfied	12.8%	14.1%	10.4%	19.2%	9.0%
Fairly dissatisfied	12.8%	14.1%	7.8%	12.8%	7.7%
Very dissatisfied	5.1%	10.3%	7.8%	9.0%	12.8%
Don't know	0.0%	0.0%	1.3%	2.6%	1.3%

## HMO TENANT COMMENTS IN OLDFIELD, WESTMORELAND AND WIDCOMBE

The final part of the survey asked respondents if they had any other comments concerning their experience of living in a multiple occupancy home.

Table 12 shows the mixed views and opinions of respondents and demonstrates the type of living conditions in some HMOs.

Table 12 Do you have any other comments concerning your experience of living in a multiple occupancy home?

*“There have been issues with the house for instance, the front door lock, leaking roof and pressure of the boiler and the job has never been fixed properly...”*

*“Told not to phone 24 hour contact number after 5pm or at weekends”*

*"My landlord is very kind but maintains the house to bare minimum, damp under floor, in bedrooms, in bathrooms, rats etc. all dealt with minimally."*

*"the kitchen is very damp and has a serious mould problem, which has repeatedly been mentioned to the landlord, but he has failed to do anything to improve it."*

*"Great landlady"*

*"the inefficiency of the gas boiler made our winter bill ridiculous..."*

*"...it would be useful for a service to be provided whereas first time shared household tenants could receive advice and guidance for future reference and knowledge."*

*"The landlord provides everything and we were well informed about all the different procedures. Have always had a good experience and the house is in good condition."*

*"HMO occupants are not treated with the same respect as family occupancy tenants and this needs addressing across the board."*

*"We have not been provided with adequate information regarding rubbish collection, recycling, council services."*

*"Our landlord is brilliant"*

*"landlord very efficient when problems arise"*

*"When homes are converted in HMO's one room is often not to the same standard as the other rooms."*

*"My private landlord has been excellent - flexible, communicative and helpful"*

12 Most common words and phrases

Charge Cheap Condition Jobs **Living Mould**  
 Private **Problems Property Room** Rubbish Rules

COMMENTS FROM RESIDENTS OF OLDFIELD, WESTMORELAND AND WIDCOMBE

Below is a selection of quotes from some local residents as well as photographs of common areas of concern. The photographs are not specifically related to the comments.



Front garden of an HMO in Oldfield Ward (June 2012)

*“Almost every street in OFP [Oldfield Park] has some waste in the gardens of the HMOs at the moment...”*

Cllr Will Sandry, Oldfield Ward (4<sup>th</sup> June 2012)

*“The HMOs look dirty and run down, windows are filthy, paint peeling, walls and fencing falling down or broken and you sense the despair of the remaining few”. “Another big issue is the state of the gardens and the fact that a lot of them do not get maintained so look dreadful which in turn makes our area look dreadful and uncared for”.*

Cllr. June Player (June 2012)



A Westmoreland resident spoke of her neighbourhood *“The look of the area of Westmorland has been a downward spiral since the HMOs have been allowed to take over. I no longer enjoy coming into the area due to the neglected and slum like appearance of it”* (22<sup>nd</sup> June 2012)

Regarding rubbish in the front garden of one

Garden of a HMO in Westmoreland (June 2012)



Overgrown hedge in the front garden of an HMO in Oldfield Ward (June 2012)

HMO in Beckhampton Road, an Oldfield resident complained: *"This is a health hazard, attract rats and seagulls [and] is an unsightly mess."*

(3<sup>rd</sup> June 2012)

*"Landlords must take more responsibility for the upkeep of gardens, windows, external maintenance..." "Landlords must ensure that local rules on storage of dustbins are enforced and that recycling rules are followed."* They went on to say: *"A comprehensive list, with names and addresses of all the landlords must be available to the council."*

Two residents of Widcombe explaining their feelings on HMOs (7<sup>th</sup> May 2012)

When discussing HMOs, a resident of Westmoreland said *"...we are all fed up, lack of parking, anti-social behaviour, rubbish, properties in need of repair"* (20<sup>th</sup> June 2012)

Regarding the HMOs in this Westmoreland residents street, he said *"...most have unkempt gardens /overgrown hedges...most look unkempt, poor appearance needing painting...one has food waste/boxes by the front door, not getting put in the nearby rubbish bin."* (2<sup>nd</sup> July 2012)

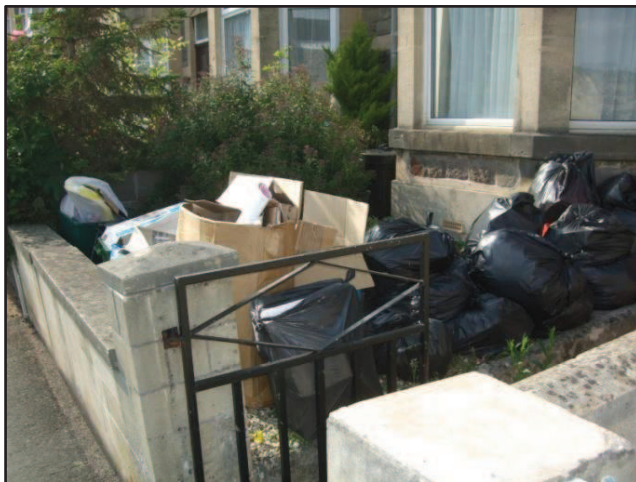




Rubbish in the front garden of a HMO in Oldfield. Courtesy of Bath News and Media Group (June 2012).

Some long term residents of Westmoreland explain their experiences of living in a road with a high concentration of HMOs and the problems they face on a daily basis.

Concerning rubbish they explained; *“Not only excessive amounts (most HMOs put out between 5 and 15 bags [of rubbish] a week) but it piles up in front gardens and can stay there for a length of time as they [the occupants] often forget to put the bags out on collection day”.*



Rubbish dumped in the front garden of an HMO in Westmoreland (May 2012)

On noise; *“This is one of the biggest problems.”* They went on to explain, *“This year we have spent around 8 months trying to deal with noise issues from one property”.*

On visual appearance *“It is easy to identify these properties [HMOs] because of the rundown appearance, ranging from broken guttering/downpipes, peeling paintwork, dirty windows and curtains, poor paving and general neglect. The lack of care by landlords and tenants means we are all dragged down and the area is beginning to look like slums.”*

On the appearance of gardens *“As with the general appearance of the area, both front and back gardens are a battle ground. Grass is only cut in the summer holidays, weeds spread across on the wind and through the ground into residents’ gardens so those of us who*



Rubbish on the street in Westmoreland (June 2012)

*actually take a pride in our homes have additional work and cost in order to deal with it.”*

*Regarding the issues around absentee landlords “Probably one of the biggest problems in our experience...” “How are they going to deal with issues? It’s a case of out of sight out of mind. However, there is a general unwillingness for landlords and letting agencies in general to deal with issues. Residents are continually made to feel as though they are in the wrong.”*



Garden of a HMO in Westmoreland (June 2012)

*And on numbers of tenants “Often there are more people living/staying in a house than it is let for. This causes additional noise problems but also increases the danger of fire as some properties are deliberately let to smaller numbers of people to avoid some of the more onerous fire regulations. This is something which is ignored by both landlords and letting agencies.”*

Most common words and phrases from local residents comments

## Front Garden

HMOs Issues Landlords

Residents Next

# Door Street Appearance



Front garden of a HMO in Westmoreland (July 12)

## RESIDENT CONSULTATION (ON ARTICLE 4 DIRECTION)

In 2012 the council held a 7 week open public consultation to gather opinions on limiting the number of HMOs in the city of Bath area (Article 4 Direction for Houses in Multiple Occupation). Many of the responses state the concerns of local residents that could be mitigated by greater legislative control of HMOs, for example:

- property dilapidations;
- inadequate rubbish and recycling provisions;
- unkempt gardens;
- late night noise nuisance;
- increasing problems because of increasing concentration of HMOs;
- over-occupation because of loft conversions, extensions and use of garages as living space;
- failure of other voluntary approaches to resolve concerns;
- lack of landlord responsibility;
- need for greater control and professional management of HMOs.

358 responses to the consultation were registered from residents and landlords. Most of the responses were from residents of Oldfield Park and Westmoreland with some Widcombe Ward residents also supporting the scheme (the target area for the proposed Additional Licensing Scheme) because these are the areas with greatest concentrations of HMOs. The responses show that these residents have identified a need for Additional Licensing of HMOs.

A full summary of responses is at appendix 1 and a full schedule of all of the comments made is available as a background paper to this report.

HMO CASE STUDIES IN OLDFIELD, WESTMORELAND AND WIDCOMBE

**HMO in Widcombe**

This property has been used as a HMO for many years and has been subject to many schedules of work and notices issued by the Council. The landlord has also been prosecuted by B&NES for housing offences. The property currently only has four occupants meaning that it does not come under the mandatory licensing scheme.



Ground Floor hallway



Bedroom window

Main concerns

Fire safety, electrical hazards, damp, falls on stairs, untidy gardens, inadequate heating, poor windows, poor management, police involvement.



Rear garden

How would licensing help

The landlord is not fit and proper to manage a HMO so would be unable to be involved in the management or hold the licence. A suitable fit and proper person would have to take over the management of the property or the council could take the property over themselves. Conditions could be placed on the property to improve standards and the occupancy could be managed. The Council would be aware of the manager and ensure minimum standards are achieved.

**HMO in Oldfield**

This property is being used as a HMO to house mainly migrant workers. The landlord has refused to engage with the Council and improve conditions. As a result the landlord has had notices served on him and has been prosecuted by the Council. The property currently has three to four occupants meaning that it does not come under the mandatory licensing scheme.



Blocked front drain

Main concerns

Gas safety, fire safety, dangerous means of escape, electrical hazards, poor management, overcrowding, blocked drains, inadequate facilities



Damaged boiler with front panel missing

How would licensing help

The landlord has shown a long history of non-compliance, not just with this HMO but also with several others he owns. The standards are generally poor and it is difficult to find out exactly who lives in the house as the occupants are transient by nature. By licensing this property we can be more confident of the number of occupants, limit occupation to an appropriate level and ensure conditions are met and standards are improved. We can also specify suitable amenities and facilities and ensure they are safe. Where necessary we can take stronger enforcement action and take the management of the property away from the owner

## HMO in Westmoreland

It is difficult to establish how long this property has been used as a HMO. The owner has refused to accept that the property is a HMO despite multiple unrelated individuals found at the property and registering themselves at the address. The property is only two floors so is not included in the mandatory licensing scheme. One of the owners has been prosecuted in the past and continues to ignore requirements for work and formal notices.



Hole in kitchen ceiling stuffed with plastic bag



Front panel missing off oven

### Main concerns

Fire safety, multiple electrical defects and no mains earth, untidy garden, poor management, broken window, dangerous means of escape, broken kitchen appliances, hole in ceiling, structural damage, unconfirmed number of occupants and overcrowding.

### How would licensing help

Due to the history of non-compliance the owners fit and proper person status would have to be considered and possibly refused. The landlord may not be permitted to be involved in the management or hold the licence and would have to appoint a suitable fit and proper person to take over the management of the property or the council could take the property over themselves.



Fuse board, dated and no earthing

Conditions could be placed on the property to improve standards, limit occupancy and provide adequate facilities and amenities. Safety certificates would have to be provided and fire precautions would have to be maintained.

Where non-compliance continues enforcement would be quicker and easier and a greater incentive would be put on the manager to ensure compliance or face losing their business.

## 7 ANALYSIS OF COMBINED EFFECTS

Bath and North East Somerset has a large number of HMOs and the Wards of Westmoreland, Oldfield and Widcombe contain over half of the HMOs with shared facilities known to Housing Services. It is accepted that the number of actual HMOs may be far higher than Housing Services are currently aware of. The problems found in HMOs and those located in the proposed area including health and safety concerns and complaints are discussed earlier in this report.

Mandatory licensing has brought some issues concerning standards to light and 60% of all licensed HMOs with significant health and safety hazards were located in the proposed additional licensing area<sup>5</sup>. Within Oldfield, Westmoreland and Widcombe, 30% of licensed HMOs have been assessed with hazard(s) which is 10% above the average for the remainder of B&NES Wards.

Figures from the B&NES Private Sector Housing Stock Conditions Survey, 2012 suggest that up to 1,400 HMOs with shared facilities may be located in Oldfield, Westmoreland and Widcombe and not covered by the mandatory licensing scheme. If the figure of 30% of HMOs with a hazard is extrapolated to include this information then it suggests that up to 400 HMOs may have a significant health and safety hazard. This is potentially affecting the health of up to 1600 possibly vulnerable people (average 4 occupants per property) at any one time, which could be identified and improved through an additional licensing scheme. Significant numbers of local residents are also likely to benefit from a scheme.

The B&NES Private Sector Housing Stock Condition Survey, 2012<sup>6</sup> also suggest that HMOs have a very similar rate of serious health and safety hazards as the other private rented stock. The survey also found that 34% of HMOs in Oldfield have a serious health and safety hazard which is significantly more than average over all sampled HMOs in the district. HMOs in Widcombe and Westmoreland showed nothing significant.

The Article 4 Direction (A4D) consultation summary indicates that the majority of respondents to this consultation were residents of Oldfield Park [Oldfield] and Westmoreland. Some Lower Weston and Widcombe residents also supported the proposals which in essence will introduce the requirement for planning permission to be obtained where there is a change of use from a family home to a HMO with shared facilities. The submissions to this consultation raise some points that are also relevant to the proposals for additional licensing. The common themes came out as being:

From the supporters of Article 4	poor appearance of properties, rubbish and recycling, unkempt gardens, noise,
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	<p>over-occupation,</p> <p>belief that other approaches (such as voluntary accreditation) have failed to resolve the issues,</p> <p>better management of HMOs needed.</p>
From the objectors to Article 4	<p>rents will increase,</p> <p>use existing/other powers,</p> <p>Council should engage further with local landlords, accreditation licencing scheme should be enhanced,</p> <p>people living in HMOs are no worse than other people,</p> <p>Article 4 Direction will not improve ineffective management of HMOs,</p> <p>equality concerns,</p> <p>anti-social behaviour will not be reduced,</p> <p>existing HMOs will not be improved</p>

It is acknowledged that not all these issues can be tackled through additional licensing, but some of these aspects can be addressed through additional licensing conditions. The responses from the supporters of A4D, mainly residents indicate that HMOs in their area are being managed sufficiently ineffectively to give rise to problems which affect them.

Looking at the HMO occupants' survey, the response rate was low but gives an insight into how people perceive their housing and the management of their home. The results indicate that overall standards in HMOs are generally of an acceptable standard and perceived well by occupants. However, the responses do show some cause for concern.

Fire precautions are shown to be present in many HMOs. However, the standards in a significant proportion of cases were not in line with the minimum standards described in the National LACORS Housing - Fire Safety guidance<sup>10</sup>, a document designed to improve consistency and reduce fire risk. This is a concern when considered against the heightened risk of fire incidents in HMOs in B&NES. A significant proportion of respondents also indicated that they were not given advice on maintaining and checking their smoke alarms (Figure 13).

Upkeep of gardens is a general resident concern highlighted in the A4D consultation and the quotes from residents in section 6. The HMOs residents' survey<sup>14</sup> (also in section 6) indicates that most HMO residents only live in the property for 1 – 2 years. It also shows that nearly two thirds of residents of HMOs who have a garden and the landlord does not maintain it, were not provided with the equipment to maintain the garden themselves. HMO residents are transient in nature and often may not have the tools or awareness to independently reduce this impact.

HMO residents generally indicated that they were informed about refuse and recycling collection days when they moved in; however a significant proportion were not. Having said that most generally felt very well or fairly well informed about how and when to recycle and household waste collection.

The majority of respondents were given a gas safety certificate and an energy efficiency certificate (EPC) when they moved in. However, a significant proportion of respondents were not given the certificates when they moved in, something which is a legal and basic management requirement.

Regarding repair issues, the majority of respondents knew what to do if their home needed a repair and had 24 hour contact details for their landlords. A significant proportion were less well informed.

On levels of satisfaction with various aspects of the HMO, whereas many HMO occupants felt satisfied with their home and the management of it, a significant proportion were not.

The additional case study evidence in section 6 gives evidence of poor management practice. This shows that a proportion of HMOs are being managed ineffectively to give rise to problems for occupants of the HMOs as well as potentially for members of the public. Section 6 also shows that ineffective management of HMOs is giving rise or likely to give rise to problems for members of the public and highlights local residents concerns.

The evidence above and throughout this report strongly indicates that a significant proportion of the HMOs (proposed to be included in the scheme) are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. Furthermore, other methods of enforcement are unlikely to prove effective. Consequently, having regard to the totality of the evidence, and notwithstanding the large measure of expressed satisfaction with landlords' management, it is considered that a targeted additional licensing scheme is justified.

It is the understanding of this authority that no relevant codes of practice have been approved under section 233 of the Housing Act 2004.

## 8 MITIGATION OF HARM FROM HMOS

### EXISTING PARTNERSHIPS TO IMPROVE HMO HEALTH AND SAFETY

- Waste Services take a proactive approach at targeting problem areas and responding to complaints. A summary of waste campaigns in Oldfield, Westmoreland and Widcombe is contained in appendix 2.
- Council Connect organise responses to amongst other issues, complaints about domestic waste and street sweeping requests.
- Environmental Protection investigate incidents of statutory nuisance including noise, incidences where land and gardens are detrimental to the amenity of the local area, pests and public health and have various statutory powers to deal with these issues.
- The Council jointly with the City's two universities have a Community Liaison Officer and a Student Community Partnership involving local stakeholders.

### EXISTING PROACTIVE AND REACTIVE HOUSING SERVICES RESPONSES

- Reactive investigations, inspections and enforcement of breaches of minimum housing standards.
- Proactive inspections and enforcement of HMOs and other high risk premises.
- Enforcement: In the 2 year period from December 2010 until December 2012 Housing Services have served 94 informal notices, 41 formal notices, given 5 formal cautions and have taken 4 successful prosecutions.
- Housing Services work in close partnership with Avon Fire and Rescue Service to improve fire safety in residential accommodation, primarily HMOs and share good practice with the West of England Local Authorities.
- Targeted approach to empty homes.
- Homelessness prevention activities.
- Management of the social housing register.
- Organise and Chair the Accreditation Working group which includes partner organisations and individuals.
- Voluntary accreditation scheme (refer to section 5)
- Facilitate and fund energy efficiency improvements.
- Disabled facility grants to enable vulnerable people to remain independently living more safely in their homes.
- Home improvement loans to reduce health and safety risks for vulnerable people.

## 9 ALIGNMENT WITH OTHER STRATEGIES AND INITIATIVES

Implementation of an additional licensing scheme in the area with the highest concentration of HMOs with shared facilities could enable further controls of health and safety standards and management in HMOs whilst making best use of limited resources.

Additional licensing is consistent with the following agendas and strategies:

- **Council vision:**  
Additional licensing contributes towards the corporate vision in a number of ways by improving standards for potentially vulnerable individuals and households. Good housing will contribute towards people fulfilling their potential, leading happier and healthier lives, increasing their prospects for the future and improving communities and neighbourhoods.
- **Housing and Wellbeing Strategy:**  
Two of the key themes in the 'Housing and Wellbeing Strategy' are 'better homes' and 'happy and healthy lives'. Additional licensing contributes towards both of these by improving the quality and safety of significant numbers of rented homes.
- **Local housing allowance:**  
Following changes to the local housing allowance, there is an expected increase in the number of individuals requiring HMO accommodation in order to avoid homelessness. Within the proposed area HMOs with shared facilities (shared houses and bedsit accommodation) will be improved across the board to ensure minimum standards are achieved.
- **Overcrowding:**  
Occupancy will be managed in all licensed HMOs to reduce the risk of overcrowding.
- **Recycling and rubbish:**  
By promoting and informing managers and occupants about recycling and rubbish arrangements, additional licensing in partnership with Waste Services will help contribute towards the council's vision of zero waste.
- **Energy efficiency:**  
Additional licensing will improve energy efficiency and contribute towards the corporate vision of low carbon communities by ensuring, where needed, energy ratings are improved.
- **Anti-social behaviour:**  
Occupants and managers will be made aware of their responsibilities towards reducing anti-social behaviour.
- **Relationships and enforcement:**  
Additional licensing will promote working with landlords while taking a stronger position with those that don't engage with the Council.
- **Voluntary Accreditation:**  
Additional licensing will complement the existing voluntary Accreditation scheme by building on the good practice developed through the scheme and bringing in a level playing field that doesn't just incorporate the 'good landlords' that volunteer to work with the council.
- **Fire safety:**

Fire safety is an important issue and additional licensing will ensure minimum fire safety standards are achieved in consultation with Avon Fire and Rescue Service.

## 10 GLOSSARY

Accumulation	A collection or pile of discarded material, rubbish, waste or litter.
Additional licensing	A provision of the Housing Act 2004 which allows Local Authorities to require all or some of the HMOs in their area or part of their area to be licensed.
Article 4 Direction (A4D)	This is a legal notice applied to a specific geographical area, and means that planning permission is required for types of development or changes of use, which would normally fall under permitted development (i.e. would not require express planning permission).
B&NES	Bath and North East Somerset Council
Category 1 hazard	A serious health and safety hazard as defined by the Housing Health and Safety Rating System (HHSRS) which the Local Authority have a duty to take action on. Includes hazards bands A – C.
Category 2 hazard	A hazard to health and safety as defined by the Housing Health and Safety Rating System (HHSRS) which the Local Authority have the power but no duty to take action on. Includes hazards bands D – J.
Council, The	The Local Authority - Bath and North East Somerset Council
Hazard	As defined by the Housing Health and Safety Rating System (HHSRS) from Part 1 of the Housing Act 2004.
HMO(s)	House(s) in Multiple Occupation as defined by the Housing Act 2004.
HMOs with shared facilities	A House in Multiple Occupation (HMO) where the occupants share a bathroom, toilet or kitchen. Includes all HMOs excluding s257 HMOs.
Housing Health and Safety Rating System (HHSRS)	The method for assessing hazards to health and safety in residential dwellings from Part 1 of the Housing Act 2004.
Mandatory licensing	A mandatory licensable House in Multiple Occupation (HMO) is a HMO which has 3 or more floors and 5 or more occupants sharing facilities as

defined by the Housing Act 2004.

Proposed additional licensing area	The area where additional licensing is being proposed, presently the Wards of Oldfield, Westmoreland and Widcombe and small parts of adjoining Wards which may include Abbey, Bathwick, Combe Down, Lyncombe, Odd Down, Southdown, Twerton.
Private Sector Housing Stock Condition Survey	A survey of house conditions across Bath and North East Somerset.
s257 HMO	A house in Multiple Occupation as defined by section 257 of the Housing Act 2004. A building converted entirely into self-contained flats where the conversion does not meet the requirements of the 1991 Building Regulations and less than one third of the flats are owner occupied.
Shared facilities	A bathroom, toilet or kitchen used by more than one household.
Significant health and safety hazard	Defined by Housing Services as a band A-D hazard assessed using the Housing Health and Safety Rating System (HHSRS) under Part 1 of the Housing Act 2004. A-D hazards are those that are actionable under the Housing Services Enforcement Policy and present a significant risk to safety and health.
Ward	A political boundary as defined by Bath and North East Somerset Council <a href="http://www.bathnes.gov.uk/services/your-council-and-democracy/elections/ward-maps">http://www.bathnes.gov.uk/services/your-council-and-democracy/elections/ward-maps</a>
West of England (W of E)	The West of England partnership of local Authorities which includes Bath and North East Somerset Council, Bristol City Council, South Gloucestershire Council and North Somerset Council.

## 11 APPENDICES

### APPENDIX 1: ARTICLE 4 DIRECTION - DRAFT CONSULTATION REPORT

### Article 4 Direction for Houses in Multiple Occupation: Draft Consultation Report, Section 3 Public Consultation Overview. Published August 2012

The information below is an excerpt from the above report<sup>20</sup> and considered relevant in respect of Additional Licensing because most of the (358) registered responses are residents of the proposed target area for Additional Licensing.

#### Summary response

The consultation gained a significant level of support, particularly from residents for both the Article 4 Direction and additional licensing. The key issues raised by respondents in **support** of the Article 4 Direction are summarised below.

- Belief that there has been a significant increase in HMOs in Oldfield Park and Westmoreland over the last 10 years
- Deterioration of appearance of properties is of concern
- Rubbish and recycling is considered to be a major issue related to HMOs – with spilt refuse being unsightly and attracting pests and with recycling receptacles blocking pavements
- Many residents felt that students and young people in HMOs add vibrancy to the area but they also felt that HMOs are now beginning to dominate
- Many were concerned that families and young people looking to buy or rent property are being priced out by HMOs
- It is felt that non-student HMOs lets are still needed
- Westmoreland and Oldfield Park has reached saturation point in terms of HMOs
- Increase in student numbers should be tackled to meet the demand for more HMOs in future.
- Unkempt front and back gardens visually detracts from the area
- Late night noise and parties are associated with HMOs
- Irresponsible landlords and property owners are blamed for many of the issues
- On-street parking pressure is cited as one of the biggest issues linked to HMOs
- In the longer term it is felt that the concentration of HMOs will effect local schools as families are displaced
- Impact on facilities – take away and letting agencies are replacing local convenience shops on Moorland Road
- Moving in and moving out at each side of the student term are the main times of the year when there are problems
- Sense that the Article 4 Direction will improve the quality of these neighbourhoods and help to bring back the sense of community
- Still support the proposals although consider that this might suppress existing value of family houses as they no longer have potential sales value of an HMO property

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<sup>20</sup> Article 4 Direction for Houses in Multiple Occupation in Bath - Draft Consultation Report, August 2012 (Bath & North East Somerset Council)



- There should be more student accommodation on campus and in specialist units (as on the Lower Bristol Road)
- In the summer the area is too quiet with many houses remaining empty
- Universities should take more responsibility for housing their students
- There is a problem with HMO dwellers living in garages (Lorne Road, Westmoreland) and in areas of Widcombe
- There is a view that HMOs are often over-occupied with extensions and loft conversions to fit extra people in the houses
- Many residents report that they live on streets with over 50% or perhaps more HMOs
- Belief that other approaches (such as voluntary accreditation) have failed to resolve the issues and concentrations of HMOs and associated issues have increased
- Issues related to HMOs in Lower Weston are also raised
- Sensible balance between different housing types needs to be resumed
- More direct ways to contact Landlords would be useful
- Landlords must be made responsible for property standards
- Less issues presented by Halls of Residence where they can are management and other controls
- Rapid increase in HMOs is noted
- Many residents feel that greater control and professional management of HMOs is essential
- Estate agents “to let” signs are used as free advertising and should be restricted
- Residential parking permits would help

The key issues raised by respondents in **objection** to the Article 4 Direction are summarised below.

Objector	Summary Response
National Landlord Association	<ul style="list-style-type: none"> <li>• Article 4 Direction should be the option of last resort</li> <li>• Believe that the creation of a small HMO is not a material change of use compared to a family house (citing appeals)</li> <li>• Limiting the number of HMOs will have a negative impact on accommodation for young people on low incomes</li> <li>• They cite a whole raft of existing statutory powers that can be used to control anti-social behaviour</li> <li>• Considerable need for rental accommodation in Bath because of high demand for housing</li> <li>• Will have a distorting impact on housing market as properties in existing HMO use will be regarded as premium investment assets</li> <li>• The Council should engage further with local landlords</li> </ul>

Residential Landlords Association	<ul style="list-style-type: none"> <li>• Repeat that they have already submitted a document entitled “The Case Against Article 4 Directions”</li> <li>• As yet not one of the 35 local authorities who have made these directions have made any changes as a result of the confirmation procedures</li> <li>• They will scrutinise any relevant planning policy</li> </ul> <p>The key reasons for opposition already cited in their paper are:</p> <ul style="list-style-type: none"> <li>• HMOs play a vital role in providing housing for students and working people. Alternative living arrangements for these people should be considered in the absence of HMOs.</li> <li>• The impact of the Article 4 will be felt by local residents as properties will be worth less after the Direction is in place</li> <li>• Restricting HMO supply will force up rents</li> <li>• Resultant planning applications can trigger no fee and this is therefore expensive for Council’s to implement</li> <li>• Displacing HMOs to other areas will bring new problems</li> <li>• Existing powers for dealing with issues such as antisocial behaviour should be used first</li> <li>• The Article 4 is not enforceable in reality as there is often no real change of use between a family house and an HMO</li> </ul>
Mr N Smith	<ul style="list-style-type: none"> <li>• Opposed on the basis of cost to the Council of implementation</li> <li>• Considers there is no evidence of harm caused by HMOs that has been presented by the Council to justify the approach</li> <li>• Believes that the Feasibility report is biased and written with a pre-supposed outcome</li> <li>• B&amp;NES is targeting the most disadvantaged (lower paid workers, singles on housing benefit, asylum seekers) who are likely to be displaced further from the city centre thereby increasing the social divide</li> <li>• Planning policy is a blunt instrument to deal with the issues -</li> </ul>

	<p>enforcement and action around community cohesion is recommended instead</p> <ul style="list-style-type: none"> <li>• HMOs are not the main cause of anti-social behaviour</li> <li>• The B&amp;NES Accreditation licencing scheme should be enhanced instead</li> </ul>
<p>Mr A. Masters Bath University Student</p>	<p>On balance considers other measures to control anti-social behaviour should be employed rather than Article 4 Direction with Policy and Additional Licencing. Suggests further monitoring and more on campus student accommodation and later re-evaluate the need for an Article 4 Direction.</p>
<p>University of Bath Student's Union and Bath Spa University Student's Union</p>	<ul style="list-style-type: none"> <li>• Both are opposed to an Article 4 Direction for HMOs in Bath – many of membership are reliant on HMOs in order to live in Bath</li> <li>• There is no sustained argument as to why people living in HMOs are any worse than those in regular houses</li> <li>• There has been no proof that high concentrations of HMOs are a problem apart from rising house prices</li> <li>• Assert that the Article 4 Direction is not justified</li> <li>• Planning controls will not address the problems associated with inefficient management of HMOs</li> <li>• An Article 4 Direction will restrict the ability of the Housing Market to respond to local needs</li> <li>• Believe that all other options have not been tried</li> <li>• Equalities impact assessment shows that some groups are more adversely affected this contravenes B&amp;NES equal opportunities policy</li> <li>• Financial implications of implementing the Article 4 Direction and associated policy are highlighted as being very costly</li> <li>• Objections raised by the Bath Chamber of Commerce to the introduction of an Article 4 Direction are highlighted</li> <li>• Conflicts with the Council's strategy of increasing graduate retention</li> <li>• Practical issues with implementation in relation to transport need further</li> </ul>

	<p>consideration. Students rely on public transport access to dedicated services to the Universities is important in deciding where to live. There is already a bottleneck at the city centre at peak times and further dispersal of HMOs will exacerbate this problem. Travelling home at night is also a consideration and students prefer to be on the main bus routes.</p>
<p>Cllr Nicholas Coombes</p>	<ul style="list-style-type: none"> <li>• In principle objection that restriction in converting between family house and a small HMO implies that the latter is less desirable, not all HMOs cause issues.</li> <li>• Restricting the supply of HMOs will allow existing HMOs to fall in quality. This is counter-productive in terms of improving areas with concentrations of HMOs.</li> <li>• It is not retrospective so it will not lead to improvements or reduction in concentrations of HMOs in areas with existing high HMO concentrations</li> </ul>

A full schedule of all of the comments made is available as a background paper to this report.

## APPENDIX 2: SUMMARY OF WASTE CAMPAIGNS ACTIVITIES IN OLDFIELD, WESTMORELAND AND WIDCOMBE WARDS

The Waste Services team have had 2 Waste Awareness Officers since November 2009. This has meant that annual campaigns have been carried out in the above Wards. The below summarises those activities.

### **Student welcome knock (September – December)**

Annual student welcome knock to students living in and around Oldfield Park between September and December. The knock is to provide information to students and permanent residents about their rubbish and recycling collections. The team take orders for containers and remind residents about their collection day. They have knocked on average 1200 properties each year covering 34 streets:

Lorne Road	Third Avenue
Comfortable Place	Landseer Road
Brook Road	Lime Grove
Caledonian Road	Maybrick Road
Onega Terrace	Triangle North
Coronation Avenue	St Kilda's Road
Claude Avenue	Herbert Road
Cynthia Road	Beckhampton Road
Dartmouth Avenue	Arlington Road
Denmark Road	Stanley Road West
Stuart Place	Crandale Road
Dorset Street	Argyle Terrace
Faulkland Road	Livingstone Road
Junction Road	Third Avenue
Livingstone Terrace	Second Avenue
Westmoreland Road	Sladebrook Avenue
Sydenham Buildings	Thornbank Place

### **Student Move Out (May & June)**

The team also conduct an annual move out campaign for students leaving the city for the summer. The main messages are for students to plan ahead and utilize the collections they already receive. They also receive advice about clearing the property, making sure they do not leave rubbish and large items of furniture on the kerbside and where they can donate any unwanted items. The team usually target the same streets as the welcome knock (above).

The team also conduct road shows in and around Oldfield Park, Westmoreland and Widcombe (Coop in Shaftesbury Road & Green Park Station)

Both the student annual campaigns are conducted in partnership with the Student Community Partnership (SCP).

### **You pledge... we'll reward incentive scheme (April – December 2012)**

The Waste Campaigns team recently visited all households on 9 collections rounds. 3 rounds were in Oldfield Park and each household was offered them the opportunity to take part in our "You pledge... we'll reward" incentive scheme, which took pledges from residents to recycle more. They were rewarded if successful with either Bath Olivers (a local currency) or compostable food waste caddy liners. Below is a list of the streets that were visited:

Ivy Avenue	Third Avenue	Triangle North
Ivy Grove	St Kilda's Road	Stanley Road West
Ivy Place	Melcombe Road	Triangle East
Lymore Gardens	Faulkland Road	Crandale Road
Lymore Terrace	Beckhampton Road	Maybrick Road
Claude Avenue	Second Avenue	Belvoir Road
Bridge Road	First Avenue	Herbert Road
Coronation Avenue	King Edward Road	Livingston Road
Sladebrook Avenue	Oldfield Road	Shaftesbury Road
		Arlington Road
		Lower Oldfield Park
		Westmoreland Station Road
		Moorland Road
		Cedar Walk
		Cedar Way
		The Triangle

### **Problem properties**

The team also respond to complaints or requests for visits around Bath and North East Somerset. A large part of this work is carried out in the 3 Wards covering the proposed additional licensing area.

In the last 2 years the team have visited:

Westmoreland Street	Lorne Road
Brougham Hayes	Brook Road
Wells Road	Lime Grove
Archway Street	Beckhampton Road
Thornbank Place	St Kilda's Road
Hillside Road	

### **Road Shows**

The campaigns team hold regular road shows around the district many of which are carried out in venues in the 3 Wards. Mainly at Green Park Station and Shaftesbury Road Coop.

### **Food waste knock**

In 2010 the team carried out extensive door knocking in all Wards to promote the new Food Waste Recycling collections. These covered most properties in the Wards with a kerbside green box collection.

The team have plans this year to knock all properties in Bath and North East Somerset to promote the food waste recycling collections again.

### **Community Talks**

The team occasionally get invited to talk at community groups. In the lead up to the introduction of food waste recycling collections in 2010 the team visited the Widcombe Women's Institute and resident association to talk about the new collections and recycling in general.

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## **Housing Services**

# **Consultation on proposals for an additional licensing scheme for Houses in Multiple Occupation (HMOs) in Bath and North East Somerset**

## **Public consultation - summary report**

**V2 February 2013**

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## 1. Introduction

In March 2012 the Cabinet of Bath and North East Somerset Council (B&NES) directed that evidence be gathered to investigate if the legislative conditions for introducing additional licensing of Houses in Multiple Occupation (HMOs) could be met, and undertake 10 week public consultation as required by the [Housing Act 2004](#) (Section 56). Once this process has been completed the Cabinet will make a final decision whether to implement additional licensing and if so, the detail of the licensing scheme.

The formal public consultation took place from the 17<sup>th</sup> September 2012 until the 30<sup>th</sup> November 2012. This report includes responses from the formal consultation and other consultation activities that have taken place.

It is proposed to take the final report to the Council Cabinet for a decision in the spring/summer 2013.

This report should be read in conjunction with the following document:

***'Supporting documents, information and responses to the public consultation'***

which provides background information on the documents used in the consultation process, the activities undertaken and the responses and results received. This document and appendices are available from the following link:

<https://www.dropbox.com/sh/1rkeqtu0x4g37or/NadxJ9A5gl?m>

Instructions: Ctrl+click on the link above, click on the required document then click on the download box and select direct download.

## 2. Summary of consultation activities, promotions and responses

### 2.1 Overview of activities

The table below shows the consultation activities undertaken and a summary of the approximate numbers of people reached through each activity.

Activity	Numbers
Stakeholders workshop	19
On-line questionnaire	272
Written and other responses	62
Drop in events x 3	116
University market stalls x 2	85
Polish Community Event – delegates and service providers	20
Southdown electric blanket testing event	5
Mandatory HMO licence holders mail shot	265
Accredited landlords email shot	400
Letting agents mail shot	46
National Landlords Association (NLA) meeting	68
Accreditation working group	20
West of England Private sector Housing group	4
B&NES Equality Impact Assessment Quality Control Group	8
West of England Landlord Panel	8
Residents (households visited in proposed area)	1120
Businesses visited in proposed area	169
Equality groups and service providers	23
Meetings with student's Union from Bath Spa and University of Bath	4
Local Development Framework (LDF) Steering group	10
B&NES website - Unique page views (17 <sup>th</sup> Sept – 30 <sup>th</sup> Nov 2012)	
<a href="http://www.bathnes.gov.uk/hmos">www.bathnes.gov.uk/hmos</a> (additional licensing information page)	515
<a href="http://www.bathnes.gov.uk/hmo">www.bathnes.gov.uk/hmo</a> (Article 4 Direction/additional licensing information page)	769
<b>Total</b>	<b>4008*</b>

\*Some of the activities undertaken may have covered the same people/groups more than once so the total figure may include some duplicate entries.

### 2.2 Communication

Various direct and indirect publicity and promotion has gone out in 2012 about additional HMO licensing and has assisted with making the public aware of the consultation. This includes information on the Council website, distribution of flyers and articles in the Bath Chronicle.

## 2.3 Respondents' to the consultation

The following numbers of responses were received through the various channels.

Mechanism	Residents of B&NES	Residents of proposed area	Landlords, businesses and organisations	Other	Total
Online questionnaire	35	128	100*	9	272
Written/other responses	2	16	37	7	62
Door step surveys		278			278
Consultation events					289**
<b>Total</b>					<b>901</b>

\*Where landlords are also residents their responses have been recorded as landlords and omitted from the residents section. This is because the responses suggest that they have been submitted from a business point of view and are similar to that of other landlords.

\*\*Includes attendees of 3 drop in events, 2 university market stall events, National Landlords Association (NLA) meeting and Polish Community event.

## 2.4 Equality monitoring from online questionnaire

Optional information regarding the equalities profile of respondents was requested as part of the online questionnaire and compared to B&NES wide statistics. The responses roughly show that equality profile of respondents was broadly in line with the district population as a whole.

The noticeable difference was mainly concerning age. The survey appeared to lack responses from the under 25 year olds and 25-34 year olds. This was despite targeted action to engage the students of both the City's Universities. However, significant responses were received from the Student Unions of both Universities who represent and submitted on behalf of a large number of young people from these age groups.

Much higher than expected responses were also received from the 45-54, 55-64 and 65-74 years old groups.

## 2.5 Overall findings of the consultation exercise

<b>Residents of B&amp;NES</b>	<b>Residents of proposed area</b>	<b>Landlords, businesses and organisations</b>	<b>Other*</b>
Broadly in favour of the proposals although not as strongly as those residents who live in the proposed area	Broadly in support of the proposals for additional licensing	Broadly against the proposals and some very strong objections, however some split on the improvements that may be seen	Broadly more against the proposals than for, although responses were often split

## 2.6 Summary of outcomes and themes of what people told us

Themes	Residents of B&NES	Residents of proposed area	Landlords, businesses and organisations	Other*
Costs	Split on whether the fees structure looks appropriate (66% of respondents to the online questionnaire thought it did)	<p>Costs are too low</p> <p>No discounts should be given</p> <p>Concerned about rents increasing. Rents are already high in Bath</p> <p>Split on whether the fees structure looks appropriate (60% of respondents to the online questionnaire thought it did compared to 40% who did not)</p>	<p>Fees and costs are too high and rents will increase as a result</p> <p>Need to be transparent</p> <p>There should be lower fees/discounts for good/accredited landlords</p> <p>Generally the fees structure does not look appropriate (80% of respondents to the online questionnaire)</p> <p>Bureaucratic and expensive</p>	General disagreement with the fees structure (75% of respondents to the online questionnaire)
Conditions	Agreed that licensing will improve the condition of HMOs (79% of respondents to the online questionnaire)	<p>Agreed that licensing will improve the condition of HMOs (89% of respondents to the online questionnaire)</p> <p>Main concerns with HMOs are rubbish, recycling, noise, untidy messy gardens and appearance</p>	Mixed views on whether licensing will improve the condition HMOs (from respondents to the online questionnaire, 52% disagree and 36% agree)	Mixed views, although general disagreement that licensing will improve the condition of HMOs (of respondents to the online questionnaire, 25% agreed and 62% strongly disagreed)
Improvements	Broad agreement that the proposed	Agreed that licensing conditions will	Additional licensing will not solve the	Broad disagreement that the

	conditions will improve management and safety and quality of HMOs. (78% of respondents to the online questionnaire)	improve the management and safety and quality of HMOs (>90% of respondents to the online questionnaire)	issues (as presented in the evidence report).  Mixed views although balanced towards disagreement that proposed conditions will improve management of HMOs (60% disagreement, 40% agreement from respondents to the online questionnaire) and safety and quality (51% disagreement to 49% agreement from respondents to the online questionnaire).	proposed licensing conditions will improve management and safety and quality of HMOs (75% to 25% of respondents to the online questionnaire disagreed)
<b>Management</b> Page 96	Agreed that licensing will improve the management of HMOs (79% of respondents to the online questionnaire)	Agreed that licensing will improve the management of HMOs (85% of respondents to the online questionnaire)  <b>HMO tenants:</b> Generally satisfied with the management of their home (71% of respondents to the door step survey)	Mixed views on whether licensing will improve the management of HMOs (from respondents to the online questionnaire, 53% disagree and 32% agree)	Mixed views although general disagreement that licensing will improve the management of HMOs (of respondents to the online questionnaire, 25% agreed and 62% strongly disagreed)
<b>Area and properties</b>	Proposed area could be increased to include more roads, areas.  Broad agreement that licensing will improve the local area (75% of respondents to the online	Agreed that licensing will improve the local area (79% of respondents to the online questionnaire)  Broad agreement that the Council are targeting the right properties and	Mixed views on whether licensing will improve the local area (of respondents to the online questionnaire, 57% disagreed and 27% agreed)  Mixed views although broad	Mixed views although generally disagreed that licensing will improve the local area (of respondents to the online questionnaire, 25% agreed and 62% strongly disagreed)



	<p>questionnaire)</p> <p>Equally mixed views on whether the Council are targeted the right area (respondents to the online questionnaire).</p> <p>Mixed views although general agreement that the Council are targeting the right properties (of respondents to the online questionnaire, 64% agreed, 25% disagreed)</p>	<p>the right area in the proposals (70% and 86% respectively of respondents to the online questionnaire)</p>	<p>disagreement that the Council are targeting the right properties (57% disagreed and 24% agreed of respondents to the online questionnaire).</p> <p>Mixed views on whether the Council is targeting the right area (from the online questionnaire 45% disagree, 34% agree, 20% neutral).</p>	<p>Broadly disagreed that the Council's proposals are targeting the right HMOs (67% of respondents to the online questionnaire).</p> <p>Some disagreement that the Council are targeting the right area (50% of respondents to the online questionnaire disagreed, one third neutral)</p>
<p>Other</p>		<p>54% of residents spoken to in the proposed area say HMOs cause them problems (Door step survey)</p>	<p>The Council need to use existing powers better</p> <p>There needs to be stronger enforcement on bad landlords</p> <p>Good landlords are being punished for the bad landlords who will get away with it.</p> <p>The evidence base is questionable and disproportionate to justify such a scheme.</p> <p>The Council need to keep good</p>	<p>Negative impact on vulnerable groups (Online questionnaire)</p>

			relationships with landlords Limitations on what landlords can make tenants do Support accreditation instead	
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\*Includes those respondents that preferred not to say, were not clear which group they represented or from another group entirely.

### General themes from the totality of consultation responses across all groups

- Questions raised over the evidence and validity of the HMO residents survey
- Need to give advice/training to landlords
- Overly bureaucratic
- The Council should target bad landlords
- Costs are too high
- Extend area – including over the whole of Bath. Several specific roads and areas mentioned including Trinity Road in Combe Down, Bear Flat, Twerton.
- Areas not included could be negatively affected
- HMOs are responsible for noise, parking, waste/recycling problems and anti-social behaviour (ASB).
- The Council need to maintain good relationships with landlords
- Experience of poor HMOs from both local residents and students
- Concerns about enforcement. Needs strong enforcement by the Council against bad landlords
- Rental market is already expensive in Bath and rents will increase
- May lead to a reduced availability of HMOs
- The scheme needs to be kept simple
- Additional licensing should improve conditions and management
- The Council should use their existing powers better
- Some conditions are excessive e.g. energy efficiency
- Better for young people, residents and good landlords

### **3. The consultation process**

The formal consultation was launched on the 17<sup>th</sup> September 2012 and continued until the 30<sup>th</sup> November 2012. Around 1400 flyers were distributed through various means around the district to promote the consultation and the consultation events.

The main focus of the consultation was the online consultation mechanism on the B&NES Council website which provided an online facility to display all the consultation documents and an online questionnaire. A direct link was available from the B&NES Housing webpages which was widely promoted.

The questionnaire and all supporting documentation were also available to be downloaded and completed by hand. Hard copies were also available at the consultation events and available to be viewed in Moorland Road Library and the One Stop Shop on Manvers Street as well as on request.

Consultation events took place in October 2012 and enabled people to turn up at local events, find out information about additional licensing and the consultation and have their say.

A door step survey was also carried out in November 2012 which enabled Housing Services to promote the consultation and gather views and opinions from residents of the proposed additional licensing area.

Throughout the consultation - emails, letters and phone calls were received by a dedicated Housing Services officer.

#### 4. Stakeholders workshop

A stakeholders' workshop was held on the 19<sup>th</sup> July 2012 where a small group of key partners were brought together to discuss both additional licensing and the Article 4 Direction Supplementary Planning Document (SPD) and to help guide further consultation.

The main points to come out of the stakeholders' workshop were:

- Some concern that the HMO residents survey in the evidence report represented a small sample, which may undermine its validity. However, most agreed that more evidence would not prove anything different from that already found.
- Useful to have more detail on the reasons for some HMO residents' dissatisfaction to inform and justify additional licensing conditions.
- Surprise about fuel poverty and bad conditions.
- The introduction of additional licensing was broadly supported.
- General consensus that the Wards selected look appropriate. Suggested that there could well be a case for rolling this out to other Wards in due course e.g. Kingsmead, Abbey, Newbridge and Twerton. One group raised the concern that bad landlords might move outside the Wards where there is additional licensing into less regulated Wards.
- A comment was made that the scheme should be rolled out to all three Wards at once – as otherwise it could be confusing.
- Suggestions were made that in consultation and implementation it would be useful to either include whole streets where Ward boundaries divide them, or, particularly in the case of long streets, to include numbers xx – xx to define which parts of the street are affected.
- No concerns were raised with regard to the exclusion of Section 257 HMOs.
- There was support for the fact that proposed conditions pick up conversion of garages into additional bedsits.
- Suggestion that conditions should include requirements for hard-standing for waste receptacles or requirement for storage inside or in back garden. However, there was also a desire to encourage green front gardens to be retained.
- There was a question about what the energy efficiency standards would be and how far these would go.
- There was a comment made that there needs to be awareness that there are limitations on what you can make tenants do (in terms of the tenant agreement).

- It will be important that if you can make landlords provide tools for gardens, they must be in good working order.
- Important to link to other corporate teams and projects.
- There was an acceptance that landlords would recoup the costs incurred through rent and it may not be passed on fairly. Some suggested that this may be less of an issue if licencing payments were made annually and landlords could spread the cost.
- The new standards should be the focus of the licencing consultation – the details of these will be important.
- There was a general comment that more help, advice and updates to landlords and agents on legislation and standards to keep them informed, will be required.

## 5. Consultation events

In October 2012 various events were held in order to promote the additional licensing consultation and seek feedback. The events were held jointly with Planning Policy who were consulting on the Supplementary Planning Policy (SPD) for the Article 4 Direction.

In summary, nearly 300 people attended the events. The main views and themes to come out of these events are summarised as follows:

Event	Main themes about additional licensing proposals
Presentation to members of the National Landlords Association (NLA) of Wessex, 17th October	<ul style="list-style-type: none"> <li>• Perceived by many as a tax on good landlords.</li> <li>• Bureaucratic/expensive process with nothing in return.</li> <li>• Not convinced on some of the criteria e.g. energy efficiency.</li> <li>• A way of the Council funding services that used to be free to landlords – questions about enforcement.</li> <li>• Need better enforcement on bad landlords.</li> <li>• Should consider financial incentives for good landlords – maintained goodwill of landlords.</li> <li>• Accounts need to be transparent.</li> </ul>
Market Stall at Bath Spa University Students' Union, 18th October, 11am – 2pm	<ul style="list-style-type: none"> <li>• Recognition of the negative quality of housing that many had experienced.</li> <li>• Worry about costs being passed on to tenants as rental market is already expensive in Bath.</li> <li>• Generally not supportive of aesthetic improvements.</li> <li>• Raise standards and give students piece of mind.</li> <li>• Some questions were asked about particular conditions e.g. outside recycling receptacles.</li> <li>• There were concerns raised about enforcement and that bad landlords would stay “under the radar”.</li> </ul>
Market Stall at University of Bath Students' Union, 23rd October, 11am – 2pm	<ul style="list-style-type: none"> <li>• There was recognition of the negative quality of housing that many had experienced.</li> <li>• Worry about costs being passed on to tenants as rental market is already expensive in Bath.</li> <li>• Some misunderstanding about how onerous and costly it would be to comply with the proposed licensing conditions (both on the part of landlords and tenants).</li> </ul>
Open Event at One Stop Shop, Manvers Street, 23rd October, 6-9pm (with briefing presentations)	<ul style="list-style-type: none"> <li>• Variety of views, ranging from full support to various concerns about implementation, and a feeling that good landlords are already doing this, to complete objection.</li> <li>• There was discussion about whether this could create illegal sub-letting of rooms.</li> <li>• There was some discussion about whether this would reduce the HMO market, with landlords choosing to let to families instead.</li> <li>• Requests made to minimise bureaucracy and paper</li> </ul>

	<p>work as much as possible.</p> <ul style="list-style-type: none"> <li>• There was a concern that additional licensing could ruin good relationships the Council already has with landlords, and questions were raised over why it is being proposed.</li> <li>• There was a comment that it should be extended to cover the whole of B&amp;NES.</li> </ul>
<p>Open Event at St Alphege's Parish Hall, Oldfield Lane, 24th October, 5.30 - 8pm</p>	<ul style="list-style-type: none"> <li>• There was general consensus in support of the licensing proposals, with some asking why it had not been brought in earlier.</li> <li>• One comment that landlords need to be responsible for their properties, especially the outside.</li> </ul>
<p>Open Event at Oldfield Baptist Church Hall, Moorland Road, 25th October, 3 - 7.30pm</p>	<ul style="list-style-type: none"> <li>• Most people were supportive. Local residents were particularly supportive of the waste and gardening conditions.</li> <li>• Landlords expressed concerns about the costs being too high.</li> <li>• Some local residents felt costs were too low.</li> <li>• Some comments were received that there should be conditions relating to noise and sound insulation.</li> <li>• Must be strong enforcement on the bad landlords.</li> <li>• Some comments were received that licensing may not improve HMO quality.</li> <li>• Comments were received that the area should be extended.</li> </ul>
<p>Polish Community Information Event, St John's Catholic Primary School, 27<sup>th</sup> October, 1-4pm</p>	<ul style="list-style-type: none"> <li>• There was concern raised that rents in and around Bath are already very high.</li> </ul>

Attendees of some of the events were also asked whether they agreed or disagreed with what additional licensing could achieve via a sticker tally board.

In summary, the event at the University of Bath Student's Union showed generally mixed views. There was some disagreement that the Council is targeting the right areas and right properties but some agreement that additional licensing will improve the condition and management of HMOs. Other areas were split. At the events at St. Alphege's Parish Hall and Oldfield Baptist Church, there was broad agreement that the Council's proposals will see improvements.

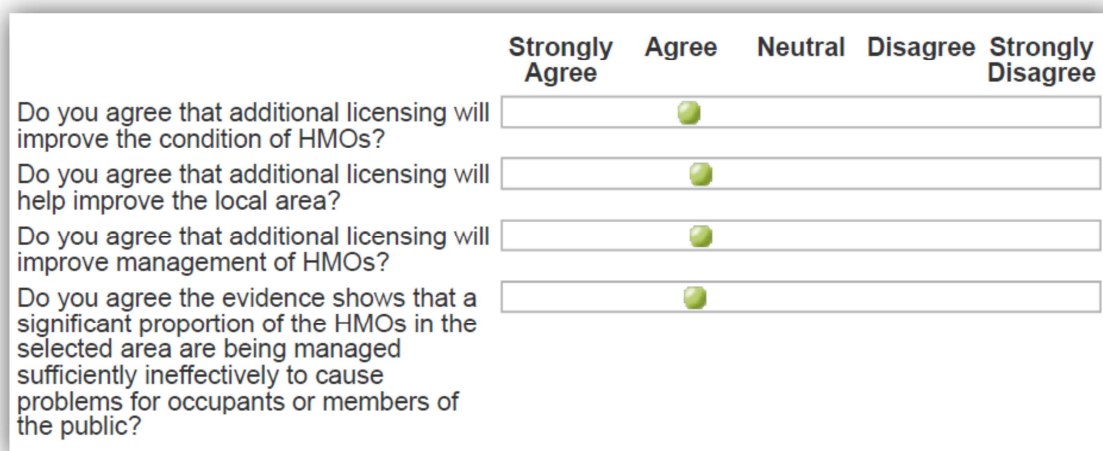
## 6. Online questionnaire

An online questionnaire was made available for completion from the 17<sup>th</sup> September until the 30<sup>th</sup> November 2012. Hard copies of the online form were received by Housing Services up until the 7<sup>th</sup> December 2012 to allow for responses that were delivered by hand to Council offices to go through internal post.

272 responses were received to the online questionnaire. However, not all questions were completed by all respondents so the number of completed responses to each question was generally lower.

### 6.1 Main points from the response

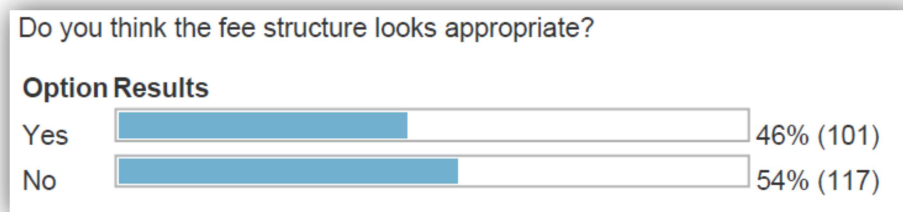
- The majority of responses were received from residents although a sizeable number of landlords also responded. In some cases, residents who responded were also landlords for example, and therefore the initial figures appear higher than 100% as they may have ticked more than one box.
- The majority of respondents were homeowners whereas only 11% rent privately.
- On average the following statements were agreed with.



- The average response was neutral in respect of *'Do you agree that the scheme should cover HMOs with shared facilities and not include buildings converted into self-contained flats and purpose built student accommodation?'*
- There was general agreement that the proposals are targeting the right area.
- 73% agreed that the proposed licensing conditions will help improve how HMOs are managed. 27% disagreed.



- 76% agreed that the proposed licensing conditions will help improve the safety and quality of HMOs. 24% disagreed.
- 60% agreed it was a good idea to improve the energy efficiency of HMOs within the scheme. 23% were unsure, 17% did not agree.
- The responses received regarding the fees structure were very even as shown below:



This question did not allow for elaboration on the response however an open question was given allowing for such elaboration and this is summarised later.

- Regarding vulnerable people, 51% thought additional licensing would positively impact on vulnerable people compared to 30% who did not know and 18% who believed the impact would be negative.
- A large number of respondents wished to be kept informed.

## 6.2 Comparisons between types of respondents

The responses were divided in to 4 different groups to get a stronger feel about what different people wanted:

1. Residents of proposed additional licensing area
2. Residents of B&NES
3. Businesses and organisations – including landlords, letting agents, universities
4. Other/prefer not to say

Where landlords are also residents their responses have been recorded as landlords and omitted from the residents section. This is because the responses suggest that they have been submitted from a business point of view and are similar to that of other landlords.

Residents of the proposed additional licensing area were not included in the responses from B&NES residents as they were considered on their own merit.

Numbers and percentages of responses for each question represent where an answer was given. Where no answer was given to the questions these responses were omitted.

In summary, residents of the proposed additional licensing area and residents of B&NES were generally more in agreement with the aspects of the consultation than businesses and organisations.

The most noticeable comparisons between the groups are summarised below:

- 89% of residents of the proposed area and 79% of B&NES residents agreed or strongly agreed that additional licensing will improve the condition of HMOs. Only 36% of businesses agreed or strongly agreed that licensing would improve the condition of HMOs as did 25% of 'other/prefer not to say'. 52% of businesses and organisation and 62% of 'other/prefer not to say' disagreed or strongly disagreed.
- 89% of residents of the proposed area and 75% of B&NES residents agreed or strongly agreed that additional licensing will help improve the local area compared to 27% of businesses and organisations. 57% of businesses and organisations disagreed or strongly disagreed and 62% of 'other/prefer not to say' strongly disagreed.
- 85% of residents of the proposed area and over 79% of B&NES residents agreed or strongly agreed that additional licensing will improve management of HMOs. 53% of businesses and organisations disagreed or strongly disagreed compared to 32% who agreed or strongly agreed. 63% of 'other/prefer not to say' strongly disagreed whereas 25% agreed.
- 87% of residents of the proposed area and 65% of B&NES residents agreed or strongly agreed that the evidence shows that a significant proportion of the HMOs in the selected area are being managed sufficiently ineffectively to cause problems for occupants or members of the public. 30% of businesses and organisations and 25% of 'other/prefer not to say' also agreed or strongly agreed compared to over 47% and 63% respectively who disagreed or strongly disagreed.
- 70% of residents of the proposed, 64% of B&NES residents and 24% of businesses and organisations agreed or strongly agreed that the scheme should cover HMOs with shared facilities and not include buildings converted into self-contained flats and purpose built student accommodation. 67% of 'other/prefer not to say', 57% of businesses and organisations and 25% of B&NES residents disagreed or strongly disagreed.
- 86% of residents of the proposed area, 45% of B&NES residents and 34% of businesses and organisations agreed or strongly agreed that the Council is targeting the right area for this scheme. 50% of 'other/prefer not to say', 46% of B&NES residents and 45% of businesses and organisations disagreed or strongly disagreed.
- Over 92% of residents of the proposed area and 78% of B&NES residents agreed that the proposed licensing conditions will help improve how HMOs are managed. Businesses and organisations were 60% to 40% against, 'other/prefer not to say' were 75% to 25% against.

- Over 94% of residents of the proposed area and 78% of B&NES residents agreed that the proposed licensing conditions will help improve safety and quality of HMOs. Businesses and organisations were roughly 50:50. 'Other/prefer not to say' were 75% to 25% against.
- 78% of B&NES residents, 69% of residents of the proposed area, 40% of businesses and landlords and 25% of 'other/prefer not to say' agreed it was a good idea to improve the energy efficiency of HMOs in the scheme. This compared to 75% of 'other/prefer not to say' and 38% of businesses and organisations who disagreed. 26% of residents of the proposed area and 21% of businesses and organisations were unsure.
- Over 80% of businesses and organisations did not think the fee structure looked appropriate supported by 75% of 'other/prefer not to say'. Around 60% to 40% of residents of the proposed area thought the fee structure looked appropriate supported by two thirds of B&NES residents.
- All responses from the 'other/prefer not to say' group thought additional licensing would have a negative impact on vulnerable groups in the community. Businesses and organisations were evenly split and residents broadly thought the impact would be positive.

### **6.3 Responses from inside and outside the proposed additional licensing area**

Responses were then classified according to whether they were received from people or organisations operating within or outside the proposed area.

In general there was a clear divide between responses received from people directly affected (living or operating within the proposed area) compared to those coming from outside the proposed area. The responses from those inside the proposed area were more in agreement that improvements would be seen if additional licensing came in than those that were not. It should be noted that those outside the proposed area were only small in number.

### **6.4 Responses from tenants who live in private rented accommodation**

Respondents who said they rent privately from a landlord or agent were also looked at separately. The number of private renters who responded was very low and there was a broadly even split between agreement and disagreement for most questions. The responses that stood out were:

60% agreed that it is a good idea to improve the energy efficiency of HMOs within the scheme. 20% no; 20% unsure. 73% thought the fee structure did not look appropriate and 57% felt the proposals would have a negative impact on vulnerable groups. 21% positive; 21% didn't know.

## 6.5 Free text responses

Below is a summary of responses given where free text answers were available.

### **What other help and support do you think we should be offering landlords whose properties will need a licence?**

- The most common responses received suggested that we should not provide any further help to landlords. However, it was frequently suggested that the Council should provide further information, guidance, training and education to landlords. It was also raised that residents should be better kept informed about HMOs in their area.
- It was also suggested that the Council should offer financial support to landlords, ensure strong enforcement of the legislation and provide more support if problems occur related to HMOs.
- Resourcing the voluntary accreditation scheme was also raised as was lowering the fees. Other comments were concerned with the Council offering discretion where appropriate and encouraging communication between landlords and the community.

### **Would you like to see any changes to these proposed conditions or do you have any suggestions?**

Suggestions received included the following:

- The strongest area to come out of these responses was that there needs to be strong enforcement by the Council, not just of the conditions but also better use of existing powers and targeting of bad landlords and tenants.
- There was also general disagreement with the proposals and a feeling in some cases that the conditions were excessive. There was also some general agreement.
- It was mentioned that costs are too high and properties may be sold as a result and rents may increase. It was mentioned that the standards should be the same as the accreditation standards and one person mentioned that accredited properties should be exempt from licensing.
- Concern was raised about the minimum room sizes, restricting garage conversions and how landlords can be expected to manage tenants.
- There were concerns about the condition on energy efficiency and that it was too onerous. It was also suggested that conditions around parking, noise, external areas, waste and recycling and security should be included as well as an element of neighbour consultation

and reasonable discretion shown in applying the conditions.

**Do you have any suggestions about the fees structure, for example, some people think we should offer discounts where landlords behave in a professional manner and save the Council time and resources.**

- A number of responses were in direct comparison. It was suggested that the proposed fees are too high and similarly the proposed fees too low; discounts should be given and similarly discounts should not be given.
- It was also suggested that there should be lower fees for good landlords including those that are already accredited and higher or only fees for bad landlords.
- It was mentioned that rents will increase as a result, there should be a reduced fee for renewals, the income should be used to pay for sorting out problems with the properties and locals concerns. The fees need to be transparent and there should be the opportunity to pay yearly or in instalments.
- There was one response saying that the proportional increase in fees is not fair and one saying it was fair. There was also a request to keep simple.

**Please give us more detail on who you think will be positively or negatively impacted by additional licensing and why?**

Common responses suggested that the following positive and negative effects would be felt by additional licensing:

<b>Positive affects</b>	<b>Negative affects</b>
Safer for tenants Young people (including students) Residents Good landlords Mixed communities Elderly people	Rents will go up Young people (including students) Areas not covered by additional licensing Good landlords Bad landlords Low income Tenants Evictions Reduced availability Home owners Disabled

**Would you like to make further comments on additional licensing?**

In summary, common suggestions and comments included:

- Additional licensing overlaps with accreditation.
- There needs to be strong enforcement.

- Rents will increase.
- Costs are excessive.
- Some responses were generally against additional licensing and some were generally for additional licensing.
- HMOs cause problems associated with recycling and rubbish, parking, noise and poor appearance.
- Additional licensing will result in less housing.
- Proposed area should be larger or city wide.
- HMOs need to be safe.
- Landlords cannot control tenants.
- Energy efficiency condition is excessive.
- The council should use existing powers better.
- Keep it simple.
- Transparency.
- Fines should be imposed on landlords if problems occur with properties and tenants.
- Landlord forums would improve the Councils working relationships with landlords.

Other points raised during the consultation process, not directly related to licensing included:

- Parking, residents parking permits and lack of parking.
- Rubbish collections and provision of recycling containers from the Council.
- Balanced communities – less HMOs in certain areas and more family homes.
- 24 hours out of hours service for the council including assistance with anti-social behaviour, noise nuisance etc.
- Landlords should be considered as a business and pay business rates.
- Students should pay Council tax.

Several comments were received that not enough space was given for free text responses. As a result, this increased the number of other written responses received.

## **7. Written and other responses**

62 written and other responses including notes taken from verbal responses were received in relation to the consultation.

In summary, the responses were received from 29 landlords and letting agents, 18 residents, 9 groups and organisations (including landlord groups and a residents group) and 6 other.

27 responses were generally in favour and 24 were generally against with the remainder being non-committal.

### **Residents**

Of the residents who responded including 1 residents group (19), 17 were generally for and 2 were non-committal. Two landlords responded who were also residents and their responses were grouped with the landlords.

The residents group that responded was the Westmoreland Residents Association who were in favour of the proposals and raised concerns regarding untidy gardens, being able to contact landlords and the Council not having a 24 hour service.

Residents mainly had concerns associated with rubbish and recycling, noise and untidy and messy gardens.

### **Landlords and Letting Agents**

Of the landlords and letting agents who responded including 3 landlord groups (32), 22 were generally against and 6 were generally for the proposals. The remainder did not make it clear either way.

The landlords groups that responded were The National Landlords Association (NLA), The National Landlords Association Wessex (NLA Wessex) and The Residential Landlords Association (RLA). They submitted significant responses and were all against the proposals raising concerns regarding the evidence base, the impact of the licensing proposals and increasing rents.

Landlords mainly had concerns associated with good landlords being punished for the bad ones who they believe will continue to get away with not complying. They raised concerns with increased bureaucracy and felt the Council should use existing powers better and there should be stronger enforcement. They also felt fees are too high, rents will increase, evidence is questionable, licensing will not solve the issues and voluntary accreditation should be used instead.

### **Other organisations who responded**

- Avon and Somerset Police who were keen to see security measures included in any scheme.

- Avon Fire and Rescue Service who were in favour of any measure that would protect occupiers and provide training to tenants.
- Bath Spa University and Bath Spa Students Union (joint response) welcomed improving standards but had concerns about licensing and potential for rental increases.
- The University of Bath Students Union were generally against any licensing and questioned the evidence and the conditions being proposed.
- The University of Bath were in favour of additional licensing.

**The main themes identified from the responses included**

- HMOs are responsible for problems associated with rubbish, recycling and waste, untidy and messy gardens; parking problems, noise problems; anti-social behaviour; poor appearance.
- Stronger and better enforcement is needed by the Council and the Council should use their existing powers better.
- Proposed fees are too high and rents will increase as a result of licensing.
- More bureaucracy which will not solve the issues.
- Evidence base is questionable to justify this kind of intervention.
- Use and resource accreditation instead.
- Bad landlords will get away with not complying and good landlords are being punished for the bad ones.
- Area being covered should cover the whole of Bath.



## 8. Door-step surveys

In November 2012 officers from Housing Services visited 1120 residential premises in the areas affected by the additional licensing proposals. The areas visited are detailed below.

Ward	Road
Oldfield	Herbert Road
Oldfield	St Kilda's Road
Widcombe	Brougham Hayes
Widcombe	Lorne Road
Westmoreland	Triangle North
Widcombe	Pulteney Gardens
Westmoreland	Coronation Ave
Widcombe/Lyncombe	Wells Road
Widcombe	Carlton Gardens
Widcombe	Carlton Road
Westmoreland/Twerton	Shophouse Road
Twerton	High Street
Widcombe	Calton Walk
Oldfield	Beckhampton Road
Westmoreland/Southdown	Lymore Avenue
Bathwick	Lime Grove Gardens
Oldfield	Third Ave
Oldfield	Monksdale Road

Through this work each household was door knocked and left with a letter detailing the consultation.

Where an occupant was at home and willing to talk to the surveyor, the additional licensing consultation was discussed and promoted and pre-defined questions were asked of the occupant.

### 8.1 Residents of HMOs

129 HMO residents were spoken to and the following responses were given:

- 129 tenants of HMOs spoken to. 27% from Oldfield; 38% from Westmoreland; 33% from Widcombe; 2% other
- 95% have working smoke alarms in their homes, over half were only battery powered.
- Over half were not advised to check their smoke alarms every week, one quarter were and the remainder did not know.
- Over half were not shown how to check their smoke alarms, over one quarter were.
- Over 80% were informed about refuse and recycling collections days.
- Over two thirds have been given enough recycling and rubbish containers.

- 40% were given a copy of the EPC when they moved in. 35% were not and 24% did not know.
- 57% were given a copy of the gas safety certificate when they moved in. 21% were not and 23% did not know.
- 95% knew who to contact if their home needs a repair.
- 73% have 24 hour contact details for their landlord or agent. 22% did not.
- 89% either very or fairly satisfied with their home.
- 71% very or fairly satisfied with the management of their home. 20% either fairly or very dissatisfied

## 8.2 Non-HMO residents

Residents who did not live in HMOs were simply asked:

1. Are you aware of any shared houses in your local area?

Yes/No/Don't know and Comments

2. Do they cause you any problems?

Yes/No/Don't know and Details

149 residents were spoken to and the following responses were given:

- 149 residents spoken to. 31% from Westmoreland; 26% from Oldfield; 26% from Widcombe; 17% from a combination of Bathwick, Widcombe/Lyncombe, Westmoreland/Southdown, Westmoreland/Twerton. These spilt Wards are instances where roads pass through Ward boundaries.
- 139 (93%) were aware of shared houses in their local area.
- 81 (58% of residents who were aware of shared houses in their local area; 54% of total people spoken to) reported that shared houses cause them problems.
- Some people chose to elaborate into the problems. The top 3 concerns recorded were rubbish, noise and appearance.
- Some people also mentioned the positive result of increased numbers of shared houses being more young people in the area and improved bus routes.

## 8.3 Businesses

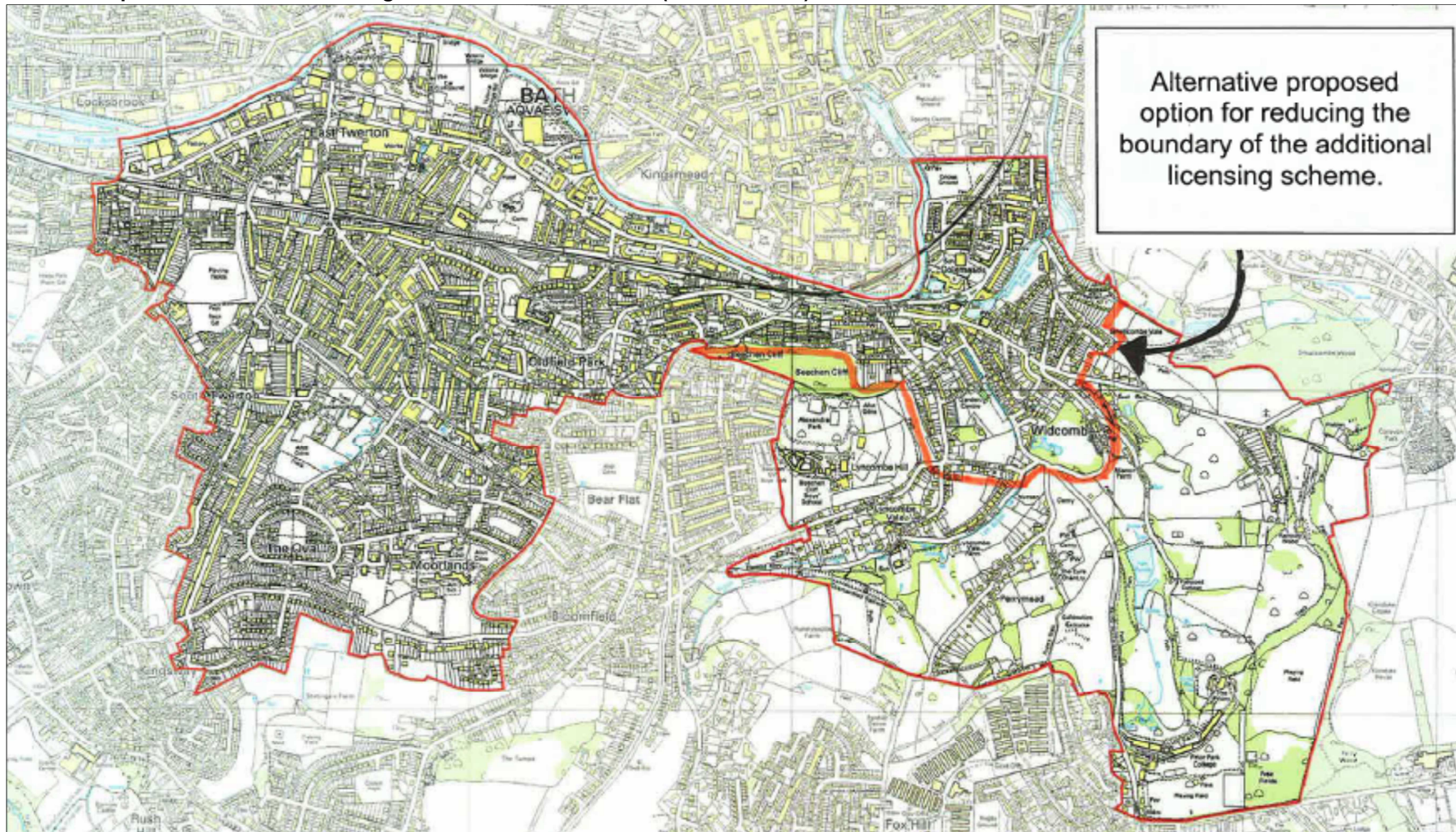
During November, 169 businesses were visited in the proposed additional licensing area and left with a letter and information on the proposals including how to respond to the consultation.

## The proposed additional licensing scheme for Houses in Multiple Occupation in B&NES

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1. Proposed additional licensing area **after consultation** – (reduced area)



## 2. Licensing standards

### The West of England (WoE) local authorities' standards for licensed Houses in Multiple Occupation (HMOs) under Part 2 Housing Act 2004 (6<sup>th</sup> September 2012)

#### Contents:

1. Amenity standards for HMOs or parts of HMOs either occupied by a socially interactive group (shared houses or shared flats normally subject to a joint tenancy) or by individual households living independently who either share facilities (bedsits) or have exclusive use of facilities (self-contained flats).
2. Room size standards for properties occupied as above and including specific standards for HMOs where some board is provided, these properties are referred to as 'hostels'.

#### Notes:

3. The amenity standards include those prescribed by The Licensing and Management of Houses in Multiple Occupation and Other (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006 No. 373).
4. The additional amenity standards indicate how the WoE local authorities will regard how the 'Tests as to suitability for multiple occupation' can be met under Section 65 Housing Act 2004.
5. The room size standards indicate how the WoE local authorities will decide on the maximum occupation of the property under Section 64 Housing Act 2004; this is known as the 'permitted number'.
6. The above standards need not necessarily be met on the date a licence becomes operative. Where this is not the case the licence will be issued with conditions requiring compliance with the standards within a required time period.
7. The standards do not apply to non-licensable HMOs. Instead, the housing health and safety rating system under Part 1 Housing Act 2004 will be used to assess the suitability of amenity standards and living space.
8. All licensed HMOs will be subject to an assessment using the housing health and safety rating system under Part 1 Housing Act 2004. As result, it is possible that there will be additional requirements to be met.

#### Application:

9. Where reasonably practicable all HMO licensing standards must be complied with. However, every case must be considered on its own merits as Councils cannot apply a blanket set of standards for all HMOs in its district taking no account of the individual circumstances of the HMO in question. This will particularly be in respect of those standards that are not prescribed by legislation.

**HMO LICENSING STANDARDS  
FOR FACILITIES PROVIDED FOR SHARED AND EXCLUSIVE USE**

**Personal washing and toilet facilities**

Location, size and condition	General	<p>All facilities should be located in rooms of an adequate size and layout within 2 floors of any bedroom and accessible from communal areas unless provided as en-suite facilities for the exclusive use of that occupant. Facilities should be inside the building.</p> <p>All baths or showers, toilets and wash hand basins should be of an adequate size and be provided with an adequate water supply, necessary fittings, drainage and be in a satisfactory condition to enable thorough cleaning. Constant hot water at a suitable temperature to be provided to baths / showers and wash basins. Baths or showers and wash hand basins should be properly sealed into wall surfaces and have 300mm of tiled splashback (or equivalent). Bathrooms and toilet compartments should be of an adequate size and layout.</p>
Wash hand basins	Shared use	<p>To be provided either within each individual unit of accommodation or within each shared bathroom and compartment containing a toilet (see table below).</p> <p>Within each room and compartment containing a toilet.</p>
	Exclusive use	<p>Within each room and compartment containing a toilet.</p>
Baths or showers and toilets	Shared use	<p>Where there are four or fewer occupiers sharing there must be at least one fixed bath or shower and a toilet (which may be situated in the bathroom). Where there are five or more occupiers sharing there must be at least a fixed bath or shower for every 5 occupants (or part of) and at least one toilet separate to the bathroom for every 5 occupants (or part of), a further complete bathroom would be acceptable in place of a separate toilet. See table below as to how this standard can be met.</p> <p>In hostels where children are accommodated at least one bath should be provided.</p>
	Exclusive use	<p>A fixed bath or shower and a toilet.</p>
Ventilation	General	<p>Bathrooms to have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any window(s). Each toilet in a separate compartment is required to have a window equivalent to 1/20<sup>th</sup> of the floor area or mechanical ventilation extracting at a</p>

		<p>minimum extraction rate of 6 litres/second.</p> <p>Ventilation should not be obstructed externally.</p>
Heating	General	A fixed heating appliance in each bath or shower room sufficient to minimise condensation and provide thermal comfort.
<b>Kitchens</b>		
Location, size and condition	General	<p>If kitchens do not have a suitable dining area this facility must be provided within one floor distant (this may be a living room, bedsit or bedroom of suitable size - see standards for room sizes).</p> <p>If hostels provide all main meals the kitchen facilities below are to be provided for every 10 occupants and the cooker can be replaced with a microwave. If hostels have a commercial kitchen where access is not available at all times a separate kitchen must be provided to the standards below.</p> <p>Kitchens must have a safe and efficient layout and be of a suitable size - see standards for room sizes.</p> <p>All facilities and equipment must be fit for purpose.</p>
Sinks	Shared use	A sink with constant hot and cold water, a draining board and tiled splash back for up to 5 occupants (a dishwasher will be acceptable as a second sink) or within an individual unit of accommodation.
	Exclusive use	A sink with constant hot and cold water, tiled splash back and a draining board.
Cookers	Shared use	A cooker with a 4 ring hob, oven and a grill for up to 5 occupants or within an individual unit of accommodation (a 27litre microwave with oven and grill will be acceptable as a second cooker).
	Exclusive use	<p>A cooker with a 4 ring hob, oven and grill.</p> <p>A cooker with a 4 ring hob, oven and grill or a 2 ring hob, oven and grill together (positioned so that hobs are at worktop level) with a microwave will be acceptable in accommodation occupied by a single person.</p>
Electrical Sockets	General	Four suitably positioned electric sockets are required plus one per major appliance (ie a cooker microwave, refrigerator/freezer, washing machine etc.).

Worktop	Shared use	Fixed worktop(s) with a smooth impervious surface for food preparation, minimum size 500mm x 1000mm for up to 5 occupants or within an individual unit of accommodation.
	Exclusive use	Fixed worktop(s) with a smooth impervious surface for food preparation, minimum size 500mm x 1000mm.
Storage	Shared use	A 0.3m <sup>3</sup> dry goods storage cupboard other than a sink base unit per occupier either in each occupant's room or in a shared kitchen.
	Exclusive use	A 0.6m <sup>3</sup> dry goods storage cupboard other than a sink base unit.
Refrigerators	Shared use	Two worktop height refrigerators with freezer compartments or 1 worktop height fridge and 1 worktop height freezer per 5 occupiers or a worktop height refrigerator with a freezer compartment within each individual unit of accommodation.
	Exclusive use	A worktop height refrigerator with a freezer compartment.
Refuse	General	Suitable and sufficient provision for household waste and recycling disposal both within the unit of accommodation and outside.
Ventilation	Shared use	Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.

**Fire precautions (shared houses and bedsit accommodation)**

Provide fire precaution facilities and equipment to reduce fire risk and to ensure the safety of people in the premises as far as is practicable in accordance with the LACoRS (Local Authorities Coordinators of Regulatory Services) publication "Housing - Fire Safety. Guidance on fire safety provisions for certain types of existing housing."

This provision must include:

A fire blanket conforming to BSEN 1869, 1967 in each shared kitchen.

A fire door conforming to BS 476; Part 22; 1987 to be provided to each shared kitchen. For up to 2 storey HMOs other than bedsit accommodation, a sound, well constructed close fitting conventional door is acceptable. NB this does not include a hollow infill-type door ('egg box').

All locks on doors onto the means of escape and final exit doors to be capable of being opened from the inside without the use of a key.

Alternatively, provide the following:

(NB the fire detection and emergency lighting requirement below may be in excess of what is needed following a fire risk assessment and, in some cases, additional fire provisions may be needed; for example fire doors on bedsit accommodation and to bedrooms in larger properties).



Fire detection (shared accommodation - not bedsits)	A Category LD3 Grade A or D fire detection system conforming to BS5839: Part 6 (a Grade A system will be required for properties occupied by 7 or more persons). The system will normally include interlinked smoke detection in the circulation areas at each floor level, heat detection in kitchens, smoke detection in lounges and any cellar. Grade D detectors should have integral battery back-up. A sound level of 75dBA should be reached at bedheads.  For 5 and 6 storey properties a Category LD2 Grade A system will be required
Fire detection (bedsit accommodation)	A Category LD2 Grade A or D fire detection system conforming to BS5839: Part 6 (a Grade A system will be required for properties occupied by 7 or more persons and 3 or more storey properties). The system will normally include interlinked smoke detection in the circulation areas at each floor level, heat detection in kitchens and bedsits with cooking facilities, smoke detection in bedsits without cooking facilities, shared lounges and any cellar. An additional Grade D non-interlinked smoke detector with integral battery back-up will be required in bedsits with cooking facilities. A sound level of 75dBA should be reached at bedheads.
Fire detection (individually owned flat in house/block)	In addition to the above, provide a heat detector in the room/lobby opening onto the escape route linked to the fire detection system in the common parts.
Emergency lighting (3 and 4 storey HMOs)	An emergency lighting system to BS5266.
Fire blanket	A fire blanket conforming to BS EN 1869 in each shared kitchen.
Fire doors	A fire door conforming to BS 476-22 to be provided to each shared kitchen. Alternatively, for up to 2 storey HMOs other than bedsit accommodation, a sound, well constructed close fitting conventional door is acceptable. NB this does not include a hollow infill-type door ('egg box').
Security locks	All locks on doors onto the means of escape and final exit doors to be capable of being opened from the inside without the use of a key.
<b>Fire precautions (hostels)</b>	
Requirements determined jointly with Avon Fire and Rescue on application.	
<b>Fire precautions (buildings converted entirely into self-contained flats)</b>	
Follow LACoRS publication "Housing - Fire Safety. Guidance on fire safety provisions for certain types of existing housing."	

<b>Heating</b>		
Fixed heating	General	A fixed and efficient heating appliance(s) capable of maintaining a temperature of 21°C with an outside temp of -1°C in each unit of living accommodation (electrical appliances must have a dedicated socket). Heating should be available at all times and be under the control of the occupier.
<b>Access</b>		
All facilities are to be available at all times and be internally accessed from all bedrooms and bedsitting rooms.		
<b>Definitions</b>		
Shared use	Where one or more basic amenities (personal washing, toilet or kitchen) are shared by two or more households.	
Exclusive use	Where a basic amenity is provided for the use of a single household.	
Bedsit accommodation	Accommodation occupied by person(s) living independently of others in the HMO, cooking facilities may be in the room or shared.	
Single household	Person(s) of the same family group, this includes an individual living on their own, an individual living in a group is also regarded as a single household.	
Family	Includes husband, wife, partner, child, stepchild, step parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, cousin, foster child.	
Unit of living accommodation	Part of the HMO occupied by a single household, this includes bedrooms in shared houses or flats, bedsitting rooms, self-contained flats (all basic amenities provided for exclusive use of that household).	
Hostel	Where board is provided as part of the occupation and it constitutes a persons only or main place of residence. Hostel includes bed and breakfast and hotel accommodation used by persons as their only and main residence which is a house in multiple occupation.	

Table to explain how the standards for baths/showers and toilets can be met

No. of persons sharing	Total no. of baths/showers and toilets* required	No. of toilets* that need to be separate	Or, no. of complete bathrooms accepted (bath/shwr toilet and whb)
1	1	0	-
2	1	0	-

3	1	0	-
4	1	0	-
5	1	1**	2
6	2	1**	3
7	2	1**	3
8	2	1	3
9	2	1	3
10	2	1	3
11	3	1	4
12	3	1	4
13	3	1	4
14	3	1	4
15	3	1	4
20	4	2	6 or (5 + 1 sep toilet)

\* excluding outside toilets, a wash hand basin (whb) is to be provided within each room or compartment containing a toilet.

\*\*only if reasonably practicable to provide ie there must be a suitable room (includes creating an en suite facility within a suitably sized bedroom) or space to install a toilet (with whb) from which a connection can be made into the foul drainage system without the need for a pumped system; alternatively, a bathroom could be partitioned off without the need to make an opening in a structural wall, the resultant layout should leave reasonable space for changing, drying etc.

## LICENSABLE HMO MINIMUM ROOM SIZES

(NB sizes relate to areas with a minimum ceiling height of 1.6m)

<b>ACCOMMODATION WITH FACILITIES SHARED BY OCCUPIERS</b>					
These standards apply where there is sharing of some or all facilities ie HMOs where:					
<ul style="list-style-type: none"> <li>occupiers live independently of others e.g. single room lettings or bedsit accommodation (kitchen facilities within own room);</li> <li>occupiers forming a group e.g. students, professional persons and others who interact socially.</li> </ul>					
Where the room is for the sole use of occupier(s)	Number of persons				
	1	2			
Kitchen	4m <sup>2</sup>	5m <sup>2</sup>			
Bedroom	6.5m <sup>2</sup>	10m <sup>2</sup>			
Combined kitchen and living room	11m <sup>2</sup>	15m <sup>2</sup>			
Combined bedroom and living room*	9m <sup>2</sup>	14m <sup>2</sup>			
Combined bedroom, living room & kitchen	13m <sup>2</sup>	19m <sup>2</sup>			
Where the room is shared by occupiers	Number of persons				
	1-3	4	5	6	7-10
Kitchen	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	9m <sup>2</sup>	11m <sup>2</sup>
Total communal living space**	13.5m <sup>2</sup>	17m <sup>2</sup>	18m <sup>2</sup>	20m <sup>2</sup>	27.5m <sup>2</sup>

\* independent living only

\*\* occupiers forming a group (includes kitchens, dining rooms and living rooms - the kitchen must be at least the minimum size specified above)

### ACCOMMODATION WITH FACILITIES FOR THE EXCLUSIVE USE OF OCCUPIERS

These standards apply where all facilities are for the exclusive use of occupiers forming a single household ie an individual or family (husband, wife, partner, child, stepchild, step parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, cousin, foster child) ie

- self-contained flats within HMOs.

	Number of persons				
	1	2	3	4	5
Bedroom	6.5m <sup>2</sup>	10m <sup>2</sup>			
Combined bedroom and living room	9m <sup>2</sup>	14m <sup>2</sup>			
Combined bedroom, living room & kitchen	13m <sup>2</sup>	19m <sup>2</sup>			
Kitchen	4m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>
Living Room	8m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>

### HOSTELS

These standards apply to HMOs where board is provided as part of the occupancy.

	Number of persons				
	1	2			
<b>For exclusive use of occupants</b>					
Bedroom	6.5m <sup>2</sup>	10m <sup>2</sup>			
Combined bedroom and living room where no separate living room is provided.	9m <sup>2</sup>	14m <sup>2</sup>			
Family bedroom (2 adults and 1 child under 10 years old)	14.5m <sup>2</sup> or 18.5 m <sup>2</sup> where no separate living room is provided.				
	Number of persons				
	1-3	4	5	6	7-10
<b>For shared use of occupants</b>					
Kitchen (all main meals* not provided)	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	9m <sup>2</sup>	11m <sup>2</sup>
Kitchen (all main meals provided)	5m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	7m <sup>2</sup>
Communal living room (not required if individual bedroom and living room meet the standard above)	8.5m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	16.5m <sup>2</sup>
	<b>11-15</b>	<b>16 or more</b>			
	21.5m <sup>2</sup>	At discretion of Local Authority			

\* three meals a day (to be provided each day of the week)

### **3. Proposed additional licensing conditions**

#### **Schedule 1**

##### **Mandatory conditions**

1. If gas is supplied to the house, to produce to the Authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
2. The licence holder is required to keep electrical appliances and furniture made available in the house in a safe condition and is required to supply the Authority, on demand, with a declaration as to the safety of the appliances and furniture.
3. The licence holder is to ensure that smoke alarms are installed in the house and to keep them in proper working order and to supply the Authority, on demand, with a declaration as to the condition and positioning of the smoke alarms.
4. The licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.

#### **Schedule 2**

##### **Discretionary conditions as imposed by Bath and North East Somerset Council**

5. Within 2 months of the date of licensing provide a Domestic Electrical Installation Report on the electrical installation indicating no defects under code 1 or 2. Any report should be less than 5 years old at the date of submission; if this expires during the term of the licence a new report must be submitted. OR, when the current Domestic Electrical Installation Report on the electrical installation expires, provide a new report indicating no defects under code 1 or 2. Any report should be less than 5 years old at the date of submission.
6. A declaration is to be provided on demand that the emergency lighting system is in proper working order. Emergency lighting to be maintained in accordance with the relevant British Standard (BS5266: Part 1: 2005).
7. A satisfactory certificate of inspection and testing as required under BS 5839-6: 2004 fire alarm system is to be provided on demand. Also indicate in writing which rooms and communal areas contain a smoke detector or heat detector.
8. There is to be no obligate sharing of bedrooms.
9. Tenants are to have 24hr direct access to all toilet, personal washing and cooking facilities and equipment.
10. Where bedrooms are not internal or there is not internal access to the main house, the bedroom must have en-suite bathroom facilities including WC, wash hand basin and shower or bath. There must be 24 hours access to all kitchen, dining and communal facilities.
11. Sufficient containers must be provided for household recycling and rubbish within the unit of accommodation and outside in an appropriate area. Additional containers can be

provided by contacting Council Connect on 01225 39 40 41 or [councilconnect@bathnes.gov.uk](mailto:councilconnect@bathnes.gov.uk)

12. All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a reasonable condition and free from litter. Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must be allocated appropriate storage.
13. The Licence Holder and any Manager are required to monitor garden maintenance and take the necessary steps to resolve any non-compliance.
14. Within 2 years form the date of licensing, the licensed property must achieve a minimum energy efficiency rating of "E" as determined by an Energy Performance Certificate (EPC).

This condition will be met if the licenced property has reached an energy efficiency rating of "E" or the maximum package of measures that can be funded under the Green Deal and ECO (Energy Company Obligation) have been carried out, even if this does not take the energy rating up to an 'E'. A copy of the latest EPC to be provided on demand.

15. The HMO licensing standards document should be complied with at all times by the owner and any manager. This document may be updated during the term of the licence and it is the responsibility of the owner and any manager to ensure that they are aware of and are complying with the latest version. The latest version of the licensing standards can be found at [www.privatehousinginformation.co.uk](http://www.privatehousinginformation.co.uk).
16. The following facilities and/or equipment detailed in the attached schedule of works must be provided within the stated time-scales:

Condition	Point number on schedule 3	Maximum time scale
Personal washing and toilets facilities		1 year
Kitchen facilities		1 year
Ventilation		1 year
Space heating		1 year
Fire precautionary facilities and equipment		6 months
Space standards		1 year
Permissions		

Above time scales start from the issue date of the licence.

These works are required for the property to meet the HMO licensing standards. Information from the application form indicated full compliance with the standards in other respects. It will be regarded as a breach of conditions if, on inspection, this is not the case.

17. Where a fire risk assessment in accordance with LACoRS "*Housing - Fire Safety, Guidance on fire safety provisions for certain types of existing housing*" has been used to determine fire precautions, the precautions must be reviewed annually. They must also

be reviewed whenever there are alterations to the property or its contents and at changes of tenancy to ensure the fire precautions are appropriate to the risk.

18. Provide details of fire exit routes to tenants. Ensure that all tenants are aware of fire and fault indications of the fire alarm system, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.
19. Each bedroom must have sufficient means for ventilation that can be maintained securely while the occupants are absent to minimise occurrence of damp and mould.
20. At the start of all new tenancies, all tenants must be made aware of the 'Bath and North East Somerset undertaking of good practice'. A copy must be given to each tenant and the recycling and rubbish collection notice must be displayed in the property. Attached as Appendix X.
21. The licence holder must provide a list of all occupants within 28 days if requested to do so by the local authority.
22. The licensed HMO must be managed in accordance with The Good Management Code of Practice. A copy of the Code is to be provided to all tenants. Attached as Appendix X.
23. Any person becoming involved in the management of the property after the licence date must be a fit and proper person, an application for a test must be made to the Council.
24. The licence holder and/or manager must notify the local authority of any change of name, address and any other contact details.
25. Where food is provided, food handlers must have adequate food safety training.
26. The layout of the property, including any numbering of rooms must not be altered without first gaining written permission from the council. Requests to alter the layout should be made in writing and include a full description of the proposed changes and the reason for doing so.
27. The property is to be occupied in accordance with and by no more than the number of persons and households identified in the table below:

<b>Floor</b>	<b>Room</b>	<b>Shared (S) or Exclusive (E) facilities</b>	<b>Sleeping for (no. of persons)</b>
x	x	x	x

The permitted number for the property is X households and X persons.



#### **4. Good Management Code of Practice**

Signing up to this code provides supporting evidence that the proposed licence holder will have satisfactory management arrangements in place for the property.

##### **Conduct**

The landlord agrees to conduct business with regard to the property and the tenancy in a courteous, reasonable and equitable manner and to answer promptly queries and issues raised by the tenant.

##### **Inventories**

The landlord agrees to ensure that an inventory is signed by both parties at the beginning of the tenancy (or as soon as practicable afterwards) and to give the tenant the opportunity both to carry out a joint inventory inspection at the outset and to discuss the inventory at the end of the tenancy.

##### **Deposits**

The landlord agrees to comply with all statutory obligations regarding tenancy deposit protection. If a deposit is taken it must be placed in a tenancy deposit protection (TDP) scheme within 30 days of receipt and the tenant must be provided with all the prescribed information.

##### **Repairs and maintenance**

The landlord agrees to carry out repairs within a time period appropriate to the severity of the problem, keeping as far as is practicable to the guide timescales given below\*. The landlord agrees to uphold as far as practicable all undertakings given on work to be completed prior to the tenant moving in, to consult the tenant when planning other major maintenance work during the tenancy and to give reasonable notice (except in emergencies) and details of any work, servicing or testing to be carried out. The landlord agrees to set up effective monitoring arrangements to check the condition of the building and installations.

##### **Landlord's access to property and other statutory requirements**

The landlord agrees to comply with all statutory obligations under housing and landlord & tenant legislation, associated regulations, Codes of Practice and British Standards including the legal requirement to gain access to the property (for inspection, repairs, monitoring or other reasons) only by prior arrangement with the tenant and having given 24 hours notice (except in emergencies).

##### **Neighbours**

The landlord agrees to take reasonable steps to minimise any nuisance, alarm, harassment or distress that may be caused to neighbours by the way the property is used. The landlord agrees to offer occupiers of the immediately neighbouring properties a contact telephone

number, address or e-mail address to report any problems, to ensure that “To Let” or “Let” boards are not left up as long-term advertising features, to keep the external appearance of the property in a reasonable condition and to make reasonable arrangements for the storage and disposal of refuse.

**\*Guide to repair timescales once a fault has been reported**

Emergency repairs - **24 hours** (Affecting health or safety e.g. major electrical fault, blocked WC).

Urgent repairs - **5 working days** (Affecting material comfort e.g. hot water, heating or fridge failure, serious roof leak).

Other non-urgent repairs - **20 working days**

## 5. Undertaking of good practice

### Bath and North East Somerset – HMO Licensing

#### **IT IS A CONDITION OF THE HMO LICENCE THAT THIS DOCUMENT IS PROVIDED TO ALL TENANTS**

This document is intended to ensure that tenants are aware of their responsibilities relating to waste management, fire safety and anti-social behaviour.

#### **Waste and recycling**

Tenants have a responsibility to:

- co-operate with the provisions in place for the storage and collection of recycling and rubbish and, to make sure that it is separated correctly;
- to put out recycling and rubbish for collection using the correct containers by **7am** on their collection day, or as late as possible **after 8pm** the previous evening at the front edge of the property;
- to bring containers back in as soon as possible after emptying.

Tenants can be fined for leaving their recycling and rubbish out on the highway at the wrong time or place.

Landlords have a duty to inform tenants when and how recycling and rubbish collections are made. The attached information notice must be displayed in the licensed property.

#### **Fire safety**

The fire precautions are there for the protection of the occupants of the property and should never be interfered with in any way.

- Never prop open doors or disconnect any door closing mechanism. This is especially important when you go to bed at night.
- Every week - check your smoke alarms are working as they should.
- Never interfere with the fire alarm. If you deliberately prevent the fire alarm from working correctly it may result in eviction by your landlord and/or prosecution by the Council.
- If you think that the fire alarm is sounding falsely or not working correctly, contact your landlord about it. Alternatively, contact Housing Services on 01225 396444.
- Always keep the hall, stairs and landings (the escape route) free from obstructions such as bicycles, unwanted furniture etc.
- Make sure you are familiar with using the fire blanket and any fire extinguishers in your home. Report any problems to your landlord.

Remember, if a fire has spread because of your interference with the fire precautions in place, you may also face civil proceedings by the landlord to recover costs for any additional damage caused.

## Neighbours and anti-social behaviour

Examples of anti-social behaviour include excessive noise (shouting, loud music etc.), drunk or disorderly conduct, rubbish dumping, harassment and vandalism.

Tenants should ensure that nothing that they or their visitors do will interfere with other occupants within the house or the neighbourhood. The result of anti-social behaviour on the part of a tenant and/or any of their visitors could include eviction and/or retention of deposits for repairs etc. Tenants can be prosecuted if they continue to cause a nuisance. In addition, cases can be referred to Avon and Somerset Police Anti-Social Behaviour Team which could result in an Anti-Social Behaviour Order (or ASBO).

## TENANTS DECLARATION

**Property address**.....

Licence holder/Manager.....

I .....name of occupant.....  
am an occupier of the licenced premises specified above.

My occupation of this property commenced on .....DATE.....

I have been informed of my responsibilities in relation to waste management, fire safety and anti-social behaviour at this property.

I confirm that I will co-operate with the landlord in all of the above and understand the consequences if I do not.

Signed .....

Date .....

I .....name of licence holder/manager.....  
am the licence holder/manager in respect of the licenced premises specified above.

I confirm that I have explained to the above occupier their responsibilities in relation to anti-social behaviour, waste management and fire precautions at this property.

Signed .....

Date .....

## Recycling & rubbish collections

The collection day for: **ENTER ADDRESS**

is

**ENTER DAY**



**Rubbish and recycling is collected weekly,  
garden waste is collected fortnightly**

Enter your postcode at [bathnes.gov.uk](http://bathnes.gov.uk) to find out which week you are on.

Put out your recycling and rubbish for collection by **7am** on your collection day, or as late as possible **after 8pm** the previous evening at the front edge of your property

**Please note that you can be fined for leaving your recycling and rubbish out at the wrong time or place**

For more details contact Council Connect on 01225 39 40 41, [councilconnect@bathnes.gov.uk](mailto:councilconnect@bathnes.gov.uk) or visit [www.bathnes.gov.uk/wasteservices](http://www.bathnes.gov.uk/wasteservices)



**POLICE NOTICE: LOCK IT OR LOSE IT! SECURE ALL DOORS AND WINDOWS WHEN YOU GO OUT**

To be displayed in the property

6. Proposed HMO Additional Licensing Fees

## Following consultation

All licences to last for a maximum of 5 years.

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New Licence	Discounted fee**	Fee
<b>Small HMO</b> up to 4 bedrooms*	<b>£500</b>	<b>£600</b>
<b>Large HMO</b> 5 - 7 bedrooms*	<b>£560</b>	<b>£660</b>
8 – 10 bedrooms*	<b>£620</b>	<b>£720</b>
11 bedrooms* and over	<b>£680</b>	<b>£780</b>

### \*Bedrooms

Includes all rooms used as bedrooms

To work out your HMO licensing fee, the number of bedrooms in a property will be equal to the:

- number of occupied bedrooms in a shared house;
- number of occupied bedsitting rooms in a property split up into bedsits;
- number of occupied self-contained units plus the number of bedrooms/bedsits (where there is a mix of accommodation types).

## **\*\*Discount**

The discount can be claimed to reward Accredited landlords for meeting minimum standards and as a result reduce the workload to the Council. In order to claim the discount the Licence Holder must meet the following criteria at the time of application:

**To claim the discount ALL the following criteria must be met at the time of application and confirmed as such on the application form.**

Application form:

- Submitted online via the Council website;
- Fully completed with all required documentation;
- Submitted by a specified date (where applicable);

Accreditation:

- The licensed property was accredited by B&NES on the 1<sup>st</sup> September 2013, OR the Licence Holder is accredited by a recognised landlord accreditation scheme e.g. NLA, RLA on the date of application. Confirmation to be provided on inspection.

Standards:

- Fully working mains powered and interlinked smoke alarms/detectors provided in each hallway and landing and a heat detector/alarm provided in each kitchen;
- Any locks on bedroom doors and the final exit door are openable from the inside (room side) without the use of a key e.g. thumb turn locks, and all internal key locks removed;
- A fire blanket is provided to the kitchen;

The Council will confirm all standards on inspection.

If at a later date the information above is found not to be the case an invoice will be charged to the Licence Holder for the difference of £100 plus an additional administration fee; the fit and proper person status of the Licence Holder will be reviewed and prosecution will be considered for making a false declaration.

## Charging Policy

- Applications will be accepted no more than 2 months prior to a property becoming licensable.
- Fees are charged on an individual property basis.
- Licences are non-transferable and relate to the named Licence Holder(s) and the specific property. Where the licence holder changes, a new application must be made together with a full fee.
- A licence cannot be issued without a valid application. An application is not considered valid until a complete application, supporting documents and correct payment has been received by the Council.
- The Council reserves the right not to refund fees unless it is legally obliged to do so.

## Fees to vary a licence

These fees are for a licence variation where the property is currently licensed. They apply to each property that needs varying.

When issuing licences interested parties will be served with a proposed licence. This is the opportunity to check the licence and ensure all information is correct.

Proposed Licence Variation	Fee
Variation of licence instigated by the council	No fee
Change of licence holder (licences cannot be transferred).	New application fee
Change of manager, management arrangements or emergency contact specified on the licence.	£54.00
Reduction in the number of occupiers and/or households	£54.00
Increase in the number occupiers and/or households	£54.00 + Where the variation is to increase occupancy to a higher band the difference in fees will also be required.
Any other modifications to the information that appears on the actual licence	£54.00



## Other fees, charges and refunds

These fees are applicable in relation to licence applications or where the property is currently licensed. They apply to each individual property.

Description	Fee
Where a licensable HMO has been found to be operating without a valid licence	Full initial application fee with reduced duration of licence  Fine of up to £20,000 on prosecution.
Revocation of licence	No fee and no refund
Application to licence following revocation of licence	Initial Application fee
Additional licensing only: new licence applied for within the last 2 years of the scheme	50% discount on initial application fee. Where a property has been operating illegally no discount will be given.
Application refused by the council e.g. not satisfactory management arrangements or licence holder/manager not considered fit and proper	No refund given
Application of a licensable HMO withdrawn by the applicant	Initial Application fee with no refund
Application made in error as property does not require a licence	Full refund given
Temporary Exemption Notice (TEN)	No fee
Replacement or additional electronic copy of the licence/or part of	No fee
Replacement or additional paper copy of the licence/or part of	£14.00

## 7. Amendments following consultation

### Changes made as a result of consultation

Item consulted on.	Amendments following consultation responses		Detail / Reasons
	Before	After	
<b>Licensing conditions</b>			
<b>5</b>	Within 2 months of the date of licensing provide a Periodic Inspection Report on the electrical installation indicating no defects under category 1 or 2. Any report should be less than 5 years old at the date of submission; if this expires during the term of the licence a new report must be submitted. OR When the current Periodic Inspection Report on the electrical installation expires, provide a new report indicating no defects under category 1 or 2. Any report should be less than 5 years old at the date of submission	Within 2 months of the date of licensing provide a <b>Domestic Electrical Installation Report</b> on the electrical installation indicating no defects under <b>code 1</b> or 2. Any report should be less than 5 years old at the date of submission; if this expires during the term of the licence a new report must be submitted. <b>OR, when the current Domestic Electrical Installation Report</b> on the electrical installation expires, provide a new report indicating no defects under <b>code 1</b> or 2. Any report should be less than 5 years old at the date of submission.	Updated to reflect changes in electrical standards and corrections.
<b>10</b>	All bedrooms, bathrooms, toilets, kitchens, communal space and shared facilities must be contained within the same building and be internally accessed. Facilities and amenities are for use by the occupants of the licenced premises only. Externally located bedrooms	<b>Where bedrooms are not internal or there is not internal access to the main house, the bedroom must have en-suite bathroom facilities including WC, wash hand basin and shower or bath. There must be 24 hours access to all kitchen, dining and communal</b>	In response to consultation and acknowledgement that existing garage conversions are legal and meet Building Regulations, planning requirements and Housing legislation.

	are not acceptable. Converted garages will not be acceptable unless designed to be internally accessed and meet appropriate standards for domestic use.	facilities.	
<b>11</b> (now removed)	All reasonable steps must be taken to advise all occupants of their weekly recycling and rubbish collection day and how to correctly put it out for collection from the front edge of the property.	Removed	Removed as duplication of condition 23.
<b>12</b> (now 11)	Correct and sufficient containers must be provided for household recycling and rubbish within the unit of accommodation and outside. Additional containers can be provided by contacting Council Connect on 01225 39 40 41 or <a href="mailto:councilconnect@bathnes.gov.uk">councilconnect@bathnes.gov.uk</a>	Sufficient containers must be provided for household recycling and rubbish within the unit of accommodation and outside <b>in an appropriate area</b> . Additional containers can be provided by contacting Council Connect on 01225 39 40 41 or <a href="mailto:councilconnect@bathnes.gov.uk">councilconnect@bathnes.gov.uk</a>	Edited wording and incorporated condition 13 below in a lighter format following consultation.
<b>13</b> (now removed)	All recycling and rubbish containers must be provided with a dedicated and appropriate storage area	Removed.	Removed and added to condition above.
<b>14</b> (now 12)	All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a neat and tidy condition. Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must be allocated appropriate	All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in <b>a reasonable condition and free from litter</b> . Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must	Responding to consultation and rewording to add clarification.

	and secure storage outside of the main house.	be allocated appropriate storage.	
<b>16</b> (now 14)	Within 2 years from the date of licensing, the licensed property must achieve an energy efficiency rating of C or better as determined by the Energy Performance Certificate (EPC). Where the property cannot be legally improved to this level, the best possible rating must be achieved and all practical recommendations as determined by the EPC must be made. A copy of the EPC to be provided to Housing Service once the required rating has been met, maximum 2 years from the date of licensing. A copy of the latest EPC to be provided on demand. This is applicable to all licenced properties.	Within 2 years from the date of licensing, the licensed property must achieve a minimum energy efficiency rating of “E” as determined by an Energy Performance Certificate (EPC).  <i>This condition will be met if the licenced property has reached an energy efficiency rating of “E” or the maximum package of measures that can be funded under the Green Deal and ECO (Energy Company Obligation) have been carried out, even if this does not take the energy rating up to an ‘E’. A copy of the latest EPC to be provided on demand.</i>	Changes are in response to concerns raised during the consultation and to maintain alignment with the requirements of the forthcoming Energy Act 2011.
<b>17</b> (now removed)	The licence holder and manager (if there is one) is to attend a recognised training course on the Approved Code of Practice relating to the management of HMOs within 12 months of publication of the code. Details will be available from the Council.	Removed.	This condition has been removed as there is currently no nationally approved code of practice available and concerns were raised during the consultation exercise.
<b>20</b> (now 17)	Where the LACoRS “Housing - Fire Safety, Guidance on fire safety provisions for certain types of existing housing” has been used to determine fire precautions, the precautions must be reviewed annually. They must also be	Where a <i>fire risk assessment in accordance with LACoRS “Housing - Fire Safety, Guidance on fire safety provisions for certain types of existing housing”</i> has been used to determine fire precautions, the precautions	Wording added to the beginning of the condition to add clarity.

	reviewed whenever there are alterations to the property or its contents and at changes of tenancy to ensure the fire precautions are appropriate to the risk.	must be reviewed annually. They must also be reviewed whenever there are alterations to the property or its contents and at changes of tenancy to ensure the fire precautions are appropriate to the risk.	
<b>22</b> (now 19)	Each habitable room must have sufficient means for ventilation which can be maintained securely while the occupants are absent.	Each <b>bedroom</b> must have sufficient means for ventilation that can be maintained securely while the occupants are absent <b>to minimise occurrence of damp and mould.</b>	Discussions with Accreditation Working Group considered. More clarity given on reasons for the ventilation requirement. Also made specific for bedrooms.
<b>23</b> (now 20)	At the start of all new tenancies, the Manager or Licence Holder must ensure that all tenants sign up to the 'Bath and North East Somerset undertaking of good practice'. A copy must be given to each tenant and a copy signed and retained by the Manager or Licence Holder for the duration of the tenancy and provided to the council on demand.	At the start of all new tenancies, all tenants must be <b>made aware of</b> the 'Bath and North East Somerset undertaking of good practice'. A copy must be given to each tenant <b>and the recycling and rubbish collection notice must be displayed in the property. Attached as Appendix X.</b>	Changes made following responses, namely what happens if tenants refuse to sign? Also, most of these aspects are already contained within tenancy agreements which are something landlords have more control over.  The recycling and rubbish collection notice will be more beneficial if attached to the licence and displayed in the property.
<b>24</b> (now 21)	The licence holder must provide a list of all occupants within 28 days if requested to do so by the local authority. *A list is hereby required for this property.	The licence holder must provide a list of all occupants within 28 days if requested to do so by the local authority.	Final sentence removed as this would be requested in a separate correspondence.
<b>25</b> (now 22)	The Code of Good Management Practice is to be complied with. A copy of the Code is to be	<b>The licensed HMO must be managed in accordance with The Good Management</b>	Changes made to clarify the requirement.

	permanently displayed in the common parts of the property so as to be visible by all tenants.	<b>Code of Practice.</b> A copy of the Code is <b>to be provided</b> to all tenants. <b>Attached as Appendix X.</b>	Copy to be given to all tenants rather than displayed (in response to point raised by Accreditation Working Group that too many documents need to be put up on the wall) and attached to the licence.
<b>26</b> (now 23)	Any person becoming involved in the management of the property after the licence date must be a fit and proper person, an application for a test must be made.	Any person becoming involved in the management of the property after the licence date must be a fit and proper person, an application for a test must be made <b>to the Council.</b>	Changes made to clarify the requirement.
<b>Good Management Code of Practice</b>	Section on deposits:  The landlord agrees to withhold any deposit only for the purpose for which it was levied, to return deposits as soon as possible after the end of a tenancy (in any event within 4 weeks) and to provide written details and receipts for any deductions which may be made. The landlord agrees to hold deposits in accordance with an authorised Tenancy Deposit Scheme once this legislation is introduced.	<b>The landlord agrees to comply with all statutory obligations regarding tenancy deposit protection. If a deposit is taken it must be placed in a tenancy deposit protection (TDP) scheme within 30 days of receipt and the tenant must be provided with all the prescribed information.</b>	Changes made to bring up to date with legislation.
<b>Undertaking of good practice</b>	Under the section entitled 'Neighbours and anti-social behaviour' final sentence <i>Students may risk sanctions from their university.</i>	Remove this sentence.  Also, some minor editing to the wording and layout.	To avoid singling out students in response to consultation comments from Bath Spa and Bath Spa Students Union.

			To add clarity.
<b>Licence fee</b>	Fees starting at £675 for a 2 unit (room) HMO with an additional £30 per unit.	<p><b>New fee structure:</b>  £600 for a small (2 - 4 bedroom) HMO,  £660 for a large 5 - 7 bedroom HMO,  £720 for 8 - 10 bedrooms,  £780 for 11 bedrooms or more.</p> <p>There is also a discount of £100 for accredited landlords who submit a fully completed application and meet specified fire safety criteria.</p> <p>Also, some editing to the wording and detail given on other fees.</p>	<p>Consultation responses from landlords and landlords associations that fees were too high and that there was no recognition of good landlords.</p> <p>Consultation also requested simplicity.</p> <p>If completed correctly with all accompanying documentation and simple requirements met, applications can be less time consuming than others.</p> <p>More clarity given on other charges.</p>
<b>Proposed area where additional HMO licencing will apply</b>	The proposals contained a single area for licensing which included all of the Wards of Oldfield, Westmoreland, Widcombe and small areas of adjacent wards	<p>An additional option of an alternative area is proposed which removes some parts of Widcombe Ward from the proposed area. The alternative area does not include:</p> <ul style="list-style-type: none"> <li>• Part of Widcombe Hill</li> <li>• Prospect Road</li> <li>• Macaulay road</li> <li>• Church Lane</li> <li>• Ralph Allen Drive</li> <li>• Pope's Walk</li> <li>• Perrymead</li> <li>• Lyncombe Vale</li> <li>• Lyncombe vale road</li> </ul>	<p>The NLA raised the question about why some parts of Widcombe Ward, which contain very few shared house HMOs, are included in the proposed area for additional licensing. The alternative area was discussed and proposed.</p> <p>The before and after maps are attached below.</p> <p>This is currently under consideration. No final decision has been made on reducing the proposed area.</p>

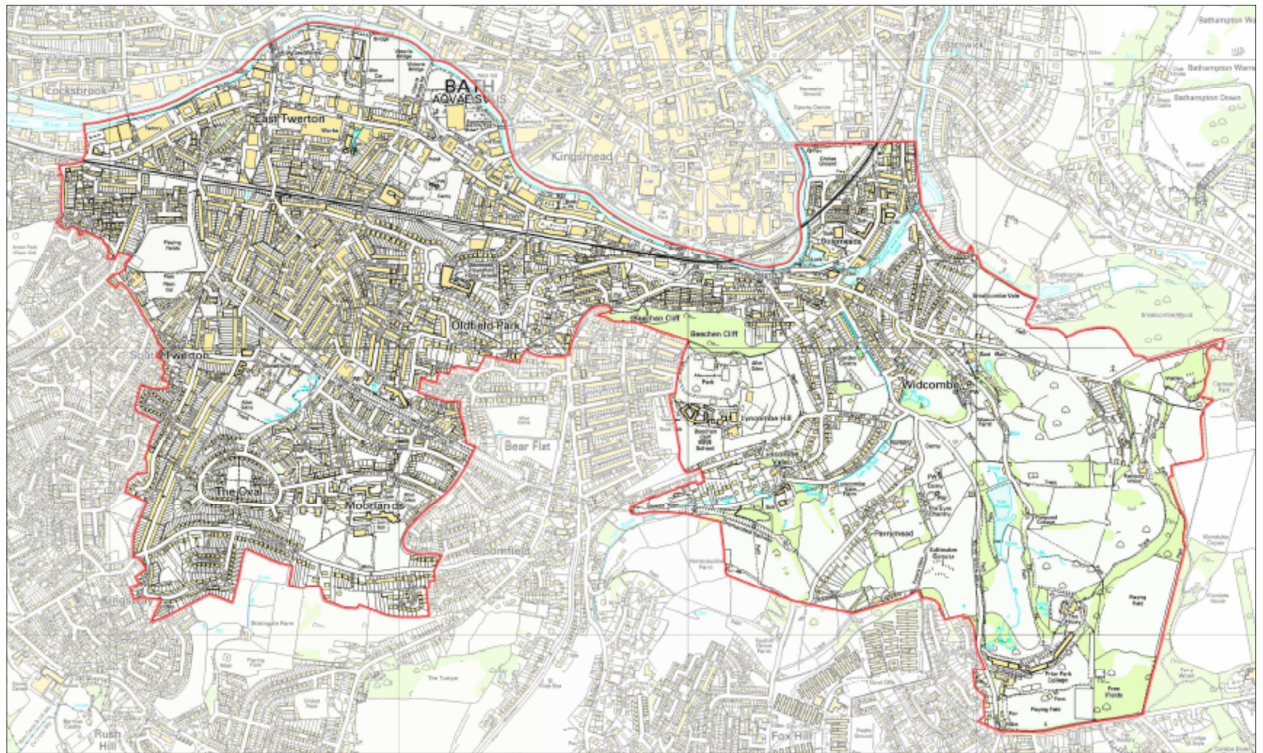
		<ul style="list-style-type: none"> <li>• Green Way lane</li> </ul>	
<b>Evidence report</b>	The updated evidence report is also appended to the panel report		
	Updated version.		In response to consultation where the evidence based was questioned and not considered balanced, amendments have been made to ensure as much evidence is captured as possible and that a balanced case is put forward. General formatting and editing has been carried out as well as a major overhaul of the layout and all sections to ensure it reads better, is clearer and information is easier to find. Main changes are indicated below.
	Executive summary		This section has been modified to better and concisely represent the information contained in the report.
	Contents		Updated.
	Fuel poverty section amended		In response to consultation to ensure the message is not misleadingly linking fuel poverty to HMOs.
	Section on fire amended		Edited in response to consultation to ensure accurate reflection of the data.
	Article 4 Direction summary		Section added to show responses from the consultation on Article 4.
	Section on student population removed		Not beneficial to the aim of the report.



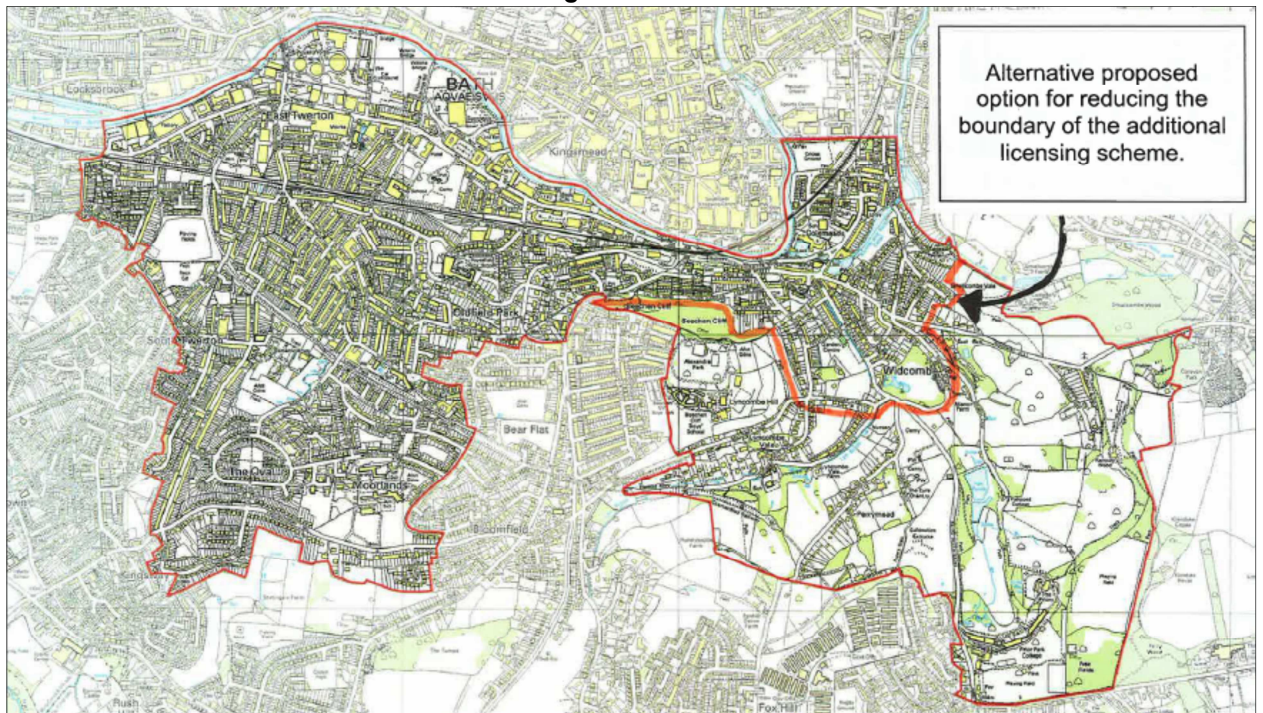
	HMO occupants survey	Introduction edited. Section on gardens amended for clarification following consultation response.
	Analysis of combined effects	New section added to bring the evidence together.
	Alignment with other strategies and initiatives	New section added in response to consultation responses.
	References	Updated
	Glossary	New section added for clarity

**Proposed additional licensing area – before and after**

**Before consultation**



**After consultation – consideration of reducing the area.**



## Equality Impact Assessment / Equality Analysis

<b>Title of service or policy</b>	Implementation of Additional Licensing of Houses in Multiple Occupation (HMOs) around the Oldfield , Westmoreland and Widcombe areas of Bath.
<b>Name of directorate and service</b>	Directorate: People and Communities Service: Housing Services
<b>Name and role of officers completing the EIA</b>	Jeremy Manners , Housing Services
<b>Date of assessment</b>	23 <sup>rd</sup> August 2012

Equality Impact Assessment (or ‘Equality Analysis’) is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council’s and NHS Bath and North East Somerset’s websites.

1. Identify the aims of the policy or service and how it is implemented.		
	Key questions	Answers / Notes
1.1	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> <li>• How the service/policy is delivered and by whom</li> <li>• If responsibility for its implementation is shared with other departments or organisations</li> <li>• Intended outcomes</li> </ul>	<p>Implementation of additional Houses in Multiple Occupation (HMO) Licensing. A licence would be required for all HMOs<sup>1</sup> with shared facilities in Oldfield, Westmoreland and Widcombe and small areas of adjoining Wards. This would be managed and enforced by the Housing Standards and Improvement Team.</p> <p>The intended outcomes of this service is to ensure all HMOs comply with higher standards of safety, quality and management. It is intended this should lead to :</p> <ul style="list-style-type: none"> <li>• Improved quality of life for residents;</li> <li>• Safer and healthier homes;</li> <li>• Higher quality HMOs making it easier to attract and keep employees in Bath: and</li> <li>• Better quality housing will be available for potentially vulnerable people.</li> </ul>

<sup>1</sup> A House in Multiple Occupation (HMO) can be defined as a house with 3 or more people from 2 or more households (a full definition can be found in the 2004 Housing Act).

1.2	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> <li>● Is it a new service/policy or review of an existing one?</li> <li>● Is it a national requirement?).</li> <li>● How much room for review is there?</li> </ul>	<p>Additional licensing of HMOs is an extension to the existing Mandatory licensing scheme. This is already required for all properties with three or more storeys and 5 or more occupants living as two or more households.</p> <p>It is not a national requirement. Local Housing Authorities are given the flexibility to implement additional licensing where there is the need in a specific local area.</p> <p>A 2011 Study by consultants Arup suggested that additional licensing could be used as one part of a suite of measures to help create more balanced communities.</p> <p>A ten week consultation is planned, where much of the detail of the additional licensing proposals is up for review and comment. The Council cabinet will make the final decision on implementation.</p>
1.3	<p>Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>The implementation of additional licensing for HMOs is being implemented alongside planning controls over HMOs in the whole of the city of Bath</p> <p>The benefits of this option are highlighted in section 1.1.</p> <p>The proposed aims of this policy link in with the following:</p> <ul style="list-style-type: none"> <li>● Two of the key themes in the '<a href="#">Housing and Wellbeing Strategy</a>' are 'better homes' and 'happy and healthy lives'. Additional licensing contributes towards both of these by improving the quality and safety of significant numbers of rented homes.</li> <li>● Additional licensing contributes towards the <a href="#">corporate vision</a> in a number of ways by improving standards for potentially vulnerable individuals and households. Good housing will contribute towards people fulfilling their potential, leading happier and healthier lives, increasing their prospects for the future and improving communities and neighbourhoods.</li> <li>● By promoting and informing managers and occupants about recycling and rubbish arrangements, additional licensing in partnership with Waste Services will help contribute towards the council's vision of <a href="#">zero waste</a>.</li> </ul>

		<ul style="list-style-type: none"> <li>• Additional licencing will improve energy efficiency and contribute towards the corporate vision of low carbon communities by ensuring, where needed, energy ratings are improved.</li> </ul> <p>Challenges identified include:</p> <ul style="list-style-type: none"> <li>• The costs of additional licensing to landlords may push up rental prices marginally if landlords see an opportunity to pass on costs to the tenants; conflicting with objectives around affordability</li> <li>• It could lead to a disparity of standards of HMO across the city; conflicting with equality objectives</li> <li>• If the approach taken leads to a perception that HMOs are not welcome in Bath, then this may lead to a shortage in affordable private rented property. This may make it harder for employers to attract lower paid employees, particularly those at the start of their careers, including new graduates. This could damage economic development objectives for the city.</li> </ul>
<h2>2. Consideration of available data, research and information</h2>		
<p>Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:</p> <ul style="list-style-type: none"> <li>• <b>Demographic</b> data and other statistics, including census findings</li> <li>• Recent <b>research</b> findings (local and national)</li> <li>• Results from <b>consultation or engagement</b> you have undertaken</li> <li>• Service user <b>monitoring data</b> (including ethnicity, gender, disability, religion/belief, sexual orientation and age)</li> </ul>		

- Information from **relevant groups** or agencies, for example trade unions and voluntary/community organisations
- Analysis of records of enquiries about your service, or **complaints** or **compliments** about them
- Recommendations of **external inspections** or audit reports

	<b>Key questions</b>	<b>Data, research and information that you can refer to</b>
<b>2.1</b>	What is the equalities profile of the team delivering the service/policy?	Please see appendix A.
<b>2.2</b>	What equalities training have staff received?	Housing Standards and Improvement Team members have received up to date equalities training including training on the Equality Act 2010 and the 9 protected Characteristics.
<b>2.3</b>	What is the equalities profile of service users?	<p>Through equalities mapping and population profile analysis (B&amp;NES Equality Profile 2009) we now know more about the wider groups of user who will benefit from any improvements to services.</p> <p>Students make up a large proportion of occupants of HMOs in Bath. Data is available from the Higher Education Statistics Agency, on the age, gender and socio-economic profile of students at the Higher Education Institutions in Bath (<a href="http://www.hesa.ac.uk/index.php?option=com_content&amp;task=view&amp;id=2060&amp;Itemid=141">http://www.hesa.ac.uk/index.php?option=com_content&amp;task=view&amp;id=2060&amp;Itemid=141</a>)</p> <p>The BANES Residential Review 2007 provides data across the BANES Wards on items such as population age profile, tenure profile, affordable housing profile and location of accredited properties.</p> <p>There is a lack of specific data about non-student HMO dwellers and their gender, age, disability, transgender and sexual orientation and socio-economic profile. The council has hitherto had no opportunity to monitor this data as HMO below a size threshold of 5 people or less than 3 storeys have no obligation to register with the Council.</p>

<p><b>2.4</b></p>	<p>What other data do you have in terms of service users or staff? (e.g. results of customer satisfaction surveys, consultation findings). Are there any gaps?</p>	<p>All data referred to above, plus:</p> <ul style="list-style-type: none"> <li>• B&amp;NES House Condition Survey,</li> <li>• Surveys with tenants</li> <li>• Equality monitoring data from tenant's customer Satisfaction Surveys</li> <li>• Equality monitoring data from landlord's customer Satisfaction Surveys</li> <li>• Equality monitoring data from consultations</li> <li>• Equalities Profile of the area 2009 V1.0</li> <li>• Voicebox 16 2009: Housing Services</li> <li>• Ward level data, predominantly from 2001 census, as set out in appendix B.</li> </ul> <p><b>Gaps</b></p> <ul style="list-style-type: none"> <li>• There is a concern that survey data from tenants reflects a small sample, but there was an agreement at the consultation stakeholder workshop that further data from tenants wouldn't provide new insights.</li> <li>• The total number of HMOs in the City based on existing data is considered to be an underestimate of the real level of provision.</li> <li>• Data on the profile of landlords/HMO developers is lacking.</li> <li>• Data on the profile of HMO residents other than students is lacking.</li> <li>• Much of the data in appendix B is from the 2001 census, and is likely to be hiding changes that have occurred over the last</li> </ul>
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<p><b>2.5</b></p>	<p>What engagement or consultation has been undertaken as part of this EIA and with whom?</p> <p>What were the results?</p>	<p>As part of the feasibility study a workshop was held on 24th October 2011 in the Guildhall, Bath to scope stakeholders' views on the issues. The aims of the workshop were:</p> <ul style="list-style-type: none"> <li>• to bring stakeholders together to share and understand different perspectives related to HMOs in Bath;</li> <li>• to share the data related to both need for HMOs and impacts of HMOs; and</li> <li>• to test potential interventions that might help to create balance and sustainable communities</li> </ul> <p>The results included broad support for the introduction of additional licensing. There was a feeling that in many parts of Bath there are smaller HMOs than will currently be included in the mandatory licensing scheme, so additional licensing would deal with some of the existing issues in a way that an Article 4 Direction alone would not.</p> <p>Following the initial feasibility study, a further workshop was held on 19<sup>th</sup> July 2012. The aims were to:</p> <ul style="list-style-type: none"> <li>• inform stakeholders of research undertaken to date on options and proposals for HMO licensing and planning controls in Bath.</li> <li>• share the emerging evidence base, approaches taken by other local authorities and gather feedback</li> <li>• clarify aspects of licencing and planning policy formulation where stakeholders have the opportunity to influence, and gather feedback.</li> </ul> <p>There was general support for additional licensing at this workshop and general consensus that Wards selected look appropriate.</p> <p>A wide range of stakeholders were represented at these workshops, including:</p>
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		<ul style="list-style-type: none"><li>• Ward Councillors from across Bath</li><li>• Planning Officers, B&amp;NES Council</li><li>• Housing, Transport, Research, Community and Economic Development Officers, B&amp;NES Council</li><li>• University of Bath</li><li>• Bath Spa University</li><li>• Royal United Hospital</li><li>• Bath Spa University Students' Union</li><li>• University of Bath Students' Union</li><li>• HMO Landlords</li><li>• HMO Developers</li><li>• Letting Agents</li><li>• Local Residents</li><li>• Avon and Somerset Police</li></ul> <p>Other groups engaged with as part of the formal consultation:</p> <ul style="list-style-type: none"><li>• B&amp;NES Equality officer – Cordelia Johnney</li><li>• B&amp;NES EIA quality control group</li><li>• Polish Community group</li></ul>
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		<ul style="list-style-type: none"> <li>• Various drop in sessions held in community venues in Oldfield and Westmoreland and the One stop shop.</li> <li>• National Landlords Association (NLA) meeting.</li> <li>• Visit to Oxford City Council</li> <li>• Visit to Cardiff City Council</li> </ul>
2.6	<p>If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?</p>	<p>A full consultation process is planned with respect to additional licensing, over 10 weeks. It is proposed that this runs alongside the consultation on the Houses of Multiple Occupation Supplementary Planning Document (SPD) to provide clarity on the issues and overlaps. The consultation would target all groups of user who would be affected by the proposals. In addition to an online consultation, there are also drop in events at the One Stop Shop In Manvers Street, St Alphege's Church, Oldfield Lane and Oldfield Baptist Church on Moorland Road as well at events at Bath Spa and Bath University and a National Landlords Association (NLA) meeting.</p> <p>Specific efforts will be made to engage with equalities groups and they will be invited to the events, one to one meetings will also be held as necessary.</p> <p>Housing and Planning are attending an event run by the Polish Community in Oldfield Park on 27<sup>th</sup> October 2012. Officers also attended an electric blanket testing event at Southdown Methodist church to engage with older people.</p> <p>Other opportunities to engage with groups such as transgender and BME communities have also been suggested by the EQIA Quality Assurance group, these will be followed up where possible. The following groups have also been contacted to seek their views and to try and encourage involvement in the consultation process:</p> <ul style="list-style-type: none"> <li>• BEMSCA (Bath ethnic minority senior citizens association)</li> <li>• Manvers Street Mosque (Bath Islamic Society)</li> <li>• Age concern UK</li> <li>• BFESG (Black families education support group)</li> </ul>

		<ul style="list-style-type: none"> <li>• B&amp;NES people first</li> <li>• LGBT workers challenge group</li> <li>• Bangladesh Association Bath</li> <li>• REC (Bath racial Equalities Council)</li> </ul>
<b>3. Assessment of impact: 'Equality analysis'</b>		
	<p>Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:</p> <ul style="list-style-type: none"> <li>• Meets any particular needs of equalities groups or helps promote equality in some way.</li> <li>• Could have a negative or adverse impact for any of the equalities groups</li> </ul>	
	<b>Examples of what the service has done to promote equality</b>	<b>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</b>
<b>3.1 Gender</b> – identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)	<p>The process of requiring a licence will mean that action will be taken to raise the quality of private rented accommodation, resolve hazards and ensure higher standards (particularly for energy efficiency and security). The improved standards will be particularly beneficial for the most vulnerable tenants, who perhaps currently live in sub-standard accommodation. These more vulnerable residents often fall into one or more equality groups.</p> <p>NB this positive impact will apply to all the</p>	<p>This could lead to a disparity of standards of HMO across the city, with HMOs outside of the proposed areas becoming poorer quality (e.g. in relation to energy efficiency, fire safety etc).</p> <p><b>Action:</b> <i>On-going monitoring of impacts of licensing to be used to consider whether it might be appropriate to extend the scheme to other Wards.</i></p>

		groups considered below.	
<b>3.2</b>	<b>Transgender</b> – – identify the impact/potential impact of the policy on transgender people	There is no evidence of a positive or negative impact on this Equalities group, due to lack of data and knowledge about HMO landlords and HMO dwellers in B&NES. Responses from the online additional licensing consultation will be considered. Officers should be sensitive when investigating occupancy of rooms and inspecting properties.	
<b>3.3</b>	<b>Disability</b> - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	<p>As in 3.1 above; and</p> <p>The higher standards applied with the additional licensing will mean that provision with respect to disabled persons is improved.</p> <p>A paragraph will be added to enforcement notices, informal and formal, stating that reasonable adjustments may be required.</p> <p>Note: Care homes are exempt from licensing.</p>	<p>As in 3.1 above; and</p> <p>The completion of a licence application form can be difficult for those with certain impairments. There can also be communication difficulties if legal action is taken for noncompliance with the HMO licence provisions.</p> <p><b>Action:</b> Assistance to be offered to all landlords to complete the application form and on-going help and advice will be given.</p> <p>A strapline will added to standard letters and notices saying that they are available in other formats.</p>
<b>3.4</b>	<b>Age</b> – identify the impact/potential impact of the policy on different age groups	<p>As in 3.1 above</p> <p>More choice of high quality HMOs will make it easier to attract young professionals/lower paid employees to Bath.</p> <p>The requirements for greater energy efficiency will reduce fuel poverty amongst the elderly and other age groups</p>	<p>Licensing may push up rental prices if landlords see the opportunity to pass on costs to tenants, (will affect those with lower salaries and students that tend to be younger people).</p> <p><b>Action:</b> The formal consultation raises the potential impact on vulnerable people and asks for comments.</p>

		<p>such as younger people on lower incomes.</p> <p>Young families and elderly people are more likely to be attracted to and enjoy certain areas due to reduced anti-social behaviour and an improved through additional licensing requirements.</p> <p>Note: Childrens homes and care homes are exempt under the Housing Act 2004.</p>	<p><i>Further consultation on the costs to consider how this potential impact can be minimised.</i></p>
3.5	<p><b>Race</b> – identify the impact/potential impact on different black and minority ethnic groups</p>	<p>As in 3.1 above and</p> <p>Increasing availability of HMOs that reach minimum standards.</p> <p>The imposition of a framework for good management, the provision of a good basic level of standard amenities and the subsequent remedying of actionable hazards in licensed HMOs has a positive impact for all ethnic groups. This would particularly be the case where a property is used for asylum seekers and migrant workers.</p> <p>Any cultural issues will be considered before enforcing standards.</p>	<p>As in 3.1 above and</p> <p>Wards with highest proportion of BME populations Bathwick with 16% and Abbey with 15%, also have high proportions of HMOs, so these groups may be adversely affected by the potential for poorer standards outside of the areas where additional licensing is proposed. Small parts of Bathwick will be included in the proposed scheme.</p> <p><b>Action:</b> <i>On-going monitoring of impacts of licensing to be used to consider whether it might be appropriate to extend the scheme to other Wards.</i></p>
3.6	<p><b>Sexual orientation</b> - identify the impact/potential impact of</p>	<p>There is no evidence of a positive or negative impact on this Equalities group, due to lack of data and knowledge about HMO landlords and HMO dwellers in B&amp;NES. Officers should</p>	

	the policy on lesbians, gay, bisexual & heterosexual people	be sensitive when investigating occupancy of rooms and consider that same sex couples may be living as a household.	
<b>3.7</b>	<b>Religion/belief</b> – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	As in 3.1 above  Note: Certain buildings occupied by a religious community are exempt from additional licensing.	As in 3.1 above
<b>3.8</b>	<b>Socio-economically disadvantaged</b> – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	As in 3.1 above  The requirements for greater energy efficiency will reduce fuel poverty amongst those on lower income as it should reduce energy bills.  Better quality housing will be provided to tenants on lower incomes.  Good quality housing is important for people to achieve their educational and professional potential.  Note: Properties managed by a social landlord are exempt.	As in 3.1 above; and  May push up rental prices as landlords pass the licensing costs onto the tenants which would affect amongst others, students, people on housing benefit and those with lower incomes. However, this will be a marginal cost.  May make those on lower incomes vulnerable to lower standards outside of the areas where additional licensing is applied.  <b>Action:</b> <i>Further consultation on the costs to consider how this potential impact can be minimised.</i>  <i>On-going monitoring of impacts of licensing to be used to consider whether it might be appropriate to extend the scheme to other Wards</i>

<b>3.9</b>	<b>Rural communities</b> – identify the impact / potential impact on people living in rural communities	Increasing the quality of affordable areas within the city to live, e.g. young people living at home in rural areas, may be able to move out.	May make those in rural areas, outside of the areas where additional licensing is applied, more vulnerable to lower standards in shared housing. The cost of shared housing may increase in the proposed area making it harder for young people from rural communities to move out in to shared accommodation in the areas they may want to live – limiting choice.
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#### 4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Ensure the consultation on additional licensing is accompanied by appropriate guidance and that additional support is available for equalities groups.	Ensure equalities groups are included in the consultation process	Preparation of appropriate guidance in time for the consultation.	Housing Standards and Improvement Team	In time for consultation
The completion of a licence application form can be difficult for those with certain impairments. There can also be	Assistance to be offered to all landlords to complete the application form.	Assistance available from when the licensing requirements are implemented.	Housing Standards and Improvement	When licensing requirements are implemented



communication difficulties if legal action is taken for noncompliance with the HMO licence provisions.			Team	
Licensing may push up rental prices if landlords see the opportunity to pass on costs to tenants, (will affect those with lower salaries and students).	Further consultation on the costs to consider how this potential impact can be minimised.	Consultation on how costs are implemented to minimise this impact	Housing Standards and Improvement Team	Prior to implementation of additional licensing scheme
May make those outside the areas where additional licensing is proposed more vulnerable to lower standards in shared housing (this may impact adversely on a number of equality groups)	On-going monitoring and consideration as to whether the scheme should be extended.	Annual monitoring reports	Housing Standards and Improvement Team	Post implementation of additional licensing scheme.
Potential for people to be uncomfortable or give inaccurate information when asked about living arrangements.	Sensitive consideration will need to be undertaken by Housing Officers when asking questions of people about their living arrangements when seeking to establish if a property is an HMO.	Customer Service standards.	Housing Standards and Improvement Team	Ongoing

## 5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team ([equality@bathnes.gov.uk](mailto:equality@bathnes.gov.uk)), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

**Signed off by:**

(Divisional Director or nominated senior officer)

**Date:**

## Appendix A

### Equalities profile of Housing Services and B&NES residents

<b>Gender</b>	Male	Female				
HS	32.65%	67.35%				
B&NES	49%	51%				
<b>Ethnicity</b>	White	Mixed	Not known	Asian/Asian British	Black/Black British	Chinese or other ethnic
HS	93.88%	4.08%	2.04%	0%	0%	0%
B&NES	94.5%	1.4%		1.4%	1%	1.7%
<b>Religion</b>	Christian	Buddhist	Not revealed	Muslim	No religion	Other
HS	51.02%	2.04%	12.24%	0%	34.69%	0%
B&NES	71.01%	0.33%	8.03%	0.39%	19.50%	0.71%
<b>Sexuality</b>	Heterosexual	Lesbian/Gay/Bisexual	Not stated			
HS	28.57%	2.04%	69.39%			
B&NES	93%	7%*	0%			
<b>Disability</b>	Disabled	Not revealed	Not disabled			
HS	2.04%	6.12%	91.84			
B&NES	15% (3.1% aged under 65)	0%	85%			
<b>Age</b>	Under 24	25-44	45-64	65+		
HS	0	42.86%	55.10%	2.04%		
B&NES	17.19%	26.03%	24.04	17.24%		

Source: ONS 1997 mid year population estimates / DWP Disability Living Allowance & Attendance Allowance May 2008

\* Estimate provided by B&NES, <http://wwwi/communityandliving/equality/Pages/Equality%20Census%20Summary%202001.aspx>

**Appendix B**  
**Equalities profile of B&NES residents and wards most affected by proposals**

	B&NES	Westmoreland	Oldfield	Widcombe
<b>Age (Jun 2010)</b>				
25-49	31.5%	28.4%	26.6%	32.1%
16-24	16.6%	39.5%	37.5%	31.9%
0-15	16.7%	9.9%	11.9%	11.3%
50-59 / 50-64	14.6%	9.5%	9.7%	11.2%
Over 60 / 65	20.6%	12.8%	14.3%	13.5%
<b>Sexuality</b>	no data available at ward level			
<b>Gender (2001 Census)</b>				
Male	51.4%	51.3%	51.9%	49.8%
Female	48.6%	48.7%	48.1%	50.2%
<b>Ethnicity (2001 Census)</b>				
White: British	93.96%	93.24%	92.13%	88.57%
White: Other	3.26%	3.48%	3.55%	7.50%
Mixed	0.58%	1.04%	1.38%	0.70%
Asian or Asian British	0.54%	0.42%	0.96%	0.90%
Black or Black British	0.47%	0.74%	0.74%	0.57%
Chinese or other	0.80%	0.86%	1.00%	1.48%
<b>Religion (2001 Census)</b>				
Christian	71.02%	68.25%	66.96%	59.03%
Buddhist	0.33%	0.32%	0.28%	0.64%

Hindu	0.16%	0.13%	0.31%	0.21%
Jewish	0.12%	0.11%	0.07%	0.17%
Muslim	0.39%	0.21%	0.63%	0.73%
Sikh	0.07%	0.00%	0.00%	0.15%
Other	0.36%	0.42%	0.33%	0.60%
No religion	19.51%	22.81%	22.75%	30.29%
<b>Disability</b>				
Living with a long-term limiting illness	15.8%	14.7%	17.2%	11.8%

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	Major Projects Panel Project Delivery	
MEETING DATE:	19 <sup>th</sup> March 2013	AGENDA ITEM NUMBER
TITLE:	Major Projects update	
WARD:	ALL	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Major Projects Report		

### **THE ISSUE**

This is a routine report for update on Major Projects, Project Delivery activity.

### **RECOMMENDATION**

There are no recommendations required

That the Committee note the report, with comments as appropriate.

### **FINANCIAL IMPLICATIONS**

None- for information only

### **THE REPORT**

A routine report is attached as an appendix outlining Major Projects activity.

### **RISK MANAGEMENT**

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision- making risk management guidance. It is available on request.

**EQUALITIES**

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There are no issues arising for the committee to consider (if that is the case)

**CONSULTATION**

No consultation has been carried out as this is an update report only.

**ISSUES TO CONSIDER IN REACHING THE DECISION**

There is no decision to be made

**ADVICE SOUGHT**

*The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.*

<b>Contact person</b>	Derek Quilter 7426
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	



## **Development & Major Projects – Project Delivery**

### **Policy, Development & Scrutiny report**

**19<sup>th</sup> March 2013**

### **Development & Major Projects update- Derek Quilter**

## Council Direct Projects

### Public Realm

- **High Street**
  - Planned completion date – 22<sup>nd</sup> April 2013
  - The restoration of Rebecca fountain has been completed

### Guildhall Tech/Creative Hub

- Decorations to interior commenced
- Completion anticipated early April 2013

### Children's Services

- **Ralph Allen School Applied Learning Centre and all weather pitch**
  - New build programme on schedule and on budget
  - AWP (All Weather Pitch) programme delayed by 2 weeks due to bad weather – final handover will be week commencing 11<sup>th</sup> March 2013, all bar the surrounding landscaping
  - New build scheduled to be watertight week commencing 18<sup>th</sup> March 2013
  - Project completion scheduled for end July 2013

- **St Gregory's & St Mark's Joint 6<sup>th</sup> Form Centre**

- Project remains on budget and on programme
- Concrete slab work completed and Cross Laminated Timber frame works commenced
- Foundations and drainage works are well underway
- Web cam installed providing both St Gregory's Catholic College and St Marks School with updated pictures of progressing works on site.

### Bath Western Riverside

- **Residential occupations**
  - First 70 private residential units now occupied or sold.
  - First 100 affordable units now occupied
  - All shared ownership units are sold
- **Phase 1**
  - Complete
- **Phase 2**
  - 115 Units complete
  - 125 under construction for completions in 2013
- **Phase 3**
  - Reserve Matters Applications now submitted for Buildings B1 & B17
  - 2<sup>nd</sup> Phase infrastructure for replacement Destructor Bridge commenced November 2012
- **BWR Future Phases**
  - Crest are progressing terms with Wales and West (WWU) to decommission the gas holders. B&NES have applied to the Local Enterprise Partnership for RIF (Revolving Infrastructure Funding) to bring this forward.
  - Cabinet decision upon use of RIF is on the forward plan for an April 2013 decision
  - Decommissioning is expected to take up to 2 years from the point WWU contract with Crest.

### Victoria Bridge

- **Temporary works (Phase 2)**
  - Temporary crossing will need to be closed again when phase 3 works commence, (mid 2013).
  - Periodic monitoring of temporary works is ongoing.
- **Permanent works (Phase 3)**
  - Design work by AECOM currently progressing through scheme design stage.
  - Listed building consent application to be submitted April 2013.
  - Victoria Bridge exhibition opened at Museum of Bath at Work 1<sup>st</sup> March 2013
  - Works completion anticipated mid 2014.

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### Bath Transport Package

- **Park & Ride expansion**
  - **Lansdown**
    - Site works completed 15<sup>th</sup> February 2013
    - Additional lighting has been installed to cover dark area to the parking bays adjacent to sports pavilion
    - Bus shelter planning application submitted 17<sup>th</sup> January 2013, now registered
    - Sports pitch expected completion September 2013
  - **Newbridge**
    - Planning application expected to be submitted May 2013
- **CCTV**
  - Installation of CCTV to all 3 Park and Ride sites is being carried out over the period from November 2012- April 2013.
  - Unblocking of duct at Odd Down site has finished

- **Keynsham Regeneration Project**
  - Demolition works now substantially complete
  - Relocation of the cycle shelter and bin store has been arranged and completed
  - Ground works have started, including works to the multi-story car park
  - On time & budget – Asbestos works causing a slight delay but will have no effect on overall project
  - Work has started on the design & development of a permanent highways solution in Keynsham
  - Public Art consultants are in the process of being interviewed
  
- **Odd Down Playing Fields**
  - **3G Pitch**
    - Meeting with all governing bodies 20<sup>th</sup> March 2013 to discuss funding for the sports pitch
    - Pitch will be either football or rugby specifications
    - Consultations will be taking place regarding floodlights
  
  - **Changing Rooms**
    - Changing rooms could potentially be a two storey building for changing rooms & club house
    - Final design will depend on funding availability from governing bodies such as The Fa & The RFU
  
  - **Cycle Track**
    - Works are progressing to programme
    - Main works due to be completed by the end of March

### Development

- **South Road Car Park, Midsomer Norton**
  - Marketing of this site will commence in April 2013 to dispose of a long leasehold interest for food retail use.
  - Proposed planning use is in line with both the draft Core Strategy and ERDP
  - Envisaged that this will promote increased footfall & improved links with the High Street to promote private investment / regeneration opportunities for the town.
  
- **Former Railway Land, Radstock**
  - The drafting of outline planning applications is underway with a view to a spring planning submission.
  - This application will include the detail of the agreed road scheme following the detailed consultation in December 2011.
  - Linden are progressing plans for the development which will form part of the updated outline planning application.
  
- **Keynsham K2**
  - The Council is currently considering bids received for the sale of the K2 site in South West Keynsham.
  
- **MOD Sites**
  - It is understood that the purchasers of the three sites have been identified. No formal announcements around who these purchasers are have been made, but it is anticipated that announcements may be made during March/April.
  - Once the announcements regarding the successful purchasers are made, it is expected that the timeframes around the prospective development programme should become more apparent.

- **Somerdale**
  - Taylor Wimpey are continuing to develop their plans and recently hosted a community consultation exercise in Keynsham. It is expected that Taylor Wimpey will share the results of this consultation exercise in the next few weeks.

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING: HOUSING AND MAJOR PROJECTS POLICY DEVELOPMENT &amp; SCRUTINY PANEL</b>	
MEETING DATE:	<b>19<sup>th</sup> March 2013</b>
TITLE:	<b>WORKPLAN FOR 2013/14</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Appendix 1 – Panel Workplan	

**1 THE ISSUE**

- 1.1 This report presents the latest workplan for the Panel (Appendix 1).
- 1.2 The Panel is required to set out its thoughts/plans for their future workload, in order to feed into cross-Panel discussions between Chairs and Vice-chairs - to ensure there is no duplication, and to share resources appropriately where required.

**2 RECOMMENDATION**

- 2.1 The Panel is recommended to
  - (a) consider the range of items that could be part of their Workplan for 2013/14

**3 FINANCIAL IMPLICATIONS**

- 3.1 All workplan items, including issues identified for in-depth reviews and investigations, will be managed within the budget and resources available to the Panel (including the designated Policy Development and Scrutiny Team and Panel budgets, as well as resources provided by Cabinet Members/Directorates).

## 4 THE REPORT

4.1 The purpose of the workplan is to ensure that the Panel's work is properly focused on its agreed key areas, within the Panel's remit. It enables planning over the short-to-medium term (ie: 12 – 24 months) so there is appropriate and timely involvement of the Panel in:

- a) Holding the executive (Cabinet) to account
- b) Policy review
- c) Policy development
- d) External scrutiny.

4.2 The workplan helps the Panel

- a) prioritise the wide range of possible work activities they could engage in
- b) retain flexibility to respond to changing circumstances, and issues arising,
- c) ensure that Councillors and officers can plan for and access appropriate resources needed to carry out the work
- d) engage the public and interested organisations, helping them to find out about the Panel's activities, and encouraging their suggestions and involvement.

4.3 The Panel should take into account all suggestions for work plan items in its discussions, and assess these for inclusion into the workplan. Councillors may find it helpful to consider the following criteria to identify items for inclusion in the workplan, or for ruling out items, during their deliberations:-

- (1) public interest/involvement
- (2) time (deadlines and available Panel meeting time)
- (3) resources (Councillor, officer and financial)
- (4) regular items/"must do" requirements (eg: statutory, budget scrutiny, etc)?
- (5) connection to corporate priorities, or vision or values
- (6) has the work already been done/is underway elsewhere?
- (7) does it need to be considered at a formal Panel meeting, or by a different approach?

The key question for the Panel to ask itself is - can we "add value", or make a difference through our involvement?

- 4.4 There are a wide range of people and sources of potential work plan items that Panel members can use. The Panel can also use several different ways of working to deal with the items on the workplan. Some issues may be sufficiently substantial to require a more in-depth form of investigation.
- 4.5 Suggestions for more in-depth types of investigations, such as a project/review or a scrutiny inquiry day, may benefit from being presented to the Panel in more detail.
- 4.6 When considering the workplan on a meeting-by-meeting level, Councillors should also bear in mind the management of the meetings - the issues to be addressed will partially determine the timetabling and format of the meetings, and whether, for example, any contributors or additional information is required.

## 5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## 6 EQUALITIES

- 6.1 Equalities will be considered during the selection of items for the workplan, and in particular, when discussing individual agenda items at future meetings.

## 7 CONSULTATION

- 7.1 The Workplan is reviewed and updated regularly in public at each Panel meeting. Any Councillor, or other local organisation or resident, can suggest items for the Panel to consider via the Chair (both during Panel meeting debates, or outside of Panel meetings).

## 8 ADVICE SOUGHT

- 8.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Michaela Gay, Democratic Services Officer. Tel 01225 394411
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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**Housing and Major Projects Policy Development & Scrutiny Panel Workplan**

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
<b>2<sup>nd</sup> Aug 2011</b>	Major Projects Routine Report	JB	John Betty	Report		
	Housing Renewal Policy	AA	Graham Sabourn	Report		
	Cabinet Member Update			Verbal		
<b>20<sup>th</sup> Sept 2011</b>	Cabinet Member Update			Verbal		
	Housing & Major Projects Update	JB	John Betty / Graham Sabourn	Report		
	Delivering Sustainable Economic Growth in Bath and North East Somerset	JB	John Betty	Report		
<b>15<sup>th</sup> Nov 2011</b>	Cabinet Member Update			Verbal		
	Article 4 Direction	GC	Simon de Beer	Verbal		
	Medium Term Service & Resource Plans	JB	John Betty	Report		
	Housing & Major Projects Update	JB	John Betty / Graham Sabourn	Report		

Last updated 21<sup>st</sup> February 2013

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
<b>31<sup>st</sup> Jan 2012</b>						
	Somer CHT Blueprint for the Future	AA	Victor da Cunha (Somer CX)	Verbal / Presentation		
	Cabinet Member Update			Verbal		
	Empty Property Policy Update	AA	Graham Sabourn	Report		
	Adult Social Care & Housing Service Action Plan	AA	Graham Sabourn / Jane Shayler	Report		
	Housing & Major Projects Update	JB	John Betty	Report		
	Development & Major Projects Service Action Plan	JB	Derek Quilter	Report		
<b>27<sup>th</sup> March 2012</b>						
	Cabinet Member Update			Verbal		
	Draft Tenancy Strategy	AA	Graham Sabourn	Report		
	Housing Allocations	AA	Graham Sabourn	Report		
	Additional HMO Licensing (Article 4)	AA	Graham Sabourn	Report		
	Housing & Major Projects Update	JB	John Betty	Report		
<b>29<sup>th</sup> May 2012</b>						
	Cabinet Member Update			Verbal		
	Home Health and Safety Policy (formerly Housing Renewal Policy)	AA	Chris Mordaunt	Report		

Last updated 21<sup>st</sup> February 2013

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
	Community Infrastructure Levy (CIL) – Impact on Development	GC	Simon De Beer	Presentation		
	Emerging Housing Agenda	JB	John Betty	Presentation		
	Development Agenda – Potential Funding Strategies	JB	John Betty	Presentation		
	Housing & Major Projects Update	JB	John Betty	Report		
<b>24<sup>th</sup> July 2012</b>						
	Cabinet Member Update			Verbal		
	Housing Services Enforcement Policy	AA	Chris Mordaunt	Report		
	Right to Buy	AA	Graham Sabourn	Report		
	Development & Regeneration Opportunities in the Somer Valley	GC	Marie Percival	Presentation		
	Housing & Major Projects Update	GC	Derek Quilter	Report		
<b>18<sup>th</sup> Sept 2012</b>						
	Cabinet Member Update			Verbal		
	Housing Adaptations Update	AA	Chris Mordaunt / Graham Sabourn	Report		
	House Condition Surveys (Private Sector Stock / HMO)	AA	Chris Mordaunt / Graham Sabourn	Report		
	Housing & Major Projects Update	GC	Derek	Report		

Last updated 21<sup>st</sup> February 2013

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
			Quilter			
<b>20<sup>th</sup> Nov 2012</b>						
	Cabinet Member Update			Verbal		
	Curo Update	AA	Cllr Tim Ball	Verbal		Feedback from the Corporate Audit Cttee
	Boat & Mobile Home Dwellers	AA	Cllr Tim Ball	Report		
	Medium Term Service & Resource Plans	AA / AP	Derek Quilter / John Wilkinson / Graham Sabourn	Report		
	Housing & Major Projects Update	AP	Derek Quilter / John Wilkinson / Graham Sabourn	Report		
<b>22<sup>nd</sup> Jan 2013</b>						
	Cabinet Member Update			Verbal		
	Boat Dwellers – Scoping Report	AA	Donna Vercoe / Ann Robins	Report	Panel – 20/11/12	
	Core Strategy Update	DT	David Trigwell	Report		
	Gypsies & Travellers Update	DT	David Trigwell /	Verbal Update		



Last updated 21<sup>st</sup> February 2013

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
			Simon de Beer			
	Update on Proposed Planning Controls for Houses in Multiple Occupation in Bath (Article 4)	DT	Cleo Newcombe-Jones	Presentation		
	Additional HMO Licensing	AA	Graham Sabourn	Report	Panel May 2012	Prior to Cabinet decision
	Housing & Major Projects Update	AP	Derek Quilter / John Wilkinson / Graham Sabourn	Report		
<b>19<sup>th</sup> March</b>						
	Cabinet Member Update			Verbal		
	Sheltered Housing	AA	Graham Sabourn	Report	Panel Sept 2012	
	Update on Proposed Planning Controls for Houses in Multiple Occupation in Bath (Article 4)	DT	Cleo Newcombe-Jones	Presentation		
	Additional HMO Licensing	AA	Graham Sabourn / Jeremy Manners	Report	Panel May 2012	Prior to Cabinet decision
	Major Projects Update (including Keynsham Appdx (Roman Town / Fire Station) )	AP	Derek Quilter / John Wilkinson	Report		
<b>14<sup>th</sup> May</b>						
	Cabinet Member Update			Verbal		

Last updated 21<sup>st</sup> February 2013

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
	Boat Dwellers & River Travellers	AA	Dona Vercoe	Report		
	Major Projects Update	AP	Derek Quilter / John Wilkinson	Report		
<b>23rd July</b>						
	Cabinet Member Update			Verbal		
	Major Projects Update	AP	Derek Quilter / John Wilkinson	Report		
<b>17th September</b>						
	Cabinet Member Update			Verbal		
	Major Projects Update	AP	Derek Quilter / John Wilkinson	Report		
<b>19th November</b>						
	Cabinet Member Update			Verbal		

Last updated 21<sup>st</sup> February 2013

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
	Major Projects Update	AP	Derek Quilter / John Wilkinson	Report		
<b>Future items</b>						

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