

# ITEM 13 – APPENDIX H

## WAVERLEY BOROUGH COUNCIL

### CORPORATE OVERVIEW & SCRUTINY COMMITTEE – 23<sup>RD</sup> SEPTEMBER 2013 EXECUTIVE - 5<sup>TH</sup> NOVEMBER 2013

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#### Title:

#### **HOUSES IN MULTIPLE OCCUPATION STANDARDS**

**[Portfolio Holder: Cllr Keith Webster]**

**[Wards Affected: All]**

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#### Summary and purpose:

The purpose of this report is to introduce a new set of standards for Houses in Multiple Occupation (HMOs) for regulation of living conditions in these properties.

Corporate Overview and Scrutiny Committee considered this report at its meeting on 23<sup>rd</sup> September and endorsed the proposed standards.

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#### How this report relates to the Council's Corporate Priorities:

The revised HMO standards relate to the Council's corporate objective of understanding our residents' needs.

#### **Finance/Risk Management Implications:**

There are no finance implications arising from this report. It is hoped that by having a clearer set of standards for HMOs and disseminating these widely, there will be less need for enforcement action by the Council and less need for HMO inspections.

#### **Legal Implications:**

The standards set out in the document will be used in HMO licence conditions and as requirements in Housing Act Notices served on landlords. Therefore they must be seen to be reasonable in case of an appeal. The Licensing & Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) Regulations 2006 (as amended) set out prescribed standards, but these standards simply require each facility to be "suitable, adequate or sufficient". The standards set out in the attached document have been derived from a survey of standards in 12 other local authorities including 4 from metropolitan areas where HMO activity is more prevalent. The fire safety requirements within the document refer to the National Guide produced by LACORS, which has been the main reference source since 2008.

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#### Introduction

1. Houses in Multiple Occupation are houses occupied by more than one household. This definition includes traditional bedsit houses, houses occupied on a shared basis, accommodation associated with commercial premises, hostels, lodgings and some

buildings comprising of self-contained flats. They are normally at the lower end of the rental market and the occupiers tend to have the least ability to choose their housing. Historically there have been problems with repair and maintenance of these properties, inadequate provision of amenities and a higher risk of injury from fire.

2. Prior to 2006 the regulation of conditions in HMOs was carried out under the Housing Act 1985. In order to ensure that these properties met a basic level of provision, the Council introduced a set of minimum standards in September 1992 to supplement the provisions of the Housing Act. These standards referred to the Housing fitness standard that was in force at the time but set out additional requirements for cooking, washing and toilet facilities, heating, room sizes and fire precautions.
3. The Housing Act 1985 was replaced by the Housing Act 2004, which came into force in 2006. The following provisions were introduced by this legislation:
  - a. The fitness standard was replaced by the Housing Health and Safety Rating System (HHSRS) as a method for determining whether a property is suitable for occupation. This allowed Housing Officers to consider a range of potential hazards in properties not previously considered under the fitness standard e.g. excess cold, falls on stairs.
  - b. The definition of an HMO was amended and set out in detail. The main effect of this was to include shared houses that were previously considered to be single households (following case law) and to exclude a large number of buildings comprising self-contained flats.
  - c. A licensing regime was introduced whereby the owners of larger higher-risk HMOs (i.e. 3 or more storeys and 5 or more occupiers) have to obtain a licence to let out the property and the local authority is able to regulate the maximum number of occupiers or households and also set licence conditions to regulate living conditions.
4. In conjunction with the new Housing Act, the government introduced Regulations setting out prescribed standards for HMOs (whether licensed or not) for washing, toilet and cooking facilities. These Regulations were subsequently amended in 2007 with the effect of replacing prescribed minimum numbers of facilities with a requirement that the provision must be “adequate”. It has been left to each local authority to determine the level of provision that is adequate.
5. A further effect of the Housing Act 2004 was to revoke the Department of Environment Circular 12/92, which provided guidance to local authorities on fire precautions. However, a new national guide “Housing – Fire Safety” was published in July 2008 by LACORS in partnership with the CIEH and the Chief Fire Officers Association. This does not have legislative force but it is now used as the basis for enforcement of fire safety provisions throughout the UK.
6. As a result of the above, the Waverley standards for HMOs need to be updated. References to the fitness standard, previous legislation and government circulars have been superseded. In particular the standards should refer to the LACORS guide on fire safety, which is a very useful document for landlords and enforcement officers. In addition the existing standards are lacking in sufficient detail in many areas to enable the Council to achieve a full range of improvements through its advisory, enforcement or licensing functions. For example the current standards set room sizes for bedrooms and bedsits but not kitchens, living rooms or dining areas.

7. Since the introduction of HMO licensing in particular, we have seen an increase in requests from landlords for clear guidance from the Council on housing standards. This reflects a trend for new landlords entering the buy-to-let market and an increase in the private rented sector in general over the last 10 years.

### **Conclusion**

8. The proposed new HMO standards, set out in Annexe 1, are designed to give as comprehensive a guide as possible on the provision of facilities and other requirements in HMOs. It is designed for use by landlords and Housing Enforcement Officers and it also provides an explanation of the HMO legislation and licensing requirements. It is intended to add the guide to the information on HMOs on our website as an aid to prospective landlords.
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### **Recommendation**

That the Executive endorses the proposed standards for HMOs set out in Annexe 1.

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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