

Committee:	Cabinet	Date:	Tuesday, 16 October 2018
Title:	Mandatory licensing of Houses in Multiple Occupation (HMOs)- Adoption of the Essex Amenity Standards		
Portfolio Holder:	Councillor Susan Barker, Portfolio Holder for Environmental Services		
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Summary

1. This document is in response to Uttlesford District Council's consultation of the House in Multiple Occupation (HMO) Amenity Standards that was launched on 16th July 2018 and ran until 13th August 2018.
2. Local authorities are responsible for ensuring that the number and location of washing, cooking and toilet facilities in Houses in Multiple Occupation (HMOs) are reasonably suitable for the number of people living in them. Officers have until now been guided by specific standards prescribed by legislation and also locally applied 'Essex standards' that have been produced collaboratively by Environmental Health Officers across Essex. These assist in deciding whether a licensable HMO is suitable, what if any additional amenities are required through licence conditions and advise landlords of what is expected of them.
3. It is widely acknowledged across professionals and career landlords that existing private rented standards and guidance are outdated and are inconsistently applied. It is appropriate therefore that these standards are reviewed generally and it is also timely in light of the fact that the Government has extended the scope of licensable HMOs from 1 October 2018 (to include all HMOs occupied by 5 or more people sharing an amenity regardless of the number of storeys).

Recommendations

4. It is recommend that Cabinet adopts the amenity standards attached as Appendix A, as the minimum amenity standards generally required for HMOs in Uttlesford.

Financial Implications

5. There are no financial implications. Full cost recovery fees for fulfilling the statutory requirements of the HMO licensing regime were reported to and approved by Cabinet on 6th September 2018.

Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

- 7.

Communication/Consultation	Full consultation has been carried out with landlords, agents, tenants and councillors. Further consultation has been made across Essex and both national and regional landlord associations.
Community Safety	There are no direct community safety implications associated the adoption of the amenity standards
Equalities	Equality Impact Assessment has been carried out
Health and Safety	No impact on employee health and safety
Human Rights/Legal Implications	All intervention work will be carried out in accordance with existing legislative framework
Sustainability	There are no environmental implications linked directly with the adoption of the amenity standards
Ward-specific impacts	No specific impact
Workforce/Workplace	Environmental Health Service – from existing resources

Situation

8. Houses in Multiple Occupation (HMOs) are houses or flats that are occupied by more than one household who share one or more amenity. This typically includes shared houses occupied by students or young professionals, or bedsit type accommodation where separate unrelated individuals or families occupy a room in a dwelling and have shared use of communal kitchen, bathroom or WC facilities.

9. The Council has enforcement powers to ensure that all HMOs in its district are safe to live in and are properly managed and it is recognised that these types of properties are often occupied by the most vulnerable residents in the District. Certain HMOs require a licence to operate and the Council is responsible for ensuring that these properties are suitable for occupation by the number of people proposing to live in them including provision of an adequate number and location of washing, toilet and kitchen facilities and adequate space for sleeping and general living.
10. Certain statutory minimum standards are prescribed by regulations and the Housing Act 2004 also empowers local authorities to set their own standards through licence conditions which may be higher than the statutory minimum. These local standards should be interpreted as guidance to landlords as to what the local authority is likely to consider reasonable for the number of people occupying an HMO taking account of property type and layout. "The Essex Approved Code of Practice: Amenity Standards for HMOs", produced by the Essex Private Sector Housing Officers Group (that includes officers from this Council) and were last reviewed in 2012, have been the standards generally applied for HMOs across Essex, although they have never been formally adopted by this Council.
11. The existing Essex HMO standards are now outdated and require reviewing. In addition, the Government, as part of its commitment to addressing property standards in the private rented sector, has extended the scope of HMO licensing, so that from 1 October 2018 all HMOs occupied by 5 or more people will require a licence whereas it has until now been limited to properties of 3 storeys or more. It has also introduced new national minimum room size standards for sleeping accommodation and a specific requirement to comply with councils' household waste storage and disposal schemes. It is therefore timely to review the existing standards generally, taking account of the new prescribed minimum requirements and for them to be formally approved and adopted by the Council.
12. Following a full review by the Essex Private Sector Housing Officers Group, the proposed 'Essex HMO Amenity Standards' have been produced and have been subject to an initial pilot followed by a full consultation across all participating councils in Essex.
13. Uttlesford District Council's consultation consisted of an on-line survey that ran for 4 weeks from 16th July to 13 August 2018 and was open to all, but particularly targeted towards landlords, tenants and letting agents. The consultation was also publicised on the Uttlesford District Council's website
14. Letters were sent to all known landlords and agents including those known or suspected of operating an HMO within Uttlesford. Members were notified, in the July Members' Bulletin, about the consultation and invited to respond to the survey. The other participating councils similarly published and promoted the consultation.

15. Unfortunately, the response rate to the consultation was poor with only a very small (6) so there are insufficient responses to analyse the data in any meaningful way. This lack of response was typical across all 13 Essex Authorities. We are aware that there were responders with any interest following a similar exercise in Braintree, Brentwood, Castle Point, Chelmsford, Harlow and Maldon. However, in response to the Essex wide consultation, the Essex Housing Officer Group proposed some minor amendments that include:

- removing the requirement for a WC within the bathroom for 5 occupants (there must still be a WC separate from the bathroom)
- for 6-9 occupants, a minimum of 2 bathrooms and 2 WCs and one of the WCs must be separate.
- for 10 or more occupants, 2 bathrooms and two separate WCs
- removing an incorrect BS reference for fire blankets

16. These amendments have been included within the Amenity Standards within Appendix B.

17. It is the view from officers representing the Essex Private Sector Housing Officers Group that the proposed Essex HMO Amenity Standards given in Appendix B should be applied consistently across the 13 participating local authorities. However, the Standards will be kept under review and any significant amendments will be brought forward for consideration by the Group.

18. It is therefore recommended that the Essex HMO Amenity Standards attached at Appendix B should be approved and adopted by Uttlesford District Council.

Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
Failure to have an adopted standard for amenity provision in HMOs may compromise the health and safety of the residents living in HMOs and the effectiveness of officers in court when defending requirements that have been imposed on a landlord.	Low	No negative impacts	None

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.