

Appendix 4.

Additional licensing public consultation

Implications and amendments following consultation

Item consulted on.	Amendments following consultation responses		Detail / Reasons
	Before	After	
Licensing conditions			
5	<p>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</p>	<p>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.</p>	<p>Updated to reflect changes in electrical standards and corrections.</p>
10	<p>All bedrooms, bathrooms, toilets, kitchens, communal space and shared facilities must be contained within the same building and</p>	<p>Where bedrooms are not internal or there is not internal access to the main house, the bedroom must have en-suite</p>	<p>In response to consultation and acknowledgement that existing garage conversions are legal and meet</p>

	be internally accessed. Facilities and amenities are for use by the occupants of the licenced premises only. Externally located bedrooms are not acceptable. Converted garages will not be acceptable unless designed to be internally accessed and meet appropriate standards for domestic use.	bathroom facilities including WC, wash hand basin and shower or bath included. There must be 24 hours access to kitchen and dining facilities and the conversion must meet current Building Regulation.	Building Regulations, planning requirements and Housing legislation.
11	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.
12	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 councilconnect@bathnes.gov.uk	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	Edited wording and incorporated condition 13 in a lighter format following consultation.
13	All recycling and rubbish containers must be provided with a dedicated and appropriate storage area	Removed.	Removed and added to 12.
14	All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a	All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in	Responding to consultation and rewording to add clarification.

	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 and secure storage outside of the main house.	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 and storage.	
16	Within 2 years form 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 the 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 funded under the Green Deal and/or 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.	Changes are in response to concerns raised during the consultation and to maintain alignment with the requirements of the forthcoming Energy Act 2011.
17	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	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.

	code. Details will be available from the Council.		
20	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 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.	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.	Wording added to the beginning of the condition to add clarity.
22	Each habitable room must have sufficient means for ventilation which can be maintained securely while the occupants are absent.	Each habitable room must have sufficient means for direct ventilation which can be maintained securely while the occupants are absent.	In response to a consultation response ‘direct’ has been added.
23	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, the Manager or Licence Holder must ensure that all tenants are made aware of the ‘Bath and North East Somerset undertaking of good practice’. A copy must be given to each tenant.	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.

24	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.
25	The Code of Good Management Practice is to be complied with. A copy of the Code is to be permanently displayed in the common parts of the property so as to be visible by all tenants.	The licensed HMO must be managed in accordance with The Good Management Code of Practice. A copy of the Code is to be permanently displayed in the common parts of the property so as to be visible by all tenants.	Changes made to clarify the requirement.
26	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 to the Council.	Changes made to clarify the requirement.
Tenants undertaking	Under the section entitled 'Neighbours and anti-social behaviour' final sentence <i>Students may risk sanctions from their university.</i>	Remove this sentence.	To avoid singling out students in response to consultation comments from Bath Spa and Bath Spa Students Union.
Licence fee	Fees starting at £675 for a 2 unit (room) HMO with an additional £30 per unit.	Fees start at £600 for a small (2-4 room) HMO and £660 for a large (5-7) room HMO with a charge of £30 per additional room over 7. There is also a Good Landlord Discount of £100 for members	Consultation responses from landlords and landlords associations that fees were too high and that there was no recognition of good landlords.

		of the B&NES Accreditation Scheme or a recognised Landlord Association Accreditation scheme who also submit a fully completed application with all the required documents.	<p>Consultation also requested simplicity.</p> <p>If completed correctly with all accompanying documentation, applications can be less time consuming than others. Revised fees sheet is attached below.</p>
Proposed area where additional HMO licencing will apply	The proposal contains a single area for licensing which includes 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"> • Part of Widcombe Hill • Prospect Road • Macaulay road • Church Lane • Ralph Allen Drive • Pope's Walk • Perrymead • Lyncombe Vale • Lyncombe vale road • Green Way lane 	<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 decision has been made on changing the area as it must be considered against other responses to the consultation.</p>
Evidence report	Updated evidence report is attached as appendix 1 to the panel report		
	Updated version from v1.4 to v1.7.		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 to ensure it reads better, is clearer and information is easier to find.
	Executive summary	This section has been modified to better and concisely represent the information contained in the report.
	Contents	Updated with more detail.
	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 to ensure accurate reflection of the data in response to consultation response.
	Article 4 Direction summary	Added this section 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 Article 4 Direction summary, HMO Occupants survey and anecdotal evidence	New section added to bring the aforementioned sections together.
	Alignment with other strategies and initiatives	New section added in response to

		consultation responses and in reference to the Housing Act 2004.
	References	Updated
	Glossary	New section added for clarity

Proposed fees after consultation

Housing Services – Proposed HMO Additional Licensing Fees

All licences to last for a maximum of 5 years.

New Licence	Discounted fee**	Fee
Small HMO up to 4 bedrooms*	£500	£600
Large HMO 5 - 7 bedrooms*	£560	£660
Additional bedrooms (above 7)	Add £30 per additional bedroom e.g. 8 bedrooms = £590 9 bedrooms = £620 10 bedrooms = £650	Add £30 per additional bedroom e.g. 8 bedrooms = £690 9 bedrooms = £720 10 bedrooms = £750

*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 good 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 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 or before the 31st March 2013.
- The Licence Holder is accredited by a recognised landlord accreditation scheme e.g. NLA, RLA, Accreditation Wales (provide registration number or other confirmation);

Standards:

- Fully working mains powered smoke alarms/detectors are provided in each hallway and landing and a heat detector/alarm is provided in the kitchen (confirmation may need to be provided);
- 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;
- A valid gas safety certificate (less than 12 months old) is provided with the application. Certificates must be provided with the application regardless of whether previously supplied (copies of accompanying documents will be accepted up to 7 days after submission of the application form);
- A valid report on the electrical installation (less than 5 years old) is provided with the application. Reports must be provided with the application regardless of whether previously supplied (copies of accompanying documents will be accepted up to 7 days after submission of the application form);

Scanned and photographed copies of accompanying documents are acceptable as long as they are in full, clear and legible.

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.
- 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.

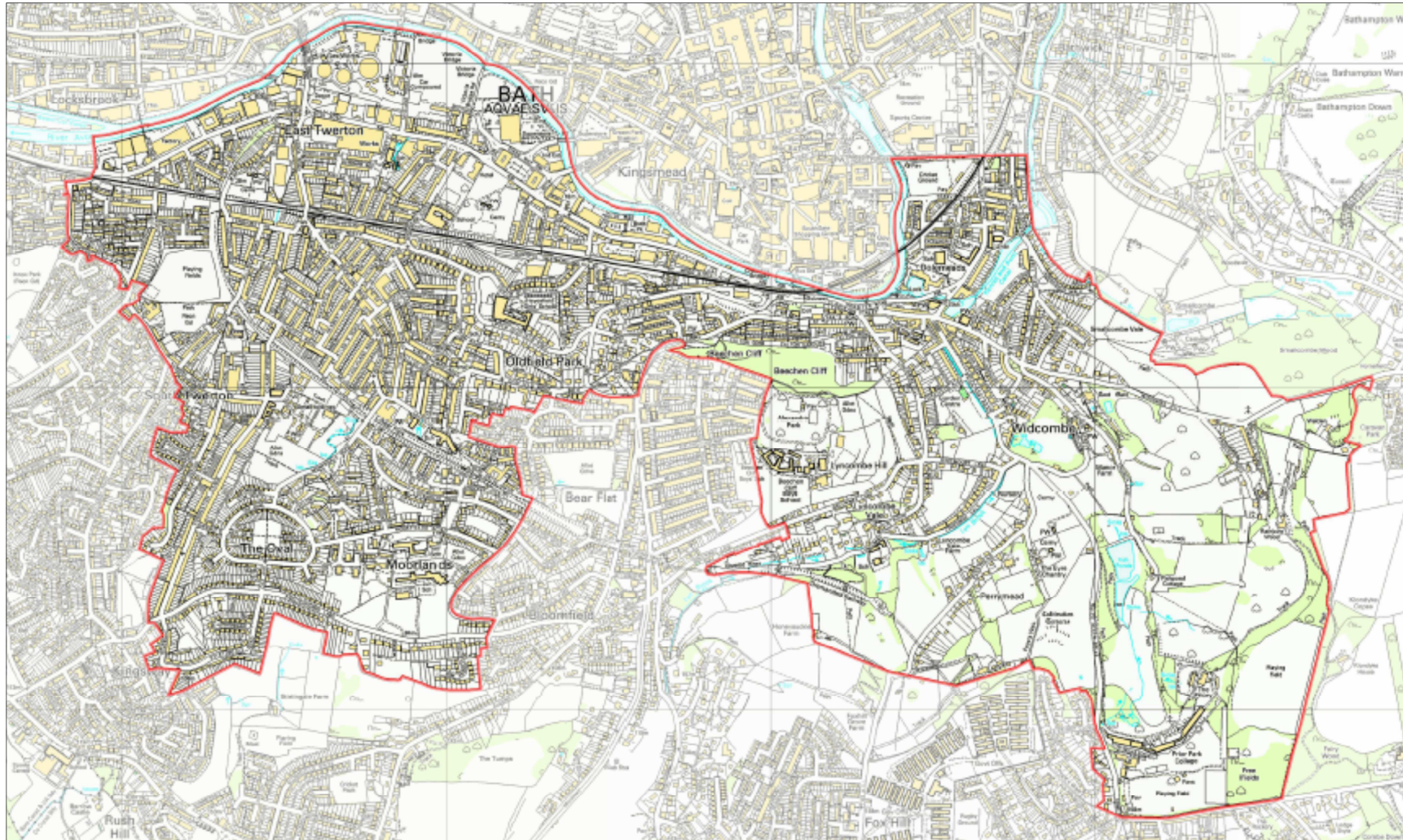
Proposed Licence Variation	Fee
Variation of licence instigated by the council	No fee
Change of licence holder (licences cannot be transferred).	New application fee
Change of manager, management arrangements or emergency contact specified on the licence.	£54.00
Reduction in the number of occupiers and/or 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
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

Proposed additional licensing area before consultation



Proposed additional licensing area *after consultation* – consideration of reducing the area.

