

B&NES Council

**HMOs in Bath: Early proposals
for Housing Licencing and
Planning Controls**

Report of Workshop Proceedings

4.5

Issue | 6 August 2012

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 218116-00

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Job title		HMOs in Bath: Early proposals for Housing Licencing and Planning Controls		Job number		218116-00	
Document title		Report of Workshop Proceedings		File reference			
Document ref		4.5					
Revision	Date	Filename	Report of Workshop Proceedings.docx				
Draft 1	26 Jul 2012	Description	First draft				
			Prepared by	Checked by	Approved by		
		Name	Ann Cousins	Ann Cousins	Wayne Dyer		
		Signature					
Issue	6 Aug 2012	Filename	v2 Report HMO workshop.docx				
		Description	Revised to incorporate comments from B&NES				
			Prepared by	Checked by	Approved by		
		Name	Ann Cousins	Ann Cousins	Wayne Dyer		
		Signature					
		Filename					
		Description					
			Prepared by	Checked by	Approved by		
		Name					
		Signature					
		Filename					
		Description					
			Prepared by	Checked by	Approved by		
		Name					
		Signature					

Issue Document Verification with Document



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1 Introduction

A stakeholder workshop was held on 19th July with following objectives:

- To inform stakeholders of research undertaken to date on options and proposals for HMO licencing and planning controls in Bath.
- To share the emerging evidence base, approaches taken by other local authorities and gather feedback
- To clarify aspects of licencing and planning policy formulation where stakeholders have the opportunity to influence, and gather feedback.

The following attendees were present:

Name	Role	Organisation
Diarmid Henry	Environmental Health	B&NES Council
Alex Pool	Education Officer	University of Bath SU
Ann Hitchins	Student Housing Manager	Bath Spa University
Richard Daone	Planning Policy	B&NES Council
Natasha		Knights of Bath
John Isserlis	Julian Trust	Homelessness Partnership
Graham Sabourn	Housing	B&NES Council
Stacy Pritchard	Community Projects Officer	Student Community Partnership
Janet Redfern	Secretary	National Landlords Association
James Page	Estates Manager	Bath Spa University
Carol Lacey	Advice & Support Manager	University of Bath SU
Cleo Newcombe-Jones	Planning Policy	B&NES Council
Cllr Tim Ball	Housing & Planning Cabinet Member	B&NES Council
Rosie Simcox		Roman City Letting Agency
Dani Glazzard	Welfare & Representation Assistant	Bath Spa SU
Tim Rawlings	Waste Services	B&NES Council
Kirstie Clifton	Planning consultant	University of Bath
Jeremy Manners	Housing	B&NES Council
Cllr June Player	Westmoreland Ward	B&NES Council
Liane Hanks		Knights of Bath
Emma Weskin	Vice President Welfare & Campaigns	Bath Spa SU
Polly Suttle	Housing	University of Bath
Ann Cousins	Senior Consultant	Arup
Wayne Dyer	Associate Director	Arup

Apologies were given from: Cllr Will Sandry; Jacqui Derbyshire – NLA; Debbie Kearin – Bath Spa University; Del Davies –University of Bath; Chris Clements –

University of Bath Student's Union; Peter Hall – Trustease Estate Agents; Martyn Whalley –University of Bath; Mark Rose – Planning Consultant representing the University of Bath; Carolyn Puddicombe – Bath Spa University.

A copy of this stakeholder workshop report will be circulated to all those who attended the workshop and who gave apologies in the first instance. At a later date this report will also be published on the Council's website as part of the evidence base for the policy approaches.

2 Report of Workshop

2.1 Overview

An overview was given of the process and decisions made so far, and the key areas where stakeholders were invited to comment today. Further detail can be seen in the slides at **Appendix A**.

2.2 Licensing Proposals

Presentation

Jeremy Manners gave an introduction into the proposals for the licensing scheme:

- To cover all HMOs, except Section 257 properties (HMOs divided into self-contained flats);
- To cover the three wards of Oldfield Park, Westmoreland and Widcombe;
- To have additional conditions on waste and recycling provision, upkeep of gardens, energy efficiency, need for planning permission, all amenities under one roof, tenant agreement.

He also presented background evidence for these proposals from the B&NES House Condition Survey, surveys with tenants, data from a variety of existing council services, including experience of the existing mandatory licensing scheme. Further detail can be seen in the presentation included as **Appendix B**.

Discussion

In four small groups the attendees discussed the evidence and proposals presented in relation to two questions. The main points from these discussions are summarised below.

1. Do you think the evidence is what people will expect?

There was some concern that the survey responses from tenants represented a small sample, which may undermine its validity for some. However, most agreed that even if you got more evidence it would not prove anything different from what you have already found. The evidence suggested that many HMO residents are dissatisfied with the management of their properties. Some thought that would be useful to have more detail on the reasons for this to inform and justify the scope of additional conditions incorporated within the licences.

There was some surprise that there were high incidences of fuel poverty in the three wards. There was also some surprise that conditions generally were as bad as they are. The introduction of additional licencing was broadly supported.

A suggestion was made to ask letting agents how many HMOs they have on their books to help inform LA knowledge of HMO numbers.

2. Are we looking at targeting the right areas and right properties?

There was a general consensus that the wards selected look appropriate. Many groups suggested that there could well be a case for rolling this out to other wards in due course, example wards where this might be rolled out mentioned included Kingsmead, Abbey, Newbridge and Twerton wards. One group raised the concern that bad landlords might move outside the wards where there is additional licencing into less regulated wards.

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.

3. We are proposing to consult on payment of fees, how the scheme will be rolled out and when, existing and new conditions and standards. Is there anything we've missed?

A few points were raised on specific conditions:

- There was support for the fact that this picks up on the unregulated conversion of garages into additional bedsits in the conditions and planning permission issues, as it is not currently possible to regulate.
- There was a suggestion that the licence conditions and planning controls 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 an 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.
- It will be important to link to other corporate teams and projects e.g. waste management.
- There was an acceptance that landlords would recoup the costs incurred by the Council in the regulation of the scheme, and some concern that they would be passed on unfairly to tenants. Some suggested that this may be less of an issue if licencing payments were made annually (as it would be a smaller amount). It was acknowledged that upfront payment could be better for Council admin, but landlords may prefer to spread the payments.
- A comment was made that the scheme should be rolled out to all three wards at once – as otherwise it could be confusing.
- It was felt that the new standards should be the focus of the licencing consultation – the details of these will be important.

- Clarity will be needed on the role of the voluntary accreditation scheme for the rest of the city.
- 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.

2.3 Planning Policy Proposals

Presentation

Ann Cousins gave a presentation on the planning policy proposals. She examined approaches that had been used by other local authorities, and examples of how these would look if applied in Bath. She set out some additional evidence in relation to the preferred threshold approach in Bath. The proposed policy approach was set out as follows:

- **Stage 1: Neighbourhood Assessment** *An area based approach looking at HMO density at the Census Output Area level with a threshold of over 20%.* This Stage 1 assessment would allow many areas to be screened out and not require a second stage assessment, in the “green” areas shown on the map, although the Article 4 Direction would apply, planning permission would almost certainly be granted for a change of use from a family house to a small HMO.
- **Stage 2: Local Assessment** *A 20% threshold within a 100m buffer around an individual application property.* Where the property is in a “yellow -orange – red” the Stage 1 assessment would flag up that planning permission is unlikely to be granted for a change of use from a family house to a small HMO. A more sensitive Stage 2 assessment would then be triggered, in some cases where there was not a local concentration of HMOs (under 20% within 100m buffer) permission may still be granted, but in most cases permission would not be granted.

Maps showing the impact of these thresholds geographically were also shown. The presentation slides providing further detail can be found in **Appendix C**.

Discussion

1. Do you agree with the proposed approach?

Whilst there were some comments that the two stage approach could be complicated to understand, there was a general consensus that the two staged approach was helpful, as stage 1 provides landlords/developers/prospective property purchasers with some certainty as to the likelihood of planning approval.

One group favoured the idea of a 50m buffer over a 100m buffer for the Stage 2 assessment.

2. Do you agree with the 20% threshold?

Many agreed with the 20% threshold, but there was some concern that this threshold may be too low:

- As evidence improves it was considered that most of wards of Oldfield, Widcombe and Westmoreland would be above the 20% threshold
- Concerns that restricting the level of HMO concentrations could lead to the dispersal of the HMO and student population away from the primary bus routes and services and amenities.
- Where else would HMOs go in Bath? London Road, Twerton and Newbridge and Odd Down mentioned.
- A question was raised as to how well could the displacement effect be monitored as most of the good data from additional licencing will be in the 3 wards only
- 20% is too low – but 30% seems too high. Do we need to set the threshold at 25%? No right answer as residents will want the lower figure and the Universities and landlords will favour the higher figure.
- One group felt the compromise would be a balance between radius and threshold to be fair, i.e. smaller (50m) buffer radius and smaller threshold (20%) or larger (100m) buffer radius and larger threshold (30%).

3. Do you think that there should be any other criteria (e.g. exemptions, waste, parking)?

Most groups agreed that there should be very limited additional policy criteria, to keep the assessment as simple as possible. Other mechanisms are in place to deal with many of the key issues (including licencing). In particular, parking was seen an issue that could be dealt with through future residents' parking schemes. There was however some support for simple design guidelines for HMOs in the SPD.

There were also some suggestions in relation to area exemptions:

- Could there be some positive exemptions from the policy specified. For example properties on the principal public transport corridors or in streets e.g. adjacent to the RUH.
- Positive exemptions for derelict and or empty properties? Whilst the sentiment was generally supported, there were fears that this could be misused.
- A discussion was had as to whether supported housing schemes could be exempted, but no conclusion was reached.
- A possible exemption for premises above retail to bring back into use as homes was discussed.

4. Other Issues

- Some members of group felt students will be penalised, although others were concerned that the lowest income HMO dwellers could be worst affected.
- Public transport improvements were seen to be necessary in order to disperse HMOs across the city, and there were questions as to which should come first supply or demand. Without improvements to public transport, displacement could increase car travel to the Universities, undermining travel plans.
- A question was raised as to whether there will be more conversions to smaller flats.
- Purpose Built accommodation on major public transport corridors should be encouraged e.g. Twerton Mill. This could need to be picked up in future site allocations plans such as the Placemaking Plan.

3 Proposed Next Steps

3.1 Licensing

No changes are expected to the licensing proposals as set out in 2.2 in the short term. However, responses from the workshop will be used to help guide the formal public consultation and inform future initiatives.

3.2 Planning Policy

It is proposed that the two staged approach is retained, but that a higher 25% threshold should also be considered, rather than 20%, to reflect the housing stock in Bath, and allow some limited room for growth of HMO numbers.

The policy will be kept as simple as possible, and other issues, such as parking, waste, gardens, will be dealt with by other mechanisms.

3.3 Consultation

A joint consultation on Additional Licencing and an HMO Supplementary Planning Document outlining is planned. Key dates are outlined below:

Consultation Activity	Date
Additional Licencing public consultation (min 10 weeks) e-survey	Sept – Nov 2012
Cabinet approval for draft HMO Supplementary Planning Document	Oct 2012
HMO SPD public consultation (6 weeks) e-survey	Oct – Nov 2012
Joint planning and housing “public drop-in events” in 5 locations in Bath and 1:1 meetings	17th-31st Oct 2012 (drop-ins)
Cabinet considers both schemes	13 March 2013
Intention to “make” city-wide Article 4 Direction	1st July 2013
Min 3 months’ notice period to implement Additional Licencing (if decision to proceed)	Summer 2013

3.4 Conclusion

The Council would like to thank the stakeholders who attended this workshop and looks forward to working with them further in particular during the public consultation period.

Any further comments on the proposed approaches particularly from those stakeholders who gave their apologies are most welcome. Contact details for each topic are show below:

Additional Licencing	Jeremy Manners	Housing Services	jeremy_manners@bathnes.gov.uk	01225 396276
Planning Policy	Cleo Newcombe-Jones	Planning Services	cleo_newcombe-jones@bathnes.gov.uk	01225 477617

Appendix A

Introductory and closing presentations

Stakeholder workshop

Houses in Multiple Occupation in Bath

Early Proposals for Housing Licensing & Planning Controls

19th July 2012

Making Bath & North East Somerset an **even** better place to live, work & visit

Aims of the workshop

- » Intentions of the Council have been made clear
- » However, all decisions still subject to public consultation
- » **Detail of SPD and Additional Licencing proposals are the focus of this workshop**

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March 2012 Cabinet resolution

- » Give notice of intention to implement **Article 4** and undertake regulatory consultation
- » Prepare a **Supplementary Planning Document** to enable implementation (draft to be agreed by Cabinet pre-consultation)
- » Gather **evidence for Additional Licencing** and if conditions can be met, undertake **10 week consultation** to inform scheme design.

Return to Cabinet for:

- » Consideration of consultation responses to Article 4 before deciding whether to confirm, abandon or amend.
- » Adopt SPD
- » A decision to implement Additional Licencing scheme

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Article 4 Direction

Article 4 Direction: Intention to implement **City-wide** from 1st July 2013

- » If "made" triggers the need to submit a planning application to change use from a family home (C3) to 3-6 unrelated people living together (C4). No planning permission currently required.
- » Not retrospective
- » 6+ people already requires planning permission
- » No fee can be charged for the application
- » **Detailed policy approach needed to implement and to identify where the policy will "bite"**

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HMO Supplementary Planning Document

- » Supplements B&NES Local Plan HMO Policy HG.12
- » Provides a **simple approach** that can be understood by Applicants and Residents
- » Details **process** and **criteria** to be used by the Local Planning Authority to **determine applications**
- » Identifies any **data source** to be used

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Additional Licencing

- » HA04 s56 - power to designate areas, or the whole of the area, within their district, as subject to additional licencing in respect of some or all of the HMOs in its area that are not already subject to mandatory licencing.

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The Agenda

Additional Licencing: 9.50 – 10.45

Coffee Break 10.45 - 11

Planning Proposals: 11 – 12

Joining up: 12 – 12.30

Lunch 12.30

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Joint approach

- i. **Shared evidence base**
- ii. **Joint consultation**
- iii. **Planning controls alone could impact on housing quality**
- iv. **Housing Licencing is retrospective whereas Planning Controls are not**
- v. **Coordinated implementation**
- vi. **Pooling resources**

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Stages	Key dates
Article 4 Direction: intention to implement city-wide	31 st May – 20 th July 2012
Stakeholder workshop on early proposals	19 th July 2012
Additional Licencing public consultation (min 10 weeks) e-survey	Sept – Nov 2012
Cabinet approval for draft HMO Supplementary Planning Document	Oct 2012
HMO SPD public consultation (6 weeks) e-survey	Oct – Nov 2012
Joint planning and housing "public drop-in events" in 5 locations in Bath and 1:1 meetings	17th-31st Oct 2012 (drop-ins)
Cabinet considers both schemes	13 March 2013
Intention to "make" city-wide Article 4 Direction	1 st July 2013
Min 3 months notice period to implement Additional Licencing (if decision to proceed)	

Appendix B

Additional Licencing proposals and evidence presentation

Proposals for additional licensing

Jeremy Manners
Housing Services
19th July 2012

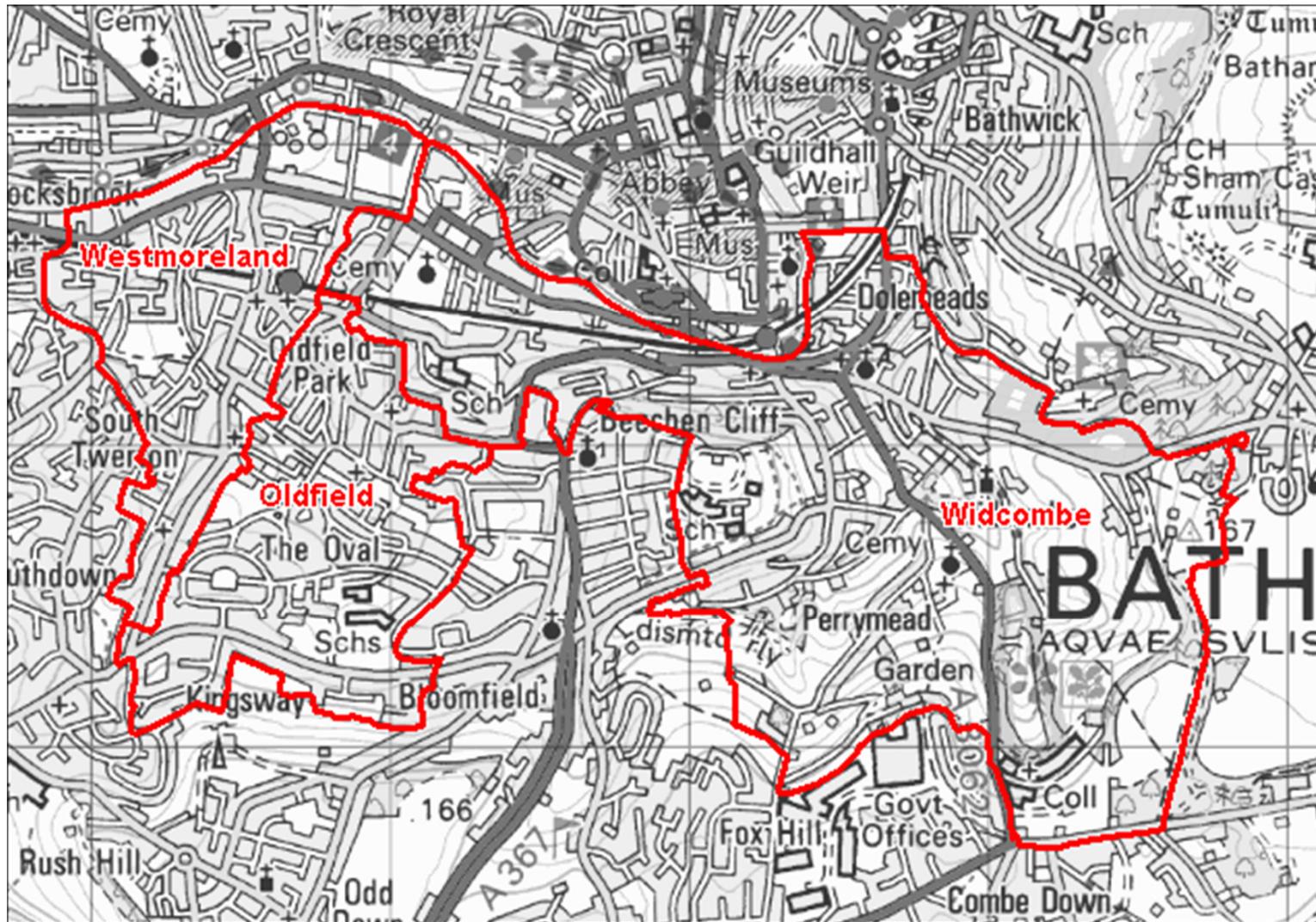
1. Proposals
2. Evidence
3. Discussion

Scheme proposal

Proposed areas

- » Westmoreland
- » Oldfield
- » Widcombe

Proposed areas



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Proposed HMOs

All HMOs excluding s257

- » **HMO** = a dwelling with 2 or more households made up of 3 or more people.
- » **Section 257 HMO** = building converted entirely into self contained flats where the conversion does not meet the 1991 Building Regs and less than 2/3 of the flats are owner occupied
- » **Mandatory Licensing** = HMO with 3 or more floors & 5 or more people sharing facilities

Numbers of HMOs in proposed scheme

Oldfield, Westmoreland and Widcombe are the 3 wards with the highest number of HMOs with shared facilities

Est. 700-1,400 HMOs

Proposed scheme design

- » Similar process to the mandatory scheme
- » Similar fees, standards, conditions and application process

With new conditions on:

- » Waste and recycling provision, upkeep of gardens, energy efficiency, need for planning permission, all amenities under one roof, tenant agreement

Evidence base

» 18% of dwellings are privately rented

HMOs make up:

» 6,040 dwellings

» 4,150 buildings

» 3,580 'house' HMOs

(B&NES House conditions survey, 2012)

What's positive

- » Provide essential accommodation for many people
- » non-decency lower than other PRS
- » 1,814 properties in the Accreditation scheme (majority HMOs).
- » 25% accredited properties improved through informal/formal works

HMO residents have told us that:

- » Mainly one person per room
- » most have suitable toilet/bathroom facilities
- » majority do not need a key to unlock their front door from the inside
- » 95% have working smoke alarm(s)
- » 69% told about refuse/recycling collection days when they moved in.
- » 69% satisfied with their home
- » 62% satisfied with the management of their home

However...

Fuel poverty

- » 13.5% of households in the private rented sector in B&NES are in fuel poverty.
- » Oldfield & Widcombe >21% of private sector dwellings have a household in fuel poverty
- » Westmoreland 16% to 19% of private sector dwellings have a household in fuel poverty.

Experience of mandatory licensing

- » 364 current licences
- » 487 new licences and 134 renewals issued (total 621, May '12)
- » 246 HMOs served with informal/formal requests for work
- » >89% of new licences issued with schedules of work to bring them up to the licensing standard.
 - » 85% required fire precautions,
 - » 63% required improvements to kitchen facilities,
 - » 31% required improvements to bathroom facilities,
 - » 23% required heating improvements
 - » 24% required improvements to toilet facilities

Service requests

- » Housing Services
 - » 300-400 service requests pa re. property conditions
- » Council
 - » 428 (ave) service requests pa related directly to the domestic use of HMOs.
- » Council Connect enquiries
 - » domestic waste complaints - linked to HMOs
 - » requests for street sweeping - linked to HMOs
- » Avon Fire and Rescue Services (fire incidents)
 - » likelihood of fire in a HMO in B&NES is nearly twice as likely as in a single household property

What are HMOs residents telling us?

- » majority 2 or 3 storeys and 4 to 7 occupants
- » 95% lived in their current home max. 2 years, 68% less than 1 year
- » 25% not told about refuse and recycling collection days when they moved in
- » 40% not given EPC
- » 25% not given gas safety certificate

On fire safety

- » 1/5 need a key to open front door from inside
 - » 1/4 do not have fire blanket in kitchen
 - » 1/4 just battery operated alarms (45% failure rate)
 - » 2/3 not advised to check SA weekly
 - » 2/3 not shown how to check their SA
 - » 1/2 not told what to do if problem with the SA.
-
- » Fire incidents in HMOs are increasing (AFRS)

On gardens and outside space

- » In the 57% of cases where the landlord does not maintain the garden/yard, 65% were not provided with equipment to maintain their garden themselves.

Management and satisfaction

- » 23% not provided with 24hr contact details
- » 18% dissatisfied with their home
- » 25% dissatisfied with the management of their home
- » Less than half advised by their landlords to be courteous to neighbours.

What are local residents saying?

Main concerns with HMOs are: waste, gardens and the visual appearance



Residents views on HMOs

- » *“...most have un kept gardens/overgrown hedges...most look un kept, poor appearance needing painting...one has food waste/boxes by the front door, not getting put in the nearby rubbish bin.”*
- » *“...there is a general unwillingness for landlords and letting agencies in general to deal with issues...”*
- » *“...we are all fed up, lack of parking, anti-social behaviour, rubbish, properties in need of repair”*
- » *[Regarding rubbish in the front garden] “This is a health hazard, attract rats and seagulls [and] is an unsightly mess.”*
- » *“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.”*
- » *“...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.”*

Summary of evidence

- » Concerns with fuel poverty
- » Big improvements through mandatory licensing
- » Increased risk of fire
- » Inappropriate fire precautions
- » Links to domestic waste complaints and need for street sweeping
- » Significant council resources
- » Limited information provided to tenants
- » Many gardens not adequately maintained
- » Tenant dissatisfaction
- » Concerned residents

Discussion

Q1. Do you think the evidence is what people will expect and, are we looking at targeting the right areas and the right properties?

Q2. We are proposing to consult on payment of fees; how the scheme may be rolled out and when; existing and new conditions and standards.

Is there anything we've missed?

Q3. What do you think will be the 3 most important issues to people?

Appendix C

Planning Policy proposals presentation

19th July 2012

Houses in Multiple Occupation Planning Controls for Bath

Workshop

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Running Order

1. Introduction
2. Evidence from Elsewhere
3. Additional Evidence from Bath
4. Proposed Approach
5. Discussion

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Evidence From Elsewhere: Oxford

- Threshold: 20%
- Approach: 100m Street by Street

Key Learnings for Bath:

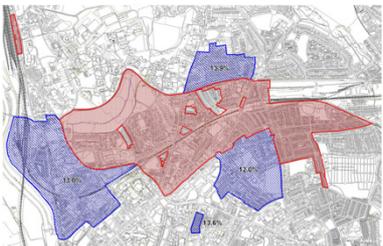
- Complicated to apply this approach with systems in place (UNIFORM)
- No consideration of rear lanes



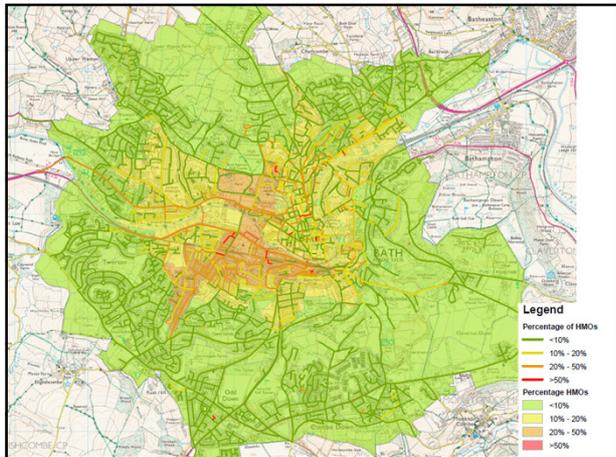
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Evidence From Elsewhere: Exeter

- Blanket Approach
- 20% Threshold
- Individual streets excluded (over 50%)
- Data used: Student Council Tax Exemptions



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Evidence From Elsewhere: York

Two staged Approach

Stage	Approach	Threshold
1	Contiguous Output Areas	20%
2	100m Street by Street	10%

Data sets used: council tax records, licenced HMOs, Properties with C4 or sui generis HMO planning consent and properties known to be HMOs.

Evidence From Elsewhere: York



Evidence From Elsewhere: York Learnings for Bath

	Positive	Negative
Two Staged Approach	More resource intensive street by street approach only required in some instances Deals with issues at two neighbourhood levels	Complicated for potential applicants to understand?
Contiguous COAs		Too big to a 'home-patch', too small to be a 'neighbourhood'?
		Complicated for a simple stage?

"Home patch" cluster of dwellings with shared identity (pop. 20-200)
 "Neighbourhood" Mainly residential area with distinctive area (pop. 2,000-10,00)
 Source: Barton, Grant and Guise, *Shaping Neighbourhoods: A guide for health, sustainability and vitality*, 2003

Evidence From Elsewhere: Welwyn & Hatfield

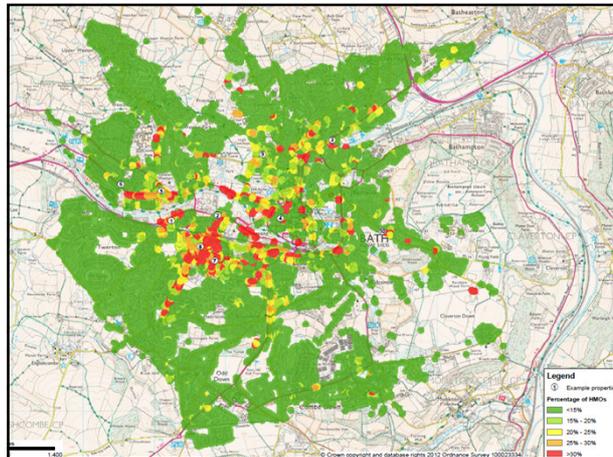
- 50m radius from property
- 20% threshold



- Data sets include: licensed Houses in Multiple Occupation; Council Tax records for student exemption; own database of Houses in Multiple Occupation.



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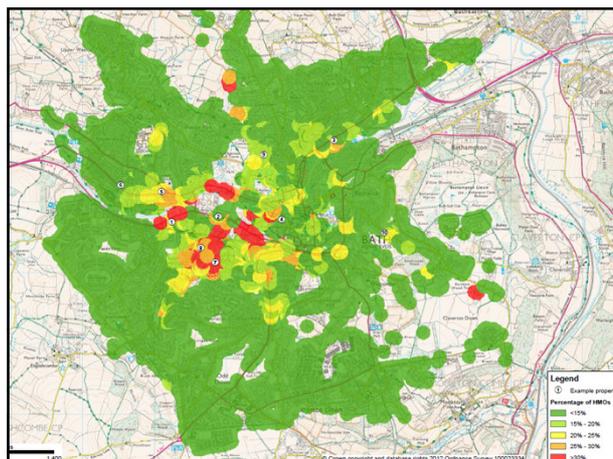


Evidence From Elsewhere: Canterbury

- 100m radius from property
- 20% threshold



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Options Available for Bath:

Neighbourhood Approaches

	Approach	Used Elsewhere?	Appropriate for Bath
Option 1	Whole area / lower super output level	Exeter	Too blunt?
Option 2	Street removal	Exeter	Streets too small a unit
Option 3	Contiguous census output areas (COAs)	York	Neither a neighbourhood, nor a home patch
Option 4	Single census output areas (COAs)		✓

Options Available for Bath:

Local Approaches

	Approach	Used Elsewhere?	Appropriate for Bath?
Option 1	Street by Street	York / Oxford	Too complicated to implement
Option 2	50m buffer	Welwyn & Hatfield	Too many outliers?
Option 3	200m buffer	Sheffield	Too broad brush
Option 4	100m buffer	Canterbury	✓

Evidence for Threshold (Bath)

Key Facts and Figures

Private rented properties in B&NES (probably higher with City of Bath?)	18%
Private rented sector that are HMOs	50%
Student population	18%
Student population not in halls	13%

Considerations for Threshold (Bath)

- Change in student numbers (2011 - 2012)

Institution	2011 Applications	2012 Applications	% Change
University of Bath	18,412	19,127	3.9%
Bath Spa University	14,005	11,633	-16.9%
City of Bath College	22	23	4.5%
Total Bath HEIs	32,439	30,783	-5.1%

Applications in November (early in the cycle)

- Potential improvement in data on HMOs with introduction of additional licensing

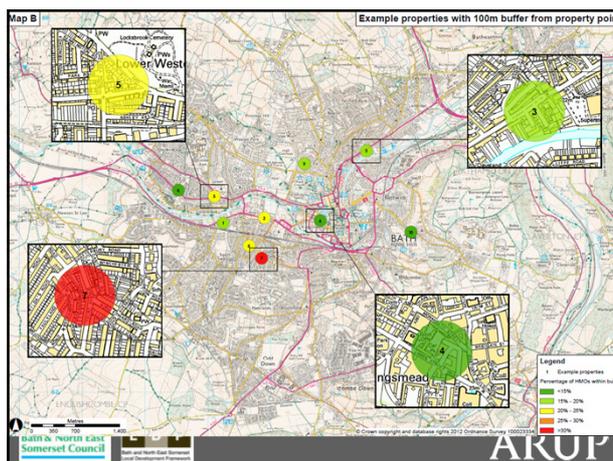
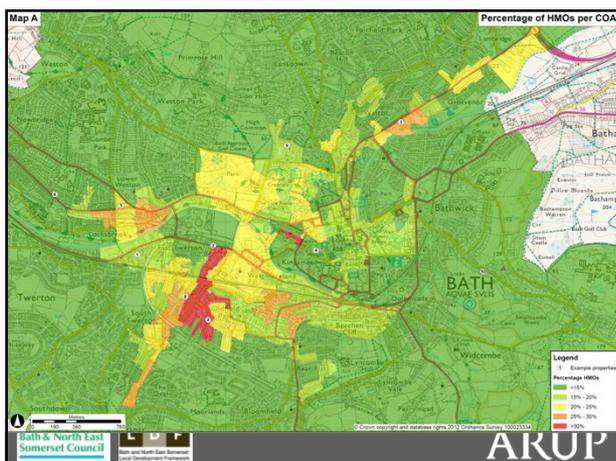
Evidence for Threshold (Elsewhere)

City	Threshold	Distance
Manchester	10%	100m radius
Nottingham	25%	Contiguous COAs
Canterbury	20%	100m radius
Exeter	20 - 50%	Whole A4D area
Welwyn & Hatfield	20%	50m radius
York	20%	Contiguous COAs
	10%	Street by Street
Oxford	20%	Street by Street



Preferred Approach for Bath

- **Step 1:** Properties within 50m of a Census Output Area above 20% density should be considered in more detail. A map would be developed to show this area, which would be updated automatically on a quarterly basis .
- **Step 2:** 100m radius; 20% threshold
- **Data Sources:** B&NES Housing data on HMOs only (i.e. from accreditation, licensing, complaints). This should help provide consistency. Updated on a quarterly basis.



Questions for Discussion

- Do you agree with having a two staged approach?
- Do you agree with the Census Output Area Approach?
- Do you agree with the 100m radius?
- Do you agree with the 20% threshold?