

Appendix 1

## Housing Services

### Proposed designation of an additional licensing scheme for Houses in Multiple Occupation (HMOs) in Bath

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**Purpose of this report:** To present the case for an additional HMO licensing scheme in and around the Wards of Westmoreland, Oldfield and Widcombe under the Housing Act 2004 for a period of 5 years.

**Wards affected:** Westmoreland, Oldfield, Widcombe, Twerton, Southdown, Bathwick, Lyncombe.

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12<sup>th</sup> June 2013

# **Proposed designation of an additional licensing scheme for Houses in Multiple Occupation (HMOs) in Bath**

## **Introduction**

The Housing Act 2004 (the Act) 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 and who share facilities. Additional licensing allows LHA to designate all or part of their district to be subject to additional licensing for classes of HMOs specified by the LHA. Operating a property covered by the designation without a licence is an offence punishable by a fine up to £20,000.

Following the introduction of a General Approval Order in March 2010 an LHA can now introduce additional licensing without the need for Secretary of State approval.

Designation of additional licensing areas has gained momentum over recent years with an increasing number of LHA designating schemes to improve the safety and management of HMOs in their areas. However, introducing additional licensing is not a decision to be taken lightly by the Council and should not be viewed as simply another tool in the toolbox. The conditions that must be satisfied are contained in sections 56 and 57 of the Housing Act 2004 and are further detailed in guidance issued by the Department of Communities & Local Government (CLG) in February 2010. The guidance makes it clear that additional licensing is only an option where there are real problems with HMOs which cannot be solved using other approaches and available powers.

## **Definition of an HMO**

An HMO is a property occupied by three or more persons from two or more households; a household could be a single person or persons related to each other.

A family or single household can consist of: husband, wife, co-habitee, child, step-child, foster-child, grandchild, parent, step-parent, foster-parent, grandparent, brother, half-brother, sister, half-sister, aunt, uncle, niece, nephew, cousin.

In the Act, the definition of a HMO is technically complex. The following is a summary of the HMO definition in Section 254 of the Act taken from the Communities and Local Government (CLG) publication: A guide to the licensing and management provisions in Parts 2, 3 and 4 of the Housing Act 2004 Draft.

## **Meaning of an HMO**

In order for a building, or part of a building, to form an HMO it must fall within the meaning of one of the following descriptions:

- a building in which more than one household shares a basic amenity e.g. a bathroom, toilet or cooking facilities. This is called 'the standard test';

- a flat in which more than one household shares a basic amenity (all of which are in the flat) e.g. a bathroom, toilet or cooking facilities. This is called 'the self-contained flat test';
- a building that has been converted and does not entirely comprise of self-contained flats. This is called 'the converted building test';
- a building which is comprised entirely of converted self-contained flats and the standard of the conversion does not meet, at a minimum, the standard required by the 1991 Building Regulations, and less than two thirds of the flats are owner occupied. This type of building is also known as a section 257 HMO.

### **Buildings that are not HMOs**

The following is a summary from Schedule 14 of the Housing Act 2004 also taken from the CLG publication mentioned above.

Some buildings are not HMOs for the purpose of the Housing Act 2004 even if they meet the requirements of the HMO definition. These buildings are:

- those under the management or control of a local housing authority, a registered social landlord or certain other public bodies;
- those regulated under other enactments, such as care homes, children homes and bail hostels etc.;
- those occupied solely or mainly by students studying a full time course of further and higher education at a specified education establishment which manages the building in question and the specified education establishment is subject to an approved code of practice and the building in question is subject to that code;
- those that are occupied for the purpose of a religious community whose main occupation is prayer, contemplation, education or the relief of suffering. This exemption does not apply to a converted block of flats within the meaning of section 257 of the 2004 Act occupied by such a community;
- those that are occupied by a freeholder or long leaseholder and any member of his household (if any) and any other persons not forming part of his household and not exceeding two in number (e.g. owner occupiers household and one or two lodgers). This does not apply to section 257 HMOs;
- those that are occupied by only two persons each of whom form a single household e.g. a flat share of no more than two persons.

## **HMOs to be included in the scheme**

The proposed designation will cover the entire Wards of Oldfield and Westmoreland, a large part of Widcombe and small sections of the adjoining Wards of Bathwick, Lyncombe, Southdown and Twerton. A map and list of roads proposed to be included in the scheme are shown in annex 1.

The proposed scheme includes all HMOs in the designated area that are not already subject to mandatory licensing (or exempted by the relevant sections of the Housing Act 2004), subject to the exception below.

### **Exception**

- Buildings converted entirely into self-contained flats (s257 HMOs), although the individual flats maybe licensable in their own right.
- Purpose built student accommodation where the organisation which manages the building is subject to a national approved code of practice and the building in question is subject to that code;

It is anticipated that the scheme will cover up to 1,400 properties.

## **How does licensing work?**

Housing Services are unable to monitor the living conditions or management of the majority of HMOs in the area without the power of additional licensing.

Additional licensing will give Housing Services the power to require all landlords of HMOs to be included in the scheme as described above to apply for a licence and provide details of the management arrangements and the property. This will enable officers to know where these properties are and place conditions on the licence holder to ensure minimum standards of safety, welfare and management are maintained. The standards and conditions that are proposed to be applied are shown in annex 2 and 3.

Landlords will have to pay a fee for each application to cover the Council's costs of running the scheme. The proposed fees are shown in annex 4.

Housing Services will compile a register of licensed properties with landlords contact details and maximum occupancy and property details.

Housing Services will be able to proactively inspect these properties to deal with any significant health and safety hazards and ensure they meet minimum management requirements.

A register of HMOs will be available to the public so they can find out who manages HMOs near them and are able to more quickly and easily report problems.

Where landlords are unable to meet the licensing requirements Housing Services will be able to follow their Enforcement and Licensing Policy and pursue the necessary sanctions against the landlord which could include prosecution and forcing a change of management of the property.

## Legal requirements

Before making an additional HMO licensing designation for a particular area under s56 and s57 of the Housing Act 2004, the local authority must be satisfied that the following criteria are met:

**Criteria 1:** Consider that a significant proportion of the HMOs of that description in the area 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, and, have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question.

**Criteria 2:** Consult persons likely to be affected by the designation and consider any representations made.

**Criteria 3:** Ensure that the exercise of the power is consistent with their overall housing strategy;

**Criteria 4:** Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others;

**Criteria 5:** Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question, and;

**Criteria 6:** That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).

These criteria are considered in more detail below.

### Criteria 1: HMOs managed sufficiently ineffectively

Of the private rented stock, 6,310 dwellings or nearly 50% of private rented homes are defined under the Housing Act 2004 as HMOs. This is just over three times the national average. Of these, 3,850 are shared house or bedsit HMOs and the remainder are buildings converted into flats (B&NES Housing Stock Conditions Survey, 2012).

Housing Services have records relating to around 3,500 HMOs, 1,800 of which have shared facilities. Around 364 HMOs are also part of the mandatory licensing scheme.

Over 50% of HMOs with shared facilities known to Housing Services are contained within the three Wards of Westmoreland (20%), Oldfield (16%) and Widcombe (15%) where many residential properties including Victorian terrace and larger Georgian houses have been adapted to meet the demand for shared or multiple occupancy homes.

In the three Wards of Westmoreland, Oldfield and Widcombe, HMOs known to Housing Services account for 16%, 13% and 11% of all households respectively and only a minority of these, 181 in total, are covered by the mandatory licensing scheme. In these three Wards combined, Housing Services know of 725 HMOs with shared facilities (not included in the mandatory licensing scheme) and Council Tax have over 1000 dwellings recorded with student exemptions. These figures only provide a conservative estimate of numbers and more realistic numbers of HMOs were provided by the B&NES Housing Stock Conditions Survey, 2012 which suggests there are in the region of 1,400-1,500 HMOs in these 3 Wards.

In the Wards of Westmoreland, Oldfield and Widcombe (the focus of the proposed scheme), there are a number of issues around HMOs 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.
- A higher rate of hazards has been found in mandatory licensed HMOs in Oldfield, Westmoreland and Widcombe than the rest of the district.
- 1 in 3 HMOs in Oldfield Ward have a serious health and safety hazard compared to a district average of 1 in 8.
- Survey responses from HMO residents 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. 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.
- Over 80% of service requests about HMOs received by the Councils regulatory services from the proposed area relate to HMOs with shared facilities.

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 HMO residents 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 reported that they had not been given a copy of the gas safety certificate, also a legal requirement.

- Survey responses from HMO residents indicated 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.
- Residents have expressed concerns about appearance of HMOs in their locality including untidy gardens, rubbish and poor repair causing problems in the local area.
- The majority of prosecutions taken against landlords and simple cautions issued to landlords by Housing Services have been in respect of HMOs in the proposed area.

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 B&NES Housing Stock Conditions Survey, 2012 indicated that overall 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 HMO 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.

During the formal consultation process, the online questionnaire revealed that 87% of residents of the proposed area and 30% of businesses and organisations (including landlords) who responded, 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. 47% of businesses and organisations (including landlords) disagreed or strongly disagreed.

A survey of non-HMO residents carried out during the consultation process in and around the proposed area revealed that out of the 149 residents spoken to, 93% were aware of shared houses in their local area. 54% reported that shared houses cause them problems – the top 3 concerns recorded were rubbish, noise and appearance. The positives were more young people in the area and improved bus routes.

No Code of practice has been approved under section 233 of the Housing Act 2004 so information on this is unable to be assessed.

Full details of the evidence base for the scheme can be found in Appendix 2.

## Criteria 2: Consultation

The formal public consultation process took place from the 17<sup>th</sup> September 2012 until the 30<sup>th</sup> November 2012. Prior to the start of the formal consultation various stakeholders were engaged and activities were undertaken to help formulate the proposals and the consultation process.

### Consultation strategy

- Consultation with Council Officers and stakeholders has been on-going since March 2012 and throughout the consultation period and beyond.
- Information was available and updated on the Council website and dedicated internet pages.
- A survey questionnaire was available to complete online or by paper throughout the consultation period. 272 responses were received.
- The dedicated HMO licensing email address was available for consultation responses.
- 289 people attended consultation events including landlords, residents, organisations and students.
- Various articles and press releases were published in the local press and on the Council internet.
- 46 letting agents in B&NES were contacted by post.
- 665 mandatory licensed landlords and accredited landlords were contacted with information on the consultation.
- 1,120 residential premises were canvassed in the proposed additional licensing area.
- 278 door step surveys were completed by residents of the proposed additional licensing area.
- 169 business premises were visited and left with information.
- Regional meetings were attended.
- Walkabouts of the proposed area were undertaken.

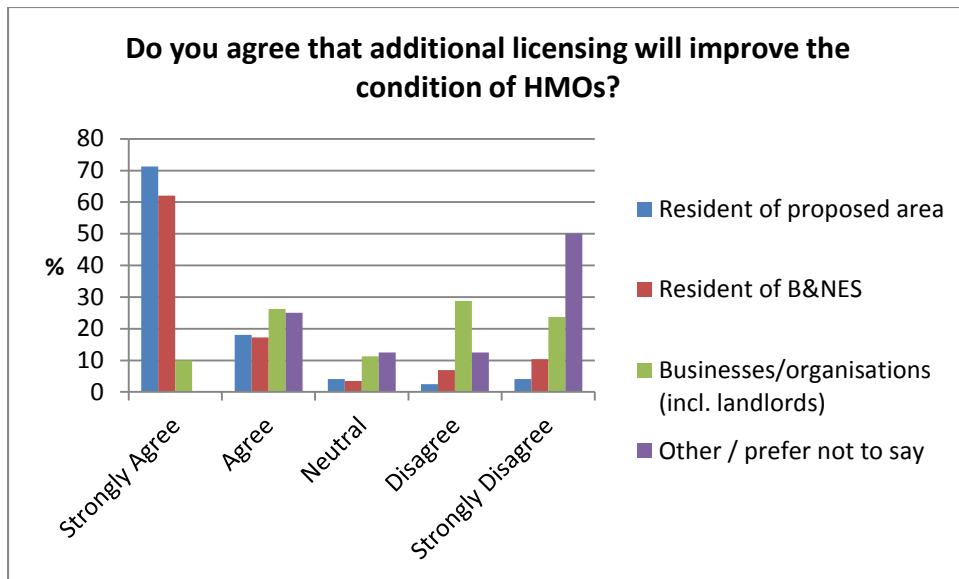
Full details of the consultation and the responses are contained within the public consultation summary report in Appendix 3 and associated documents.

### Key findings

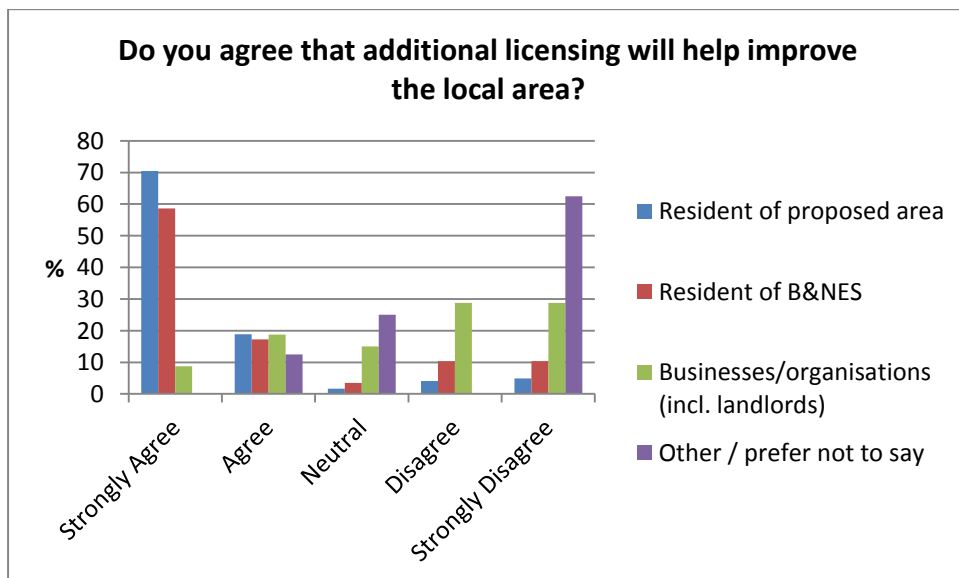
Residents were strongly in favour of the additional licensing proposals whereas businesses and organisation (including landlords) were generally against.

Responses from the questionnaire showed the following key results:

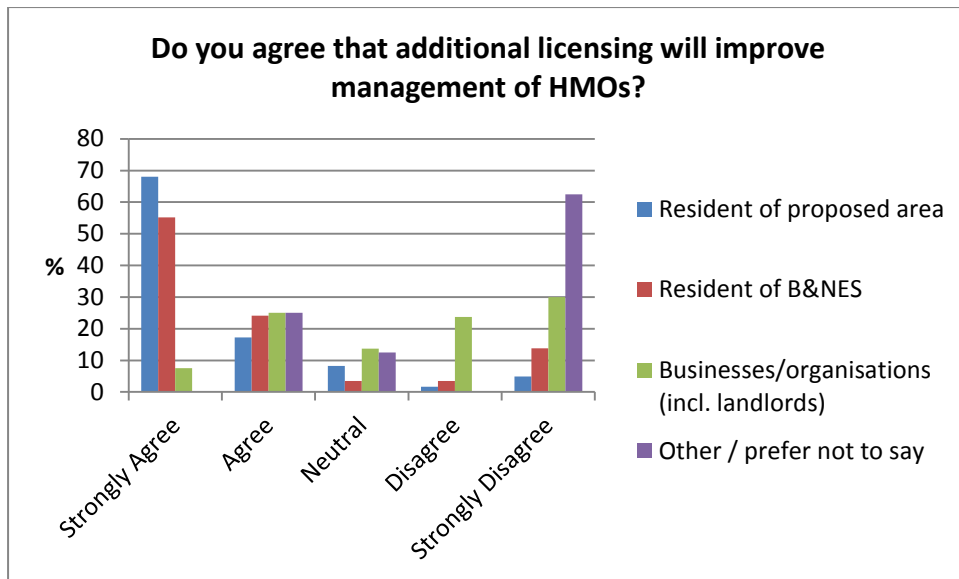




89% of residents of the proposed area and 79% of B&NES residents agreed or strongly agreed that additional licensing will improve the condition of HMOs. Only 36% of businesses and organisation (including landlords) agreed or strongly agreed that licensing would improve the condition of HMOs as did 25% of 'other/prefer not to say'. 52% of businesses and organisation (including landlords) 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 organisation (including landlords). 57% of businesses and organisation (including landlords) 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 organisation (including landlords) disagreed or strongly disagreed compared to 32% who agreed or strongly agreed. 63% of 'other/prefer not to say' strongly disagreed whereas 25% agreed.

Broadly speaking, concerns were raised that additional licensing will push up rents as a result of the licence fee and associated works. Landlords commonly felt the scheme was expensive, involved increased and unnecessary bureaucracy and will not solve issues (as presented in the evidence report). Residents of the proposed area were commonly concerned with rubbish, recycling, noise, untidy messy gardens and appearance of HMOs.

## Changes resulting from the consultation

### Key changes

- The fees structure has been amended and simplified. To represent efficiency savings the fee has been reduced and a discount option made available.
- Some of the licensing conditions have been amended. One of the most controversial being the energy efficiency condition which has been changed from requiring an EPC rating of C to an E, in line with the Energy Act 2011.
- The proposed additional licensing area has been reduced to remove a large section of Southern Widcombe as it is not considered to be impacted by HMOs to the extent of the more highly populated northern section.

Full details of the changes made following consultation responses can be seen in annex 5.

### **Criteria 3: Consistent with Housing Strategy**

The Housing and Wellbeing Strategy 2010-15 sets out the local authority's strategic housing ambitions to allow residents and partners to share and contribute towards the achievement of our priorities and objectives.

Two of the key themes in the 'Housing and Wellbeing Strategy' are 'better homes' and 'happy and healthy lives'. Additional licensing is consistent with the overall housing strategy by contributing towards both of these themes by:

- improving the quality and safety of significant numbers of rented homes;
- tackling overcrowding by managing occupancy in all licenced HMOs;
- helping low income and vulnerable households through a targeted approach;
- improving partnership working to improve homes.

Two of the key policies aimed at improving private sector accommodation in Bath and North East Somerset are the Enforcement and Licensing Policy 2012 and the Home Health and Safety Policy 2012. These two policies run alongside each other and form the approach that Housing Services take to improve housing conditions and assist vulnerable people. Additional licensing is consistent with this approach.

### **Criteria 4: Coordinated approach**

Bath and North East Somerset Council have a range of initiatives and policies that deal with homelessness, empty properties and anti-social behaviour.

- The Council operate a Homefinders scheme which facilitates vulnerable people at risk of homelessness in to private rented accommodation. With the changes to the Local Housing Allowance it is likely that multiple occupancy accommodation will be a more realistic housing option for many people. Additional licensing will ensure minimum standards of safety and management are maintained in many of these type of properties in the designated area.
- Housing Services directly provide and commission a comprehensive package of housing services to meet the needs of vulnerable people and prevent homelessness. The Homelessness Strategy 2008-2013 recognises the need to promote access to safe and secure private sector tenancies for vulnerable people and additional licensing fits in with this approach. The Homelessness strategy includes an action to increase the number of people living in private rented accommodation that meets the Decent Home Standard. Licensing will assist with this approach by ensuring all HMOs with shared facilities in the designated area are inspected and that work is required to reduce all significant housing health and safety hazards that contribute to the failure to meeting this standard. Licensing will also mean that the Council knows where many lower cost HMOs are and can require them to be managed effectively. This includes requiring the landlord to supply to the tenants, a written statement of the terms in which they occupy the property and to ensure accommodation is safe, healthy and offers reasonable amenities. Tenancies are more likely to be sustained and tenants less

likely to be made homeless. Further, engagement with landlords and tenants through the scheme will facilitate greater awareness of homelessness prevention services.

- Housing Services manage the local Choice Based Lettings system called Homesearch, with priority given to homeless households and people living in poor housing conditions. The new Homesearch policy to come into being in May 2013 gives high priority to people under-occupying housing, this is intended to free up larger accommodation, leading to a reduction in overcrowding, and will make better use of the housing stock.
- In 2010 Housing Services carried out a survey of empty properties in B&NES. Empty properties were prioritised for action based on property condition and social impact on neighbours and the local community from anti-social behaviour such as rubbish and fly tipping, vandalism and overgrown gardens. The Empty Property Policy indicates what action the Council will take to encourage owners to bring these empty homes back into use. The Empty Homes Officer will offer support and information on letting these homes and provide assistance where homes are brought back into use in the additional licensing area. This will include informing the owner that the HMO licensing process will result in them letting a safe home that meets legal requirements as well as the benefits from letting a home as an HMO. Enforcement officers working intensively in the additional HMO licensing area will monitor and report empty homes for action through the empty homes policy.
- Waste Services take a proactive approach at targeting problem areas and responding to complaints concerning recycling and rubbish. This approach corresponds well with an additional licensing scheme. Housing Services will work with Waste Services to reinforce the information and key messages provided to tenants and landlords in these areas on waste collection arrangements, times and reporting problems. The licence condition on arrangements for recycling and rubbish aligns with the approach of Waste Services to be proactive in problem areas within the authority and will help contribute towards the council's vision of zero waste.
- Additional licensing coordinates well with the Council's position on anti-social behaviour and the Neighbourhood Environment Services Enforcement Policy. Neighbourhood Services investigate and have statutory powers to deal with incidents of statutory nuisance including noise, incidences where land and gardens are detrimental to the amenity of the local area, pests and public health. Their work will be assisted by the licencing conditions and information held on the public register of licence holders.
- The Council jointly with the City's two universities have a Community Liaison Officer and a Student Community Partnership involving local stakeholders who actively work to reduce the impact of a large number of students living in the community. Additional licensing and use of the public register will assist with this work.

## **Crime and Disorder Act 1998, Section 17: Duty to consider crime and disorder implications**

In exercising its functions the local authority must have regard to doing all that it reasonably can to prevent crime and disorder in its area. The designation of an additional licensing scheme is expected to:

- Encourage responsible landlords who are compliant with housing and environmental legislation.
- Encourage general good behaviour from property managers and tenants.
- Encourage and improve maintenance of properties in the area.
- Increase awareness of good practice.
- Help promote good order in local communities and harness a more positive atmosphere amongst residents.
- Promote good working practices between authorities such as the Council, Avon Fire and Rescue Service and Avon and Somerset Police.
- Help develop and foster an atmosphere of preventing crime and disorder by improving property management, reducing concerns about rubbish, recycling, waste, noise and anti-social behavior.

## **Criteria 5: Other courses of action**

### **Targeted proactive enforcement**

Alternative proactive schemes will require resourcing from Council revenue. Many of the problems identified regarding safety and management are practices undertaken by landlords operating in a profitable and buoyant market. Additional licensing is self-funding paid for by people operating in the business and not the wider community. It is unlikely that other schemes will provide the Council with the accurate information on the same scale as could be achieved through additional licensing. Comprehensive information on the HMO stock and ownership in the proposed area is needed for thorough area based improvements.

### **Reactive house condition inspections and enforcement**

LHA have a duty to review the housing conditions in their area and to carry out inspections if they believe housing health and safety hazards exist and take action with regard to any significant hazards found. Reactive enforcement is a course of action that will continue and will run alongside additional licensing as it already does with mandatory HMO licensing. Housing Services have a new and robust Enforcement and Licensing Policy which states how and when action will be taken. However, enforcement only addresses individual properties one at a time and is reliant on tenants and other parties making a formal complaint to the Council. Tenants who are concerned about the loss of their tenancy due to retaliatory eviction may not come forward. Also no proactive engagement with landlords mean there is less awareness of minimum standards and less incentive to meet them.

### **Voluntary Accreditation**

B&NES already operate a popular voluntary Accreditation scheme. However, despite its successes it has failed to keep up with the dramatic increase in the private rented sector and

by being voluntary, only attracts the landlords who want to engage with the Council and not the potentially worst properties operating with anonymity. Accreditation is another option that could be continued and receive more funding in order to expand the scheme. However, it will only attract the good landlords wishing to engage voluntarily so will not improve the area as a whole as prior experience has shown that many landlords choose not to voluntarily engage.

### **Partnership working**

Officers from Housing Services Chair the Accreditation Working Group which includes partner organisations, letting agencies, the Students Union from both universities, landlord associations and local landlords. B&NES also form part of the West of England Landlord Panel which includes regional landlord representatives. B&NES have a strong working relationship with Avon Fire and Rescue Service, Avon and Somerset Police and Housing Services work closely with other Council Services including Waste Services, the Environmental Protection Team and Planning. Housing Services has strong partnerships with many stakeholders and actively promotes working together and will continue to do so. Further partnership working could be explored and directed at the proposed area using a variety of local partners. A limitation is however, that partnerships will only successfully work with stakeholders that wish to engage with the Council, and may require extensive resources in order to make real area based improvements.

### **Mandatory licensing**

Mandatory licensing only covers the larger HMOs with shared facilities (3 or more storeys with 5 or more people) and does not incorporate other, often smaller HMOs that can form part of an additional licensing scheme. Mandatory licensing has been a success in bringing certain properties to the attention of the Council and raising standards, but is limited in its coverage.

### **Additional licensing of the whole of Bath**

The evidence currently points towards the proposed area as benefiting most from an additional licensing scheme and currently does not provide a basis for proposing to additionally licence the whole of Bath or B&NES. If in the future there is evidence to show that other areas could benefit from further schemes then they will be considered.

### **Selective licensing**

Selective licensing is an option available for requiring all privately rented accommodation to be licenced as determined by the Local Housing Authority. However, this is not considered a realistic option at this time as amongst other things, the evidence needs to show that either the area to be covered is, or is likely to become, an area of low housing demand or, is experiencing a significant and persistent problem caused by anti-social behavior. At the present time these are not traits that are currently present within Bath and North East Somerset.

### **Management Orders**

The use of Interim Management Orders (IMO) can be used for individual HMOs to take the management away from the landlord for up to 12 months. IMOs are not an area based approach and can only be used on individual properties as a reactive response to protecting health, safety and welfare. This remains an option. However, the process is resource

intensive in terms of time and upfront costs to the Local Authority. Resources required to deal with one property will take resources away from other properties and will not solve bigger area based issues.

### **Promotion of energy efficiency packages**

The proposed condition on energy efficiency could help relieve fuel poverty by making it cheaper to adequately heat the home. The Council does a lot of work to improve the energy efficiency of properties in B&NES including promotion activities, energy saving initiatives and has recently offered financial assistance to improve HMOs. Other courses of action could include the active promotion and publicity of a specific energy efficiency package for landlords in the proposed area which may include finance as well as education and awareness raising initiatives to achieve high rates of take up.

### **Support for landlords, tenants and the community**

B&NES have a dedicated Housing Standards and Improvement Team who provide help and support to landlords and tenants over the phone, in person and during site visits. The Housing Options and Homelessness Team provide advice on tenancy and legal matters as well as prevention of homelessness and facilitating and supporting private tenancies through the Homefinders scheme.

Housing Services have produced a Tenant Manual to assist tenants renting in the private sector which includes sections on being a good neighbour and tenants' responsibilities. There is also a wealth of information available via the housing pages on the B&NES website.

Through the West of England (WoE) partnership a number of resources have been developed to help and support landlords in the private rented sector.

These include:

- landlord training which is available to all landlords to help improve their knowledge around all aspects of renting;
- the WoE landlord manual which is a comprehensive guide for private sector landlords;
- the Landlord Expo which is a free annual event for landlords and partners to attend which attracts commercial exhibitors and topical speakers from all over the country;
- the WoE *private housing information* website provides an informative base for landlords to access information, specifically on HMO licensing.

These courses of action are only useful if people choose to engage and access the information and services on offer; the Council cannot force people to engage. They do not provide the Council with comprehensive information about HMOs in the area or ensure that minimum standards are maintained. Access to information is essential to improve the private rented sector especially HMOs. It will be vital to support landlords and the community in the proposed additional licensing area but it is not an appropriate alternative course of action.

## **Criteria 6: Making the designation will significantly assist in dealing with the problem**

Following the public consultation, additional licensing is considered an appropriate response. The impact of the scheme is expected to improve the proposed area, which contains the highest concentration of HMOs with shared facilities in the district, for the long term by giving the local authority access and knowledge about all HMOs with shared facilities in that area.

HMOs with shared facilities throughout the proposed area are mixed in terms of their standard and management. These standards can only be raised by Housing Services having the resources and knowledge to proactively identify and inspect sub-standard HMOs. Additional licensing will give Housing Services the knowledge and resources to use a targeted approach aimed at providing consistency and ensuring minimum standards of health and safety are maintained and suitable management arrangements are provided.

### **Better standards**

Licensing conditions and property inspections will ensure properties are improved, health and safety hazards are reduced, fire safety provisions are installed and maintained, maximum occupancy and space standards are met and gas and electrical installations are safe.

### **Better management**

Through licensing conditions and by the Council knowing where HMOs are and who manages them, Housing Services can ensure there are satisfactory management arrangements in place, tenants can get hold of landlords in emergencies, licence holders are fit and proper persons and properties are maintained. Tenants can be provided with information and guidance in order to meet their responsibilities and know their rights; landlords can be supported to have access to advice and guidance to help them be better property managers. Those landlords who have been operating poor HMOs will be forced to bring their properties up to standard or face robust enforcement action.

### **Fit and proper landlords**

Landlords and property managers who are not fit and proper or who do not put satisfactory management arrangements in place will be refused licences and will not be permitted to manage licensed HMOs.

### **Community improvements**

Through better HMO management, streets will be improved by encouraging better waste management, up keep of gardens and appearance of properties. Residents will have better knowledge about the HMOs in their neighbourhoods through the public register of licenses and will quickly be able to contact the Council about HMOs that are causing problems. In return the Council will quickly be able to act through better knowledge of HMOs and access to emergency contact details for licence holders and managers. Housing Services will be in a better position to share information with other Council Services and tackle problems as quickly as possible.



## Targeted approach

By focusing on one area and regularly visiting HMOs within the area it is likely that the benefits will be sustained and the local environment improved. Licensing conditions and better knowledge of where the HMOs are and who controls them will help ensure benefits to the local community. It is likely that garden maintenance and rubbish and recycling arrangements will be improved and responsibilities will be made clearer. Where anti-social behaviour occurs Housing Services can assist the anti-social behaviour team in taking the necessary action, landlords will be more accountable for the behaviour of their tenants and tenants will be clear on their responsibilities.

## Energy efficiency

Licence conditions will ensure energy efficiency ratings are brought up to an appropriate level prior to the introduction of national legislation in order to reduce fuel bills and fuel poverty and health issues cause through excess cold.

## Consultation responses

The online questionnaire used during the formal public consultation asked respondents about the proposed additional licensing conditions. Two of the questions asked and the responses are shown below:

<b>Q. Do you agree that the proposed licensing conditions will help improve how HMOs are managed?</b>	<b>Yes</b>	<b>No</b>
Residents of the proposed area	92%	8%
B&NES residents	78%	22%
Businesses and organisations (including landlords)	40%	60%
Other/prefer not to say	25%	75%
<b>Q. Do you agree that the proposed licensing conditions will help improve safety and quality of HMOs?</b>	<b>Yes</b>	<b>No</b>
Residents of the proposed area	94%	6%
B&NES residents	78%	22%
Businesses and organisations (including landlords)	50%	50%
Other/prefer not to say	25%	75%

The responses indicated that residents were generally in agreement that the conditions would improve management and safety and quality of HMOs. There was more disagreement from businesses and organisations including landlords. The group of other/prefer not to say were more strongly in disagreement.

## **Risk Assessment**

The full risk assessment is contained in annex 6.

## **Equality Impact Assessment**

An equality impact assessment has been carried out and revised following input from the Council's Equality Impact Assessment Quality Assurance Group and is attached as appendix 4.

In summary, some negative aspects of the proposed scheme include:

- Completing a licence application form and communication can be difficult for people with certain disabilities.
- Licensing may push up rental prices which will affect those on lower incomes. Outside of an additional licensing area HMOs may be more financially achievable for those on lower incomes yet standards may be lower.

Key actions from the assessment include:

- Ensuring landlords are given enough assistance to complete application forms and on-going help and advice where needed.
- Monitoring the impacts of licencing and whether extending the area should be considered.
- Ensuring officers are sensitive to individuals when carrying out their duties.
- Further consideration of the costs and how they can be minimised.

## **Designation**

If the designation is made, the scheme will come into force on the 1<sup>st</sup> January 2014 which is a date no earlier than three months after the date on which the designation is made.

Within 7 days of the designation being confirmed the Council is required to publish the decision on the Council's internet site, on public notice boards and in two local newspapers.

Housing Services will deliver the scheme which will last for a maximum of 5 years.

At the end of the 5 year period the scheme will cease to exist. The scheme will be monitored and reviewed throughout its duration and any consideration for a future scheme will need to be based on research and evidence.

### **Proposed licensing conditions**

Annex 2 shows the general standards that will be expected in licensed properties. These will be applied on a property specific basis and include requirements to provide minimum fire safety provisions and sufficient facilities and amenities.

Annex 3 shows the licensing conditions that are proposed to be applied to each licence. They include conditions to improve management, safety and welfare.

## **Licensing fees**

The details of the fees that will be charged in order for the Council to recover its costs of running the scheme are contained in the fees document in annex 4. The fees include a discount for accredited landlords who comply with certain aspects prior to the licence being granted, therefore saving the Council time. The fee is dependent on the Council adopting a more streamlined use of technology to receive and process applications and fees.

The fee will be chargeable upfront on application for a licence. The licence will last for the duration of the scheme (maximum 5 years). In special circumstances the Council may decide to grant the licence for a lesser period.

A licence is not transferable so any change of licence holder during the scheme will require a new licence application and new fee. Any changes to the licence will require a formal variation and a fee as specified in the fees document.

All licensing fees will be subject to review as part of the Council's budget setting.

## **Staffing and resources**

Housing Services currently run the mandatory licensing scheme which incorporates around 370 HMOs. The introduction of an additional licensing scheme could see an additional 1,400 HMOs requiring the same level of administration and officer activity. Therefore additional resources will be required in order to successfully run a scheme. It is anticipated that the administration and inspection costs will be covered by the licensing fee.

## **Monitoring and exit strategy**

The scheme will be monitored through a number of ways including numbers of properties included, data on significant housing health and safety hazards, HMOs improved, enforcement activity and complaints received.

During the course of the designation the scheme will be evaluated and a strategy will be developed for exiting the scheme. Consideration will be given to the success/failures of the scheme and the ramifications when the scheme ceases to exist. Information and knowledge gained through the scheme will be used to continue proactive work in the area and build up working relationships with landlords.

## **Financial and legal implications**

The administration of the scheme will be recoverable through the licensing fee. However, it is anticipated that enforcement action may increase as a result of dealing with a large number of HMOs, many of which may have had no contact with the Council in the past. It will be necessary for costs and resources associated with enforcement action to come out of existing budgets.

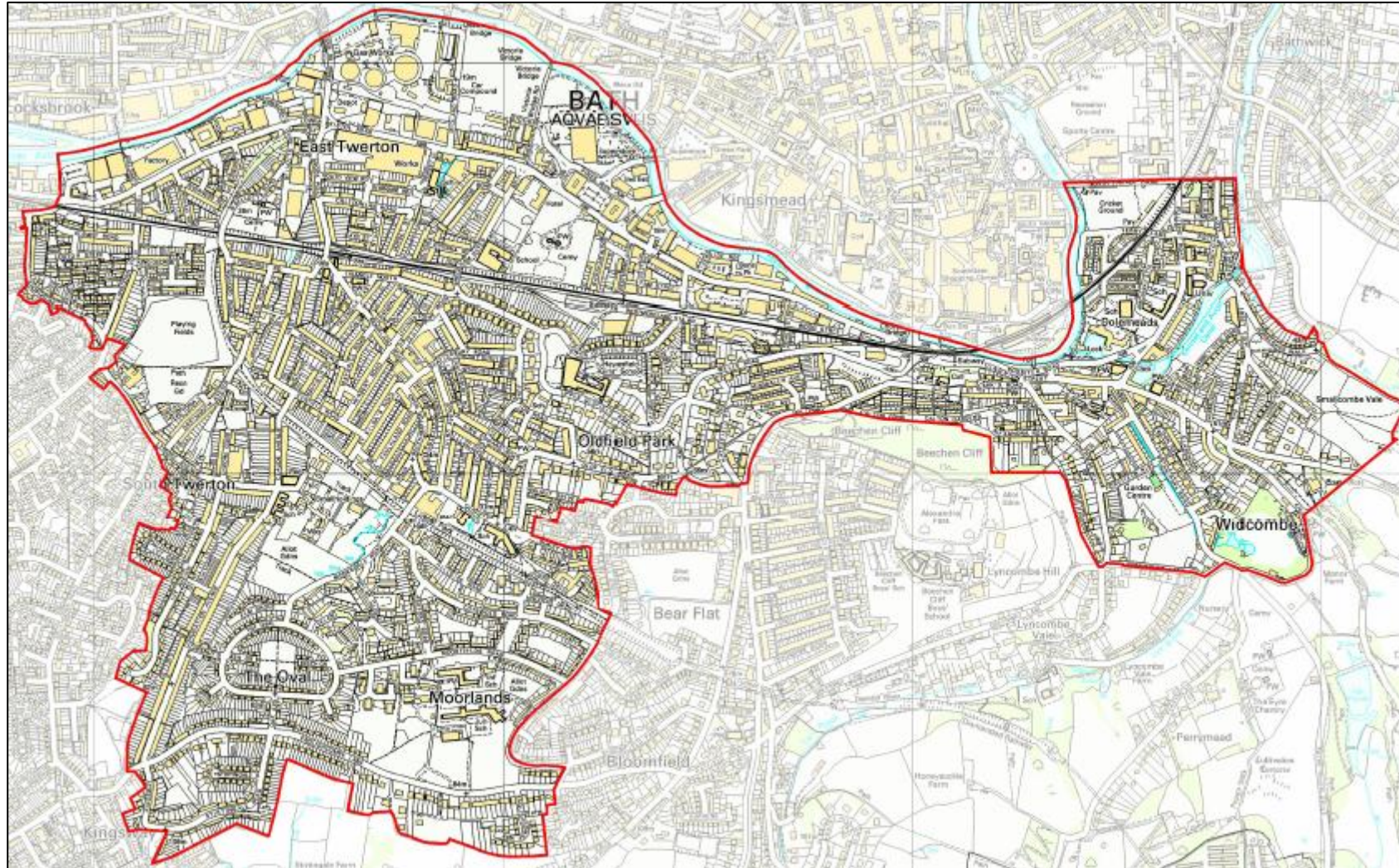
## **Annex: The proposed additional licensing scheme for Houses in Multiple Occupation (HMOs) in B&NES**

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# 1. Proposed additional licensing area

Map of proposed area



## List of all roads included in the proposed additional licensing area

All properties and buildings accessed via the roads and parameters listed below are proposed to be included in the scheme. This list should be read on conjunction with the proposed additional licensing area map.

Road/locality	Area covered	Ward
ABBEY VIEW	All of road	Widcombe
ABBEY VIEW GARDENS	All of road	Widcombe
ACACIA GROVE	All of road	Oldfield
ALBANY ROAD	All of road	Westmoreland
ALBERT TERRACE	All of road	Westmoreland
ALEXANDRA ROAD	All of road	Widcombe
ALTON PLACE	All of road	Widcombe
ARCHWAY STREET	All of road	Widcombe
ARGYLE TERRACE	All of road	Westmoreland
ARLINGTON ROAD	All of road	Oldfield
ARMES COURT	All of road	Widcombe
ASH GROVE	All of road	Oldfield
ASHFORD ROAD	All of road	Oldfield
AYR STREET	All of road	Westmoreland
BECKHAMPTON ROAD	All of road	Oldfield
BEECH GROVE	All of road	Oldfield
BELLOTTS ROAD	All of road	Westmoreland
BELVOIR ROAD	All of road	Oldfield
BRIDGE ROAD	All of road	Westmoreland
BROADWAY	All of road	Widcombe
BROOK ROAD	All of road	Westmoreland

BROUGHAM HAYES	All of road	Widcombe
BURNHAM ROAD	All of road	Westmoreland
CALEDONIAN ROAD	All of road	Westmoreland
CALTON GARDENS	All of road	Widcombe
CALTON ROAD	All of road	Widcombe
CALTON WALK	All of road	Widcombe
CAMBRIDGE TERRACE	All of road	Widcombe
CANTERBURY ROAD	All of road	Oldfield
CAROLINE BUILDINGS	All of road	Widcombe
CEDAR GROVE	All of road	Oldfield
CEDAR WALK	All of road	Widcombe
CEDAR WAY	All of road	Widcombe
CHANCERY MEAD ROAD	All of road	Oldfield
CHELTENHAM STREET	All of road	Widcombe
CHESTNUT GROVE	All of road	Oldfield
CHURCH STREET	All of road	Widcombe
CHURCHILL BRIDGE	Part of the road: All of the bridge South of the river	Widcombe
CLARENDON ROAD	All of road	Widcombe
CLAUDE AVENUE	All of road	Oldfield/ Westmoreland

CLAUDE TERRACE	All of road	Westmoreland
CLAUDE VALE	All of road	Westmoreland
CLAVERTON BUILDINGS	All of road	Widcombe
CLAVERTON STREET	All of road	Widcombe
CORONATION AVENUE	All of road	Westmoreland
COTSWOLD ROAD	All of road	Oldfield
CRANDALE ROAD	All of road	Oldfield/ Westmoreland
CRESCENT VIEW	All of road	Widcombe
CYNTHIA ROAD	All of road	Westmoreland
DARTMOUTH AVENUE	All of road	Westmoreland
DENMARK ROAD	All of road	Westmoreland
DORSET CLOSE	All of road	Westmoreland
DORSET STREET	All of road	Westmoreland
DURLEY PARK	All of road	Oldfield
EBENEZER TERRACE	All of road	Widcombe
ELM GROVE	All of road	Oldfield
ENGLISHCOMBE LANE	Part of the road: From Coronation Avenue/Kingsway to Westfield Close/Bloomfield Park.	Oldfield
ENGLISHCOMBE WAY	All of road	Oldfield
EXCELSIOR STREET	All of road	Widcombe
FAULKLAND ROAD	All of road	Oldfield

FERRY LANE	All of road	Widcombe
FIRST AVENUE	All of road	Oldfield
FOREFIELD PLACE	All of road	Widcombe
FOREFIELD RISE	All of road	Widcombe
FOREFIELD TERRACE	All of road	Widcombe
GORDON ROAD	All of road	Widcombe
HATFIELD BUILDINGS	All of road	Widcombe
HAYDEN CLOSE	All of road	Widcombe
HAYESFIELD PARK	All of road	Widcombe
HAZEL GROVE	All of road	Oldfield
HERBERT ROAD	All of road	Oldfield
HERSCHEL TERRACE	All of road	Westmoreland
HIGH STREET, TWERTON	Part of the road: From Shophouse Road/Zion Methodist Free Church to Lower Bristol Road.	Westmoreland/ Twerton
HIGHLAND TERRACE	All of road	Westmoreland
HILLSIDE ROAD	All of road	Oldfield
HISCOCKS DRIVE	All of road	Oldfield
HOLLOWAY	All of road	Widcombe
HORSESHOE WALK	All of road	Bathwick/Widcombe
INVERNESS ROAD	All of road	Westmoreland
IVO PETERS ROAD	All of road	Widcombe
IVY AVENUE	All of road	Westmoreland
IVY GROVE	All of road	Westmoreland
IVY PLACE	All of road	Westmoreland

JEWS LANE	All of road	Westmoreland
JUNCTION AVENUE	All of road	Oldfield
JUNCTION ROAD	All of road	Oldfield/Widcombe
KING EDWARD ROAD	All of road	Oldfield
KING GEORGE'S ROAD	All of road	Westmoreland
KINGSWAY	All of road	Oldfield
LANSDOWN VIEW	All of road	Westmoreland
LIME GROVE	All of road	Bathwick
LIME GROVE GARDENS	All of road	Bathwick
LIVINGSTONE ROAD	All of road	Oldfield
LORNE ROAD	All of road	Widcombe
LOWER BRISTOL ROAD	Part of the road: From Rossiter Road/Claverton Street to Weston Lock Retail Park.	Westmoreland/Widcombe
LOWER OLDFIELD PARK	All of road	Widcombe
LOXTON DRIVE	All of road	Westmoreland
LYMORE AVENUE	All of road	Westmoreland/Southdc
LYMORE CLOSE	All of road	Westmoreland
LYMORE GARDENS	All of road	Westmoreland
LYMORE TERRACE	All of road	Westmoreland
LYNCOMBE HILL	All of road	Widcombe
LYNDHURST ROAD	All of road	Westmoreland
MAGDALEN AVENUE	All of road	Widcombe
MAGDALEN ROAD	All of road	Widcombe
MAYBRICK ROAD	All of road	Oldfield/Westmoreland

MAYFIELD MEWS	All of road	Westmoreland
MAYFIELD ROAD	All of road	Westmoreland
MELCOMBE ROAD	All of road	Oldfield
MIDLAND ROAD	Part of the road: All parts South of the river	Westmoreland
MIDLAND BRIDGE ROAD	Part of the road: All parts South of the river	Widcombe
MILES STREET	All of road	Widcombe
MILLBROOK PLACE	All of road	Widcombe
MILLMEAD ROAD	All of road	Westmoreland
MONKSDALE ROAD	All of road	Oldfield
MOORFIELDS CLOSE	All of road	Oldfield
MOORFIELDS DRIVE	All of road	Oldfield
MOORFIELDS ROAD	All of road	Oldfield
MOORLAND ROAD	All of road	Oldfield/ Westmoreland
MORLEY TERRACE	All of road	Westmoreland
NORTH PARADE ROAD	Part of the road: All of the South side of the road East of the river	Widcombe
OAK AVENUE	All of road	Oldfield
OAK STREET	All of road	Widcombe
OLD FERRY ROAD	All of road	Westmoreland
OLDFIELD LANE	All of road	Oldfield
OLDFIELD ROAD	All of road	Oldfield/ Widcombe
PARK AVENUE	All of road	Widcombe
PINESWAY	All of road	Widcombe
PINES WAY	All of road	Widcombe



INDUSTRIAL ESTATE		
POPLAR CLOSE	All of road	Oldfield
PRIDDY CLOSE	All of road	Westmoreland
PRIOR PARK BUILDINGS	All of road	Widcombe
PRIOR PARK COTTAGES	All of road	Widcombe
PRIOR PARK GARDENS	All of road	Widcombe
PRIOR PARK ROAD	All of road	Widcombe
PULTENEY AVENUE	All of road	Widcombe
PULTENEY GARDENS	All of road	Widcombe
PULTENEY GROVE	All of road	Widcombe
PULTENEY ROAD	Part of the road: All properties from North Parade Road to Widcombe Hill	Bathwick/Widcombe
RIVERSIDE BUSINESS PARK	All of road	Widcombe
RIVERSIDE ROAD	All of road	Widcombe
RIVERSIDE COURT	All of road	Widcombe
RINGWOOD ROAD	All of road	Westmoreland
ROOKSBRIDGE WALK	All of road	Westmoreland
ROSEBERRY PLACE	All of road	Westmoreland
ROSEBERRY ROAD	All of road	Westmoreland
ROSEMOUNT LANE	All of road	Widcombe
ROSSITER ROAD	All of road	Widcombe
SECOND AVENUE	All of road	Oldfield

SHAFTESBURY MEWS	All of road	Oldfield
SHAFTESBURY ROAD	All of road	Oldfield
SHOPHOUSE ROAD	All of road	Twerton/ Westmoreland
SLADEBROOK AVENUE	All of road	Oldfield
SOUTH AVENUE	All of road	Westmoreland
SOUTH VIEW ROAD	All of road	Westmoreland
SOUTHCOT PLACE	All of road	Widcombe
SPRING CRESCENT	All of road	Widcombe
SPRING GARDENS ROAD	All of road	Widcombe
ST KILDA'S ROAD	All of road	Oldfield
ST MARK'S GARDENS	All of road	Widcombe
ST MARK'S ROAD	All of road	Widcombe
ST MARY'S BUILDINGS	All of road	Widcombe
ST PETER'S TERRACE	All of road	Widcombe
STANLEY ROAD WEST	All of road	Oldfield
STIRTINGALE AVENUE	All of road	Oldfield
STIRTINGALE ROAD	All of road	Oldfield
STOTHERT AVENUE	All of road	Westmoreland
STUART PLACE	All of road	Westmoreland
SUMMERLAYS COURT	All of road	Widcombe
SUMMERLAYS PLACE	All of road	Widcombe

SUSSEX PLACE	All of road	Widcombe
SYDENHAM BUILDINGS	All of road	Widcombe
SYDENHAM ROAD	All of road	Widcombe
THE OVAL	All of road	Oldfield
THE SQUARE	All of road	Widcombe
THE TRIANGLE	All of road	Westmoreland
THE TYNING	All of road	Widcombe
THIRD AVENUE	All of road	Oldfield
THORNBANK GARDENS	All of road	Widcombe
THORNBANK PLACE	All of road	Widcombe
TOWPATH KENNET AND AVON	Part of the road: Top Lock cottage	Bathwick
TRIANGLE EAST	All of road	Westmoreland
TRIANGLE NORTH	All of road	Westmoreland
TRIANGLE WEST	All of road	Westmoreland
TYNING END	All of road	Widcombe
UPPER OLDFIELD PARK	All of road	Widcombe
VERNON PARK	All of road	Westmoreland
VERNON TERRACE	All of road	Westmoreland
VICTORIA BRIDGE ROAD	All of road	Westmoreland
VICTORIA BUILDINGS	All of road	Westmoreland
VICTORIA CLOSE	All of road	Westmoreland
VICTORIA ROAD	All of road	Widcombe
VICTORIA TERRACE	All of road	Widcombe
WALNUT DRIVE	All of road	Oldfield

WELLS ROAD	All of road	Widcombe/Lyncombe
WEST AVENUE	All of road	Westmoreland
WESTMORELAND ROAD	All of road	Widcombe
WESTMORELAND STATION ROAD	All of road	Widcombe
WESTMORELAND STREET	All of road	Widcombe
WIDCOMBE CRESCENT	All of road	Widcombe
WIDCOMBE HILL	Part of the road: All properties from Pulteney Road to Winfarthing.	Widcombe
WIDCOMBE PARADE	All of road	Widcombe
WIDCOMBE RISE	All of road	Widcombe
WIDCOMBE TERRACE	All of road	Widcombe
WILLOW GREEN	All of road	Oldfield
WINCHESTER ROAD	All of road	Oldfield
WINDSOR BRIDGE ROAD	All South of the river	Westmoreland
WOOD STREET	All of road	Widcombe
BATH RIVERSIDE	All roads South of the river.	Westmoreland

## 2. Proposed 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    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.

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.

Wash hand basins    Shared use    To be provided either within each individual unit of accommodation or within each shared bathroom and compartment containing a toilet (see table below).

Within each room and compartment containing a toilet.

Exclusive use    Within each room and compartment containing a toilet.

Baths or showers and toilets	Shared use	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.
	Exclusive use	In hostels where children are accommodated at least one bath should be provided.  A fixed bath or shower and a toilet.

Ventilation    General    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

minimum extraction rate of 6 litres/second.

Ventilation should not be obstructed externally.

Heating      General      A fixed heating appliance in each bath or shower room sufficient to minimise condensation and provide thermal comfort.

## Kitchens

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	A cooker with a 4 ring hob, oven and grill.
		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.
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.

### **Fire precautions (hostels)**

Requirements determined jointly with Avon Fire and Rescue on application.

### **Fire precautions (buildings converted entirely into self-contained flats)**

Follow LACoRS publication "Housing - Fire Safety. Guidance on fire safety provisions for certain types of existing housing."

## Heating

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.

## Access

All facilities are to be available at all times and be internally accessed from all bedrooms and bedsitting rooms.

## Definitions

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)

### ACCOMMODATION WITH FACILITIES SHARED BY OCCUPIERS

These standards apply where there is sharing of some or all facilities ie HMOs where:

- occupiers live independently of others e.g. single room lettings or bedsit accommodation (kitchen facilities within own room);
- occupiers forming a group e.g. students, professional persons and others who interact socially.

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.

## **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.

### **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**



## 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

#### 4. Proposed HMO Licensing Fees

All licences to last for a maximum of 5 years.

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HMO Licence (new and renewals)	Discounted fee**	Fee
HMO with up to 4 bedrooms*	£500	£600
HMO with 5 - 7 bedrooms*	£560	£660
HMO with 8 – 10 bedrooms*	£620	£720
HMO with 11 bedrooms* and over	£680	£780

**Additional licensing only:**

Fees calculated based on when either the property became licensable or a new application is required, as follows: year two 20% discount; year three 40% discount; year four 60% discount; year five 80% discount.

**\*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. Where a property is found to have been operating illegally no discount will be given.**

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 part of the B&NES Accreditation scheme on the 1<sup>st</sup> September 2013, OR the Licence Holder is accredited by a recognised landlord accreditation scheme e.g. NLA 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 (as a minimum);
- 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 3 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 the appropriate 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.
- All fees to be subject to review as part of the Council's budget setting.

### 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.

Varying a licence	Fee
Where the Council is responsible for the variation (e.g. to make changes following compliance with a licensing condition)	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 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	Full 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	Full 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

## 5. 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>	<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>
<b>10</b>	<p>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</p>	<p>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</p>	<p>In response to consultation and acknowledgement that existing garage conversions are legal and meet Building Regulations, planning requirements and Housing legislation.</p>



	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 in an appropriate area. 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 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	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).  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.	Changes are in response to concerns raised during the consultation and to maintain alignment with the forthcoming requirements of the 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 fire risk assessment in accordance with LACoRS “ <i>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 bedroom must have sufficient means for ventilation that can be maintained securely while the occupants are absent to minimise occurrence of damp and mould.	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 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.	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	The licensed HMO must be managed in accordance with The Good Management	Changes made to clarify the requirement.

	permanently displayed in the common parts of the property so as to be visible by all tenants.	Code of Practice. A copy of the Code is to be provided to all tenants. Attached as Appendix X.	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 to the Council.	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.	The landlord agrees to comply with all statutory obligations regarding tenancy deposit protection if a deposit is taken.	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.

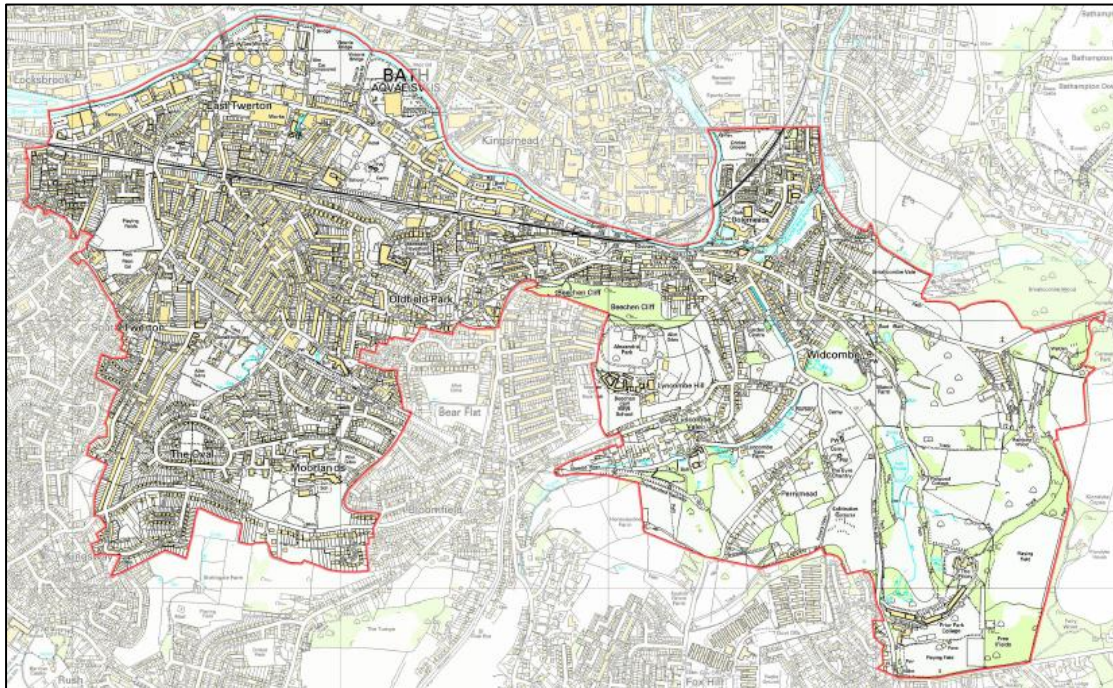
<p><b>Licence fee</b></p>	<p>Fees starting at £675 for a 2 unit (room) HMO with an additional £30 per unit.</p>	<p>New fee structure:          £600 for a small (2 - 4 bedroom) HMO,          £660 for a large 5 - 7 bedroom HMO,          £720 for 8 - 10 bedrooms,          £780 for 11 bedrooms or more.</p> <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>
<p><b>Proposed area where additional HMO licencing will apply</b></p>	<p>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>	<p>The proposed area has been reduced to remove a section of Southern Widcombe.</p>	<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><b>Evidence report</b></p>	<p>The updated evidence report is also appended to the panel report</p>		
	<p>Updated version.</p>		<p>In response to consultation where the evidence based was questioned and not</p>

		<p>considered balanced, amendments have been made to ensure as much evidence is captured as possible and that a balanced case is put forward.</p> <p>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.</p>
	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.

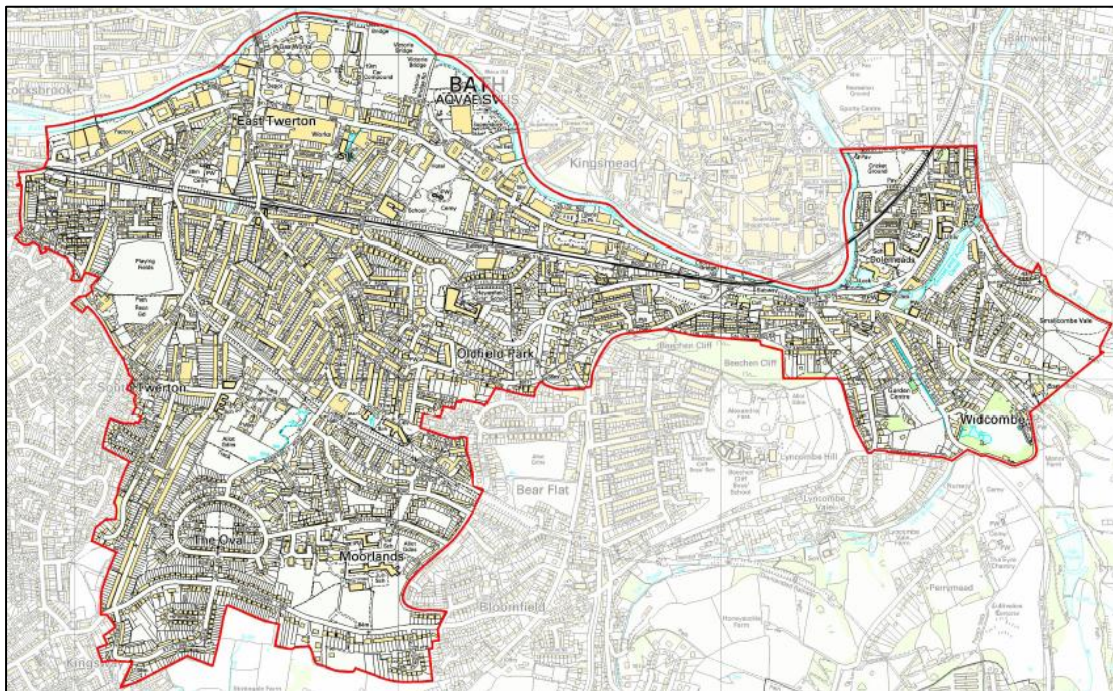
	Alignment with other strategies and initiatives	New section added in response to consultation responses.
	References	Updated
	Glossary	New section added for clarity

## Proposed additional licensing area – before and after

### Before consultation



### After consultation





## 6. Risk assessment

Risks associated with the implementation of additional licensing						
Description of risk	Description of impact	Probability of risk	Impact	Preventative action	Action by	Outcomes of action
Threat of Judicial review. Challenge to the decision to implement a scheme on the grounds that the legislative conditions to justify a scheme are not met.	Resources taken up with defending a challenge. Delayed implementation.	Medium	High	<p>1. Evidence report and the draft designation report have regard to consultation and expert independent legal advice and, present the case in a fair and balanced way.</p> <p>2. Evidence is thoroughly and fairly considered by the elected members and any decision they take is balanced on their application of the legislative test and justified based on the evidence.</p>	<p>1.Housing Services</p> <p>2.B&amp;NES Council Cabinet</p>	A fair and balance decision is made in line with the legislative requirements.

Appeals from landlords to the Residential Property Tribunal Services (RPTS).	Resources taken up responding and defending individual challenges	Medium	Medium	Work with landlords via national associations, accreditation working groups, landlord panel and individuals and promote good working relationships.	Housing Services	Officers and landlords have a good and open working relationship, approachable team members and strong partnerships.
Loss of good relationships with landlords, agents, Universities and Students' Unions.	Reluctance to engage in future initiatives, increased enforcement action.	Low	Medium	Full consultation undertaken. Further engagement work with Accreditation Working Group, University students Unions. Easy point of contact and communication maintained and rationale and reasoning explained.	Housing Services	Keeping everyone informed. Good relationships maintained, future engagement assured and ideas and goals shared.
Alienate certain equality groups	Some groups feel unfairly discriminated against, legal challenge under equality legislation.	Low	High	Ensure robust Equality Impact Assessment) undertaken and equality groups are targeted for consultation. Liaison with Council Equalities Team. Engage equality groups proactively before the scheme is implemented.	Housing Services	All groups are considered and where necessary preventative action taken to avoid discrimination.

Unrealistic expectations from stakeholders.	The scheme is unable to deliver what people expect.	Medium	Medium	Ensure all stakeholders understand the legislative remit of additional licensing and what can realistically be achieved.	Housing Services	Additional licensing and its aims and objectives are understood and accepted.
Landlords' avoid licensing their properties	Problems not solved, landlords operating illegally, resources taken up finding and prosecuting landlords	Low	High	Full consultation process undertaken, local data gathered and landlords kept fully informed. Enforcement action used and publicised.	Housing Services / Landlord Associations and Accreditation Working Group.	Applications received. Better understanding and support for additional licensing because it is understood and widely known about.
Some landlords sell their HMOs in the designated area or leave empty.	Less multi occupied accommodation available in the area.	Low	Medium	Full consultation with landlords. Rationalise the fees. Promote a good working relationship with landlords. Ensure landlords and tenants are fully aware of the facts. Promote benefits.	Housing Services / Accreditation Working Group and Landlord Panel.	More landlords continuing to work with the Council.
Increase in rents.	Vulnerable people are unable to afford housing in designated area. Dispersal of HMO accommodation across the City.	Low	Medium	Full consultation with landlords and tenants. Rationalise the fees and ensure facts are fully understood. Promote the benefits. Initial evidence indicates that licensing does not lead to increased rents.	Housing Services / Accreditation Working Group.	Tenants see the benefits of safer and better managed accommodation. Rents are fair.

Opportunity costs - resources could be targeted elsewhere e.g. time and other resources taken off other services.	Missed opportunities in taking and continuing other initiatives or performing other duties due to the time taken up with working on additional licensing.	High	Medium	Inevitable but acknowledged.	Head of Housing	
Inadequate management of scheme by LHA.	Problems not improved, loss of credibility, services not delivered appropriately, loss of trust from landlords and partners.	Low	High	Ensure the scheme is properly resourced and staff/officers are fully trained. Follow enforcement policy robustly.	Head of Housing / Housing Services	Scheme successfully implemented and running, officers are well trained and efficient. Monitoring is carried out throughout the duration of the scheme.
Fee income does not cover costs	Other Council resources have to be used to supplement the licensing scheme, OR, the scheme is unable to be effectively delivered.	Low	High	Ensure accurate financial and operational information is used.	Head of Housing / Housing Services	Scheme is run within budget (self-funding).
Far higher numbers of properties require licensing than anticipated.	Unable to cope with demand, resources taken off other areas to deal with the scheme.	Low	High	Ensure robust evidence is gathered. Ensure scalability of the service.	Housing Services	Sufficient resources are put in place to cope with demand.

Far fewer properties require licensing than anticipated.	Too many resources have been put in place and fees income does not cover the costs of the scheme.	Low	High	Ensure robust evidence is gathered. Ensure scalability of the service.	Housing Services	Appropriate resources are put in place and flexible approach will allow adjustments to be made if required.
Failure to meet expectations regarding timescales of inspections.	Loss of reputation. Landlords feel they are not getting value for money. Residents think scheme is not being delivered. Cllrs unhappy with Service. Impression that nothing is being done.	medium	High	Strategic planning before scheme comes in to ensure inspection programme is designed and managed and resources are 'front loaded'. Ensure strong communication with stakeholders.	Head of Housing / Housing Services Manager	Adequate resources put in to ensuring the scheme is well managed and inspections are given priority. More realistic expectations from stakeholders who are well informed.
Not following up on enforcement of scheme requirements.	Loss of reputation. Stakeholders feel the scheme is not working. Some landlords feel let down and that poorer landlords are getting away with non-compliance.	Medium	High	Enough resources in place to follow up on enforcement action including: skilled officers, finance, and legal support. Management support and clear enforcement policy.	Head of Housing / Housing Services Manager	Skilled staff with the ability and necessary resources to quickly take enforcement action where appropriate in line with Housing Services Enforcement Policy.

Insufficient office space for additional staff.	Insufficient desk space for staff.	Medium	Medium	Implement mobile working to free up office space. Careful management and reallocation of staff, use of flexible working, utilising additional existing desks available throughout the council buildings.	Housing Services Manager / IT	Less office space needed as officers will be more efficient and have the technology and ability to work away from the office more. Sufficient supply of office space and desks as and when required.
Performance and outcomes of the licensing process not adequately measured	Inadequate performance management. Successes/failure of the scheme not measured.	Low	High	Ensure measures and monitoring procedures are put in place at the beginning of the scheme.	Head of Housing / Housing Services Manager	Scheme is delivered with measurable outcomes on time and within the designation period.