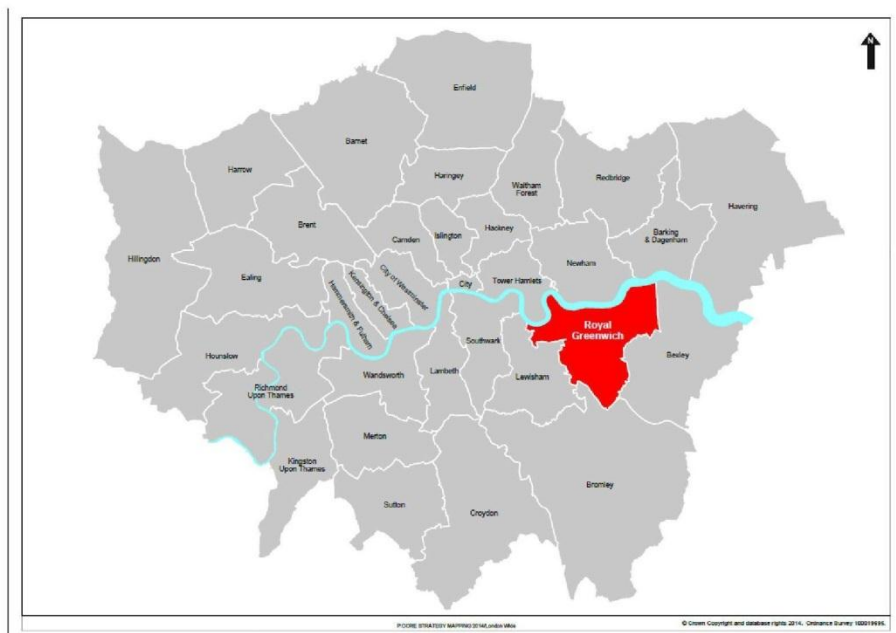


# **Proposed Additional Licensing Scheme of Houses in Multiple Occupation for the Royal Borough of Greenwich**

## **Consultation Report**

Map showing location of RB Greenwich in relation to London



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## Preface

To help inform the consultation process, this document provides information about the Royal Borough's proposal for introducing an Additional Houses in Multiple Occupation Licensing scheme for the entire Borough.

The Royal Borough will be consulting on the proposed licensing scheme from 28 November 2016 for 12 weeks. To ensure that as many people and organisations as possible have the opportunity to comment on the Royal Borough's proposal a range of methods is being used to draw attention to the plans and to provide people and organisations the opportunity to comment on them, including:

- Adverts published in the Greenwich Update, which is delivered to all households and businesses in the town
- Direct email to landlords, national organisations, managing and letting agents
- Direct email to voluntary organisations and community groups
- Direct email to partner Statutory Agencies
- Direct email to the university
- Social Media
- Press releases
- Direct email to neighbouring local authorities including their Communication Teams. Note. This is to help ensure that where there is a possibility of landlord migration to neighbouring boroughs as a result of the licensing proposals, the residents and LA's have the opportunity to respond.
- Briefing for Councillors and staff
- Information on the Royal Borough's website
- Online survey for all residents, landlords, agents and businesses
- Hard copy questionnaire for those without internet access
- Dedicated consultation email address

Your views on the proposed licensing scheme, whether as landlord, manager, freeholder, leaseholder, tenant, neighbour or local business are needed.

**To give your views** please go online to: [www.royalgreenwich.gov.uk/hmolicensingconsultation](http://www.royalgreenwich.gov.uk/hmolicensingconsultation)

Alternatively, you can give your comments:

- in **letter** form (address below)
- by **e-mail** [hmo-licensing@royalgreenwich.gov.uk](mailto:hmo-licensing@royalgreenwich.gov.uk)

Any comments you give will be held electronically and held in strictest confidence and only used for the purpose of this project.

**Your responses are crucial in helping the Royal Borough reach a decision. Please tell the Royal Borough what you think about the proposals no later than 24 February 2017**

**Thank you.**

Residential Services  
Directorate of Community Services  
Royal Borough of Greenwich  
The Woolwich Centre  
35 Wellington Street  
London SE18 6HQ

## **I. Introduction**

- I.1 The private rented sector in the Royal Borough has grown significantly with over 30,000 households renting privately. In percentage terms private renting accounts for 29% of the number of households which compares to 17% nationally. The percentage of the private rented sector homes that are run as Houses in Multiple Occupation (HMOs) is currently over 20% (approximately 6,500 HMOs<sup>1</sup>). This is a significantly high proportion of the market. Further information on the characteristics of the private rented sector and HMOs are contained in Appendix I.
- I.2 The Royal Borough recognises that many landlords operate responsibly, however, the Royal Borough is concerned about those who rent out HMOs that fail to provide acceptable conditions. There are concerns about poorly managed HMOs with poor tenancy arrangements. Since 2013, the Royal Borough has operated a proactive enforcement programme aimed at tackling rogue landlords. A high level of the properties inspected have been found to be HMOs (78%) and of those the vast majority had hazards to health and safety or management/tenancy issues that required enforcement action. Inspections often uncover overcrowded HMOs, outbuildings being used to accommodate people (Beds in Sheds), unsanitary conditions and exploitation of tenants.
- I.3 Too often, poorly managed HMOs have wider damaging repercussions on the local neighbourhoods, such as anti-social behaviour, noise nuisance, overgrown gardens, pest infestations, poor waste management and illegal dumping, infringements of planning controls, tenant intimidation, lack of immigration checks, etc. That's why the Royal Borough is considering a scheme to license all HMOs. The Royal Borough is committed to improving the quality and management of HMOs and driving up standards.
- I.4 The Royal Borough are undertaking extensive consultation from the 13 November 2016 for 12 weeks. This will help inform the Royal Borough's decision making process as to whether a scheme is right thing to introduce for the Royal Borough. If a decision is taken to proceed with the licensing scheme it is likely to become operative in June/July 2017.
- I.5 A glossary of terms used in this report is included at Appendix 4 to assist readers with any terms used that may be unclear.

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<sup>1</sup> Source – Royal Borough of Greenwich - Electoral Register, Council Tax entries, entries against Environmental Health database and the Development Control database.

## 2. The Proposed Licensing Scheme

- 2.1 The Royal Borough is proposing to designate an Additional HMO Licensing Scheme for a five-year period to cover the entire Borough. The scheme is proposed to cover all types of HMOs (except those already covered by the mandatory HMO licensing scheme), e.g. bedsits, shared accommodation, room rents as well as buildings that are poorly converted into flats, regardless of storey height or how many people are accommodated.
- 2.2 The scheme would cover approximately 6,500 HMOs and would be used to assist in improving the quality, the management and the tenancy arrangements of HMOs. This would mean that whilst a scheme is in operation:
- Landlords of HMOs would require a licence for each of their HMOs
  - HMO landlords and managers will have to be 'fit and proper' to hold a license (see glossary)
  - HMO landlords and managers will have to meet the conditions attached to a license
  - HMO landlords must provide proper and effective management and supervision of HMOs
  - HMO landlords must provide proper tenancy arrangements for their tenants
  - A license will specify the numbers of individuals and households that can be accommodated by the HMO
- 2.3 A scheme would not cover:
- Owners who reside in property they own as their main residence (owner-occupiers)
  - Homes let to tenants of registered social landlords and housing providers (housing associations)
  - Homes let to up to two single people who are unrelated or single family dwellings where a dwelling is occupied by one household
  - Those places specifically excluded from the legislation such as care homes, accommodation run by certain statutory agencies, etc.
  - Student accommodation directly managed by educational institutions, e.g. halls of residence (but not those where students have tenancies with private landlords will be licensable)
  - HMOs that already require licensing through the Royal Borough's mandatory licensing scheme, which covers HMOs that are 3 storeys or more that are occupied by 5 or more persons residing in 2 or more household's where there is some sharing of amenities
  - HMOs subject to management orders and exemption notices (see glossary)
  - Homes with up to 2 lodgers
  - Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering
- 2.4 It is expected that responsible landlords will apply for a licence and incentives are being proposed to support these landlords. However, inevitably some landlords will choose not to apply for a licence. The Royal Borough have a comprehensive proactive, intelligence led enforcement programme already in place. This will be extended to ensure unlicensed properties are identified and brought into the scheme.



Activity will continue to be targeted at tackling HMOs with the worst conditions, management and overcrowding identified through intelligence gathering and partnership working.

### 3. What is Additional HMO Licensing?

- 3.1 Section 56 of the Housing Act 2004 gives powers to Local Housing Authorities (this being the Royal Borough of Greenwich) to designate areas, or the whole of the area within their district, as subject to Additional HMO Licensing. Before making a designation the Royal Borough must consider the following:
- 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
  - Have regard to any information regarding the extent to which any codes of practice under section 233 have been complied with by persons managing HMOs in the relevant area
  - 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 that making the designation will significantly assist dealing with them
  - Take reasonable steps to consult persons who are likely to be affected by the designation, for a period of not less than ten weeks, and consider any representations made in accordance with the consultation
  - Ensure that any exercise of the power is consistent with the Royal Borough's overall strategic approach to housing
  - Seek to adopt a co-ordinated 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
- 3.2 Government guidance gives examples of properties being managed sufficiently ineffectively, and as a result having a detrimental effect on a local area:
- Those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located
  - Those whose internal condition, such as poor amenities, overcrowding etc., adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues
  - Those where there is a significant and persistent problem of anti-social behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems
  - Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health or safety of residents and/or impacting upon the wider community
- 3.3 The Housing Act 2004: Licensing of Houses In Multiple Occupation and Selective Licensing Of Other Residential Accommodation (England) General Approval 2015 grants a general consent to Local Housing Authorities' to introduce Additional HMO Licensing, so far as the legislative steps have been complied with.

## 4. Why is the scheme being proposed?

### HMO prevalence and condition

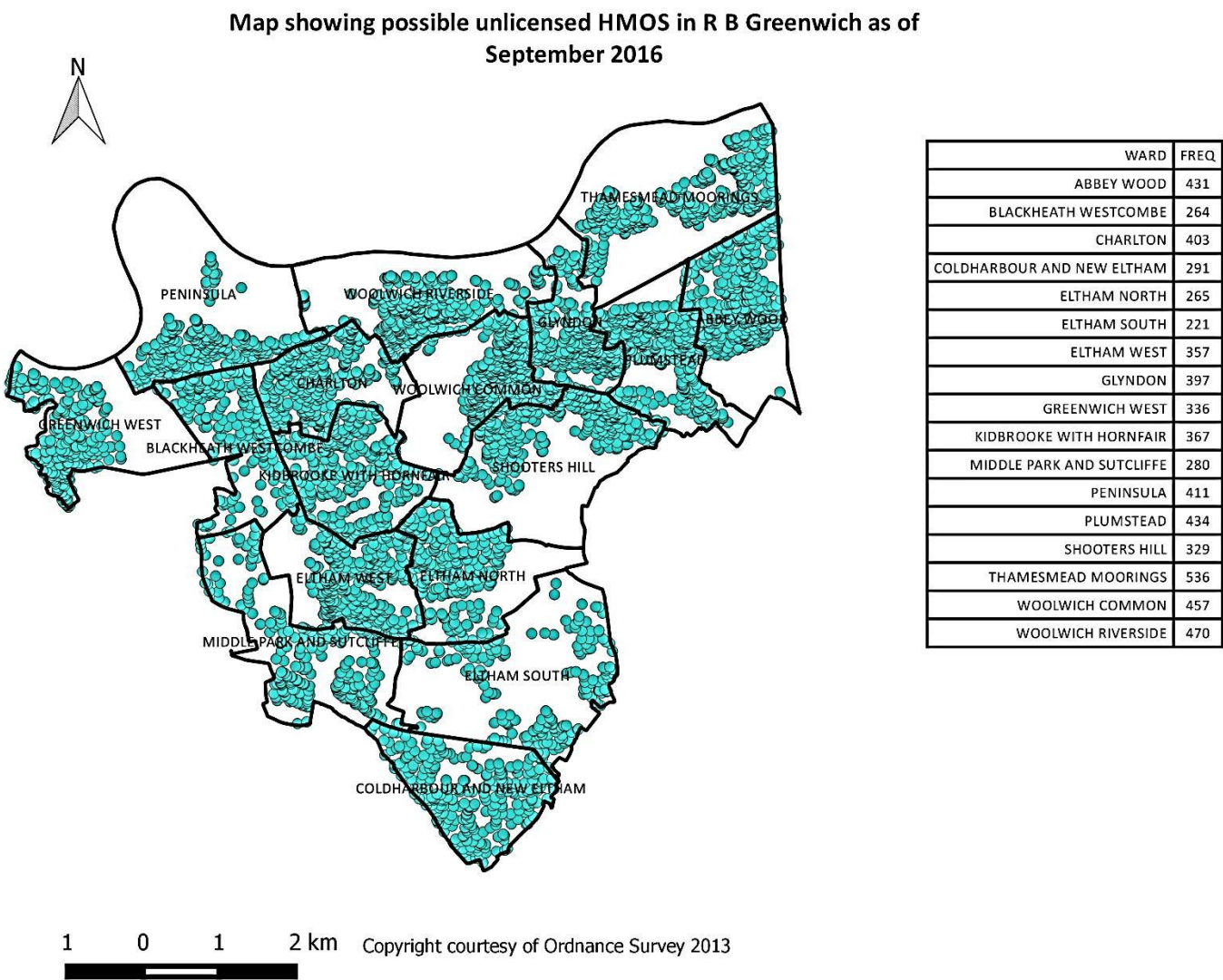
- 4.1 A range of evidence concerning the management, occupation and condition of HMOs as well as the impact of HMOs on the surrounding communities has been reviewed in order to establish whether there are grounds for introducing Additional Licensing of HMOs in all of the Royal Borough. The data used has come from a wide range of external and internal sources. This has been used to provide a picture of the issues.
- 4.2 In 2014 the Royal Borough estimated there were approximately 3,000 HMOs, of which predictive models suggested that 300 – 500 are likely to fall within the definition of an HMO that the Government say have to be licensed (mandatory HMO Licensing<sup>2</sup>). However, recent data analysis work has significantly revised this estimate to approximately 6,500 HMOs<sup>3</sup>. Estimates still place the level of mandatory HMOs at around 350 – 500, which means that the vast majority of the HMOs in the Borough are of a size and nature that fall outside of a licensing regime. In relation to the overall PRS market in the Royal Borough (about 30,000 homes) the percentage of HMOs is at approximately 20% of this market, making HMOs an extremely significant type of housing for the population of the Royal Borough.

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<sup>2</sup> The HMO or any part of it comprises three storeys or more, occupied by five or more persons living in two or more single households who share one or more amenities.

<sup>3</sup> Source – Royal Borough of Greenwich - Electoral Register, Council Tax entries, entries against Environmental Health database and the Development Control database.

# Map I. Spread of Unlicensed HMOs



Source: Royal Borough of Greenwich

4.3 Map I shows that the spread of known HMOs is Borough wide, though higher concentrations are found in areas such as Plumstead and Charlton. Therefore in order for an Additional Licensing Scheme to have the desired effect of helping regulate HMOs, a scheme would need to be Borough wide.

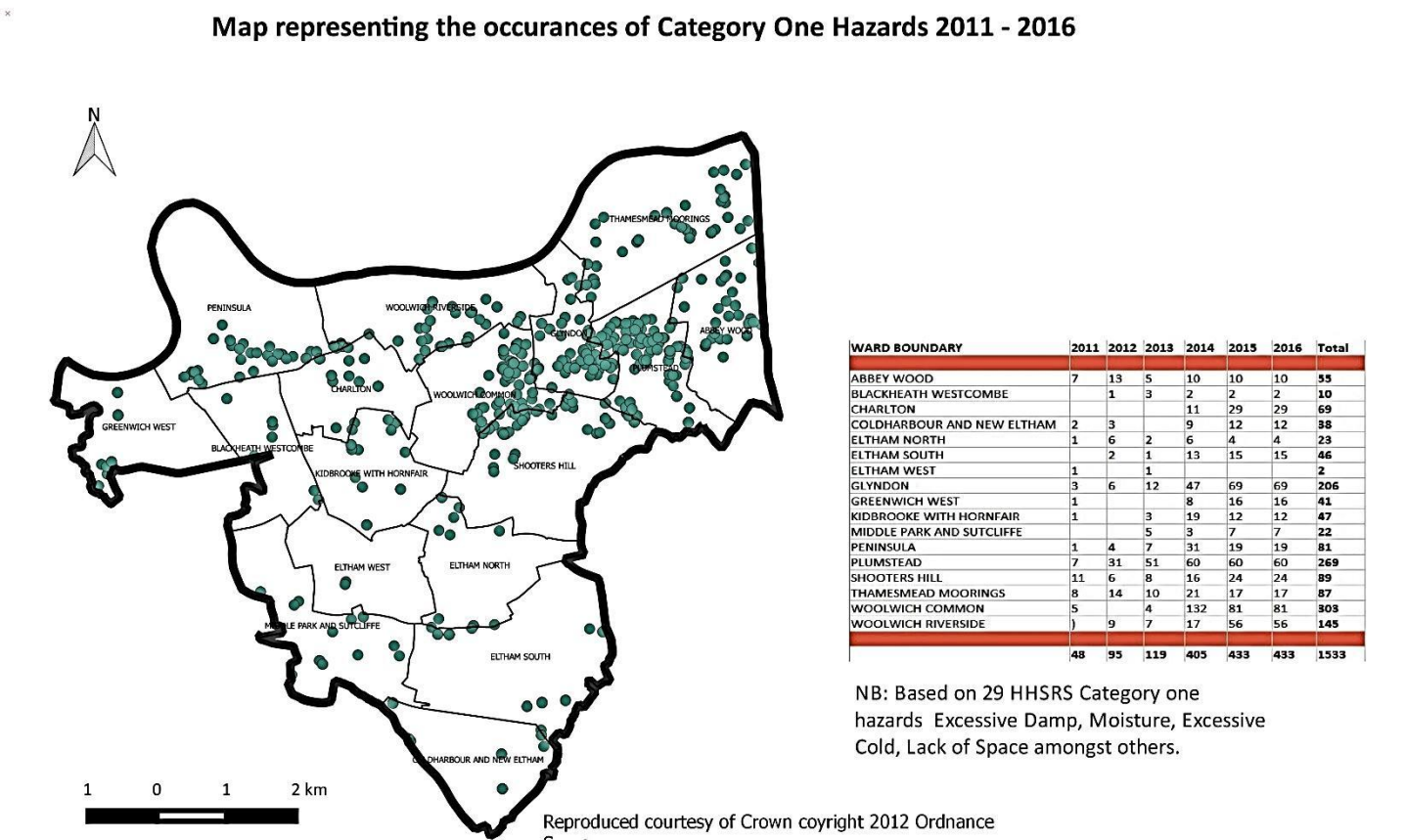
Table I. Numbers of Students by Ward	
Ward	Numbers of Students
Abbey Wood	902
Blackheath Westcombe	546
Charlton	910
Coldharbour and New Eltham	494
Eltham North	411
Eltham South	1,570
Eltham West	433

Glyndon	1,410
Greenwich West	1,977
Kidbrooke with Hornfair	814
Middle Park and Sutcliffe	546
Peninsula	1,169
Plumstead	1,501
Shooters Hill	577
Thamesmead Moorings	1,202
Woolwich Common	1,554
Woolwich Riverside	1,544
<b>Greenwich Total</b>	<b>17,560</b>

Source: Office for National Statistics

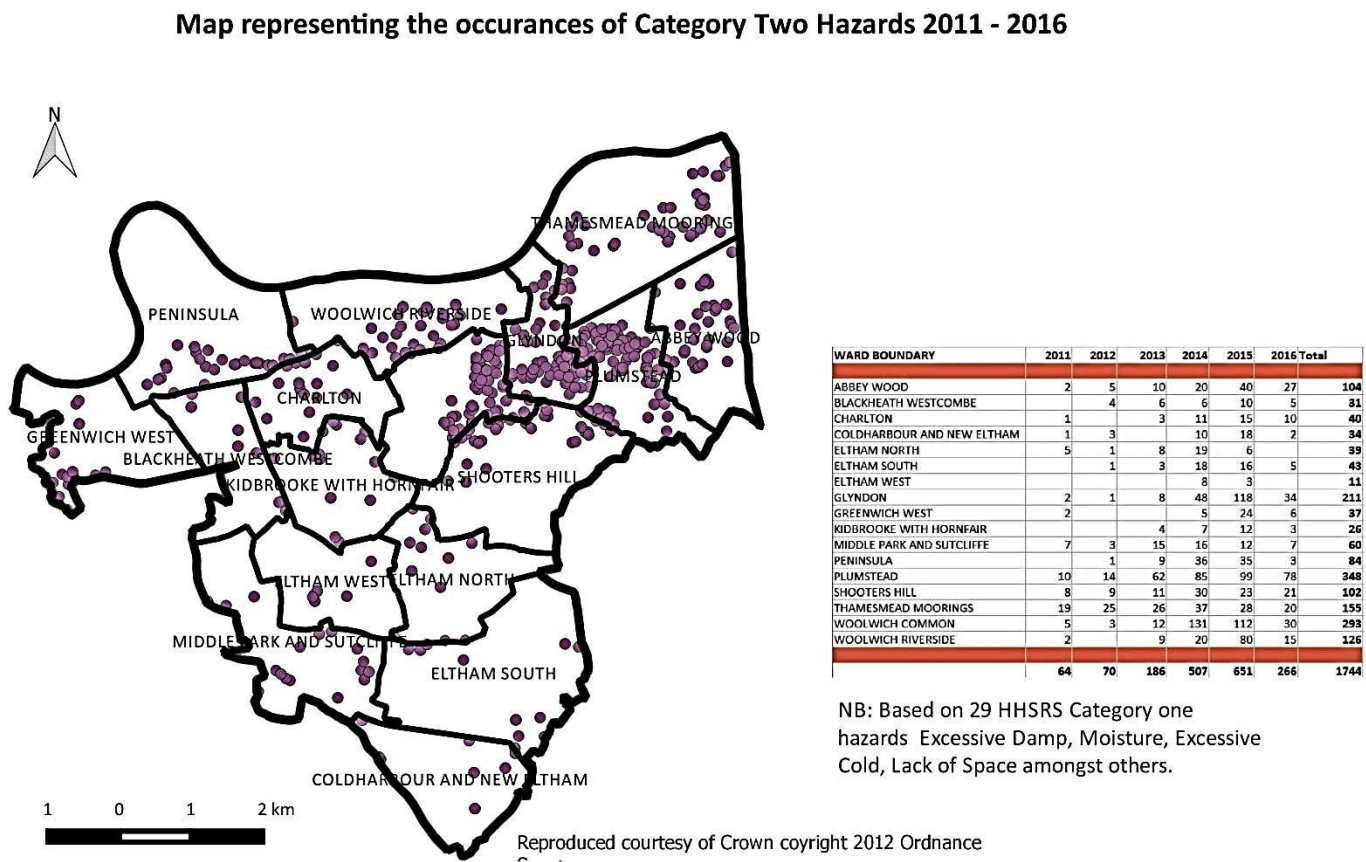
- 4.4 As shown in Table 1, the Royal Borough has a thriving student population, with 17,560 students spread across the Borough. Although not all students will be accommodated in HMOs, approximately half are, adding to the demand placed on this type of accommodation.
- 4.5 Since 2013, the Royal Borough has operated a proactive enforcement programme aimed at tackling rogue landlords. The Private Rented Sector Housing Enforcement Project (PRSHEP) team use an intelligence driven approach to undertake their work. High risk properties, HMOs and suspected rogue landlords, are referred from other services, external agencies or identified by the team. Data analysis is used to identify high risk properties or activities. The referrals are risk assessed by intelligence officers and the highest risk properties are targeted for enforcement. Multi-agency enforcement is used in some cases.
- 4.6 By September 2016, 1,699 visits had been undertaken by the PRSHEP Team. 78% of the properties inspected were found to be HMOs. Maps 2 and 3 below detail the Hazards identified as part of the Teams investigations using the Housing, Health and Safety Rating System, which is the way housing conditions are assessed under the Housing Act 2004. 75% of the Cat 1 hazards (a significant risk to health and/or safety) and 76% of the Cat 2 hazards (a serious risk to health and/or safety) identified were found in HMOs.

Map 2. Spread of properties with Category one hazards between 2011 and 2016

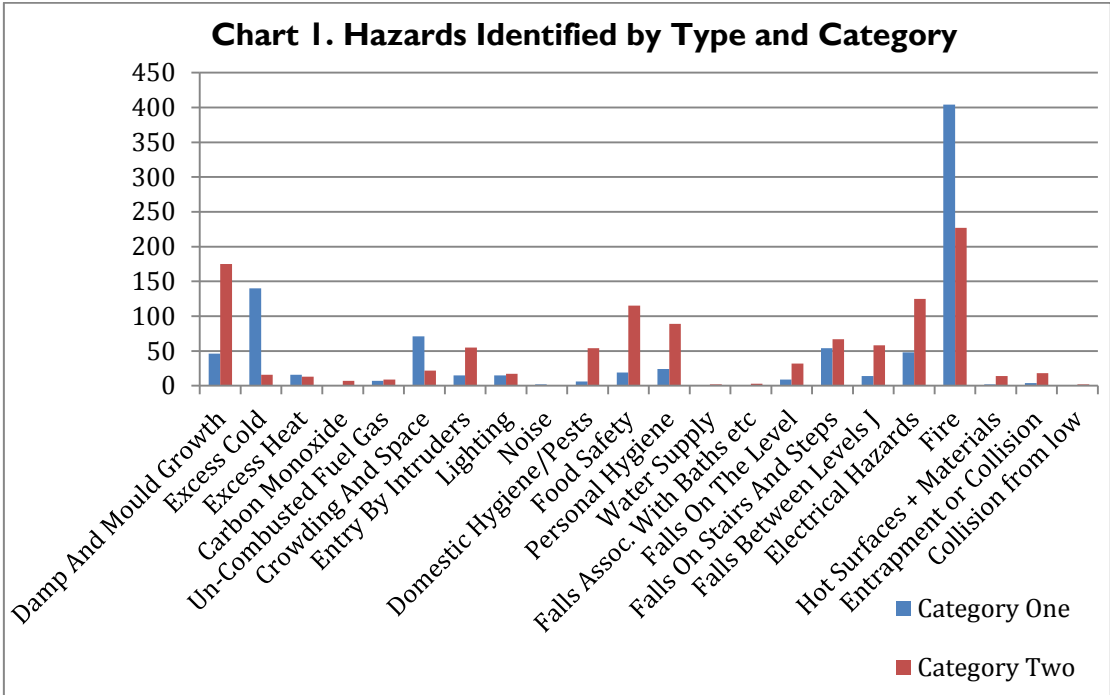


Source: Royal Borough of Greenwich

Map 3. Spread of properties with Category two hazards between 2011 and 2016



Source: Royal Borough of Greenwich



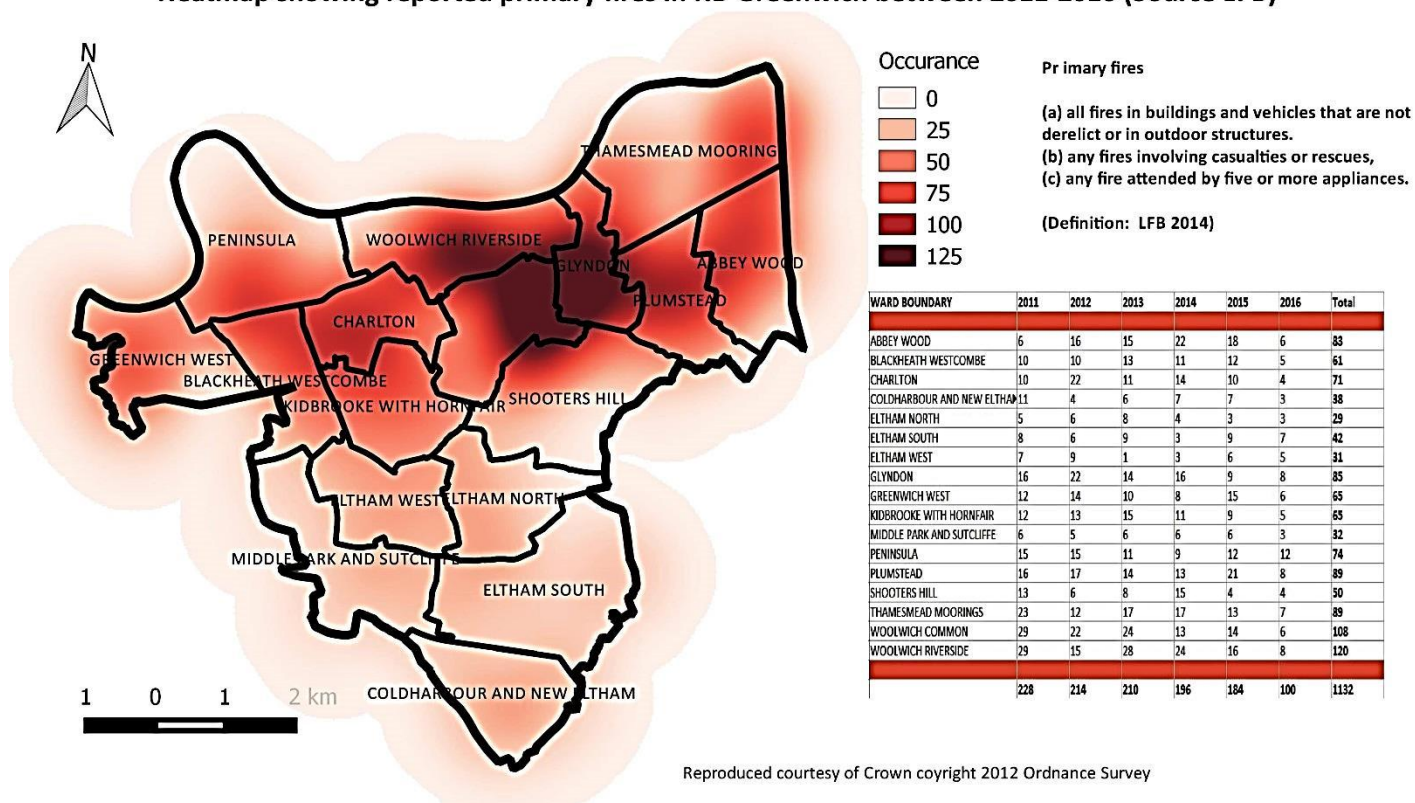
Source: Royal Borough of Greenwich



4.7 Chart I shows the types of hazards identified by the PRSHEP Team. Damp and Mould, Excess Cold (lack of insulation, heating, etc.) and Fire Safety stand out as the top three hazards. Fire Safety in particular is of a major concern in HMO's where the risk of fire is significantly higher than in other forms of accommodation.

## Map 4. Spread of Primary Fires between 2011 and 2016

Heatmap showing reported primary fires in RB Greenwich between 2011-2016 (Source LFB)



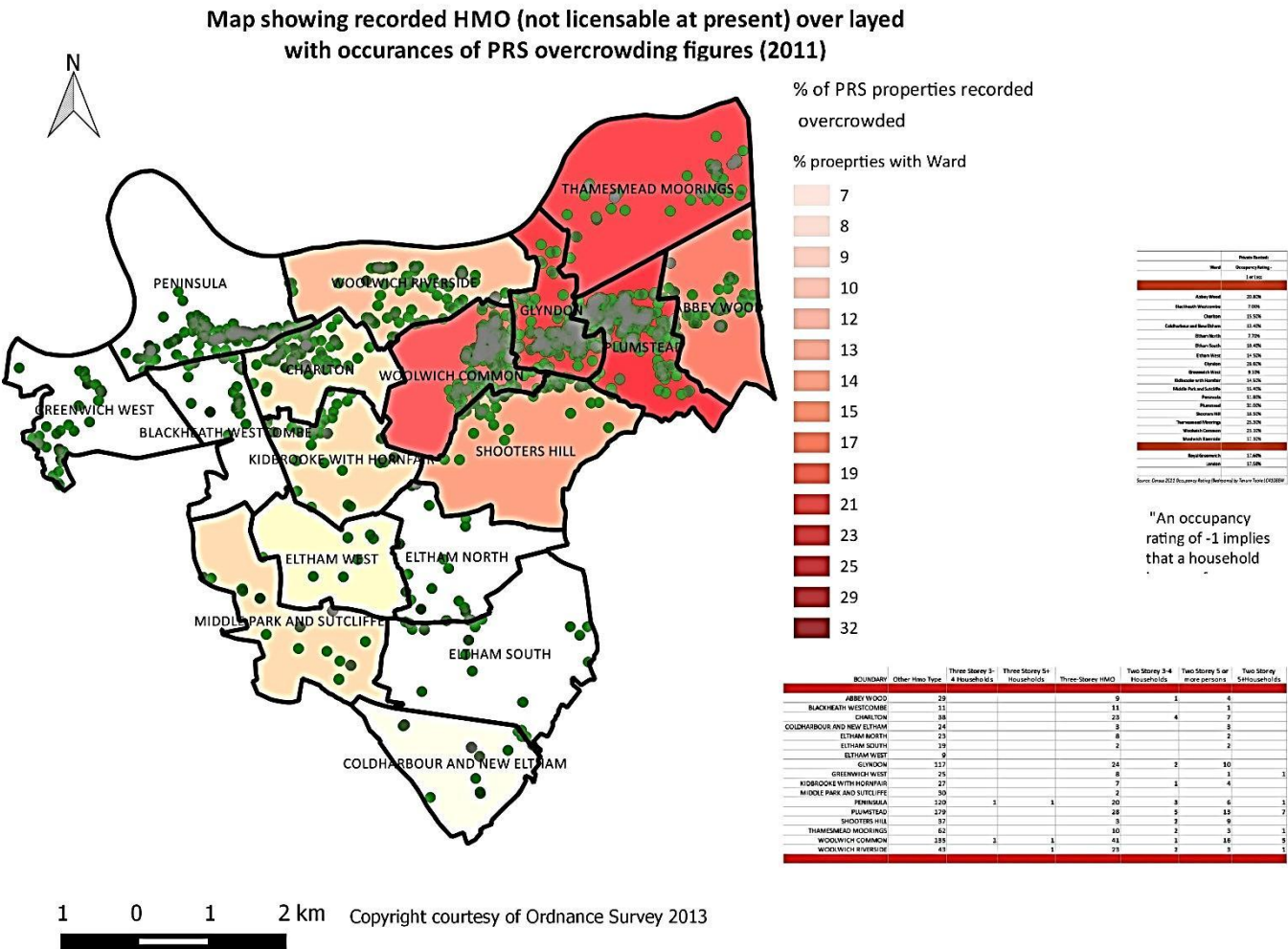
Reproduced courtesy of Crown copyright 2012 Ordnance Survey

Source: London Fire Brigade

4.8 As can be seen in Map 4, the spread of primary fires shows correlations with where the PRSHEP Team find Cat one and Cat two fire hazards in the Borough. The PRSHEP Team work in partnership with the London Fire Brigade (LFB) in tackling fire risks associated with HMOs and Officers will often carry out joint inspections to ensure landlords tackle the fire risks associated with their HMOs. However, under LFB enforced statutes, managers of HMOs have a duty to risk assess the hazard of fire and produce a plan to tackle this issue. All too often this is an area where there is a lack of compliance. The conditions attached to licenses can help reinforce this requirement and lead to safer homes for tenants in the Royal Borough.



Map 5. HMOs and Overcrowding



- 4.9 Overcrowding remains a significant issue within the HMOs found by the PRSHEP Team as borne out in Map 5. Overcrowding has psychological effects on occupants, is a contributor to problems with condensation and mould growth, can increase the likelihood of pest infestations, such as bed bugs and facilities provided in HMOs become quickly overused and subject to excessive wear leading to disrepair and breakdowns. It is becoming increasingly common to find ‘beds for rent’ in HMOs where a room has many beds within it and it is the bed rather than the room that is rented. Overcrowding Notices (requires reductions in numbers) and Prohibition Orders (limits how many people a dwelling can accommodate) are an ‘after the fact’ tool to tackle overcrowding and will often result in tenants being evicted and presenting as homeless to the Royal Borough. Licensing sets the limits on numbers at the inception of the license and is therefore a more proactive measure with lesser deleterious effects on tenants.
- 4.10 The PRSHEP Team have successfully used a variety of enforcement activity to help secure improvements to dwellings or bring rogue landlords to justice. The great majority of this work is in HMOs. This has included the use of emergency enforcement options to either immediately close a HMO or secure immediate repairs to remove imminent risks to the health and safety of the tenants. The sort of issues found have been, dangerous electrics, HMOs so filthy as to be a health hazard, gas leaks, parts of the structures of HMOs being in such poor condition as to be at risk of collapse, etc.

**Table 2. Levels of Enforcement Activity**

	YEAR				
DESCRIPTION	2013	2014	2015	2016	Grand Total
Works in Default		1			1
Improvements Notices	30	79	33	14	156
Overcrowding Notices	6	12	5	2	25
Prohibition Orders	7	16	25	2	50
Emergency Prohibition Notices	1	7	2	1	11
Hazard Awareness Notices	9	4	3	0	16
Emergency Remedial Notices	1	4	2	1	8
HMO Regulation Letters	2	40	12	4	58

Source: Royal Borough of Greenwich

- 4.11 Table 2 shows the type of enforcement activity undertaken by the PRSHEP Team. This enforcement action helps the Royal Borough tackle the prevalence of hazards found in HMOs as detailed in Chart 1 where Fire, Cold and Damp and Mould are the most common hazards found. An Improvement Notice (IN) requires works and improvements to be undertaken within a specified time scale to reduce the risk associated with hazards found, e.g. to provide a heating system where a HMO is too cold. Works in Default allow for the Royal Borough to undertake works specified in an IN, where the landlord has failed to comply with the IN. Prohibition Orders (PO) can prohibit or restrict the use of all or part of an HMO, e.g. prevent a room from being used for sleeping accommodation. Overcrowding Notices require a reduction in the numbers of people accommodated in an HMO. Emergency POs (EPO) and Emergency Remedial Action (ERA) are emergency powers used where there is an imminent risk to health and safety. An EPO is mainly used to immediately require a HMO to be prohibited from use. ERA is a power that allows for works to be undertaken by the Royal Borough to make an HMO safe and then charge the landlord for doing those works. Hazard Awareness Notices (HAN) are notices that inform the landlord of what is wrong in a property and what is needed to tackle the problem but doesn't require any of the works to be undertaken. HANs are usually only used when the hazards found are of a relatively minor nature or there are other mitigating circumstances. HMO Regulation letters are used to inform a landlord of breaches of the HMO Management Regulations. These are used to give a landlord the opportunity to tackle the breaches before the Royal Borough consider prosecution. Where breaches of the regulations are so serious and it is in the public interest to do so, a prosecution is instigated without sending an enforcement letter.

**Table 3. Numbers of Warrants Executed (Raids)**

Table of Numbers of Wards and Electors (Parishes)						
WARD	YEAR					
		2013	2014	2015	2016	Grand Total
ABBEY WOOD				1		1
BLACKHEATH WESTCOMBE				1		1
CHARLTON				2		2
COLDHARBOUR AND NEW ELTHAM				1		1
ELTHAM NORTH			1		2	3
ELTHAM SOUTH	2					2
GLYNDON	1			6		7
KIDBROOKE WITH HORNFAIR				1		1
PENINSULA				4		4
PLUMSTEAD	1	1	4	1		7
SHOOTERS HILL			1		2	3
WOOLWICH COMMON			1	14	2	17
WOOLWICH RIVERSIDE				3		3
Grand Total		4	4	37	7	52

Source: Royal Borough of Greenwich

- 4.12 Many of the issues found that have required enforcement intervention have been off the back of 'raids' of HMOs often carried out in partnership with other Enforcement Agencies, which Table 3 shows. This has been necessary where the PRSHEP Team have found a lack of cooperation or evasiveness with landlords or officers being prevented from inspecting property. It is often the case that a raid will take place and an HMO found, but within a short space of time the HMO has been emptied of its occupants, which many landlords believe will mean that they avoid enforcement action. This is not the case, but means that tenants are the ones that end up suffering.

**Table 4. Numbers of Successful Prosecutions for HMO related offences**

WARD					
		2014	2015	2016	Grand Total
ELTHAM SOUTH			1		1
GREENWICH WEST			1		1
MIDDLE PARK AND SUTCLIFFE	1				1
PENINSULA			1		1
PLUMSTEAD	1	1	1		3
WOOLWICH RIVERSIDE			2	1	3
<b>Grand Total</b>		<b>2</b>	<b>6</b>	<b>2</b>	<b>10</b>

Source: Royal Borough of Greenwich

- 4.13 The enforcement action and raids have led to ten prosecutions and two simple cautions (where perpetrators admit to offences but are not prosecuted) over the last two years as Table 4 shows. All the prosecutions and simple cautions have been in relation to HMOs. In total 73 separate offences have been prosecuted. As of September 2016 a further 15 cases were being investigated for possible prosecution.
- 4.14 In the main all enforcement action taken by the PRSHEP Team is reactive to situations found and primarily deals with repairs and improvements. None of the enforcement action taken effectively deals with how an HMO is managed or the type of tenancy arrangements put in place. Licensing turns this

situation around, making it an offence not to license, preventing a landlord from evicting tenants until it's licensed. Landlords need to be 'fit and proper' to operate the HMO and a license will carry proactive conditions placing requirements on landlords of HMOs to properly manage their HMOs and put in place the correct tenancy arrangements.

## **Unorthodox HMO rental models and practices**

4.15 The work of PRSHEP Team has found a worrying trend of unusual HMO practices in the Royal Borough:

**Rent to Rent model.** This is where a landlord will rent to a tenant. This tenant (now referred to as the head tenant for ease of reference) will then sub-let the property to other tenants creating an HMO. The head tenant may or may not reside in the property and the landlord may or may not be aware of the sub-letting. In the majority of cases the head tenant nor the landlord will make any attempt at carrying out the improvements now needed at the property in relation to levels of amenities needed and improvements to fire safety for the number of people now living at the HMO. Often these HMOs are not declared and therefore remain hidden in the community. They are invariably poorly managed and the sub-tenants have little recourse as they are not the actual tenant of the property and the head tenant has no authority (in the majority of cases) to let and create new tenancies. This means that the sub-tenants are often the people caught in the middle, leading to them being wrongly evicted from the HMO. This was not a situation envisaged by the legislators when drafting the Housing Act 2004. The role of a head tenant and the landlord is not clearly set out. It is common for the head tenant and the landlord to blame each other for this practice. This makes it hard to establish who the Royal Borough should take action against.

**Beds in Sheds.** An unauthorised development, usually within the curtilage of an existing dwelling. This practice sees unsuitable buildings, such as outbuildings and garages converted into dwellings, usually associated with HMO use. This is done without planning consent or Building Regulation approval. They are often sub-standard and will usually require multi-agency intervention, such as planning enforcement, housing enforcement, etc.

**Avoidance Rental Model.** Smaller, two storey (4 or more bed) properties are purchased and then the rooms converted into small self-contained flats, with minimal kitchen facilities and a small ensuite bathroom in the room. A 'shared kitchen' will also be provided. Vulnerable single persons are then sought from charities and local authorities to place in these rooms. This type of practice avoids the need for planning permission for the conversion (because of the shared kitchen making the use ambiguous), sees the 'flats' being separately assessed for Council Tax, thus creating a situation where the 'self-contained' Local Housing Allowance (LHA) rate can be applied rather than the significantly cheaper 'room' LHA rate. This type of development remains unregulated, building practices are often sub-standard (such as overloaded electrics) and leads to tenants being accommodated in tiny unsuitable flats. Again this requires a coordinated interventionist approach to tackle.

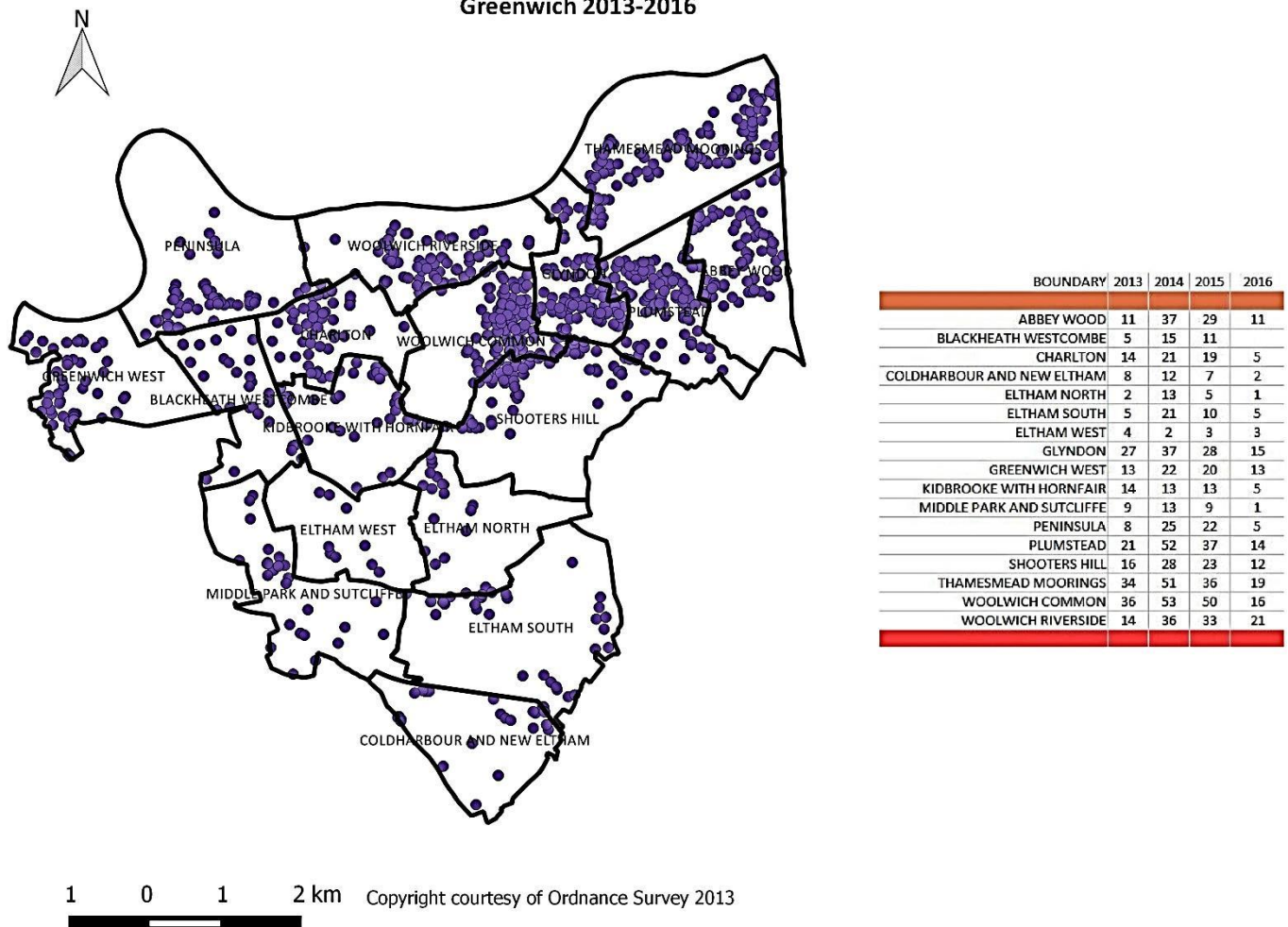
**Beds to Rent.** As the name suggests rather than rooms being rented beds within rooms, such as bunk beds are rented. A recent raid revealed a situation where a three, four bed HMO's in a row were being occupied by 36 people. Where this practice is discovered, the PRSHEP Team have to take enforcement action to protect the health and safety of the tenants.

**Tenant Exploitation.** The Royal Borough of Greenwich is home to approximately 5,500<sup>4</sup> Nepalese residents often former Ghurkha's. These residents are usually accommodated in HMOs. A third sector charity brought to the Royal Borough's attention that a number of the Nepalese residents are being exploited within their homes. The residents are often elderly and infirmed. The types of practices being reported are; tenants being told to leave the property early in the morning and not to return until later in the day, overcrowding, sub-standard and poorly maintained accommodation, rental overcharging, imposed curfews on the use of utilities, restricted and limited cooking times and landlords refusing to give tenancy agreements. The PRSHEP Team working with a third sector charity have established a multi-agency team to help tackle this practice.

### Anti-Social Behaviour and other acceptable behaviours.

## Map 6. Numbers of Housing Complaints received between 2013 and 2016

Map showing recorded housing complaints resolved in RB  
Greenwich 2013-2016



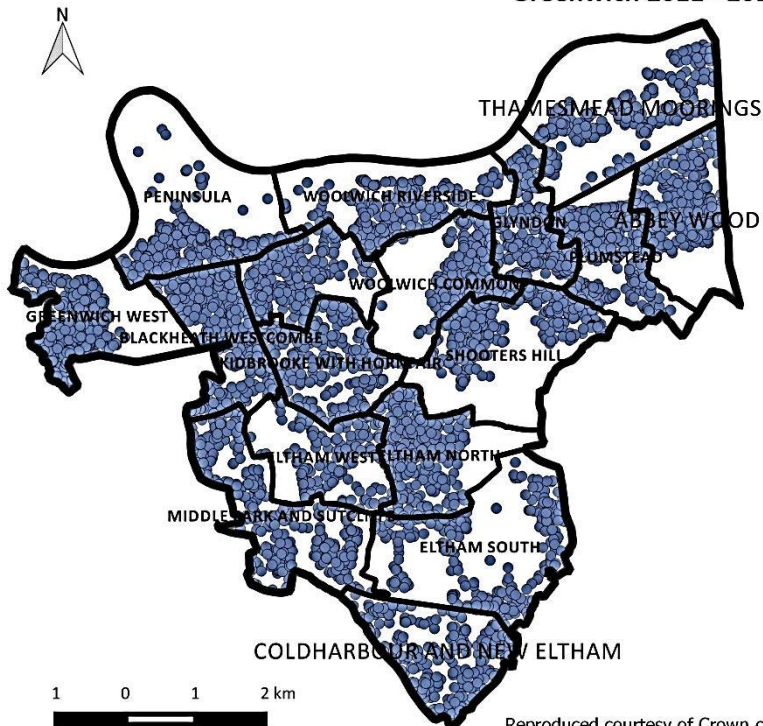
Source: Royal Borough of Greenwich

<sup>4</sup> Source: Office for National Statistics



## Map 7. Numbers of Noise Complaints received between 2011 and 2016

Map representing the occurrences of noise complaints recorded in RB  
Greenwich 2011 - 2016



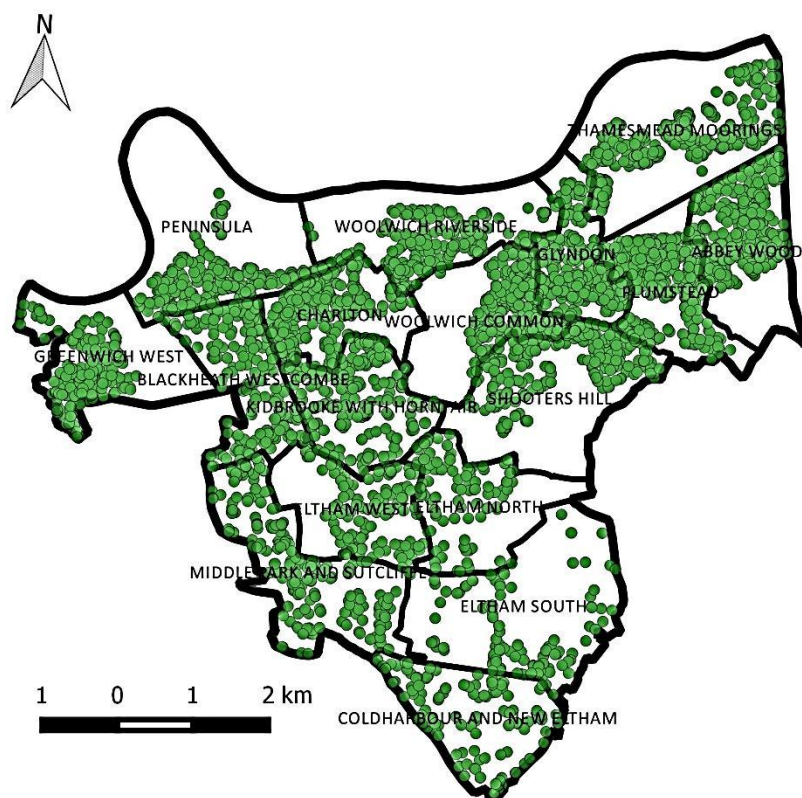
WARD BOUNDARY	2011	2012	2013	2014	2015	2016	Total
ABBNEY WOOD	179	177	178	156	148	97	935
BLACKHEATH WESTCOMBE	111	114	123	73	84	56	561
CHARLTON	99	119	101	94	78	82	573
COLDHARBOUR AND NEW ELTHAM	91	89	73	64	59	42	418
ELTHAM NORTH	74	46	69	53	55	34	331
ELTHAM SOUTH	109	103	67	83	58	51	471
ELTHAM WEST	60	58	71	50	48	48	335
GLYNDON	171	162	194	151	127	80	885
GREENWICH WEST	142	172	174	175	178	101	942
KIDBROOKE WITH HORNFAR	113	166	150	101	104	97	731
MIDDLE PARK AND SUTCLIFFE	169	138	148	126	131	85	797
PENINSULA	136	142	146	125	101	72	722
PLUMSTEAD	112	132	108	101	113	90	656
SHOOTERS HILL	80	93	93	74	56	65	461
THAMESMEAD MOORINGS	110	130	114	63	77	53	547
WOOLWICH COMMON	171	154	151	156	133	100	865
WOOLWICH RIVERSIDE	192	207	185	179	141	87	991
	2119	2202	2145	1824	1691	1240	11221

Reproduced courtesy of Crown copyright 2012 Ordnance

Source: Royal Borough of Greenwich

## Map 8. Occurrences of Vermin Complaints received between 2011 and 2016

Map showing occurrence of Vermin in RB Greenwich between 2011-2016



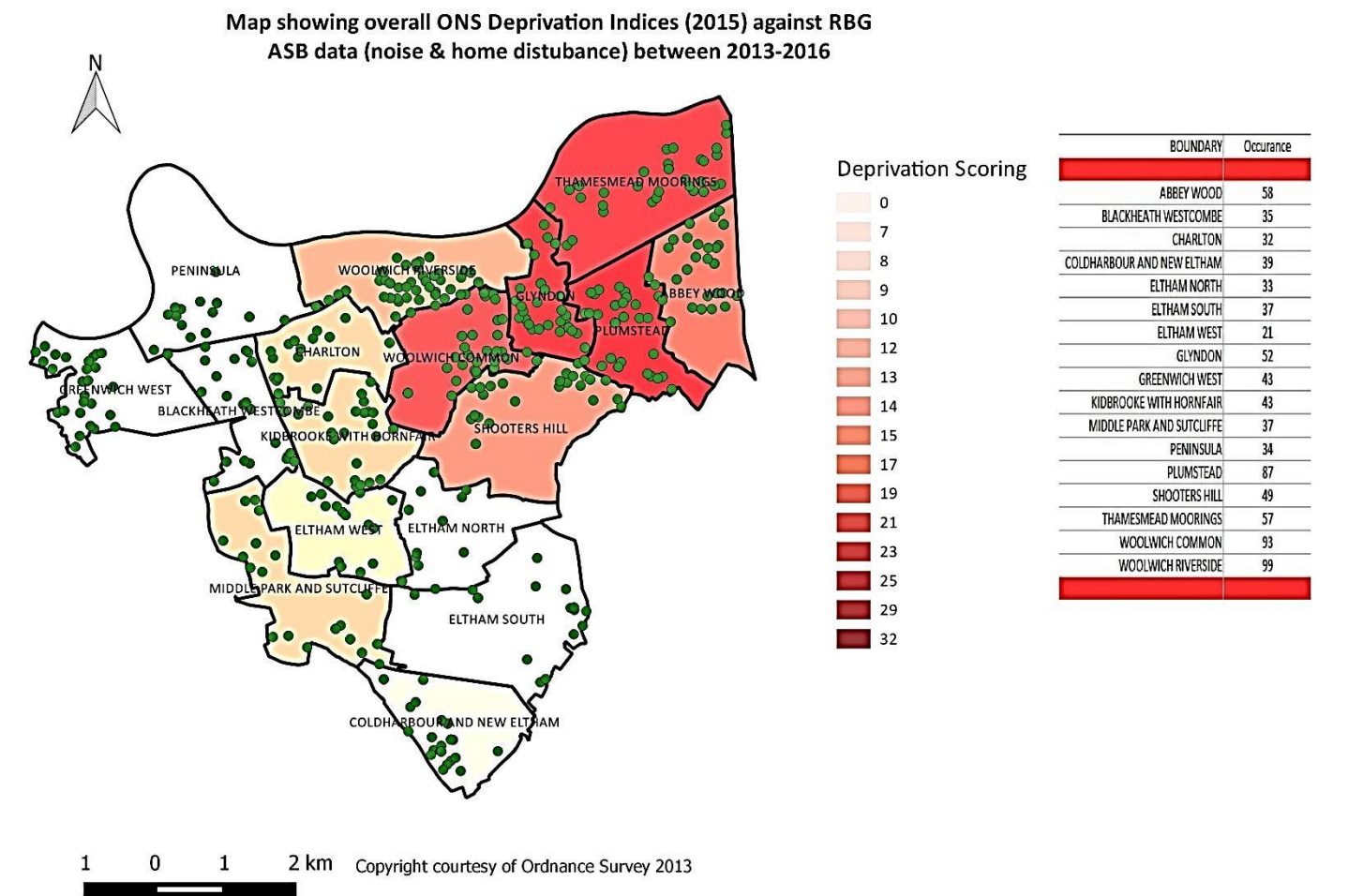
WARD BOUNDARY	2011	2012	2013	2014	2015	2016	Total
ABBEY WOOD	118	146	91	87	30		472
BLACKHEATH WESTCOMBE	68	73	38	51	35	1	266
CHARLTON	129	124	80	63	40		436
COLDHARBOUR AND NEW ELTHAM	37	42	42	34	16	3	174
ELTHAM NORTH	27	30	28	24	23	2	134
ELTHAM SOUTH	44	29	31	25	25		154
ELTHAM WEST	36	41	38	33	22		170
GLYNDON	197	212	106	103	67	3	688
GREENWICH WEST	96	70	37	60	28	2	293
KIDBROOKE WITH HORNFAIR	79	77	50	50	25		281
MIDDLE PARK AND SUTCLIFFE	67	70	66	62	40		305
PENINSULA	137	112	73	77	47	2	448
PLUMSTEAD	261	258	145	150	69	2	885
SHOOTERS HILL	63	100	67	82	44		356
THAMESMEAD MOORINGS	170	196	94	103	56	1	620
WOOLWICH COMMON	153	134	91	86	53	1	518
WOOLWICH RIVERSIDE	112	85	45	54	37	1	334
	1794	1799	1122	1144	657	18	6534

Incidents of recorded vermin include Rats, Mice, Cockroaches and Anns.

Reproduced courtesy of Crown copyright 2012 Ordnance Survey

Source: Royal Borough of Greenwich

# Map 9. Occurrences of Royal Borough of Greenwich reported ASB against IMD<sup>5</sup> between 2013 and 2016

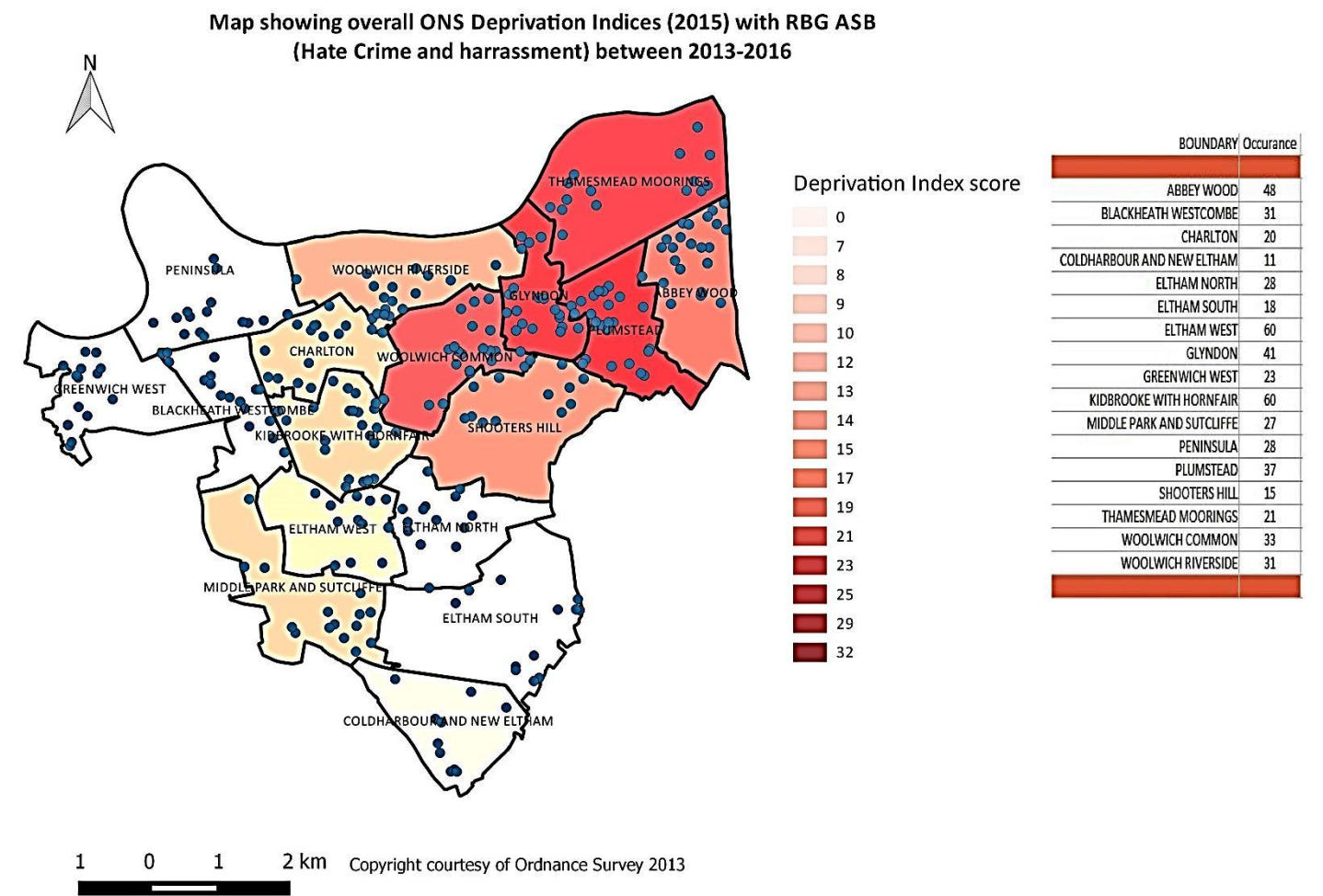


Source: Royal Borough of Greenwich

<sup>5</sup> Indices of Multiple Deprivation – a measure of the level of deprivation as a comparison to the national average (see glossary).  
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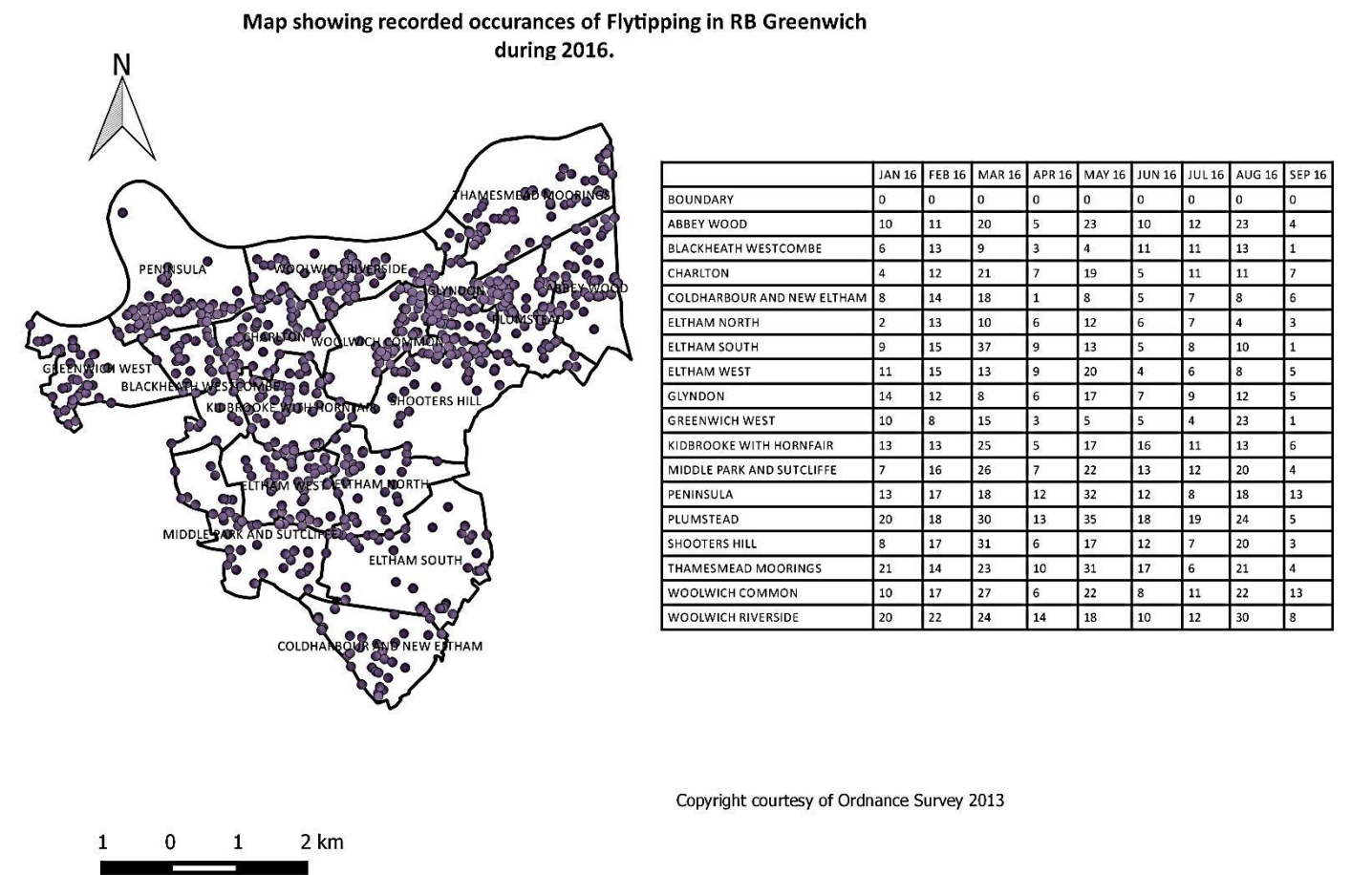


# Map 10. Occurrences of Royal Borough of Greenwich reported Hate Crime against IMD between 2013 and 2016



Source: Royal Borough of Greenwich

Map 11. Occurrences of reported fly tipping incidents in 2016



Source: Royal Borough of Greenwich

- 4.15 Maps 6 to 11 detail incidences of ASB, other unacceptable behaviours and environmental issues, such as fly-tipping. Although not all this behaviours can be attributed to HMOs, these maps demonstrate a correlation between these incidences and the occurrences of HMOs in the Borough. The work of PRSHEP Team has found that these types of incidences are often associated with HMOs. Residents of HMOs are usually more transient, have less positive attachment to their home or neighbourhood and in some cases are avoiding detection, which compounds these issues. The Royal Borough of Greenwich have dedicated ASB Teams and other Teams that work along side the PRSHEP Team to help tackle these issues.
- 4.16 Concentrations of fly tipping incidents are particularly prominent in the Plumstead and Charlton areas. This has led to the instigation of ‘task forces’ to help deal with this, which the PRSHEP Team are key members of. There is a correlation between the high turnover of occupants in overcrowded HMOs and fly tipping of household items.

Summary

- 4.17 The data currently demonstrates that there is sufficient evidence to conclude that there are significant and persistent problems with the management and standard of HMOs in the Royal Borough of Greenwich. The data shows that the market is growing and HMOs are widely spread across the Borough. There is a correlation between the prevalence of HMOs and the incidences of ASB, other nuisance issues and environmental problems. Although the Royal Borough of Greenwich have put in place measures to help tackle HMOs and rogue landlords, such as Landlord Accreditation (currently 358

accredited landlords in the Royal Borough<sup>6</sup>), landlord business clubs, tenant support and the PRSHEP Team, these measures are insufficient on their own to deal with the problem. Designating an Additional HMO Licensing scheme will help lead to a reduction in ASB when combined with other measures being taken by the Royal Borough and its partners. A designation will help contribute towards the corporate strategic housing objectives of driving up housing standards and addressing issues of poor HMO management, whilst at the same time providing tenants with better information about properties they may be planning to rent. It is also consistent with the Royal Boroughs co-ordinated approach towards homelessness and the co-ordinated approach adopted between partner agencies and the Royal Borough to deal with ASB and other environmental problems.

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<sup>6</sup> Source – The Royal Borough of Greenwich

## 5. How does it fit with the Royal Borough's other plans?

- 5.1 The Strategic Housing Market Assessment (SHMA), which was undertaken for the South East London Housing Partnership (SELHP) in 2008, indicated that conditions in the private rented sector were generally worse than in the owner occupied and social rented sectors. Due to increased demand the private rented sector accommodates a substantial pressure arising from the economic downturn and welfare reforms. However, this increased demand has provided profit driven rogue landlords with the opportunity to provide substandard properties to vulnerable tenants. This has been borne out by the increases in the level of complaints received about housing conditions and the level of concern expressed by residents when they engage with Members of the Royal Borough. The threat to health and safety is much greater in poorly managed HMOs. These factors created a compelling case for significant, intensive enforcement and regulatory activity in the Royal Borough.
- 5.2 The Royal Borough of Greenwich's is a labour majority led Council. One of the Greenwich Labour Party 2014 manifesto commitments was to *'develop further schemes to ensure the availability of good quality private rented accommodation.'* This was a reflection of the groups continued commitment to improving the Private rented Sector, which saw the establishment of the Private Rented Sector Housing Enforcement Project (PRSHEP) in 2013. The PRSHEP was therefore established as a Lead Member priority for the Royal Borough and included a commitment to exploring whether discretionary licensing should be used as a tool to improve the PRS.
- 5.3 The Lead Member priorities are ratified by Cabinet as strategic Council Priorities. On the 19 October 2016 Cabinet set its priorities for 2016 – 2018. These continued to include recognition of the importance of a safe private rented sector and its commitment to exploring licensing as a tool to assist with this:
- 'To deliver a continued multiagency approach to improving standards in the privately rented housing sector, with the implementation of extended licensing schemes for landlords.'*<sup>7</sup>
- 5.4 The PRSHEP team use an intelligence driven approach to undertake their work. High risk properties, including HMOs and suspected rogue landlords, are referred from other services, external agencies or identified by the team. Data Analysis is used to identify high risk properties or activities. The referrals are risk assessed by Intelligence Officers and the highest risk properties are targeted for enforcement. Multi-agency enforcement is used in some cases.
- 5.5 One of the significant successes of the PRSHEP has been the development of partnerships, both internally and externally. Partners are not only active sources of referrals to the PRSHEP team, but we also share intelligence to assist with multi agency investigations. We often work together with partners on investigations and enforcement visits. Our partners include the Home Office (specifically Immigration), HMRC, the Fire Authority, the Police, Utility Companies, the DCLG and Gangmasters Licensing Authority, etc.
- 5.6 The Royal Borough also recognise the key role the PRS plays in helping tackle homelessness. One of the Borough's Strategic<sup>8</sup> high level homelessness objectives is to - ***'Increase the Supply of Good Quality Private Rented Sector Accommodation Available to People at Risk of Homelessness'***. Four of the key targets for achieving this objective are:
- *Increase Numbers and Quality of Accommodation Made Available to Prevent Homelessness and to Discharge the Homelessness Duty*

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<sup>7</sup> Cabinet report titles 'Cabinet Priorities 2016 – 2018, dated the 19 October 2016, brought by the Chief Executive and the Director for Central Services for the Leader of Council.

<sup>8</sup> The Royal Borough of Greenwich Homelessness Review and Homelessness Strategy 2014-2019

- *Increase the Supply of Good Quality Shared and HMO Accommodation Available to Young People*
  - *Develop Partnerships with Private Landlords and Ensure a Good Supply of Affordable Accommodation Available to Homeless People*
  - *Complete a High Intensity Enforcement Programme to Bring HMO Properties Up to Standard and Implement Additional Licensing Arrangements*
- 5.7 In response to community concerns about environmental crime such as, littering, dog fouling, fly tipping, noise nuisance and graffiti, multi-agency Taskforces have been established with Member approval. Often this form of anti-social behaviour is associated with HMO use. The PRSHEP Team are therefore key players within these Taskforces and target activity accordingly with its partners.
- 5.8 The Mayor of London, Sadiq Khan, came to power in 2016 having made a number of manifesto commitments<sup>9</sup>, which included a commitment to improve the PRS offering in the city, to this end he committed to:
- *Setting up a London-wide not-for-profit lettings agency for good landlords, building on the work that councils have started, and ending rip-off fees for renters.*
  - *Working alongside boroughs to promote landlord licensing schemes to drive up standards, and make the case to government for London-wide landlord licensing.*
  - *Naming and shaming rogue landlords and ensure tenants have access to this information online.*
- 5.9 These London wide commitments reflect and support the strategic housing direction of the Royal Borough of Greenwich in tackling sub-standard and poorly managed PRS accommodation.

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<sup>9</sup> London Labour – Manifesto for all Londoners (9 march 2016) - [http://www.sadiq.london/a\\_manifesto\\_for\\_all\\_londoners](http://www.sadiq.london/a_manifesto_for_all_londoners)

## **6. What are the Benefits?**

6.1 Designating an Additional HMO Licensing scheme will deliver a range of positive benefits for the residents of the Royal Borough:

- HMO's will be managed more effectively and issues of ASB within properties addressed and reduced, which will benefit tenants and local communities
- Licensing places the onus on the landlord to license their HMO with the Royal Borough
- Licensing is a powerful tool that allows the Royal Borough to also target measures to improve the management and tenancy arrangements of HMOs
- The conditions attached to licenses can be wide ranging to help tackle holistic as well as area or property based issues, e.g. the waste issues associated with HMOs in Plumstead
- Support for landlords when dealing with anti-social tenants
- The long term improvement of HMOs
- A scheme takes tension out of the relationship between landlord and tenant - Improvements will be required by the Royal Borough, rather than tenant complaining and subsequently losing their tenancy
- A consistent approach will be achieved towards improving conditions, management and tenancy arrangements across the HMOs. Tenants will know the level of quality to expect and ultimately be provided with better quality and choice of accommodation
- Reduced turnover leading to more settled communities
- Improved neighbourhoods should lead to a positive impact on property values and rental yields
- Landlords with a poor track record will be prevented from continuing to operate if they fail the 'fit and proper person' test.

## **7. Reviewing Progress**

- 7.1 The Housing Act 2004 requires local authorities to review their licensing schemes from time to time and to revoke the scheme if they consider this to be the most appropriate action. A process of review will be useful to assess whether there are ways of making the scheme more effective and ultimately to determine the success of the scheme in its later stages with a view to informing the exit strategy. It is proposed that an initial review is carried out at the end of year 2 with a further review at the end of year 4 to help inform the strategic direction following the expiry of the five year scheme, e.g. whether a further scheme is needed or whether the scheme objectives have been met.
- 7.2 It is recognised that licensing is part of an overall approach to help improve the private rented offering within the Royal Borough and outcomes achieved may not be solely as a result of licensing. With this caveat, progress will be assessed against the following key outcomes:
- Improvements to the health and safety for private tenants of HMOs
  - Improved management standards in HMOs
  - Improved local communities, with a particular regard to refuse, anti-social-behaviour and reductions in unauthorised developments
  - Improved tenancy management particularly with regard to a reduction in end of tenancy and protection from eviction in HMOs
  - Increase Numbers and Quality of Accommodation Made Available to Prevent Homelessness and to Discharge the Homelessness Duty
  - Increase the Supply of Good Quality Shared and HMO Accommodation Available to Young People

## 8. Proposed Fees

- 8.1 The Royal Borough will charge a fee to cover the scheme running costs. This is likely to be £462 per habitable room<sup>10</sup> within an HMO for the five year period.
- 8.2 The Royal Borough is proposing the following discounts in certain circumstances:
- a) An ‘early bird’ discount of 20% (fee of £370 per habitable room<sup>11</sup>) where applications are received within the 3 months prior to the scheme being launched. This would be widely publicised
  - b) A 10% discount (fee of £416 per habitable room<sup>12</sup>) for landlords who are members of a recognised professional body or accreditation scheme
- 8.3 Where the Royal Borough discovers an HMO is not licensed that should be, it proposes that the licence fee will be increased by 30% over the standard fee level, i.e. £601 per habitable room<sup>13</sup>. This will act as an incentive on landlords to voluntarily license their HMOs. The Royal Borough may also shorten the period of time the license will cover allowing for a proper assessment of the license holders willingness to comply with requirements and confirm that they are ‘fit and proper’ to operate HMOs.
- 8.4 The Royal Borough cannot make a profit or surplus from the scheme, which means it will annually review the cost of running the scheme and the projected revenue stream from licencing. This could mean that the fees charged may need to be increased or reduced depending on whether the number of applications received deviates from the assumed profiles or fluctuations in the running costs.

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<sup>10</sup> or per each self-contained unit within a HMO that is a building converted into flats

<sup>11</sup> or per each self-contained unit within a HMO that is a building converted into flats

<sup>12</sup> or per each self-contained unit within a HMO that is a building converted into flats

<sup>13</sup> or per each self-contained unit within a HMO that is a building converted into flats



## **9. Proposed Licence Conditions**

- 9.1 All HMO landlords letting HMOs in the Borough will require a licence from the Royal Borough for each of their HMOs. The proposed licence conditions are attached at Appendix 2. They include certain mandatory conditions required under Schedule 4 of the Housing Act 2004 and additional conditions required by the Royal Borough in relation to:
- Appliance safety and provision of safety certificates or declarations
  - Amenity provision
  - The number of persons and households permitted to occupy the HMO
  - Tenancy management and arrangements
  - HMO management and arrangements
- 9.2 The license may also specify the maximum number of households the Royal Borough assess the HMO can accommodate or limit the occupancy of the HMO. This might occur if a HMO size was unable to accommodate the number of households or if there was part of the HMO that would not be suitable as a bedroom, etc.
- 9.3 Failure to comply with any of the licence conditions may result in prosecution leading to fines of up to £5,000 per breach and loss of the licence.
- 9.4 When deciding to grant a licence the Royal Borough must be satisfied that the proposed licence holder is a 'fit and proper person'.
- 9.5 Where landlords fail to license a property the Royal Borough will take enforcement action against them and following successful prosecution they could face an unlimited fine. Tenants and the Royal Borough can claim back rent and/or LHA for a period of up to a year during the time a HMO has not been licensed. Landlords cannot use section 21 eviction proceedings to evict their tenants whilst the HMO remains unlicensed.

## **10. Proposed Amenity and Space Standards**

10.1 All HMO landlords letting properties in the Royal Borough area will be required to meet minimum amenity and space standards. The proposed standards are attached at Appendix 3. They include:

- Space standards for the different types and styles of HMO, e.g. bedsits, rooms with kitchen facilities, hostel type HMOs, etc.
- The numbers and standards of kitchen facilities
- The numbers and standards of bathroom and WC facilities
- The numbers and standards clothes drying facilities
- Heating standards
- Refuse storage and disposal standards
- Lighting and ventilation standards
- The standard for cleaning of shared rooms and spaces
- Fire safety standards
- The availability of contact details for the landlord/manager

## 11. Government proposals on extending mandatory HMO Licensing

- 11.1 On the 18 October 2016 the Department for Communities and Local Government (DCLG) published a further consultation on its intention to extend the mandatory licensing of HMOs. Currently RBG is only operating a mandatory which requires the licensing of HMOs that are three storeys or more, with five or more occupants, in two or more households, where there is sharing of one or more amenities.
- 11.2 The consultation ends on the 13 December 2016 and it's suggested that implementation of the proposals will be in 2017 (possibly April or October). The proposals are:
- a) To remove the three storey condition, therefore making one or two storey HMOs subject to licensing (the occupancy condition remains).
  - b) To include the licensing HMOs and Flats in Multiple Occupation (FMOs) with five or more occupants in two or more households above or below commercial buildings (such as flats above shops).
  - c) Introduce minimum room sizes for licensable HMOs of 6.52 sq m for one person and 10.23 sq m for two people.
  - d) Strengthen the 'Fit and Proper' test of people wishing to become HMO License holders by requiring criminal records checks.
  - e) Make it a mandatory condition on HMO Licenses that holders provide adequate arrangements for the storage and disposal of refuse from HMOs.
  - f) Where certain private student accommodation is being run in accordance with an approved code of practice that a 50% discount is given on the licensing fee.
- 11.3 The consultation also sets out the Government's intention to enact certain elements of the Housing and Planning Act 2016, being:
- a) Extend the 'Fit and Proper' test of people wishing to become HMO License holders to include issues pertaining to migration requirements and insolvency/bankruptcy issues.
  - b) Introduce Fixed Penalty Notices as an alternative to prosecution for certain offences, such as failing to license, etc. A FPN will be limited to a maximum of £30,000.
  - c) Changing the level of fine from a maximum of £2,500 to an unlimited fine where a landlord is convicted of failing to comply with an Overcrowding Notice.
- 11.4 Officers have reviewed these proposals. Transitional arrangements are proposed by Government that would allow any HMOs subject to an Additional HMO Licensing scheme to be pass-ported (without cost to the license holder) into mandatory licensing without affecting the continued operation of the Additional HMO Licensing scheme. Therefore if the Royal Borough decide to designate a Additional HMO Licensing Scheme prior to the Government introducing the secondary legislation to extend mandatory licensing of HMOs, any HMOs covered by an RBG scheme that are covered by the extension would be pass-ported into a mandatory scheme.
- 11.5 In the event that Government implement an extension to mandatory HMO licensing before the royal Borough decide whether to designate an Additional Licensing Scheme then the Royal Boroughs proposals for Additional HMO Licensing will be amended to exclude those HMOs an extended mandatory HMO Licensing scheme would cover, whilst retaining those HMOs that remain outside the scope of mandatory licensing of HMOs. This is likely to include HMOs with 4 or less occupants in two or more households, certain Flats in Multiple Occupation and Buildings converted in Flats that meet the section 257 (housing Act 2004) definition of an HMO. The Royal Borough considers that there is

sufficient evidence to conclude that there are significant and persistent problems with the management and standard of these forms HMOs in the Royal Borough of Greenwich to continue with its proposals to consult on the introduction of an Additional HMO Licensing scheme.

## Appendices

### Appendix 1. The Private Rented Sector in the Royal Borough of Greenwich

- 1.1 The Royal Borough of Greenwich has a PRS that is significantly larger than the national average. There is a trend of growth in the PRS nationally, though London has a much higher level than most other areas of the country primarily due to high house prices forcing many to seek a rental solution, largely at the expense of owner-occupation. The number of PRS households in the Royal Borough has grown to nearly 30%.

<b>Table 5. Tenure (Households)</b>				
<b>Tenure</b>	<b>Greenwich</b>		<b>England</b>	
	<b>number</b>	<b>%</b>	<b>number</b>	<b>%</b>
Owned	35,000	31	13,975,024	63.3
Social rented	45,000	40	3,903,550	17.7
<b>Private rented</b>	<b>32,000</b>	<b>29</b>	<b>3,715,924</b>	<b>16.8</b>
All households	112,000	100.0	22,063,368	100.0

Source: RBG Council Tax records and the Office for National Statistics

- 1.2 The population of the Royal Borough shows a continuous growth, which places demands on housing of all tenures, but as the gap between pay and houses prices continues to widen many have no other option but to turn to the PRS.

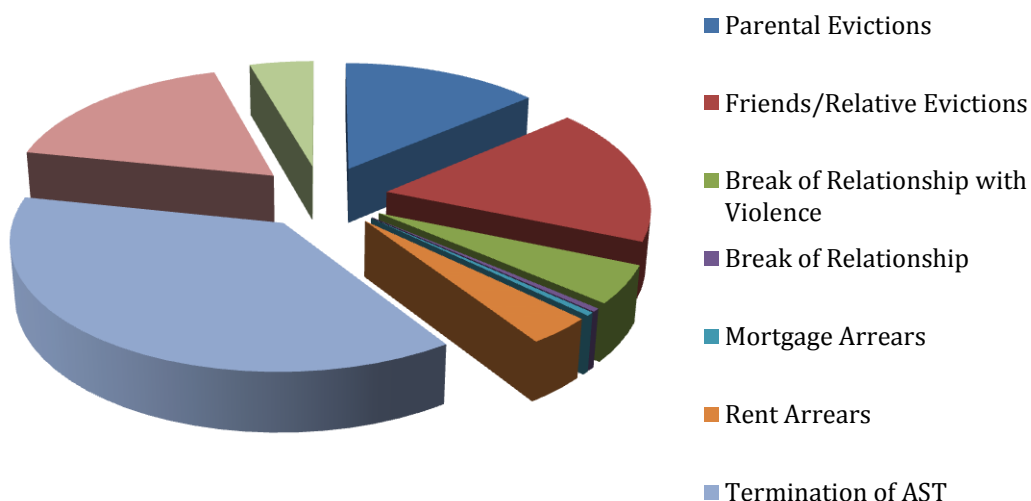
<b>Table 6. Population Growth</b>						
	2011	2012	2013	2014	2015	2016
<b>Greenwich</b>	<b>255,483</b>	<b>259,623</b>	<b>263,615</b>	<b>268,041</b>	<b>271,937</b>	<b>275,868</b>
London	8,217,475	8,320,793	8,428,816	8,549,944	8,666,014	8,750,753
England	53,107,169	53,493,729	53,865,817	54,316,618	54,786,327	55,218,700

Source: Office for National Statistics

- 1.3 The Royal Borough of Greenwich maintains its own housing stock, which is complemented by a further supply of social housing provided by Registered Providers. In total approximately 35,000 homes. As of February 2016 there were over 16,000<sup>14</sup> people on the Royal Borough's Housing Register awaiting social housing. This has grown from around 11,600 in March 2010. The supply cannot meet demand and the PRS is quickly becoming the sector people are turning to, to meet their housing need.

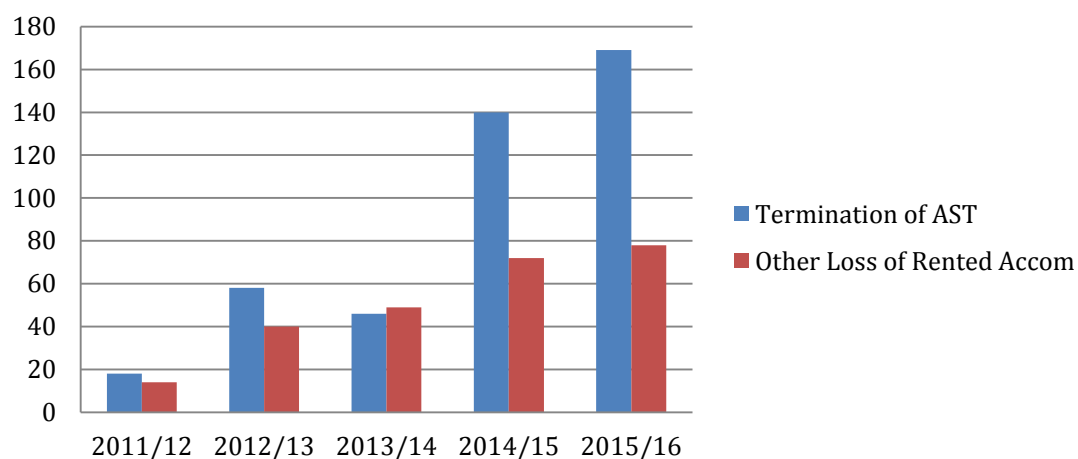
<sup>14</sup> Source – The Royal Borough of Greenwich

**Chart 2 - Reasons for Homelessness 2015/16**



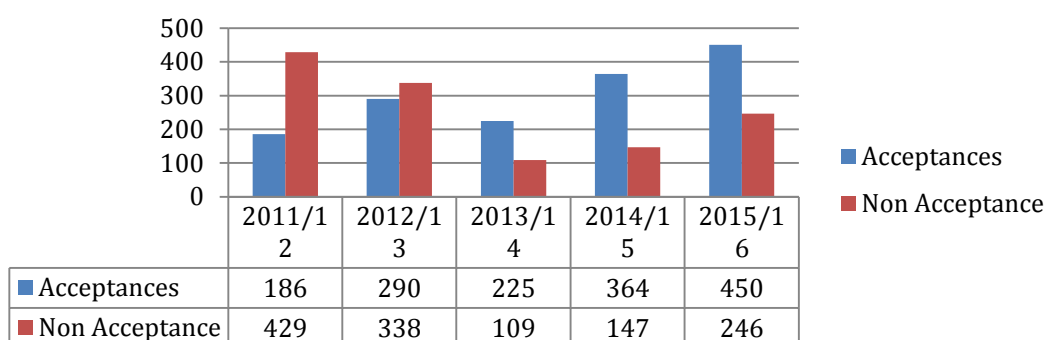
Source: Royal Borough of Greenwich

**Chart 3 - Loss of PRS as a Reason for Homelessness by Year**



Source: Royal Borough of Greenwich

**Chart 4 - Number of Homelessness Acceptances as Compared to Non-Acceptances**



Source: Royal Borough of Greenwich

- 1.4 The number of homelessness acceptance decisions the Royal Borough has made has also grown over the last 3 years. The reasons for people becoming homeless varies, but by a great margin the most common reason in 2015/16 is a loss of their PRS accommodation through eviction. In 2011/12, 32 people asked for the Royal Borough's help with housing as a result of losing their PRS accommodation as compared with 247 people in 2015/16, an increase of 672%. This places an added strain on housing supply and increases the need for temporary and emergency accommodation. The great majority of temporary accommodation (TA) is now sought from the PRS.
- 1.5 The amount of TA the Royal Borough use has also dramatically increased over the last 3 years. In 2011/12 the number of TA from the PRS places stood at 170, with an additional 38 places coming from the Royal Borough's own stock. In 2015/16 this had increased to 453 PRS places as compared with 90 social housing places. The Royal Borough also relies heavily on the PRS when fulfilling its social care duty to house certain categories of vulnerable persons that have 'nil recourse to public funds', e.g. children.

<b>Table 7. Average House and Rental Costs</b>						
	Greenwich			London		
	Jul-14	Jul-16	% Change	Jul-14	Jul-16	% Change
Average House Price	£368,431	£443,611	+20%	£556,481	£635,710	+14%
	Greenwich			London		
	Mar-15	Apr-16	% Change	Mar-15	Mar-16	% Change
Average Monthly Rent	£1,710	£1,733	+1%	£1,427	£1,536	+8%
	Greenwich			South East London LHA rate		
	Mar-15	Apr-16	% Change	Mar-15	Apr-16	% Change
Average Weekly Room Rent	£133	£142	+7%	£84.27 to £95.18	£84.27 to £95.18	0%

Source - South East London Housing Partnership

<b>Table 8. Percentage of the Population Employed or Self-Employed</b>						
	Greenwich			London		
	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16
Economic activity rate - aged 16-64	71.8%	76.7%	78.7%	76.3%	77%	77.9%

Source: Office for National Statistics

<b>Table 9. Average (Mean) Annual Gross Earnings</b>							
	2012	2013	% Change	2014	% Change	2015	% Change
Greenwich	£26,567	£31,554	+18.77%	£32,167	+1.94%	£26,629	-17.22%
London	£36,223	£32,989	-8.93%	£32,864	-0.38%	£36,109	+9.87%

Source: Office for National Statistics (National Archives)

- 1.5 As can be seen from Table's 7, 8 and 9, house prices are increasing and there is a stark differential between house price increases and wage increases/decreases. This in effect makes it unaffordable for the majority to buy a home in the Royal Borough. Social housing isn't increasing to meet the demand for housing and PRS rental prices are also increasing (though at a slower rate). Therefore the PRS is the only viable housing market for the majority. A further point of concern is the average room rent. This is the most reflective statistic available for rent cost within HMOs. However, the difference between the market room rents and the LHA rates is large, meaning that even within this more affordable sector of the PRS people need to find extra money in order to afford their accommodation, especially those that are eligible for means tested benefits.



## **Appendix 2. Proposed Conditions for HMO Licensing**

### **Section I - Mandatory Conditions**

Required by virtue of Schedule 4, Housing Act 2004

The following conditions apply only in relation to any part of the house over which the licence holder exercises control, or over which it would be reasonable to expect that he would exercise control.

#### **Gas safety**

If gas is supplied to the house produce to the Royal Borough of Greenwich annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.

#### **Electrical Safety**

Keep all electrical appliances made available by you in the house in a safe condition.

Supply to the Royal Borough of Greenwich, on demand, with a declaration by you as to the safety of such appliances

#### **Furniture**

Keep all furniture made available by you in the house in a safe condition.

Supply to Royal Borough Greenwich, on demand, with a declaration by you as to the safety of the furniture.

#### **Smoke Alarms**

Ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation in the HMO. A bathroom or lavatory is treated as a room used as living accommodation. A heat detector/ alarm is to be installed in kitchens and kitchen areas. A declaration as to the positioning of smoke and heat alarms must be supplied to the Royal Borough Greenwich on demand

**Note:** This requirement will be satisfied where an appropriate fire detection and alarm system is provided as recommended in BS 5839 part 6 2013.

Ensure that all smoke alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Royal Borough Greenwich on demand

**Note:** This requirement will be satisfied where appropriate certifications of the fire detection and alarm system have been given as recommended in BS 5839 part 6 2013.

**Note:** Further requirements for fire standards may be set out under the discretionary conditions below.

#### **Carbon Monoxide**

Ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. A declaration as to the positioning of such alarms must be supplied to the Local Authority on demand. Note. 'Room' includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation.

The licence holder must ensure that the carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Royal Borough of Greenwich on demand.

Note: Further requirements for carbon monoxide detection maybe set out under the discretionary conditions below.

## **Statement of terms for tenants occupying the house**

Supply to the occupiers of the house a written statement of the terms on which they occupy it.

## **Section 2 - Additional Conditions**

Required under Section 90(1) and 90(2) of the Housing Act 2004

Section 90 allows the local authority to include conditions it considers appropriate to regulate the management, use, occupation, condition and contents of the house.

### **Documents to be displayed in the house**

Ensure that a copy of the licence and all conditions are displayed in a conspicuous place in a common area. Normally the documents will be displayed in an appropriate position in the main entrance hallway of the HMO.

Note: The licence holder is supplied with additional copies of the licence, conditions and other documents for display. Further copies can be supplied at cost if requested.

### **Notification of changes**

#### **Change of licence holder's address**

The licence holder must inform the Royal Borough of Greenwich if they no longer reside at the address given in their application form. Furthermore, the Licence holder must provide the Royal Borough of Greenwich with their new address and contact details within 21 days.

#### **Change of manager/managing agent**

The licence holder and/or the manager must inform the Royal Borough if there is a change in manager/managing agent, within 21 days, or if a manager/managing agent is appointed who is not named on the existing licence.

#### **Managing agent ceases to have an interest in the property**

If the licence holder is a managing agent, they must inform the Royal Borough if they cease to have an interest in the property, within 21 days.

#### **Changes and alterations to the property**

The licence holder must advise the Royal Borough in advance of making any changes to the layout, amenity provision, fire precautions or mode of occupation of the house

### **Emergency Contact**

Provide and fix a notice containing the name, address and telephone number of the person managing the house in a position readily visible to all occupants. The notice shall be in clear legible lettering and not easily defaced or damaged and shall be securely fixed in position.

The licence holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 3 hours of notification. A copy of these details shall be forwarded to the Royal Borough within 3 months of the licence being issued.

### **General Maintenance of the Property**

Ensure that at all times the property is maintained in good repair and safe condition. Also arrangements are

made to ensure compliance with any standards or Approved Codes of Practice which the Royal Borough of Greenwich or central government may from time to time require.

## **Gas appliances**

Ensure that all gas appliances provided by the licence holder are serviced annually.

Ensure that a carbon monoxide alarm is installed in any room in the house that contains a gas appliance (includes boilers).

The licence holder must ensure that the carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Royal Borough of Greenwich on demand.

## **Soft furnishings**

The licence holder shall, within the period of 3 months from the date the licence is issued, provide to the Royal Borough of Greenwich a signed declaration confirming that all soft furnishings supplied by him/her to the tenants complies with the Furniture and Furnishings (Fire) Regulations 1988 (as amended).

## **Electrical installation and appliances**

All electrical works must be completed by an electrician registered with the Government's Competent Person Electrical Register working to the British Standard for electrical safety (BS 7671). On completion of the works, the registered electrician will issue a BS7671 certificate to confirm that their work has been designed, inspected and tested in line with the BS7671 electrical safety standard. For notifiable work, the registered electrician will provide a Building Regulations Compliance Certificate to confirm compliance with Building Regulations. A copy of the BS7671 Certificate (and Compliance Certificates where relevant) must be sent to Royal Borough of Greenwich Residential Services within one month of completion of the electrical works.

Details of the Government's competent person electrical scheme and a search facility to find a competent, registered electrician can be found on the following web page: <http://www.electricalcompetentperson.co.uk/>

The licence holder shall ensure that all portable electrical appliances provided by him/her for use at the premises are maintained in a safe condition.

## **Energy Performance Certificates**

The licence holder shall ensure that the flat/ house has a valid Energy Performance Certificate, (EPC).

## **Right to Rent Checks**

The License Holder shall ensure that 'right to rent' checks have been carried out in accordance with the Immigration Act 2014. The licence Holder will retain and produce on request the relevant copies of documents from the prescribed lists and the record of the date the right to rent checks were carried out or in the case of tenants with a time limited right to remain, copies of documents from the prescribed lists and the record of the date the follow up checks were carried out. Further guidance is available [here](#).

## **Access to Utility Meters**

The licence holder shall ensure that their tenants are able to access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters.

## **Supply of water, gas and electricity**

The licence holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

The gas and electricity supply must NOT be via any form of prepayment meter.

## **Inform us if there is a fire in the property**

The licence holder must inform the Royal Borough by telephone (020 8921 8517) or email [residentialservices@royalgreenwich.gov.uk](mailto:residentialservices@royalgreenwich.gov.uk) within 72 hours of becoming aware of the occurrence of a fire within the house.

## **Notification to tenants**

The licence holder must supply to each tenant a copy of the licence and the conditions attached to it.

The written statement required under the mandatory conditions listed above must also include the following information: -

- An inventory of contents and their condition at the commencement of the tenancy,
- details of the rent and dates due, rent payment methods and how and when rent may be increased and,
- details of arrangements for payment for services including gas, water, electricity and heating, and provide the relevant contact information for the services provided at the house.

## **Tenancy Arrangements**

The licence holder shall take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the flat/ house and to this end shall:

Report all incidences of anti-social behaviour to the appropriate authority

Ensure adequate security arrangements are in place to prevent unauthorised access to the premises.

The licence holder shall enter into an assured shorthold tenancy agreement with each new tenant of the dwelling for which he/ she is the person having control. The tenancy agreement will include provisions relating to forfeiture of the property in the event of a breach of the tenancy agreement terms in the following circumstances:

"That the tenant or someone living in, or visiting the premises has been guilty of conduct which is, or is likely to cause a nuisance or annoyance to neighbours; or, that a person residing or visiting the premises has been convicted of using the premises, or allowing it to be used for immoral or illegal purposes or has committed an arrestable offence in, or in the locality of the licensed premises."

The licence holder shall investigate complaints of anti-social behaviour (as defined in Housing Act 2004, Section 57(5)) arising from their property and being caused by their tenants or tenants' visitors. Where appropriate they shall take legal advice and act to either caution or evict the tenants.

## **Refuse**

### **Provision of refuse receptacles and waste collection.**

The licence holder shall provide suitable and adequate receptacles both within and outside the property (as necessary) to allow for the safe and containable storage of refuse and recycling until it is collected. If this isn't achievable within the standard weekly collection arrangements, then the license holder shall make adequate alternative arrangements for the collection of refuse and recycling. The license holder must conform to the

requirements of the Royal Borough of Greenwich's Waste and Recycling Service ([www.royalgreenwich.gov.uk/recycling](http://www.royalgreenwich.gov.uk/recycling)). The Royal Borough of Greenwich will provide advice and assistance to landlords upon request.

### **Labelling of furniture, soft furnishings, kitchen appliances and white goods.**

The licence holder shall label any furniture, soft furnishing and kitchen appliances and white goods provided at the property, using a suitable indelible marker pen (removable labels are not acceptable) with the address and where relevant, the room number the articles relate too, e.g. Room 1, 38 Anywhere Road, Greenwich. The labelling should be readable and clear. The license holder will regularly check the labelling and re-label should the existing labelling have faded to the point it can no longer be read. This doesn't apply to articles provided by the tenants.

The licence holder shall ensure that any items of bulky household furniture (such as mattresses/bed bases/fridges etc.) are disposed of in a responsible manner using a licenced waste carrier or the Council's chargeable bulky waste collection service.

Note. This condition will be applied in defined hotspot areas where there have been significant issues with dumping of articles of furniture, etc. as a way of easily identifying the properties the articles come from.

### **Fire precautions**

Provide fire precaution facilities and equipment at the property, as deemed necessary by the Royal Borough of Greenwich. Information on necessary fire precautions and equipment for the property will be provided to the licence holder. Fire precautions and equipment must be maintained in proper working order.

Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the Royal Borough of Greenwich on demand as evidence of such maintenance.

Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.

Consummate with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (<http://www.legislation.gov.uk/ukxi/2005/1541/contents/made>) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the purpose of identifying the general fire precautions required at the HMO. The manager shall supply a copy of the risk assessment to Royal Borough of Greenwich Residential Services within one month of the issue of the license.

### **Provision of amenities and space standards**

The standards which apply to the property with respect to kitchen facilities, washing facilities, heating facilities, space standards and amenity standards are the Royal Borough of Greenwich Standards for Licensable Houses in Multiple Occupation. The Standards will apply during the term of the licence.

The property will also be subject to:

- The Management of Houses in Multiple Occupation (England) Regulations 2006,
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, and
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

**Occupancy (to be completed at the point the license is issued and depends on individual circumstances)**

The licence holder to ensure that the following maximum numbers as households and persons occupying the HMO, as listed below shall not be exceeded: -

Room	Location	Size(m <sup>2</sup> )	Permitted use	Maximum number of persons permitted to sleep in room

The property is suitable for occupation by up to XX individuals forming no more than XX households. The occupancy of each room should not exceed the numbers stated in the table above.

## **Appendix 3. Proposed Amenity and Space Standards**

### **1. Introduction**

#### **1.1 Definition of a House in Multiple Occupation**

The Housing Act 2004 sections 254-8 provide the full definition of a House in Multiple Occupation (HMO) but in essence a property occupied by three or more unrelated persons, forming two or more households and sharing standard amenities constitutes a HMO. Additionally some buildings which have been converted into self-contained flats, which do not comply with current Building Regulations, are also deemed to be HMOs<sup>15</sup>. These are referred to as section 257 HMOs.

The Housing Act 2004 gives the Royal Borough powers to deal with poor living conditions in HMOs and enforce prescribed standards of management to ensure the health, safety and welfare of residents. This document sets out the minimum standards adopted by the Royal Borough of Greenwich.

#### **1.2 Interaction with the Housing Health and Safety Rating System (HHSRS)**

The Housing Health and Safety Rating System is a risk based approach to assess whether a dwelling contains hazards that could impact on the health, safety and welfare of persons occupying that dwelling, or visitors to the dwelling. There are 29 potential hazards identified for dwellings. An assessment under the HHSRS will determine if any hazards are present and for each hazard identified whether the hazard is a category one or a category two hazard. Hazards assessed as category one are the most serious and will have a severe impact on the health, safety and welfare of occupiers.

All HMOs should be free of any hazards that are assessed to be category one hazards. The Royal Borough has a statutory responsibility to take enforcement action where it identifies any category one hazards.

The department for Communities and Local Government have produced a guidance document about the HHSRS for landlords and other property related professionals, which contains detailed information on the prescribed hazards, as well as how the system is used to identify, assess and enforce in respect of hazards.

This guidance document can be downloaded from their website here:

[www.communities.gov.uk/documents/housing/pdf/150940.pdf](http://www.communities.gov.uk/documents/housing/pdf/150940.pdf)

#### **1.3 Interaction with the HMO Management Regulations**

Regulations for the management of HMOs have been set by Government: - The Management of Houses in Multiple Occupation (England) Regulations 2006. These Regulations place a duty on a person managing a HMO to maintain the building and the facilities within the HMO e.g. bathrooms, kitchens, access routes in and out of the property. Failure to comply with the Management Regulations is a direct offence i.e. if a HMO is inspected, and contraventions of the Regulations are found, the Royal Borough could instigate an immediate criminal prosecution. Persons managing a HMO are therefore advised to make themselves familiar with the requirements of these Regulations.

A summary of the Management Regulations can be found at appendix one. A full copy is available via the following link: -<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

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<sup>15</sup> Section 257 - A building converted into flats that meets the HMO definition is one that wasn't converted in accordance with the 1991 Building Regulations (or later) and still doesn't meet those standards and where a third or more of the flats are rented out on short term tenancies.

#### **1.4 Energy Performance Certificates**

Where all accommodation in a HMO is let to a group of tenants under a single tenancy agreement an Energy Performance Certificate must be made available to prospective tenants.

#### **1.5 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

These Regulations require landlords in the private rented sector in England to ensure that a smoke alarm is installed on every storey of their rented dwelling when occupied under a tenancy, and that a carbon monoxide alarm is installed in any room which contains a solid fuel burning combustion appliance. They also require landlords to ensure that such alarms are in proper working order at the start of a new tenancy. There will also be an on-going requirement to maintain the alarms provided under these Regulations to ensure compliance with the HMO Management Regulations.

#### **1.6 Licensing of specified Houses in Multiple Occupation**

The Housing Act 2004 requires that certain HMOs are licensed with the Royal Borough. The HMOs that must be licenced with the authority are those that meet the following criteria

- Three or more storeys high, and
- Occupied by five or more persons, and
- Occupied by persons living in two or more single households.

If you own or manage a HMO that meets the above criteria you must ensure that licence application is submitted to the Royal Borough of Greenwich. Contact details can be found at the end of this document.

#### **1.7 Planning Permission and Building Regulation Approval**

Planning and/or Building Regulation approval may be required where works are being undertaken to create a HMO or carry out alterations within an existing HMO. Compliance with these standards is not a substitute for securing any required planning permissions or building regulation approval. Contact details for the Royal Borough of Greenwich Planning and Building Control teams are provided at section 4 of this document and property owners must make their own enquiries to ensure compliance with Planning and Building Regulation requirements.



## 2. The Amenity Standards

### 2.1 Space for living

Standards specified in this section are for HMOs that are commonly known as bedsits and shared houses, including bed and breakfast for temporary accommodation. Standards for section 257 HMOs are detailed in a separate section.

It is expected that all rooms will have a minimum ceiling height of 2.1m over at least half the floor area. Any floor area where the ceiling height is below 1.5m will be discounted when calculating the floor area in any room.

The following will also be discounted when calculating the floor area:

- Bathrooms, shower cubicles, toilet compartments
- Corridors
- Chimney Breasts
- Other significant obstructions that reduce the floor area

### 2.2 Rooms where there are kitchen facilities in a separate room, whether this is a shared kitchen or for exclusive use

The room sizes in the following table are linked with the provision of adequate dining space associated with the kitchen facilities. If the kitchen does not contain adequate dining space then the room sizes in the table below will be the required minimum.

Single Room	One person	9m <sup>2</sup> .
Double Room	2 people co-habiting as a couple	12m <sup>2</sup> .
Twin Room	2 individuals	If you intend to let a room to 2 individuals who are not living together as a co-habiting couple please contact Residential Services for further advice.

The occupation of rooms by more than two people is not considered acceptable.

### 2.3 Rooms containing their own kitchen facilities within the letting room

Rooms containing their own kitchen facilities are not considered suitable for occupation by more than one person or two persons co-habiting as a couple.

Single room	One person	11m <sup>2</sup>
Double room	2 people co-habiting as a couple	15m <sup>2</sup>

The occupation of rooms by more than one person is not considered acceptable except for a co-habiting couple.

## 2.4 Rooms where there are separate kitchen facilities and a lounge/dining room.

These standards will only be applied in properties where there is evidence that the occupiers are living more like a single household and are comfortable using shared communal space. Examples of this type of occupation are shared houses where the occupiers came together as a group or have a common shared interest i.e. students or employees from the same college or employer. Typically they would cook and eat meals together and would choose to spend time together in a living area or lounge. In addition to minimum room sizes for sleeping purposes, there are minimum room sizes for the lounge/living areas.

Single room	One person	6.52m <sup>2</sup> .
Double room	2 people co-habiting as a couple	10.23m <sup>2</sup> .
Twin room	2 individuals	If you intend to let a room to 2 individuals who are not living together as a co-habiting couple please contact Residential Services for further advice.
Lounge/living area	1-3 people	8.5m <sup>2</sup> .
	4-6 people	11m <sup>2</sup> (plus 1 square metre for each additional person sharing the lounge/living room.

The occupation of rooms by more than two people is not considered acceptable.

It would be expected that any lounge/living area will be suitably furnished with adequate, comfortable seating to accommodate all residents in the HMO at any one time.

## 2.5 Hostel Type Accommodation

Where the type of HMO accommodation to be offered is of a Hostel, Guest House or Bed & Breakfast accommodation type, the following space standards will apply. Note that in addition to room unit sizes there is also a standard requirement in this type of HMO to supply a common room of a certain size.

The minimum floor area for each bedroom unit shall be as follows:

One person	8.5 m <sup>2</sup>
Two persons	11m <sup>2</sup>
Three persons	15m <sup>2</sup>
Four persons	19.5m <sup>2</sup>

For each additional person there should be an additional 4.5m<sup>2</sup> of floor area. In no case shall a room be occupied by more than five persons being of the same family and rooms shall not be shared unless the individuals concerned consent to share the room. In any event, no persons over the age of 12 years and of opposite sexes shall be required to sleep in the same room unless they are co-habitees.

In this type of HMO a common room is to be provided. The area, or aggregate areas if more than one room is to be provided shall be calculated on the basis of 1m<sup>2</sup> of floor area per person. This shall include at least the provision of one area of 15m<sup>2</sup>.

## 2.6 Kitchen Facilities

For all accommodation where kitchen facilities are not within the letting room.

Where exclusive kitchen facilities cannot be provided, one set of kitchen facilities shall be provided for every 5 occupants.

The following are the minimum room sizes for kitchens whether a shared kitchen or a kitchen for exclusive use.

One person	5.5m <sup>2</sup>
2 people	6.5m <sup>2</sup>
3 people	7.5m <sup>2</sup>
4 people	8.5m <sup>2</sup>
5 people	9.5m <sup>2</sup>
6 people	10.5m <sup>2</sup>
7 people	11.5m <sup>2</sup>
8-10 people	14.5 m <sup>2</sup>

The kitchen size and layout must enable the practical, safe & hygienic use of the kitchen for storage, preparation and cooking of food.

The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being easily cleaned.

A set of kitchen facilities for up to 5 people shall include:

Kitchen facilities	Standard	Minimum requirement
Cooker	1 cooker for every 5 people. Where the property is occupied by up to seven persons a combination microwave may be considered acceptable in lieu of a full size cooker.	Minimum of 4 burners, oven and grill. A microwave is not a suitable alternative to an oven. A minimum area of 500mm x 600mm worktop must be provided adjacent to the cooker.
Sink and drainer on a base unit	Provided with a constant supply of hot and cold water and properly connected to the drainage system. The cold water supply shall be direct from the mains supply Where the property is occupied by up to seven persons a double sink and drainer may be considered acceptable in lieu of two separate sinks.	1000mm x 600mm.
Fixed worktop	Made of an impervious material.	2000mm x 600mm (shared kitchen) 1000mm x 600mm

Kitchen facilities	Standard	Minimum requirement
		(single use kitchen).
Storage cupboards	One cupboard for each tenant, the cupboard below the sink cannot be used for food storage. The cupboard can be located in the bedsit where there is sufficient space.	One standard 500mm wide wall cupboard per person.
	Separate storage space shall be provided for shared cooking equipment such as pans.	One standard 1000mm wide base unit (The cupboard space below the sink is not suitable for storing cooking equipment).
A refrigerator	1 refrigerator for every 5 people.	245 litres for 5 people. If refrigerators are provided in individual lettings a smaller refrigerator in the kitchen could be accepted. This must be discussed with the case officer.
A freezer	1 freezer for every 5 people.	85 litres for up to 5 people.
A washing machine	A washing machine with an adequate exclusive power source, water supply and drainage properly plumbed in.	Where there are more than 10 people occupying an HMO there must be at least 2 washing machines.
A clothes dryer	A clothes dryer with an appropriate power socket and venting to the outside provided. If it is not possible to vent to the external atmosphere then a condensing dryer is to be used.	Where there are more than 10 people occupying an HMO there must be at least 2 clothes dryers.
Electrical power sockets	4 double 13 amp sockets provided within the food preparation area, at least 2 shall be above worktop level. 1 extra socket to be provided for each major appliance (fridge, freezer, washing machine). The cooker to be connected to a separate cooker spur.	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop e.g. toasters.
Ventilation	Suitable natural and/or artificial ventilation to prevent the build-up of steam.	Mechanical extract fan with an extraction rate of 15 litres/sec (min 3 air changes per hour).
Lighting	Suitable natural and/or artificial lighting.	Sufficient to enable the safe preparation and cooking of food.

It is preferable for a kitchen to contain only one set of facilities, however, if a kitchen is large enough, 2 sets of facilities may installed in the same kitchen for up to a maximum of 10 users. A kitchen for 10 users shall be a

minimum of 14.5 square metres in area.

The kitchen should preferably be not more than one floor from any letting room that it serves but cannot be more than 2 floors from any letting room.

The following table details the minimum provision where the kitchen facilities are provided within the letting room.

Kitchen facilities	Minimum Provision
Sink and drainer on a base unit	Suitably sized sink with drainer provided with a constant supply of hot and cold water.
Cooker	2 burners, oven and a grill. A microwave is not a suitable alternative to a cooker.
Worktops	Securely fixed worktop of minimum size 600mm x 600mm. located adjacent to the cooker. If the cooker is of a type placed on a worktop an additional worktop must be provided exclusively for the cooker.
Storage cupboard for dry goods	Minimum capacity 0.15m <sup>3</sup> . The base unit below the sink is not suitable for the storage of dry goods.
Refrigerator	Minimum capacity 140 litres.
Electrical sockets	Two double sockets appropriately sited with the worktop(s)  1 extra socket to be provided for each major appliance (fridge, freezer, washing machine).
Lighting and ventilation	Suitable and sufficient natural and/or artificial lighting to enable the safe preparation of food. Suitable and sufficient natural and/or artificial ventilation to rapidly remove the build-up of steam mechanical extract fan with an extraction rate of 15 litres/sec (min 3 air changes per hour).

## 2.7 Clothes Drying Facilities

Consideration should also be given to the provision of clothes drying facilities externally e.g. a rotary line.

## 2.8 Bathrooms and WC

Where exclusive bathroom/shower room and toilet facilities cannot be provided, bath or shower rooms, and toilets with a wash hand basin shall be provided as follows:

1-4 persons	One bathroom or shower room, and one toilet with a wash hand basin	The WC may be located within the bath/shower room
Five persons	One bathroom or shower room, and one toilet with a wash hand basin	The WC and wash hand basin shall be provided in a room separate to the bath/shower room
6 – 10 persons	Two bathrooms or shower rooms, and two toilets with a wash hand basin	One of the required WC and wash hand basins shall be provided in a room

		separate to the bath/shower room
11-15 persons	Three bathrooms or shower rooms, and three toilets with a wash hand basin	Two of the required WC and wash hand basins shall be provided in rooms separate to the bath/shower rooms

Each bath or shower room must also contain a wash hand basin.

All rooms containing baths/showers, WCs and wash hand basins must be of adequate size and include space for drying and dressing and somewhere appropriate to hang towels and clothes.

All rooms containing baths/showers, WCs and wash hand basins must be adequately lit, ventilated and heated.

All baths and wash hand basins to have a tiled (or similar impervious material) splash back of minimum height 300mm. All shower cubicles to be fully tiled (or similar impervious material) or be a complete self-standing cubicle.

The minimum acceptable size for a bath is 1700mm x 700mm and shower cubicle 800mm x 800mm.

Every bath, shower and wash hand basin must be provided with an adequate and continuous supply of hot and cold water and be connected to the drainage system in compliance with current Building Regulations.

## 2.9 Buildings converted into flats (Section 257 HMOs)

Section 257 of the Housing Act 2004 defines the circumstance where a building converted into flats is a HMO. This is a building wasn't converted in accordance with the 1991 Building Regulations (or later) and which still does not meet those standards and where a third or more of the flats are rented out on short term tenancies.

The standards detailed below are for units occupied by a single household. Where the units are occupied by two, who are not cohabiting as a couple, or more unrelated persons the standards detailed at sections 2.1 – 2.8 will apply.

The table below details the minimum required standards for a section 257 HMO:

	Minimum floor space
Studio – one person	11m <sup>2</sup>
Studio two persons cohabiting as a couple	15m <sup>2</sup>
Separate kitchen – single occupancy	5.5m <sup>2</sup>
Separate kitchen – two or more occupiers	6.5m <sup>2</sup>
Bathroom	Must meet the requirement of section 2.7
Separate bedroom – single occupancy	6.5m <sup>2</sup>
Separate bedroom - couple	10m <sup>2</sup>
Additional bedrooms single person	6.5m <sup>2</sup>
Additional bedrooms couple	10m <sup>2</sup>

All kitchens must meet the standards detailed at 2.6 section above.

All bathrooms must meet the standards detailed at section 2.7 above.

The management of section 257 HMOs is regulated under The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

[http://www.legislation.gov.uk/uksi/2007/1903/pdfs/uksi\\_20071903\\_en.pdf](http://www.legislation.gov.uk/uksi/2007/1903/pdfs/uksi_20071903_en.pdf)

### **3. All HMOs – further requirements.**

#### **3.1 Heating**

All units of accommodation must be equipped with adequate means of space heating. 'Adequate' will mean that heating must be available, if required, to all tenants at all times and be capable of heating habitable rooms to 21°C when the outside temperature is -1°C and all other rooms to 18°C when the outside temperature is -1°C. Although provision for space heating may be centrally controlled such systems should be operated to ensure that occupants are not exposed to cold indoor temperatures and the amount of heating in each unit must be under the control of the occupying tenant.

The method of heating must be safe and should be efficient and affordable. A current gas safety certificate must be available where gas appliances are provided. Where heating is provided by a gas or electric central heating system, the gas or electricity supply must be via a quarterly credit meter and not a key or card meter (except where a system is exclusive to a self-contained flat).

#### **3.2 Refuse Storage and Disposal**

Appropriate refuse storage facilities should be provided within dwellings with suitable access to disposal facilities. Refuse containers to be located away from habitable rooms. Where dwellings do not have a yard or garden to store refuse bins, suitable bins should be provided to permit storage without causing odours or attracting vermin or pests. The management of a House in Multiple Occupation is a commercial activity and as such a Manager may have to give consideration to increasing the facilities provided by the Local Authority to prevent refuse accumulations and to meet recycling requirements.

#### **3.3 Lighting and Ventilation**

##### **Natural Lighting and Ventilation**

All habitable rooms, including shared communal rooms such as living rooms, dining rooms and kitchens shall have an adequate level of natural light and ventilation provided by means of an openable clear glazed window to enable normal domestic activities to be carried out safely and conveniently during daytime lighting conditions. Where practicable bathroom and toilet compartments shall also comply with this standard. Glazing to windows and doors in bathrooms and toilet compartments shall be obscure to protect privacy.

##### **Artificial Lighting**

All habitable rooms, kitchens, bathrooms, toilet compartments, staircases, landings and passages shall be provided with adequate electrical lighting, and all wiring and fittings shall be maintained in a safe and usable condition.

All habitable rooms, kitchens, bathrooms, and toilet compartments shall have at least one ceiling or suitably located wall lighting outlet with the capacity to allow normal domestic activity to be undertaken without strain after dark. Light switches shall be fixed and conveniently located near the entrances to rooms and circulation spaces.

Bathrooms shall have ceiling pull switches or a wall switch outside the room.

On common staircases, landings and passages, lighting shall be controlled from each landing. If time switches are used, the light shall remain illuminated for a reasonable time to allow for people to easily traverse the distance between the switches, whilst walking slowly. The controls shall be such that a person may illuminate the whole route as it is travelled, in stages or otherwise.



### 3.4 Cleaning of Shared Rooms and Spaces

It is the manager's responsibility to ensure that all shared rooms and spaces e.g. communal lounges, kitchens, bathrooms and corridors are regularly cleaned.

### 3.5 Fire Safety

The following fire safety advice is in accordance with the recommended standards detailed by LACORS in their publication "Housing – Fire Safety, Guidance on fire safety provisions for certain existing types of housing"<sup>16</sup> with regard to fire safety risk assessment in sleeping accommodation. Responsible persons who operate licensed HMOs are required to record their fire safety arrangements and the responsible person must allow the Fire Authority to see those arrangements.

An automatic fire detection and alarm system shall be provided to ensure early warning in the event of a fire. The actual works required in any particular case will depend on the layout of the property and are decided upon by the Royal Borough after undertaking risk analysis and following consultation with the Fire Authority. In most cases a fire detection and alarm system that complies with BS5839 Part 6: 2008 is required. In most cases kitchens and sleeping or living rooms will require an appropriate heat or smoke detector. A current inspection certificate from a competent person will be required.

An emergency lighting system shall be provided in most cases with luminaires provided in such numbers and locations so as to adequately illuminate the staircase enclosure in the event of failure of the main lighting. In most cases an emergency lighting system meeting BS 5266-1 will be required. A current inspection certificate from a competent person will be required.

Electricity supplies to automatic fire detection and alarm systems and emergency lighting shall be from a landlords supply. A current inspection certificate from a competent person will be required with respect to the fixed electrical installation and portable appliances supplied by the landlord.

Generally all rooms opening on to an escape route should be provided with a 30(s) minute fire door. This will include fitting cold smoke seals, intumescent strips to the frame or door, providing 3x N0 100mm steel hinges, overhead door closers and locks which are openable from the inside without the use of a key.

Suitable fire fighting equipment must be provided, adequate and appropriate to the risk. Normally, kitchens and lettings with kitchen areas shall be provided with a properly mounted fire blanket.

In larger HMOs or any HMO where there is a regular turnover of residents signs are required in order to provide clear, unambiguous information to enable persons to safely leave the building in an emergency. Escape signs must comply with the provisions of the Health and Safety (Safety Signs and Signals) Regulations 1996 and, generally, be positioned that a person escaping will always have the next escape sign in sight.

Where the HMO is required to be licenced the licence holder, or the appointed manager will be the 'responsible person' with respect to the Regulatory Reform (Fire Safety) Order 2005 and BS 5839-1 and must appoint a 'competent person' or persons with enough training and experience or knowledge and other qualities to enable them properly to assist in undertaking the preventative and protective measures.

Further detailed advice can be found <http://www.legislation.gov.uk/ukxi/2005/1541/contents/made>

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<sup>16</sup> [http://www.cieh.org/policy/fire\\_safety\\_existing\\_housing.html](http://www.cieh.org/policy/fire_safety_existing_housing.html)

### **3.6 Contact Details for the Landlord**

Display in a prominent place in the HMO the contact details including name, address and telephone number for the landlord. The telephone number must be one that residents can use to contact the landlord out of hours in the case of an emergency. If a landlord is regularly out of the country or away for long periods of time, a local manager should be appointed who can act on behalf of the landlord, contact details for this person should also be displayed.

## Appendix 4. Glossary of terms used in this consultation document

**Private Rented Sector (PRS)** A generic term covering different types of homes let to tenants by private landlords.

**Rent to Rent** A term used to describe a situation where a landlord lets to a tenant and the head tenant then sub-lets to their own tenants, often creating an HMO. The head tenant may or may not reside in the property and the landlord may or may not be aware of the sub-letting.

**Beds in Sheds** An unauthorised development, usually within the curtilage of an existing dwelling, of an outbuilding or property addition or garage for the use as a separate dwelling or extension of the existing dwelling.

**Indices of Multiple Deprivation (IMD)** A government recognised measure of the level of deprivation of an area (Lower Super Output Level (LSOA), Ward or Borough level). The overall Index of Multiple Deprivation (IMD) score combines information from the seven domains of Income Deprivation, Employment Deprivation, Health Deprivation and Disability, Education Skills and Training Deprivation, Barriers to Housing and Services, Living Environment Deprivation, and Crime.

**Electoral Ward** A sub-area of the local authority district represented by one or more Councillors.

**Nil Recourse to Public Funds** This is a term used to describe a foreign national from outside the European Union that has a 'residence permit' to remain in the UK but cannot access public funds, e.g. certain benefits, such as Income Support.

**Local Housing Allowance (LHA)** this is the means tested benefit specifically relating to housing and replaced 'housing benefit' within the PRS.

**Anti-Social Behaviour (ASB)** For discretionary licensing schemes affecting housing, this is conduct on the part of people living in, or visiting, residential premises a) which causes nuisance or annoyance to other people living in, or visiting, or otherwise engaged in lawful activities in the vicinity of the property, or b) which involves or is likely to involve the use of such premises for illegal purposes.

**House in Multiple Occupation (HMO)** Generally speaking, a building / part of a building is an HMO if it is let to 3 or more unrelated tenants who form 2 or more households and who share a kitchen, bathroom or toilet. The term takes in buildings divided into flatlets and bedsits and houses let to a group of unrelated people such as students. Buildings fully divided into self-contained flats can be HMOs in certain circumstances.

**Additional Licensing scheme** A discretionary scheme to improve management standards in HMOs. A scheme applies to specified types of HMO that fall outside the Government's mandatory licensing scheme.

**Fit and Proper Test** A legislatively defined test (section 66 of the Housing Act 2004 - <http://www.legislation.gov.uk/ukpga/2004/34/section/66>) test of a licenses holder and any nominated managers professional standards of conduct. Note. The Housing and Planning Act 2016 is due to amend these provisions, introducing further criteria and the Government are currently consulting on whether to make it a requirement on anyone proposing to hold a license or be nominated as a manager to submit a criminal records check as part of the license application process.

**Bedsit house** A house which has been divided up into a series of one-room lettings (bedsitting rooms') with cooking facilities either in the room or shared with other shared with other tenants. Baths, showers and toilets are also usually shared with others.

**Mandatory/Compulsory HMO licensing** The national scheme for the licensing of certain HMO types. It applies to HMOs of 3 or more storeys with 5 or more occupiers living in 2 or more households. All HMOs of this type must be licensed with the Royal Borough by law.

**Flatlets / non-self-contained flats** Created when a house is loosely subdivided into a series of lettings but the conversion stops short of full self- containment. Some sharing of facilities like toilets or bath/shower rooms usually occurs, and rooms in lettings may be entered directly off landings and passages.

**HMO Management** The day-to-day running of an HMO. It usually takes in activities such as: collecting rent; resolving disputes; arranging repairs, maintenance and redecoration; paying bills; and tackling anti-social behaviour. Some landlords manage their HMOs themselves but others employ agents to do it for them. Some landlords appoint trusted tenants to act as managers.

**Household** The Housing Act 2004 defines what constitutes a household (<http://www.legislation.gov.uk/ukpga/2004/34/section/258>). To surmise a household are a group of people forming a family. A family means:

- persons who are married or live together as a couple; or
- one of them is a relative (means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin (includes a half-blood relationship and a stepchild)) of the other; or
- one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.

**Self-contained flats** Created when a house is subdivided into completely separate units of accommodation. Each unit will have its own 'front door', with all of the living rooms and normal domestic facilities behind it. Houses are sometimes converted into a mix of self-contained and non-self-contained flats or even flats and bedsits.

**Section 257 HMO** Converted flats in an HMO where the conversion work does not meet the Building Regulations 1991 and where less than two thirds of flats are owner-occupied.

**Shared house** A house rented by a group of unrelated people, typically students or young professionals, who live in it under one tenancy agreement and share its facilities but have their own bedrooms. Usually, if one of them leaves the remainder find someone to take his or her place.

**Management Order** An interim or final management order can be made, subject to certain conditions, to protect the health safety and welfare of people living in the property or others owning or living in a property nearby, where there is no reasonable prospect of a property requiring a licence being licensed.

**Temporary Exemption Notice** Where the person in control or managing a house that should be licensed notifies the Royal Borough that they intend taking steps so that the house is no longer required to be licensed, the Royal Borough can issue a notice exempting the property from licensing for a period of 3 months.