

Appendix 1

Designation Report

Additional HMO* Licensing 2018

(*house occupied by 3 or more people in 2 or more households)

Purpose of the report:

To present the case for an additional HMO licensing scheme for Bath City Wards under the Housing Act 2004 for a period of 5 years, commencing 1st January 2019.

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1. Introduction

The Private Rented Sector (PRS) in England has grown from 1 in 10 households in 2004 to 1 in 5 households in 2017¹. Local data gathered in 2017 indicated that the PRS in Bath and North East Somerset is higher than the national average and growing quickly, now accounting for 27% of dwellings in the district².

Privately rented homes shared by 3 or more people in 2 or more households and sharing one or more facilities, account for 16% of the private rented sector in B&NES. These properties are referred to as Houses in Multiple Occupation (HMOs).

Please note that a building occupied by the owner(s) and their household and no more than 2 other persons is not regarded as an HMO under current legislation and therefore would not be required to be licensed under this proposal.

HMOs are often associated with poorer standards of management and quality and tend to be occupied by the more vulnerable members of society, often on lower incomes who lack social mobility and choice. Mandatory Licensing of larger HMOs has been designed to tackle this and ensure that the poorest and highest risk properties in the private rental market meet legal standards and are properly managed to provide greater protection of the health, safety and welfare of the occupants of this type of property.

In Bath and North East Somerset, recent stock modelling indicates that 21% of the privately rented HMO stock falls below the minimum statutory housing standard and there is a higher rate of health and safety hazards in HMOs than non HMOs in most wards in Bath City. Housing Services Officers also deal with a significant number of issues and complaints originating from HMOs requiring work with landlords to facilitate improvements.

Mandatory HMO licensing introduced by the Housing Act 2004 operates in Bath and North East Somerset and applies to any private rented property where it is rented to 5 or more people who form more than 1 household, where it is at least 3 storeys high and where tenants share toilet, bathroom or kitchen facilities. Whilst mandatory licensing captures larger HMO properties, it does not apply to smaller HMOs with less than 5 occupants.

For properties with 3 or 4 occupiers that are shared by more than one household, the Housing Act 2004 provides the ability for a local housing authority to designate an Additional HMO Licensing area providing the requirements in section 56 and 57 of the Act are met.

The requirements in these sections are given in section 2 of this report and include the key condition that the Council consider that a significant proportion of HMOs of a defined description, in a designated area are being poorly managed to an extent which will give rise to one or more particular problems either for those occupying the property or members of the public.

¹ English Housing Survey, 2017

² Building Research Establishment (BRE), 2017

Additional HMO Licensing proposal

Although lots of good work has been undertaken in B&NES to improve property standards, HMOs with shared facilities in many parts of the City of Bath are not adequately regulated through the mandatory licensing scheme. This leads to a range of common problems such as housing complaints, higher rates of housing health and safety hazards, rubbish accumulation, poor garden maintenance and disrepair.

In 2013, an additional (HMO) licensing scheme was introduced in 3 wards in Bath City: Westmoreland, Oldfield and the northern part of Widcombe, and includes all HMOs with shared facilities.

The objectives of the scheme were to ensure minimum standards of safety and welfare; effective and appropriate management; reduction in the impact of poor HMOs on the community; reduction in poor energy efficiency and excess cold and support for landlords and agents to meet their obligations.

The additional licensing scheme has licensed over 1,000 HMOs (900 Licence Holders), covering over 4,000 bed spaces. The regulation of these homes has identified poor standards including inadequate fire precautions, breach of minimum standards and welfare issues which have been identified for improvement and proactively addressed by Housing Services. The HMOs in the scheme have been made more transparent to the Council and to the community, allowing the Council to efficiently contact the owners and managers for action and compliance.

Over 1,700 inspections have taken place and over 2,000 property specific licensing conditions have been applied to properties. On initial inspection, 31% of HMOs were found not to meet the minimum statutory housing standard because they contained a significant health and safety hazard.

Officers have worked extensively in the additional licensing area enforcing legislation and raising standards where required, acting on local intelligence and using a range of tools to identify unlicensed HMOs. Through this work properties have been brought into the scheme and standards raised, and where appropriate enforcement action has been taken. Enforcement of the scheme has resulted in 35 simple cautions being issued and six successful prosecutions for failing to licence properties under the scheme.

A recent evaluation of the scheme has shown that licensing has been beneficial in improving standards across the designated area by reducing significant hazards, addressing management regulation failures and improving welfare conditions.

The Council feels that this first B&NES additional licensing scheme has been successful in improving standards of HMO properties in the designated area.

However, these 3 wards are not the only areas in Bath City that have HMO properties and the council feels there is a case for extending the Additional Licensing scheme across the whole of Bath City. This would ensure that almost all HMO properties within the local authority area would be subject to licensing and would improve property and management standards across a large proportion of the private rented sector.

Along with evidence from the current scheme in the 3 wards in Bath City, the Council has considered the evidence from a range of other sources including a recent housing stock

modelling survey carried out by the Building Research Establishment, and believes that there is a case for a Bath City wide Additional HMO Licensing Scheme.

The scheme would include all Houses in Multiple Occupation (HMOs) in the designated area of Bath City that are not already subject to mandatory licensing (or exempted by the relevant sections of the Housing Act 2004), subject to the exception below:

Exceptions:

1. Buildings converted entirely into self-contained flats (s257 HMOs), although the individual flats maybe licensable in their own right.
2. 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.

A map of the designated area of Bath City is shown in the annex to this report (Scheme design of the proposed additional HMO licensing scheme for Houses in Multiple Occupation (HMOs) in Bath City) and a list of the wards within the designated area.

The council believes that introducing Additional (HMO) licensing in Bath City will:

- Ensure that properties are managed properly
- Improve communities across the designated areas
- Reduce complaints of poor housing conditions, noise, rubbish, overgrown gardens, and disrepair related to private rented sector housing (PRS)
- Ensure that the licence holder and property manager are suitable
- Ensure that the standards of accommodation provide a safe and healthy environment (such as having adequate fire, gas and electrical safety, suitable room sizes and adequate kitchens/ bathrooms for the number of tenants)
- Identify the location of HMOs and the name and contact details of landlords responsible for them.

The benefits of licensing

The aim of the scheme is to lead to an improvement of the management and property conditions across the designated area through engagement with HMO owners and managers. Members of B&NES Housing Standards and Improvement Team will carry out inspections of licensable HMOs, be available to offer advice and support to both landlord and tenant and enforce licensing and other legal requirements. Licensing of privately rented properties, albeit often unpopular, can provide benefits to tenants, landlords and the wider community.

The benefits of licensing for landlords

- All landlords will receive information and support to help them meet legal requirements for safety and management
- Landlords whose properties currently meet legal standards will operate in the knowledge that all HMOs in the area will have to do likewise
- Greater ability for the landlords to set out what is expected of tenants
- Improvement in the reputation of private landlords.

The benefits of licensing for tenants

- A clear set of rules that all landlords must follow
- A landlords code of good management practice
- Inspections and follow up to ensure that minimum standards for rented housing are met.

The benefits of licensing for the community

- Better managed rented HMO housing
- Reduced environmental problems, such as litter and overgrown gardens
- Protect vulnerable people who may currently live in poor condition properties
- Public register means that landlords of problem HMOs can be contacted by neighbours directly to deal with concerns.

2. Statutory requirements for designation

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).

3. Evidence

Evidence that a significant proportion of the HMOs in Bath City 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.

The totality of evidence shows a significant level of health and safety hazards and disrepair experienced by the occupants of 3,159 HMOs and impact felt by residents within Bath City.

Having reviewed the data across the proposed areas and sought legal advice, Bath and North East Somerset Council is of the opinion that the legal test for designating Bath City for Additional (HMO) Licensing has been met. The evidence is summarised below.

3.1 The presence of housing health and safety hazards within HMOs located in the Bath City results in an adverse impact on the occupants.

- Council inspection of HMOs at the start of the existing Additional HMO Licensing scheme found significant HHSRS hazards for 31% of properties. A similar rate of hazards is likely to be found elsewhere in the City irrespective of the geographical area covered (R1).
- Table 1, A Comparison of Category 1 hazards in the Private Rented Sector for HMO and non HMO dwellings, shows a significant level of hazards and disrepair in HMOs across Bath City and for many wards a higher level of hazards in HMOs than non HMOs (R4).

3.2 A significant proportion of service requests received by Housing Services over the last 4 years are from occupants of HMOs.

- 440 or 25% of all service requests come from HMO occupants (R3).

3.3 Residents report a negative impact of HMOs and there is significant support from landlords and residents for HMO Licensing within the existing licensing area.

- Nearly all residents not living in HMOs responding to an online/postal survey in September 2017 felt HMOs should be licensed by the council and reported a negative effect on their local area from rubbish, noise, poor garden maintenance, property condition, and overcrowding (R1).
- Around half of residents not living in HMOs responding to a door step survey in 2017 reported a negative effect of HMOs in their area (R2).
- Nearly half of landlords with licensed HMOs in the additional licensing area supported the scheme continuing (R1).

Table 1: A Comparison of Category 1 hazards in the Private Rented Sector for HMO and non HMO dwellings

	Non HMO				HMO		
Ward	Number	% C1	% Disrepair		Number	% C1	% Disrepair
Abbey	2879	16	9		110	43	16
Bathwick	537	7	4		28	32	4
Combe Down	359	13	4		69	17	10
Kingsmead	1518	13	8		258	26	11
Lambridge	468	12	4		77	22	12
Lansdown	1345	14	6		69	23	22
Lyncombe	2113	16	4		70	14	11
Newbridge	2401	13	4		121	26	11
Oddown	348	10	3		87	14	7
Oldfield *	233	17	5		536	0	10
Southdown	224	11	3		57	14	9
Twerton	342	19	4		110	17	8
Walcot	1228	9	8		202	24	7
Westmoreland *	971	10	6		800	0	8
Weston	397	14	6		80	11	0
Widcombe *	805	14	10		485	0	8

* Existing Additional (HMO) Licensing scheme

3.4 There are significant concentrations of HMOs within many areas across the whole of Bath City.

- A recent study indicates the presence of 3159 HMOs within the Bath City boundary. The maps below show the distribution of HMOs at census output area level with shading for areas with 7 or more HMOs and areas with a concentration of 4% or more respectively. There are significant numbers of HMOs distributed across the whole of Bath City (R4).

References:

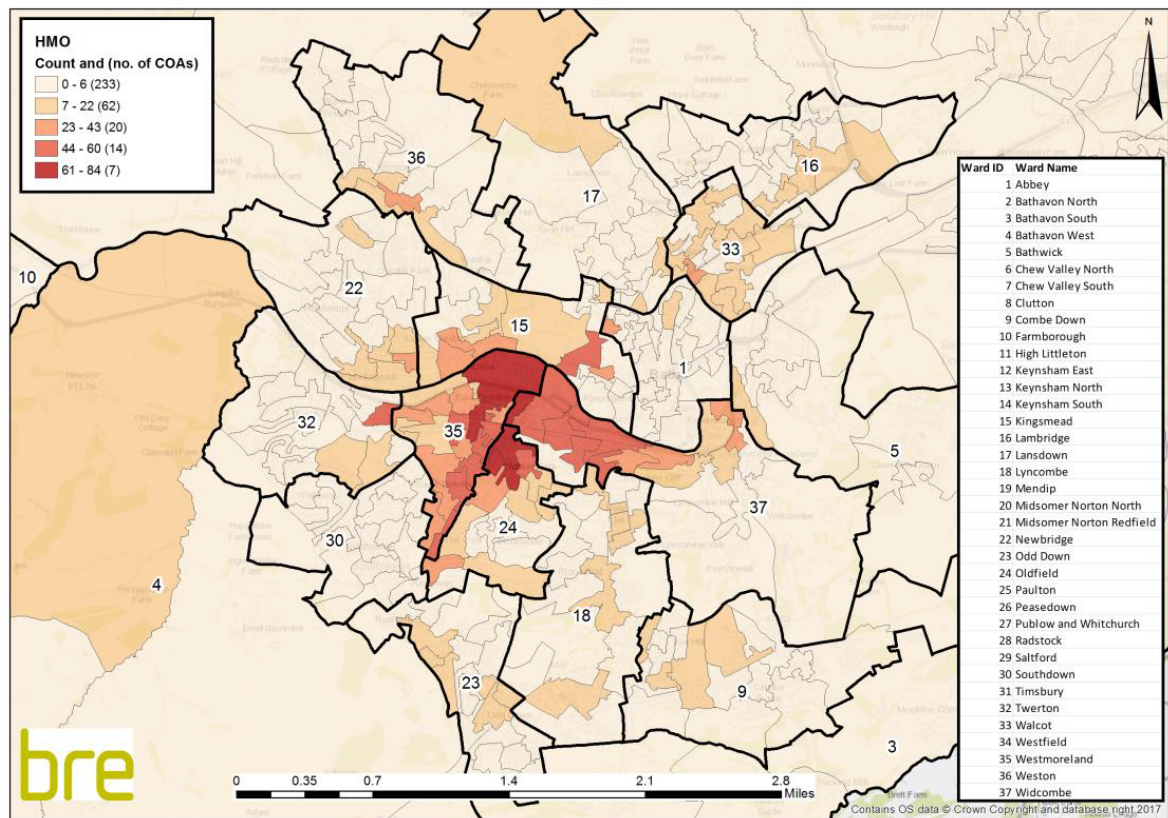
R1. Review of the 2014 Additional HMO Licensing Scheme

R2. Door Step Survey Residents Views 2017

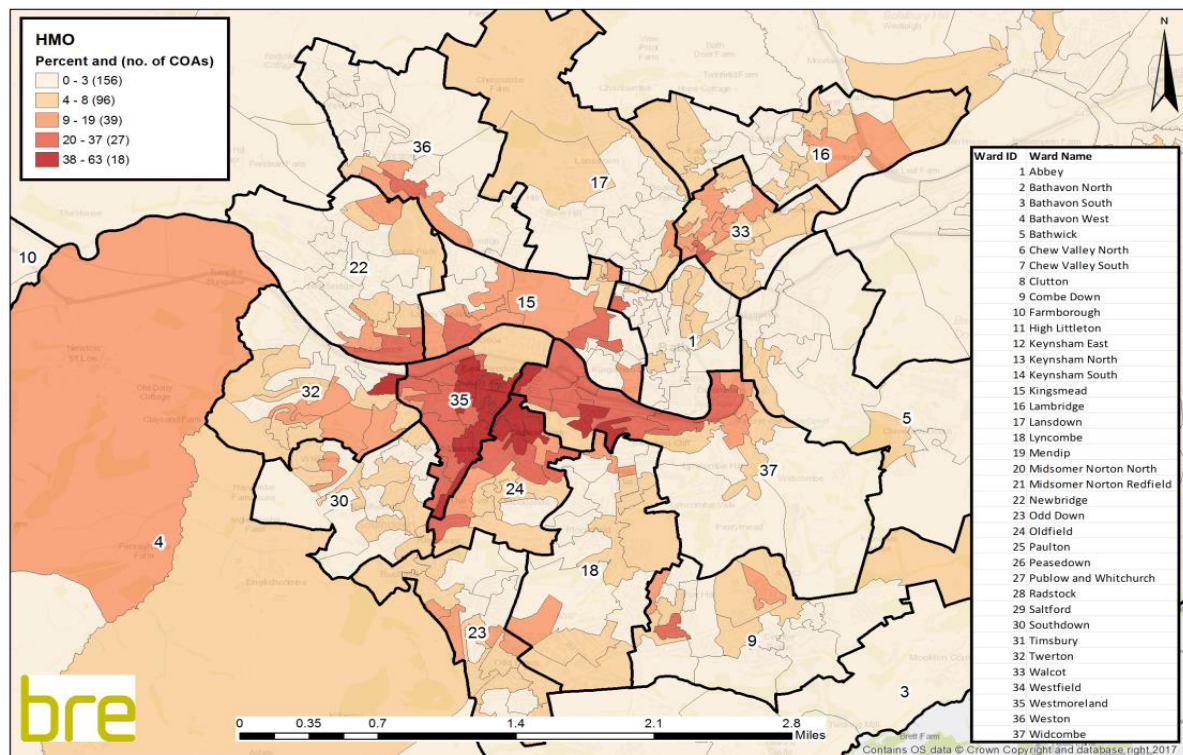
R3. Local Information HMOs 2017

R4. BRE Integrated Dwelling Level Housing Stock Modelling and Database for Bath and North East Somerset

Map 1 Count and number of HMOs within a census output area



Map 2 Percentage of HMOs within a census output area



4. Consultation

The Housing Act 2004 requires that before making a designation, the Council is required to undertake a formal consultation process on the proposed implementation of any licensing designations and take reasonable steps to consult with persons likely to be affected. This includes local residents, tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation and neighbouring areas that may be affected.

A 10 week public consultation began on 16th March 2018 and ended on the 25th May 2018. To provide an impartial consultation, M·E·L Research, an independent research agency were commissioned to carry out the consultation process. A copy of the full Consultation Report is provided at Appendix 2.

This consultation explained the background evidence to support the proposal to improve the management of Houses in Multiple Occupation (HMOs) in Bath City through an additional HMO licensing scheme, the proposed details of the scheme and how it could work in practice. The Council invited responses to this consultation from individuals, and major stakeholder groups including tenants, local residents, landlords, agents, organisations and other members of the community who live or operate businesses or provide services within the proposed designation and neighbouring areas that may be affected.

The findings of the consultation were considered and have informed the review of options, the proposal contained in this report and the design of the scheme proposed.

4.1. Outline of the headline findings

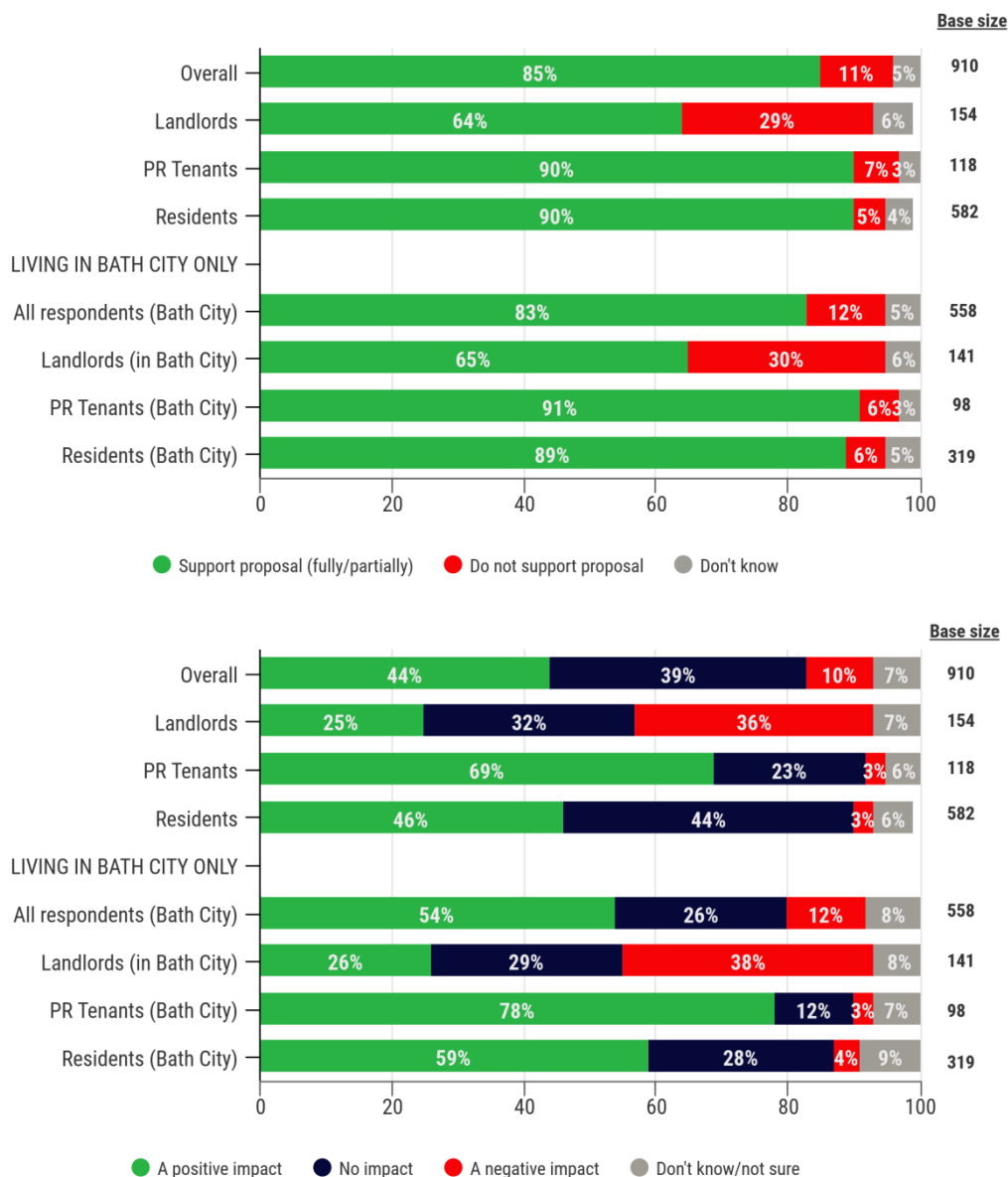
This summary shows the headline findings from a consultation that was undertaken in Bath and North East Somerset on a proposal to introduce Additional (HMO) Licensing in Bath City.

In total, 910 respondents took part in the survey with further feedback gathered from two public meetings, stakeholder interviews and written responses. The consultation period spanned 10 weeks (16th March to 25th May 2018).

The main methods of consultation were an online survey and a door to door residents' survey with a representative sample of residents from across the local authority area, undertaken by M·E·L Research.

Proposal for Additional (HMO) Licensing in Bath City

Headline responses to Additional (HMO) licensing proposal (overall/ by respondent group)
Support for proposal and impact of proposal respectively.



4.2. Support for an Additional (HMO) Licensing scheme in Bath City

Support for an Additional (HMO) Licensing scheme is very strong, with over eight out of ten (85%) respondents in support of the Scheme and more than four out of ten (44%) feeling it will have a positive impact on them as individuals. Although impact is not as high as the levels of support for the scheme, licensing may not affect them personally.

When we look at support for Additional (HMO) Licensing by the different respondent types, we find that:

- Residents and private rented tenants across BANES are very supportive of the scheme (both groups 90% in support), with almost seven out of ten private rented tenants (69%) and 44% of residents feeling it will have a positive impact on them. The differences are likely to be that residents may not see a positive impact to them personally because of licensing, whereas it is much more likely to have a direct impact on tenants.
- Residents and tenants who live in Bath City are more positive about the impact that licensing will have on them than results across the whole of BANES, with 78% of private rented tenants and 59% of residents feeling it will be positive.
- Landlords are less in favour of licensing; almost two thirds (64%) are still in support, whilst around three out of ten (29%) say they do not support it. Over a third of landlords (36%) say it will have a negative impact on them. In contrast, a third (32%) say that it will have no impact on them and a quarter (25%) feel it will have a positive impact. This could be because they may not be within the Bath City area or because they feel they already comply with the licence conditions.

Around six out of ten (63%) believe the **licence fee is reasonable**, whilst just under three out of ten (29%) feel the licence fee is unreasonable.

- Private rented tenants and residents are again most positive about the licence fee, with 75% and 71% respectively saying it is reasonable.
- Landlords are significantly more negative, with around six out of ten (61%) saying it is *unreasonable*.

Eight out of ten respondents (80%) agree that the **licensing conditions are reasonable**, and that they will help improve the standard of HMO properties in Bath City.

- Both residents and PRS tenants are supportive of the conditions (86% each feel they are reasonable).
- Landlords aren't as positive, though around six out of ten (61%) do agree the conditions are reasonable, whilst 29% do not agree.

4.3 Dealing with HMOs on a reactive basis (keep things as they are)

The consultation gave respondents the opportunity to say whether they prefer that the Council deal with HMOs on a reactive basis (i.e. when issues are reported).

Over six out of ten (63%) do not support the Council taking a reactive approach, whilst only a quarter (26%) are in support.

- Landlords are more supportive of dealing with HMOs on a reactive basis (54% in support) than residents (15% in support and 75% against) and private rented tenants (55% against).

Over half of all respondents (55%) feel that the Council taking a reactive approach will have no impact on them as individuals, whilst a quarter (25%) feels it will have a negative impact on them.

- Landlords are more positive than others, with 21% saying it will have a positive impact on them, although 57% feel it will have no impact.
- Private rented tenants are slightly more negative, with a third (31%) saying it will have a negative impact on them. However, 45% feel it will have no impact.

4.4. Feedback from the public meetings

Attendance was mainly by landlords and agents. Although most do not support licensing, there is some agreement that something is needed and that licensing does help to improve standards. A number of landlords were concerned about the increase in fees from the previous scheme and questioned why this would be the case (economies of scale used as the reason). Some questioned the conditions putting the onus on landlords to deal with rubbish/litter issues, they felt it was unfair and unjustified as tenants are the ones that live in the properties.

Some queried the evidence used for the business case – some of the figures in the background document need further clarification and some more detail on what the existing scheme has achieved. Others felt that rogue landlords won't be found through the scheme itself, and that licensing is another penalty on landlords that they are being forced to suffer, firstly by national policy and now at a local level.

Some wanted some further information on how the scheme costs have been calculated in terms of the resources needed, such as the number of staff needed for inspections/licensing and whether it will be feasible to have them in place by January 2019.

4.5. Stakeholder views

Other stakeholders, such as landlords, agents, third sector organisations and Avon and Somerset Fire and Rescue, are generally supportive of something being done to create a level playing field for HMO properties in Bath, with the majority in support of the Council's proposal. The majority feel that Bath City and HMOs are the correct focus for a scheme, although some query why other housing in the private rented sector is not also being targeted. Others think that the Council should really focus their efforts on finding bad properties and landlords rather than waste time on licensing. Landlords and agents generally feel that the licence fee should be lower or there should be much greater incentives for those who comply, whilst those that don't comply and need more inspections/support from the Council should have to pay more. However, one agent feels that there are lots of landlords who simply are ignorant about what they need to do as landlords, never mind understand licensing and whether they need a licence or not.

Most stakeholders feel that fees will be passed onto tenants, but the impact of these will be minimal on most renters, other than those on the Local Housing Allowance, who will be affected most with rising rental incomes across the market more generally as a result of standards being raised. There is concern amongst many landlords about the licence conditions including things like rubbish and litter which are significant problems for HMOs but where landlords have very little influence over. Some suggest that the Council needs to make tenants, not landlords, more accountable for these issues and things like gardens, whilst there should be more support for HMOs around waste disposal in general, such as more frequent collections or more communal bins for areas where there are large numbers of HMOs.

4.6. Changes following consultation

The key findings of the consultation are summarised below with scheme changes taken in response. The main themes of comments resulting from the consultation are also summarised in the Table 2.

- Fee reduction where less work required by the Council – the fee for mandatory licence renewals, or additional licence applicants who have held a licence for the property which is subject to the application under the 2014 – 2018 Additional HMO Licensing Scheme, will be significantly reduced. The fees are outlined in the Housing Services Charging Policy 2018;
- Further support for landlords in dealing with the requirements of licencing. Further support will be explored including:
 - Limited use parking permits
 - Initiatives to support garden maintenance
 - Limited use of the Council's waste and recycling site at resident rate
- Regular updates on legal requirement – quarterly updates will be provided to all HMO Licence Holders.
- Improved guidance on the Council website – the content will be reviewed and updated.
- A single point of contact for applicants available – The inspecting officer will be the default point of contact for officers.
- Increased requirements in relation to waste and recycling storage – the licensing condition has been modified to incorporate improve the appearance of waste and recycling storage.
- Greater responsibility for tenants to manage areas in their control more effectively - Undertaking of good practice to be signed and supplied to all tenants.
- More enforcement of licensing conditions - Increased compliance monitoring by Housing Services enforcement officers

Table 2: Comments and response to a public consultation on a proposal for Additional HMO Licensing for Bath City

	Comment	Response	Action
1	Overall support for the scheme	Support for the proposal encouraging	Recommend the proposal for a Bath City Additional Licensing Scheme with modifications
2	Reduced housing availability and increased homelessness	There are a number of factors which influence these in particular the increase in the number of HMOs.	No changes in proposal. Council has made planning policy changes to help control HMO density.
3	Increased rents	The evidence for this is not clear as the increase in rents tends to mirror the price of houses	No changes as direct result of this comment
4	The scheme is money making for the Council	Legislation requires that all fee income is used to fund the administration of the scheme	No changes in the proposal as a result of this comment
5	Overall support for the scheme design. Also support for licensing all rented homes.	Support for design encouraging. Legislation does not currently support licensing of all rented homes	Recommend proposed design with modifications
6	The cost of the licence should vary according to the work required by the Council.	The principle of this is accepted and has been incorporated in a practical and simple way	Significant fee reduction for licence renewals
7	Tenant responsibility for keeping waste and gardens tidy should be recognised	Responsibility of tenants under the HMO Management Regulations is acknowledged	Undertaking of good practice to be signed by all tenants and given a copy
8	The minimum room size of 6.51m ² floor area unrealistic	This is a new statutory requirement. The Council are unable to use discretion here	Additional guidance will be provided on the measurement of bedrooms and allowable space.
9	Rubbish and litter are a big issue in some areas	Good management and licensing conditions are intended to minimise problems with waste, recycling and overgrown gardens	Increase monitoring and enforcement visits will take place in areas containing a high density of licensed HMOs

10	Insufficient information on scheme costs and business case	A breakdown of costs income is provided in the consultation document.	No changes in the proposal as a result of this consultation
11	Further support for should be provided in order to support landlords comply with licensing requirements	The role of the scheme to include support for landlords to comply is accepted and will continue. Additional support will be considered	Updated web based guidance and an online application form has been introduced. Further support initiatives will be explored.
12	Evaluation of existing scheme not clear on whether 31% of hazards identified were minor or major failings	The 31% of HMOs found to have HHSRS hazards on pre licensing inspection is a major failing as they do not meet the minimum statutory standard	No changes in the proposal as a result of this comment
13	Proposal should include targets for what the Council aim to achieve	The proposal includes a section on the objectives of the scheme	No changes in the proposal as a result of this comment
14	There are insufficient waste containers supplied by the Council	Waste service will discuss requirements for containers with HMO landlords	Provide additional guidance on Waste Services in relation to waste and recycling containers for HMOs
15	Council should help landlords deal with ASB	We will work with Student Community Partnership and other departments	Protocol with Student Community Partnership will be developed
16	Some fire safety and carbon monoxide (CO) requirements not needed	Fire safety requirements are agreed with AFB, CO requirements relate to rooms with combustion appliance	No changes in the proposal as a result of this comment
17	How will the Council find rogue landlords?	Our address level database identified potential HMOs using a range of information sources	Following the initial stages of implementation suspected unlicensed HMOs will be investigated.
18	Enforcement is sometimes inconsistent	Consistency procedures are in place but there is always room for improvement	Procedures will be reviewed and modified to improve consistency

5. Evaluation of options

The Proposed Additional HMO Licensing Scheme for Bath City

5.1. An Additional HMO Licensing scheme for Bath City as recommended in the public consultation.

How licensing fits with Bath and North East Somerset Council's strategies

The Additional (HMO) Licensing proposal is consistent with the Council's overall housing strategy, including:

- The Council's Economic Strategy (2014-2030) states that it is B&NES's aim that the "local housing market is balanced and integrates a choice of high quality homes including affordable homes in thriving vibrant, sustainable communities" and that B&NES will "enforce minimum standards in rented housing and offer guidance". The enforcement of minimum standards is particularly important now that the private rented sector makes up 27% of the housing stock (21,000 properties) and that recent stock modelling indicates that 21% of the HMO stock falls below the minimum statutory housing standard.
- The Council's Homelessness Strategy (2014-2018) in which includes a priority to "Protect housing standards and conditions in low cost private rented housing". HMOs offer the most affordable housing option for a significant proportion of B&NES residents. Licensing will make it possible for all HMOs to be inspected and brought up to the required standard if necessary.

Co-ordination with other broader functions

The additional licensing proposal will co-ordinate with, and support, a range of broader corporate functions, including:

- Housing options advice and homelessness prevention. Welfare reform means that multiple occupancy accommodation is likely to become the realistic housing option for more people, particularly those on lower incomes. Additional (HMO) licensing will help to ensure minimum standards of safety and management are achieved in this type of accommodation allowing this resource to be used more effectively.
- The Council's 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 brought up to the minimum statutory standard where required.
- Knowledge of HMOs addresses and contact details of landlords/HMO managers will help Waste Services to reinforce the information and key messages provided to tenants and landlords for waste collection arrangements, times and reporting problems. The licence condition on arrangements for recycling and rubbish assists with waste and recycling initiatives and to improve the appearance of streets containing HMOs.
- Knowledge of HMOs addresses and contact details of landlords/HMO managers allows the Council to more effectively deal with incidents of nuisance including noise, overgrown gardens and pests. This work will be assisted by the licencing conditions and information held on the public register of licence holders.
- An accurate knowledge of HMOs addresses supports and informs HMO Planning decisions, which are based, at least in part, on the concentration of HMOs within the locality.

- The availability of HMO licence holder details supports transparency and community engagement allowing those responsible for the management of an HMO to be contacted by a member of the public if problems occur.

Making the designation will significantly assist in dealing with the problem

The designating the City of Bath as an Additional HMO Licensing Area will significantly assist in dealing with the problems of poor condition and management in a significant proportion of HMOs because:

- It will identify the location of HMOs and the name and contact details of landlords responsible for them.
- Inspections of all licensed HMOs will ensure that the standards of accommodation provide a safe and healthy environment (such as having adequate fire, gas and electrical safety, suitable room sizes and adequate kitchens/ bathrooms for the number of tenants)
- Conditions attached to HMO licenses will help to ensure that properties are managed properly, including waste, recycling, and overgrown gardens.
- It will ensure that the licence holder and property manager are suitable.

Alternatives to licensing

The Council has considered whether there are any courses of action, other than Licensing, to deal with the problems associated with some HMOs and that might achieve the same objectives in the proposed area.

The following alternative options have also been considered including following comments made as part of the public consultation.

5.2 Targeted proactive enforcement

This option would require information on the location and condition of all HMOs to enable targeting to take place on the scale needed for an effective improvement scheme. The Housing Stock Modelling carried out by the BRE provides an indication of the location of HMO addresses but not with the required accuracy or quality to priorities enforcement work. A Council funded pro-active enforcement programme to inspect all HMOs is not viable in the current financial climate.

5.3 Reactive house condition inspections and enforcement

Reactive enforcement is a course of action that will continue and will run alongside additional licensing as it already does with mandatory HMO licensing. 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 despite the new protections that exist. They may also lack awareness and knowledge on how and when to seek help.

Responses to the public consultation show over six out of ten (63%) do not support the Council taking a reactive approach, whilst only a quarter (26%) are in support. Landlords are more supportive of dealing with HMOs on a reactive basis (54% in support) than residents (15% in support and 75% against) and private rented tenants (55% against).

5.4 Voluntary initiatives

In the past, the Council have operated a voluntary property accreditation scheme. It was successful in improving a significant number of properties; however, being voluntary it only attracted those landlords keen to ensure they met legal safety and management standards. It did not find and engage with landlords of the potentially poor quality properties and who were not concerned about meeting current safety and management standards or unwilling to become known to the Council. As such experience shows that Accreditation will only attract the good landlords wishing to engage voluntarily and so will not improve the sector as a whole.

To assist those landlords who want to provide safe and good quality properties, B&NES in conjunction with its West of England Partners, operates a Rental Standard which endorses providers of accreditation schemes who require their members to meet certain standards. The voluntary scheme aims to recognise good practice and improve standards in the private rented sector by engaging with landlord and agent associations and representative bodies. By endorsing the professional organisations that already accredit landlords and are well respected the West of England Rental Standard is expected to be effective in promoting good practice across the private rented sector.

5.5 Mandatory HMO licensing only

Mandatory licensing only covers the larger HMOs with shared facilities (3 or more storeys with 5 or more people). It does not cover the majority of HMOs most of whom house less than 5 people or are only 2 storeys high and which can still pose risks to tenants. The scope of mandatory HMO licensing will change on the 1st of October 2018 to include HMOs with 5 or more occupants, regardless of storeys. However, this will not include those HMOs with 3 or 4 occupants.

5.6 Additional licensing designations to cover smaller or larger areas

The evidence currently points towards Bath City as benefiting most from an Additional HMO Licensing scheme. Other options where the evidence supports HMO Licensing include a further scheme covering the existing Additional Licensing area of Westmoreland, Oldfield and Part of Widcombe and a scheme covering the existing Additional Licensing area plus the surrounding wards of Twerton, Newbridge and Kingsmead.

The designation of a further scheme in the existing additional HMO licensing area was questioned in at least one of the consultation responses on the basis that the property standard and management should now be adequate. This is a reasonable challenge; however, compliance and complaint inspections have shown that management of a proportion of properties deteriorate over time unless regular checks are made. Further the sale and resale of HMOs in this area is high resulting in new landlords who may change the layout, facilities or the management of properties in a way which does not comply with the law.

5.7 Local authority partnerships and discounts

To assist those landlords who want to provide safe and good quality properties, B&NES in conjunction with its West of England Partners, operates a Rental Standard which endorses providers of accreditation schemes who require their members to meet certain standards. The voluntary scheme aims to recognise good practice and improve standards in the private rented sector by engaging with landlord and agent associations and representative bodies. The purpose of the Rental Standard is to help those landlords who want to follow good practice in managing their properties. However, the Rental Standard is not intended to ensure compliance with legal standards and the features of individual accreditation schemes vary. There would remain a need for properties with no link to a scheme to be identified and inspected by the Council which is problematic and not viable given the costs which would be incurred.

One of the consultation responses suggested significant discounts for landlords who became members of an approved accreditation scheme on the basis that properties they manage would not require the same level of attention as others. However, in practice this may not be the case and without an inspection the level of compliance with legal standards of safety and management would remain unknown presenting an unacceptable risk to the tenants and the local community.

5.8 Selective licensing

Subject to satisfactory evidence of meeting the legal criteria, selective licensing for all privately rented accommodation within a defined area by the Council could be a possibility. This option has not been explored in detail to date given the focus on HMOs.

5.9 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. This option was raised in a consultation response, however, 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.

5.10 Support for landlords, tenants and residents

B&NES Council Housing Standards and Improvement Team provide help and support to landlords and tenants on meeting legal requirements for the safety and management of residential property through website resources, over the phone, in person and during site visits. The Housing Options and Homelessness Team provide advice on harassment, eviction and legal matters as well as prevention of homelessness and facilitating and supporting private tenancies through the Homefinders scheme. This support is provided alongside all of the above options.

6. Scheme design

6.1 Scope of the scheme

The scheme would include all Houses in Multiple Occupation (HMOs) in the designated area of Bath City that are not already subject to mandatory licensing (or exempted by the relevant sections of the Housing Act 2004), subject to the exception below:

Exceptions:

- 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.

A map showing the extent of the Additional (HMO) Licensing scheme for Houses in Multiple Occupation (HMOs) across the whole of Bath City is shown in the Annex - Scheme design of the proposed additional HMO licensing scheme for Houses in Multiple Occupation (HMOs) in Bath City.

The B&NES wards included in the designation are:

Abbey, Bathwick, Combe Down, Kingsmead, Lambridge, Lansdown, Lyncombe, Newbridge, Oddown, Oldfield, Southdown, Twerton, Walcot, Westmoreland, Weston, Widcombe.

Licensable HMOs that would be included in the scheme would have 3 or more occupiers from 2 or more households where there is sharing of a basic amenity such as a bathroom, WC or kitchen, regardless of the number of stories.

Licences are non-transferrable; therefore a change in ownership or control of an HMO will require a new application and fee payment.

6.2 Duration of the scheme

The scheme would run for a period of 5 years, commencing 1st January 2019, during which the Council would undertake a review of the scheme. At the end of the 5 years the scheme ceases to exist unless the Council designate a further scheme following and appraisal of the evidence of need and public consultation exercise.

6.3 Objectives of the scheme

The objectives of the scheme are to achieve:

- minimum standards of safety and welfare or better for HMO residents;
- effective and appropriate management of HMOs;
- a reduction of the impact of poorly managed HMOs on local communities;
- the provision of support for landlords and agents to meet their objectives;
- high levels of compliance with licence conditions; and
- effective enforcement of the scheme.

The Council is committed to ensuring that the Additional (HMO) Licensing scheme contributes to improvements in housing conditions across the private rented sector

6.4 Annual review

The aspects of the scheme will be reviewed annually for the purpose of optimising the benefits of HMO licencing.

6.5 Property inspections

The Council intends to inspect all licensable properties over the period of the licence. All newly licensable HMOs will receive an inspection before the issue of a licence.

Properties which are currently licensed under the existing Additional (HMO) Licensing scheme will need to apply for a new licence, but will not be inspected before the licence is granted.

The Council will provide advice and support to landlords to help to bring property condition and management up to the required standards to meet legal requirements.

All licensable HMOs will be inspected at least once during the 5 year licensing period and further risk based compliance inspections will take place as required.

6.6 Licence conditions

Additional (HMO) Licensing operates in the same way as mandatory (HMO) licensing and has the same legal status and penalties for non-compliance. Landlords will need to abide by a set of conditions as part of their licence which are given below. The conditions include the requirement to comply with the HMO licensing standards. These are updated periodically and the licence will specify any property improvements required to comply with the current standards. The following changes have been made to the scheme conditions following consultation and as a result of developments in legislation and sector good practice:

- Carbon monoxide detectors in all rooms with a combustion appliance
- Energy performance to be rated E or above in line with legal requirements

- The latest version of the HMO Licensing Standards has been updated and amongst other changes includes the new statutory minimum space standard of 6.51m² for a single room with a minimum height of 1.5m.
- Rubbish and recycling containers are now required to be kept with lids fitted in a designated area within the curtilage of the property.
- A copy of the written fire risk assessment is to be provided
- The undertaking of good practice for landlords and tenants is now required to be signed by all tenants and a copy provided to them

The licence conditions and standards are provided in the annex at the end of this report.

6.7 Enforcement and monitoring

Enforcement action may be taken against landlords found to be operating an unlicensed HMO covered by the scheme or failing to comply with licence conditions. The Housing Standards and Improvement Team will carry out a programme of proactive compliance inspections of licensed HMOs. A firm approach to compliance will be taken. Enforcement action will be proportionate to the circumstances of the case and in line with the Housing Services Enforcement Policy.

6.8 Resource implications

The administration of the scheme including the application process, inspections, compliance monitoring and providing advice and support to landlords for HMO licensing will require additional Council resources. The costs of the scheme including staffing costs will be funded by HMO license application fee income.

6.9 Licence application and fees

It is the Council's intention to make the application process for landlords as streamlined as possible. Online applications and payment will be the preferred method, keeping processing costs at a minimum and therefore a discount is proposed for this method.

The applicant may pay the processing fee with the application and the balance on issue of the proposed licence, or alternatively, the full fee with the application.

The application process includes determining if the landlord or proposed licence holder is a 'fit and proper' person. This requires the declaration of any unspent convictions, unlawful discrimination and prosecutions under housing, public health, environmental health or landlord and tenant law. A new requirement will be a basic disclosure obtained from The Disclosure and Barring Service to be provided with the application. The Licensing Team will make checks into a person's 'fit and proper' status.

The following documents will also be required:

- Current gas certificate
- Current electrical certificate
- EPC
- Layout plan to show the number and arrangement of rooms and facilities

In setting licence fees, the Council will ensure that the fee income does not exceed the costs of running the scheme, including the processing of applications, monitoring compliance and enforcing the scheme.

The HMO licence application and other fees are included within the Housing Services Charging Policy.

HMO licence applications from existing licence holders for properties currently licensed under an existing scheme will be classed as renewals and receive a reduction in the application fee proportionate to the cost saving to the Council. These properties will not be inspected before the issue of the licence and instead will receive a compliance inspection early in the life of the scheme.

Refunds will be given if an application was made in error. For further information please see the HMO Licensing or Housing Services Charging Policy Section the Council's website. A summary of the fees which would apply at the start of the scheme are given in the Annex at the end of this report.

Licences are non-transferrable; therefore a change of licence holder will require a new application and fee payment. A review of fees will be undertaken annually and they may be adjusted to reflect changes in costs.

6.10 Incentives

The standard fee is discounted by £50 for an online application, electronic correspondence and with the required valid additional supporting documents attached. This reflects the time saved in processing an online form and having all the necessary information submitted with the application.

Annex: Scheme design of the proposed additional HMO licensing scheme for Houses in Multiple Occupation (HMOs) in Bath City

Contents

1. The Additional HMO Licensing Area for Bath City
2. HMO Licensing Standards
3. HMO Licensing Conditions
4. HMO Licensing Fees
5. Risk assessment

1. Map of the Additional HMO Licensing Area

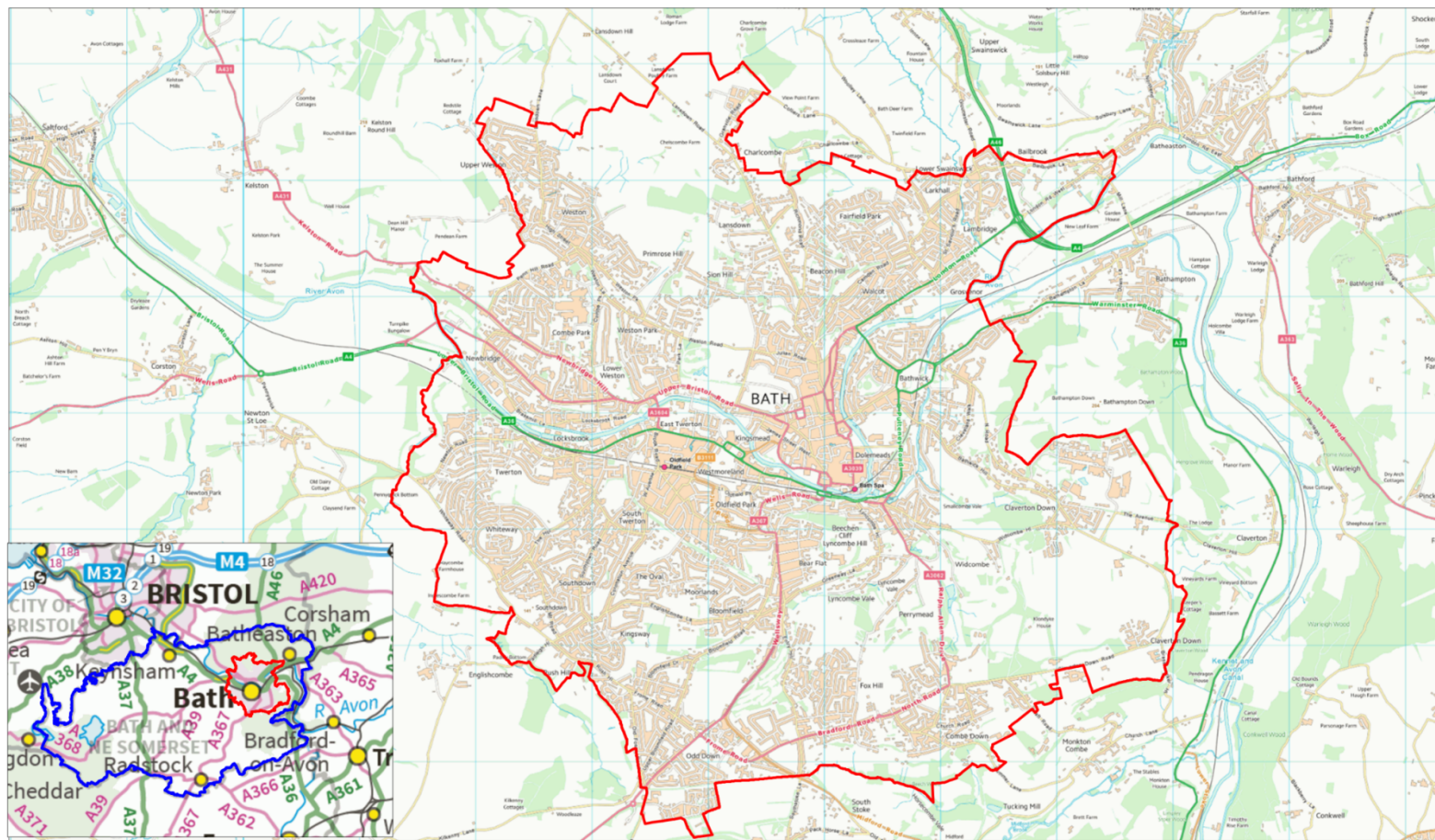
Bath Proposed HMO Additional Licencing area

Compiled by MRL on 27 February 2018

Scale 1:45000



Bath & North East Somerset Council
Lewis House
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License number 100023334

List of all wards included in the proposed additional licensing area

1. Abbey,
2. Bathwick,
3. Combe Down,
4. Kingsmead,
5. Lambridge,
6. Lansdown,
7. Lyncombe,
8. Newbridge,
9. Oddown,
10. Oldfield,
11. Southdown,
12. Twerton,
13. Walcot,
14. Westmoreland,
15. Weston,
16. Widcombe.

2. Proposed licensing standards

The Bath and North East Somerset Council standards for licensed Houses in Multiple Occupation (HMOs) under Part 2 of the Housing Act 2004 (8th August 2018)

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 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.
4. The additional amenity standards indicate how the B&NES Council working with 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 Bath and North East Somerset Council working with 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 the standards are not met 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 but can be used as a guide.
8. All licensed HMOs will be subject to an assessment using the Housing Health and Safety Rating System (HHSRS) under Part 1 Housing Act 2004 and the applicable HMO management regulations. As a 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 the Council cannot apply a blanket set of standards for all HMOs in its district. The Council should take account of the individual circumstances of the HMO in question, particularly in respect of those standards that are not prescribed by legislation.
10. It is recommended that the Council is consulted prior to undertaking works.

**HMO Licensing Standards
for facilities provided for shared and exclusive use**

Personal washing and toilet facilities

Location, size and condition	General	<p>All facilities should be located in rooms of an adequate size and layout within 2 floors of any bedroom and accessible from communal areas unless provided as en-suite facilities for the exclusive use of that occupant. Facilities should be inside the building.</p> <p>All baths or showers, toilets and wash hand basins should be of an adequate size and be provided with an adequate water supply, necessary fittings, drainage and be in a satisfactory condition to enable thorough cleaning. Constant hot water at a suitable temperature to be provided to baths / showers and wash basins. Baths or showers and wash hand basins should be properly sealed into wall surfaces and have 300mm of tiled splashback (or equivalent). Bathrooms and toilet compartments should be of an adequate size and layout.</p>
Wash hand basins	Shared use	<p>To be provided either within each individual unit of accommodation or within each shared bathroom and compartment containing a toilet (see table below).</p> <p>Within each room and compartment containing a toilet.</p>
	Exclusive use	<p>Within each room and compartment containing a toilet.</p>
Baths or showers and toilets	Shared use	<p>Where there are four or fewer occupiers sharing there must be at least one fixed bath or shower and a toilet (which may be situated in the bathroom). Where there are five or more occupiers sharing there must be at least a fixed bath or shower for every 5 occupants (or part of) and where reasonably practicable at least one toilet separate to the bathroom for every 5 occupants (or part of). A further complete bathroom would be acceptable in place of a separate toilet. See table below as to how this standard can be met.</p>
	Exclusive use	<p>A fixed bath or shower and a toilet.</p>
Ventilation	General	<p>Bathrooms to have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any window(s).</p> <p>Each toilet in a separate compartment is required to have a window equivalent to 1/20th of the floor area or mechanical ventilation to the outside air at a minimum extraction rate of 6 litres/second.</p> <p>Ventilation should not be obstructed externally.</p>
Heating	General	<p>A fixed heating appliance in each bath or shower room sufficient to minimise condensation and provide thermal comfort.</p>

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</p>
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		<p>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 to be provided for up to 5 occupants (a dishwasher will be acceptable as a second sink) or within an individual unit of accommodation. For 6 occupants a 1 ½ bowl sink will be acceptable.
	Exclusive use	A sink with constant hot and cold water, tiled splash back and a draining board.
Cookers	Shared use	<p>A cooker with a 4 ring hob, oven and a grill for every 5 occupants or part of.</p> <p>For occupancies of between 6-9 persons, a 27litre microwave with oven and grill will be acceptable as a second cooker.</p> <p>Alternatively, these provisions could be provided within an individual unit of accommodation.</p>
	Exclusive use	<p>A cooker with a 4 ring hob, oven and grill.</p> <p>A cooker with a 4 ring hob, oven and grill or a 2 ring hob, oven and grill together (positioned so that hobs are at worktop level) with a microwave will be acceptable in accommodation occupied by a single person.</p>
Electrical Sockets	General	Four suitably positioned (e.g. work top height) electric sockets are required plus one per major appliance (i.e. 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 ³ 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 ³ 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. Alternatively, provide a worktop height refrigerator with a freezer compartment within each individual unit of accommodation. Where room sizes permit, additional provision for refrigerators can be considered in individual rooms.
	Exclusive use	A worktop height refrigerator with a freezer compartment.
Refuse	General	Suitable and sufficient provision for household recycling and rubbish 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 includes the ability of occupants to escape from a fire avoiding any risk rooms such as kitchens or living areas.

The following fire precautions must be provided:

Fire detection (shared accommodation - not bedsits)	A Category LD3 Grade D fire detection system conforming to BS5839: Part 6. The system will normally include interlinked smoke detection in the circulation areas at each floor level, heat detection in kitchens, smoke detection in living room and any cellar. Grade D detectors will 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 with detectors in all risk rooms.
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 with 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 (self-contained flat in a converted house/block)	In addition to the fire detection required 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	An emergency lighting system to BS5266. Only required if: <ul style="list-style-type: none"> the building has 5 or more storeys, or the escape route is long / complex or,

		<ul style="list-style-type: none"> other risk factors are present.
Fire blanket		A fire blanket conforming to BS EN 1869 in each room containing a kitchen.
Fire doors		<p>All bedroom doors and doors onto hallways, circulation spaces and the means of escape in case of fire should be sound, well-constructed and close fitting.</p> <p>A fire door conforming to BS 476-22 is to be provided to each shared kitchen or bedsit containing a kitchen. Alternatively, for up to 2 storey HMOs occupied by 3-4 occupants, 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').</p>
Security locks		All locks on doors onto the means of escape and final exit doors to be capable of being opened/unlocked from the inside without the use of a key.
Fire precautions (hostels)		
Requirements determined jointly with Avon Fire and Rescue Service 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."		
High Risk Properties		
Additional fire precautions may be required in addition to those required in LACORS. Higher risk properties include: - bedsits, hostels, properties occupied by vulnerable tenants (alcohol/mobility or drug dependency), high occupancy level, properties with long or complex layouts or inner room arrangements and those where there is very poor confidence in management.		
Alternative fire safety works		
Alternatively, provide a fire risk assessment specifying alternative works 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."		
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 should 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 (e.g. in a shared house) is also regarded as a single household.
Family/household	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 person's 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 i.e. 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 1.5m)

Accommodation with facilities shared by occupiers

These standards apply where there is sharing of some or all facilities i.e. 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 ²	5m ²
Bedroom	6.51m ²	10.22m ²
Combined kitchen and living room	11m ²	15m ²
Combined bedroom and living room*	9m ²	14m ²
Combined bedroom, living room & kitchen	13m ²	19m ²

Where the room is shared by occupiers	Number of persons				
	1-3	4	5	6	7-10
Kitchen	5m ²	6m ²	7m ²	9m ²	11m ²
Total communal living space**	13.5m ²	17m ²	18m ²	20m ²	27.5m ²

* 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 i.e. 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) i.e.

- self-contained flats within HMOs.

	Number of persons				
	1	2	3	4	5
Bedroom	6.51m ²	10.22m ²			
Combined bedroom and living room	9m ²	14m ²			
Combined bedroom, living room & kitchen	13m ²	19m ²			
Kitchen	4m ²	5m ²	5m ²	6m ²	7m ²
Living Room	8m ²	11m ²	11m ²	11m ²	11m ²

Hostels

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

	Number of persons				
For exclusive use of occupants	1	2			
Bedroom	6.51m ²	10.22m ²			
Combined bedroom and living room where no separate living room is provided.	9m ²	14m ²			
Family bedroom (2 adults and 1 child under 10 years old)	14.5m ² or 18.5 m ² where no separate living room is provided.				
	Number of persons				
For shared use of occupants	1-3	4	5	6	7-10
Kitchen (all main meals* not provided)	5m ²	6m ²	7m ²	9m ²	11m ²
Kitchen (all main meals provided)	5m ²	5m ²	5m ²	5m ²	7m ²
Communal living room (not required if individual bedroom and living room meet the standard above)	8.5m ²	11m ²	11m ²	11m ²	16.5m ²
	11-15	16 or more			
	21.5m ²	At discretion of Local Authority			

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

3. B&NES Council HMO Licensing Conditions 2018

Schedule 1

Mandatory conditions

1. If gas is supplied to the house, the licence holder is 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 a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (includes a bathroom or lavatory), and to keep such alarms in proper working order – the alarms must be checked on the day the tenancy begins if it is a new tenancy. The licence holder must supply the Authority, on demand, with a declaration as to the condition and positioning of the smoke alarms.
4. The licence holder is to ensure that a carbon monoxide alarm is installed in any room (includes a hall or landing) in the house which is used wholly or partly as living accommodation (includes a bathroom or lavatory) and contains a solid fuel burning combustion appliance; to keep any such alarm in proper working order – the alarm must be checked on the day the tenancy begins if it is a new tenancy; and to supply the Authority, on demand, with a declaration by him as to the condition and positioning of any such alarms.
5. The licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.
6. Bedrooms must be a minimum of 6.51 m² under a minimum ceiling height of 1.5m for single rooms and a minimum of 10.22 m² under a minimum ceiling height of 1.5m for double rooms.
7. Sufficient containers, with lids must be provided for household rubbish and recycling within the unit of accommodation and outside. The containers outside must be kept in a designated appropriate area, and with lids fitted and in a tidy condition, sufficient to minimise their visual impact.

Schedule 2

Conditions as imposed by Bath and North East Somerset Council

1. The licence holder is to produce to the Authority on request, a current Domestic Electrical Installation Condition 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.
2. A satisfactory certificate of inspection and testing of fire alarm systems carried out at 6 month intervals for Grade A systems as required under the latest addition of BS 5839-6 fire alarm system, is to be provided to the Authority on demand.
3. Grade D systems must be tested regularly as required under the latest addition of BS 5839 – 6.
4. Details of rooms and communal areas containing a smoke detector or heat detector must be indicated in writing and provided to the Authority on demand.
5. There is to be no obligate sharing of bedrooms.
6. Occupants are to have 24hr direct access to all toilet, personal washing and cooking facilities and

equipment.

7. 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.
8. 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.
9. The Licence Holder and any Manager are required to monitor garden maintenance and waste and recycling storage and take the necessary steps to resolve any non-compliance.
10. The licensed property must achieve a minimum energy efficiency rating of “E” as determined by an Energy Performance Certificate (EPC). This condition will also be met if a valid exemption is registered with the appropriate authority. A copy of the latest EPC for the licensed HMO is to be provided on demand.
11. The Bath and North East Somerset Council HMO Licensing Standards* apply to all licensed HMOs. This document may be updated from time to time and any updated version will apply to a new licence. It is the responsibility of the owner and any manager to ensure that they meet the correct Standard. The latest version of the licensing standards can be found at **www.bathnes.gov.uk/hmos**
12. The following time-scales apply for works required to comply with the HMO licensing standards and conditions for works to meet them:

Condition		Maximum time scale
Fire precautionary facilities and equipment		6 months
Space heating		6 months
Personal washing and toilets facilities		6 months
Kitchen facilities		6 months
Ventilation		6 months
Space standards		12 to 18 months*
*consideration will be given to letting arrangements when increasing the timescale over 12 months		

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

13. The fire risk assessment required under the Regulatory Reform (Fire Safety Order) 2005 and resulting precautions must be reviewed annually and provided to the Authority on request. 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.
14. Provide written details of fire exit routes to occupants. Ensure that all occupants 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. Occupants should be aware of what to do in the case of a fire.
15. 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.

16. The licence holder and/or manager must notify the local authority of any changes to contact details or management arrangements including the out of hours contact.
17. Current and correct contact details must be displayed on the Management Details Notice, in a prominent position in the licensed HMO at all times.
18. The recycling and rubbish collection information and any subsequent updates must be displayed in the property.
19. At the start of all new tenancies, all occupants must be made aware of the 'Bath and North East Somerset Undertaking of Good Practice, a copy must signed by each occupant and the licence holder and both parties should retain a copy. The signed Undertakings must be provided to the Council for inspection on request.
20. 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 occupants.
21. The licence holder must provide a list of all occupants within 14 days if requested to do so by the Authority.
22. The licence holder and manager must be certain that any person becoming involved in the management of the property after the licence date would be considered fit and proper. Consequently, the licence holder or manager should be satisfied that all persons would be able to sign the declaration themselves and provide a current basic disclosure certificate.
23. Where food is provided, food handlers must have adequate food safety training.
24. 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.
25. The property is to be occupied in accordance with and by no more than the number of persons and households stated on the licence. If the present occupation of the property is in excess of this maximum permitted number, the occupation of the property must be reduced within a maximum of 12 months of the date of licensing unless otherwise stated on schedule 3 of the licence.
26. Any room containing any combustion appliance including gas appliances and used as living accommodation is to have a carbon monoxide alarm installed that is in proper working order. The alarm must be checked at the start of a tenancy if it is a new tenancy and at suitable regular intervals thereafter.

Management Details Notice for: Address

This property is licensed under Part 2 of the Housing Act 2004

Licence Holder:	
Property Manager:	
Address:	
Tel. Number:	
Out of Hours Contact:	
Recycling & Rubbish Collections: Recycling is collected weekly, household and garden waste are collected fortnightly Enter your postcode at www.bathnes.gov.uk to find out which week you are on.	<p style="text-align: center; font-size: 2em; color: #ccc;">ENTER DAY</p> <p>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</p> <p>Please note that you can be fined for leaving your recycling and rubbish out at the wrong time or place</p> <p>For more details contact Council Connect on 01225 39 40 41, councilconnect@bathnes.gov.uk or visit www.bathnes.gov.uk/wasteservices</p>
Your Local Councillor(s):	
Name:	
Tel. Number:	

Displaying management information is also a requirement under The Management of Houses in Multiple Occupation (England) Regulations 2006.

Housing Services can be contacted by emailing hmo_licensing@bathnes.gov.uk

Undertaking of good practice

Bath and North East Somerset – HMO Licensing

IT IS A CONDITION OF THE HMO LICENCE THAT THIS DOCUMENT IS SIGNED BY ALL OCCUPANTS AND THE LICENCE HOLDER/MANAGER. ALSO COPIES PROVIDED TO ALL OCCUPANTS.

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

Waste and recycling

Occupants 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.

Occupants 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 occupants 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.

Occupants 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 an occupant and/or any of their visitors could include eviction and/or retention of deposits for repairs etc. Occupants 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 a Criminal Behaviour Order (CBO).

OCCUPANTS DECLARATION

Property address.....

Licence holder/Manager.....

Iname of occupant.....
am an occupier of the licenced premises specified above.

My occupation of this property commenced onDATE.....

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

Iname 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

West of England - Code of Good Management Practice (Updated March 2018)

It is a requirement of your licence conditions to comply with this code. Failure to comply without reasonable excuse could lead to a formal investigation and result in prosecution or a financial penalty of up to £30,000.

1. Conduct

The licence holder agrees to: conduct business with regard to the property and the tenancy in a reasonable and equitable manner and; to answer reasonable queries and issues raised by the tenants in a timely manner (in any event to respond within 5 working days of the query or issue being raised, emergencies should be replied to within 24 hours).

2. Inventories

Licence holders 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.

3. Deposits

The Licence holder must comply with all statutory obligations regarding tenancy deposit protection if a deposit is taken.

4. Repairs and maintenance

The Licence holder must carry out repairs within a time period appropriate to the severity of the problem, keeping as far as is reasonably practicable to the following timescales:

- *Emergency repairs: 24 hours* (Affecting health or safety e.g. dangerous electrical fault, blocked WC, no hot water, etc.)
- *Urgent repairs: 5 working days* (Affecting material comfort e.g. no heating or fridge failure, serious roof leak, etc.)
- *Other non-urgent repairs: 20 working days.*

5. Landlord and tenant matters

The licence holder must comply with all statutory obligations under housing and landlord & tenant legislation, in particular the landlord shall not harass or threaten a tenant. Any eviction process must be carried out in accordance with legal requirements.

Access to the property (for inspection, repairs, monitoring or other reasons) should only be by prior arrangement with the tenant and on having given 24 hours' notice (except in emergencies).

6. Property Management

The licence holder must ensure that they comply with current statutory requirements relating to the safe management of the property including duties relating any asbestos containing materials, *Legionella* risks and to carry out a Fire Risk Assessment on the common parts of the property. Further information on minimum requirements are contained in the West of England Rental Standard www.westofenglandrentalstandard.co.uk/standard.

7. Pest Control

Where there is an infestation of pests in a licensed house in multiple occupation the licence holder must employ a competent pest control contractor to carry out appropriate treatments to eradicate any recognised pest species infesting the property.

8. Neighbours

The Licence holder must 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 licence holder will provide occupiers of the immediately neighbouring properties a contact telephone number, address or e-mail address to report any problems and will ensure that “To Let” or “Let” boards are not left up as long-term advertising features (over 28 days); and to keep the external appearance of the property in a condition taking into account its age of the property, character and locality.

4. Proposed HMO Licensing Fees

HMO Licence type	Fee
New applications	£795.00.
Renewal applications	£695.00
<p>The fee is payable in 2 parts, £500 at the time of application and the balance when the licence is issued.</p> <p>Alternatively, applicants will be given the option to pay the full fee upfront at time of application.</p>	

Discount

Discount 1	<p>A discount of £50.00 will be applied under the following circumstances:</p> <ul style="list-style-type: none">• the fully completed application is submitted online via B&NES electronic application form and all the correct valid supporting documents are uploaded with the application; and• The proposed licence holder and any managers agree to receive licences and any other relevant documents via email.

Notes

The full fee minus any discounts will be charged for new additional HMO licence applications within years 1, 2 and 3 of the scheme.

Properties that become licensable within years 4 to 5 will be charged £500.00 minus any discounts.

The HMO licence fee covers the cost of administering the scheme including processing and considering applications, the issue of licences, and the enforcement of the licensing conditions.

5. 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. Designation report has 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&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, WoE 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. Engagement work with Student Community Partnership, 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.
Discrimination against protected 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, high profile publicity campaign and landlords kept fully informed. Enforcement action used and publicised.	Housing Services / Council Comms Team/ Landlord Associations, West of England Landlord Panel.	Applications received from all persons responsible for all HMOs in Bath City. Better understanding and support for additional licensing.
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 WoE 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.	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 / Team 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 / Team 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 / Team Manager	Scheme is delivered with measurable outcomes on time and within the designation period.