

Cabinet – 7 September 2022

Additional Licensing Scheme (Scheme 2) for Houses in Multiple Occupation (HMOs) - Statutory Consultation Results

Portfolio: Councillor Ali, Portfolio Holder for Customer Engagement

Service: Money Home Job, Childrens Services

Wards: Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North, and Darlaston South

Key decision: No

Forward plan: Yes

1. Aim

To improve the quality of management of Houses in Multiple Occupation (HMOs) in specific Wards of the borough through the introduction a further Additional Licensing scheme (Scheme 2).

2. Summary

2.1 Additional Licensing requires landlords of private rented Houses in Multiple Occupation (HMOs) that are occupied by 3 or 4 unrelated people, to apply to the Council for a Licence. Those HMOs occupied by 5 or more unrelated people are already subject to Mandatory licensing. HMO licensing (Additional or Mandatory) puts conditions that HMO landlords must meet in order to let the property out. These conditions are aimed at improving the condition and management of the HMOs. They range from topics such as minimum bedroom sizes to the provision of safety certificates and councils can also set other conditions that they consider appropriate for their specific scheme. Additional Licensing schemes last for up to 5 years from introduction and can cover part or a whole of a borough (if there is justification).

2.2 In December 2021 cabinet approved that statutory consultation should be undertaken on the proposal to introduce Additional Licensing of HMOs in 5 wards in the borough. This consultation was undertaken between 28 February 2022 and 13 June 2022 and the majority of responses were from residents. This report provides a summary and analysis of the consultation results and a recommendation to designate the areas shown on Map 1 Appendix 1 for Additional Licensing (Scheme 2) to start in 2023.

3. Recommendations

3.1 That Cabinet notes and considers the matters raised by the consultees / petitioners and the responses to the same (Appendix 6).

3.2 That Cabinet approve the following: -

- i. Designate the Wards of Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North, and Darlaston South shown on Map 1 (Appendix 1) as subject to Additional Licensing under Section 56(1)(a) of the Housing Act 2004 for all private rented Houses in Multiple Occupation (HMOs):
 - that contain three or four occupiers irrespective of the number of storeys;
 - defined under Section 257 of that Act where the freehold of the whole property belong to the same 'person' and they are mainly or wholly tenanted, including those with resident landlords;
- ii. That the designations in paragraphs i. above come into force on the 1 July 2023 for a period of 5 years;
- iii. Authorise the Executive Director Children's and Customer to sign the Walsall Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2023 (Scheme 2) as attached at Appendix 2
- iv. Resolve to adopt the proposed fees and charges structure as attached at Appendix 4 and review those fees annually to ensure they remain reasonable and proportionate and address any issues relating to surpluses or deficits in accordance with the law.

4.1 Report detail - know

Context

- 4.1.1 Before making a designation for Additional Licensing under Part 2 of the Housing Act 2004, the Council must take all reasonable steps to consult persons who are likely to be affected by the designation, and consider any representations made in accordance with the consultation.
- 4.1.2 Cabinet in December 2021 agreed, in accordance with its powers under section 56 of the Housing Act 2004, to undertake statutory consultation for Additional Licensing of HMOs for the Wards of Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North, and Darlaston South areas shown on Map 1 (Appendix 1).
- 4.1.3 The statutory consultation period is a minimum period of 10 weeks. The consultation for this proposal has been for an extended 15-week period.

Results of the Statutory Consultation

- 4.1.4 The consultation was well-publicised and had a strong response from a broad range of interested parties, including landlords, landlord associations, tenants, and residents. As an example, 40,000 leaflets were delivered to homes, and businesses both within the area and adjacent to the area and 120 flyers posted in the area.
- 4.1.5 An online survey questionnaire was the key method of consultation. Additionally, people were given the opportunity to write in with their views. 75 questionnaires were completed, many with detailed comments and there were also 8 written submissions made. A total of 83 responses were received
- 4.1.6 Due to the Covid 19 pandemic additional / substituted methods of promotion of the consultation were also used in addition to extending the consultation period to 15 weeks in total (i.e. above the statutory minimum of 10 weeks). The consultation included the following among other methods (not exhaustive)
 - A dedicated webpage with all relevant information

- Online questionnaire to enable landlords, tenants, residents, businesses and relevant partner organisations to provide feedback or comments
- Significant social media promotion on a variety of platforms
- 120 flyers posted in various premises throughout the area
- Power-point presentation available on web-site
- Over 40,000 direct mailing to all properties and businesses located within and immediately surrounding the proposed scheme area
- Direct mailing to all landlords on our mailing list
- Email to all partner organisations like the Police, Fire Services, Immigration, Social landlords, etc.
- Letters to Chief Executive Officers of all neighbouring local authorities
- Email to local and national landlord and tenant representative organisations
- Email to housing standard teams of all neighbouring local authorities
- Posters put up in key locations and within some public and business premises within the proposed scheme area
- Online question and answer session with councillors from the proposed scheme ward areas

Key Findings

Overall

- 4.1.7 The majority (46 of 83) of all respondents (Questionnaire, letter and email) support the proposals for Additional Licensing. 14 of the respondents reported opposition to the scheme because they object to HMOs per se or considered that the scheme would actually increase the number of HMOs in the area (which they were opposed to). It was deduced from telephone enquiries that some residents wrongly assumed that the name 'additional licensing' implied the council was consulting on a proposal to grant more HMO licences or encouraging more HMOs to be developed.
- 4.1.8 The full consultation report and results is attached at Appendix 5. This also includes the Council's consideration of responses to the consultation and any changes to the proposal.
- 4.1.9 Opposition to the scheme that did not include the reasons indicated in 4.1.7 was limited to 15 respondents.
- 4.1.10 All representations made in accordance with the consultation were considered and as a result, the proposed scheme is recommended to be approved as originally proposed with the amendments detailed below in 4.1.14 relating to fees.

b) Fees

- 4.1.11 The Council has considered the learning outcomes from other Local Authorities that have introduced similar schemes and has structured the scheme in such a way that benefits those landlords and agents that are compliant and provides incentives to improve compliance, whilst managing the opportunities for the non-compliant landlords through higher fees and shorter licences. This is reflected in the fees and charges structure and the eligibility for licences.
- 4.1.12 The consultation asked respondents to comment on the proposed HMO licence fees, which have been structured to recover full costs of the scheme (in line with legislation and council policy). The responses to the questions related to fees highlighted the following.
- The majority (64% - 48 of 75 questionnaire respondents) stated that those fees proposed were not enough. These ranged from £1,000 to over £100,000.

- 7 (9% of questionnaire respondents) consider the fees to be too high and suggest a fee range of £0 to £400.
- The majority (55% - 41 of 75 questionnaire respondents) do not support the proposal to offer an early bird discount.
- 53% (40 of the 75 questionnaire respondents) do not support the proposal for all landlord /agents who are accredited to pay a reduced fee.

4.1.13 The high number of respondents who consider the fees to not be sufficient is clearly a key issue for some residents who see high fees as a way to deter / penalise HMOs. Careful consideration of the fee levels was made as part of the original proposal and the fees that have been suggested are considered to be both appropriate and reasonable and fully in accordance with the national guidance. It is also considered appropriate to encourage landlords to apply early through an early bird discount and to support landlords who choose to join relevant accreditation schemes. For these reasons it is considered that the fees are only amended, in line with inflation, from those originally proposed and to ensure that they are in line with the approved Additional Licensing scheme that came into operation in other parts of the borough on 1 September 2022.

4.1.14 The table below summaries the proposed fees for 2022/23 and as detailed provides a discount for early bird applicants and for those who are accredited.

Landlord type	Early bird	Non-early (i.e. standard fee)
Accredited	£745	£850
Non-accredited	£910	£1,065

The increase in fees is considered:

- Proportionate as it has been split using the same ratios as the original proposal and continues in line with council policy and legislation to seek to recover full costs of the scheme and;
- Reasonable as it equates to an average fee of £904 and rates of below:
 - $\text{£904} / 5 \text{ (years)} / 3 \text{ tenants} / 52 \text{ weeks} = \text{£1.16 per week}$
 - $\text{£904} / 5 \text{ (years)} / 4 \text{ tenants} / 52 \text{ weeks} = \text{£0.87 per week}$

For those landlords who to take advantage of the early bird discount and are accredited the fees equate to:

- $\text{£745} / 5 \text{ (years)} / 3 \text{ tenants} / 52 \text{ weeks} = \text{£0.96 per week}$
- $\text{£745} / 5 \text{ (years)} / 4 \text{ tenants} / 52 \text{ weeks} = \text{£0.72 per week}$

c) Proposed Licence Conditions

4.1.15 Of respondents to the questionnaire 81% (61 of 75) considered that the council should have more control over the way HMO landlords and agents manage their properties. The number who thought the proposed conditions to manage landlords would be effective was very similar to those who didn't think they would be effective (31 to 33). On individual topics the following results were received from the questionnaire which indicated that respondents consider HMO landlords should be required to:

- Keep properties in a good condition inside and out 100%(75 of 75)
- Make sure properties are not overcrowded 100% (75 of 75)
- Inspect their HMO regularly to make sure that required standards continue to be met 99% (74 of 75)
- Give tenants a written tenancy agreement 99% (74 of 75)
- Take action against tenants causing anti-social behaviour 99% (74 of 75)
- Ensure tenants manage their waste properly 97% (73 of 75)
- Get references from their tenants 89% (67 of 75)

4.1.19 As indicated in Appendix 5.4 there were no specific suggestions from those opposed to the conditions to their re-wording or for any specific conditions to be removed.

4.1.20 In line with legislation the time period for the scheme is proposed as follows:

Date		
7 September 2022	Cabinet agreement	Authority provided and timetable set
10 October 2022	Public Notice issued with Declaration date of 1 July 2023	Legal requirement to issue notice for public.
Minimum of 3 months required between Public Notice and Scheme Designation		
1 March 2023	Scheme opens for applications to be made.	Period of 4 months provided for landlords to make applications as 'early birds'
1 July 2023	Scheme Designated	Legal action can commence against landlords who have failed to apply for a licence.

It has been agreed that to enable landlords to secure lower fees through an early bird scheme with the lowest fees available for February and March 2023, next lowest from April to end of May 2023.

4.2 ***Council Corporate Plan priorities***

4.2.1 The proposal is in line with:

- a) The existing Housing Strategy (2020-2025) which highlights that the Council is committed to improving the condition and availability of private rented homes in the borough.
- b) The Homelessness Strategy (2018-2022) which supports the appropriate use of the private rented sector to help with accommodation for homeless households.

4.2.2 Home Energy Conservation Act (HECA) Action Plan which seeks to address fuel poverty especially in the private rented sector within Walsall. Developing Additional Licensing has the potential to have a direct positive impact on the Council's abilities to deliver to its priorities as stated in 'Our Council Plan 2022-25' in particular:

Communities: Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community.

4.2.2 This work can also have a disproportionate positive effect on some of the Council's most vulnerable customers as evidenced by:

- the high levels of multiple deprivation and
- high incidence of low income households;

in the Wards and HMOs where Additional Licensing is proposed.

4.3 ***Risk management***

4.3.1 As highlighted to cabinet in December 2021 the two biggest implications to the Council of introducing Additional Licensing within the areas identified are:

- Legal challenge and
- Resourcing.

Legal challenge

- 4.3.2 The recommendations have the potential to be challenged but the risk of these being overturned is considered minimal.
- 4.3.3 The consultation was designed to ensure compliance with legislation and the statutory guidance, thereby minimising the risk of legal challenge and the structure of fees, charges and discounts have been ratified through this process.
- 4.3.4 The consultation provides support for the introduction of Additional Licensing including from the questionnaire and written responses (55% support the proposal). There was very high support for specific actions to address HMO landlords responsibilities such as of questionnaire respondents;
- 100% want HMO landlords to keep properties in a good condition inside and out and make sure that they are not overcrowded;
 - 99% want HMO landlords to inspect their HMO regularly to make sure that required standards continue to be met, give tenants a written tenancy agreement and take action against tenants causing anti-social behaviour.
- These specifically align with the proposal for Additional Licensing.

Resourcing

- 4.3.5 Resourcing is to be funded directly from the income generated by the scheme including both fees and fines (civil penalty payments by those who fail to comply).

4.4 Financial implications

- 4.4.1 Section 63 of the Housing Act 2004 permits the Council to require any application for a licence under Part 2 (including Additional Licensing) to be accompanied by a licence fee and that this fee may properly cover all costs incurred by the Council in carrying out its functions.
- 4.4.2 The financial modelling of the scheme estimates income and expenditure cash flows as below and is modelled to break even over its 5-year life. The fee charges structure used in the consultation was based on 'rates for' 2021/22. The consultation documents also highlighted that fees would normally increase by circa 2% each financial year, to keep pace with cost increases.
- 4.4.3 The table below shows the overall expected budget (expenditure and income) for the scheme.

	Full Year of operation					Total £M
	1 £M	2 £M	3 £M	4 £M	5 £M	
Expenditure	0.162	0.162	0.162	0.162	0.162	0.810
Income	(0.563)	(0.203)	(0.014)	(0.015)	(0.015)	(0.810)
Net Total	(0.401)	(0.041)	0.148	0.147	0.147	0.000

4.5 Legal implications

Overall

- 4.5.1 For the Council to designate an Additional Licensing Scheme it must proceed through the statutory process as laid out in Section 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010.

- 4.5.2 Consultation has been undertaken for a duration which exceeds the level required under the statutory requirements.
- 4.5.3 The timescale for implementing this decision is for the designation to commence on 1 July 2023. This requirement provides the Council with sufficient time to conclude the reporting process and to comply with Section 58 of the Housing Act 2004, which states that a designation cannot come into force until 3 months after the date when the designation was made.

Review and subsequent additional licensing schemes

- 4.5.4 Individual Additional Licensing Schemes must last no longer than 5 years. During this time councils are able to review them and if they consider it necessary they can seek to renew them through the same statutory process (i.e. assessment, statutory consultation and formal resolution).
- 4.5.5 The current proposal does not prevent the council from undertaking further consultation on separate additional schemes elsewhere in the borough in the future. This proposal will be the second area of Additional licensing in the borough following the scheme approved in October 2021 and designated in September 2022 for the wards of St Matthews, Pleck, Palfrey and Paddock (Scheme 1).

4.6 Procurement Implications/Social Value

- 4.6.1 There are no procurement implications.

4.7 Property implications

- 4.7.1 There are no direct property implications for the council as public bodies are exempt from Additional Licensing.

4.8 Health and wellbeing implications

- 4.8.1 As highlighted to Cabinet in December 2021 there are complex interconnections between living conditions, deprivation and health problems. The Council has a statutory duty to tackle what are known as Category 1 Hazards under the Housing Health and Safety Rating System (HHSRS). There are also poor management practices relating to HMOs which impact negatively on the health of the immediate and neighbouring occupants of these properties. These cannot be addressed through the use of existing statutory powers.
- 4.8.2 As there are numerous direct links between improvement in housing conditions and health and wellbeing improvements, Additional Licensing can contribute to towards meeting the objectives outline in:
- Marmot Review (Fair society healthy lives)
 - NICE Guidelines NG5 and Quality Standard QS117 Preventing excess winter deaths and illness associated with cold homes.
- 4.8.3 Poorly managed HMOs can lead to fly-tipping / waste accumulations either by the landlord and or tenant which have both an immediate detrimental impact on the local neighborhood and wellbeing of residents and also can act as an attractant to vermin and pests including those with communicable diseases. The cost of dealing with fly-tipping is significant and principally borne by the council. Walsall Waste and Street cleansing highlight that the proposal will massively help them particularly around issuing of correct capacity for waste collection for HMO properties and help to lower contamination of recycling.

4.8.4 Respondents to the questionnaire separately identified the issues in the table below as problems in the proposed additional licensing area.

Public Health Issue	Very big problem	Fairly big problem	Total (consider at least a fairly big problem)
Rubbish or litter lying around	51%	27%	78%
Fly tipping	45%	31%	76%
Pests and vermin e.g. rats, mice etc.	39%	27%	66%
Noisy neighbours or loud parties	39%	12%	51%

4.9 **Staffing implications**

4.9.1 The proposal includes for additional staff to be funded by scheme income (fees and fines). Recruitment to the new roles is to take place in time for the launch of the Scheme.

4.10 **Reducing Inequalities**

4.10.1 The implications for reducing inequalities have been taken into account and assessed as set out in the updated Equality Impact Assessment (EQIA) July 2022.

4.10.2 The results for those completing the online questionnaire (who also completed the equality section) showed the details below:

Gender					
Female	48%	Female	44%	Prefer not to say	8%
Age					
16 to 24	3%	25 to 44	21%	45 to 64	56%
65 and over	13%			Prefer not to say	7%
Physical or mental health conditions or illnesses lasting or expected to last 12 months or more					
Yes	24%	No	65%	Prefer not to say	11%
Condition or illness / conditions or illnesses that reduce ability to carry out day-to-day activities					
Yes a little	33%	Yes a lot	50%	Not at all	17%
				Prefer not to say	0%
Ethnic Group or background					
White	76%	Mixed / multiple ethnic groups	4%	Asian or Asian British	7%
Black / African / Caribbean / Black British	0%	Other ethnic group	0%	Prefer not to say	13%

4.10.3 Additional Licensing is designed to improve standards and relationships and therefore likely promote community cohesion and relations between people from different backgrounds. This scheme is also expected to have positive equal opportunities implications in that it seeks to address key issues relating to substandard HMO accommodation, and as such seeks to target resources towards improving the lives of financially disadvantaged and or vulnerable households living in non-decent homes. The Scheme area includes Low super output areas (LSOAs) with some of the highest multiple deprivation in England and will help to contribute towards reducing fuel poverty in the area which has some of the highest rates within the borough (and whole of England).

4.11 Climate Change

4.11.1 The proposal is expected to have a positive impact upon climate change including:

- a. tackling private rented HMOs that fail to meet the Minimum Energy Efficiency Standards – seeking to ensure compliance;
- b. promoting home energy and insulation grants to private landlords;
- c. improved management of HMOs is expected to lead to greater compliance with domestic waste arrangements and reduce litter and fly-tipping.

The actions in a. and b. above are expected to help increase energy efficiency and reduce domestic related carbon emissions

4.12 Consultation

4.12.1 Statutory consultation has been undertaken on the proposal and the Report of Findings and the Council's responses to observations that have been made are shown in Appendix 5.

5. Decide

5.1 December 2021 Cabinet decided to undertake statutory consultation on the Additional Licensing proposal. An alternative to introducing the Additional Licensing scheme is to 'do nothing' different. This option is not seen as viable as:

- The results of the consultation are overwhelmingly supportive of the same proposal.
- The accommodation provided by the HMO sector is important in meeting the housing needs of many of our residents and action needs to be taken to force poor / rogue landlords to maintain minimum safe housing standards.
- Evidence from the Mandatory licensing of HMOs highlights that there is a continued lack of basic health and safety standards being provided in a substantial number of HMOs by the landlords prior to securing a licence.
- Doing nothing different means that the council will fail to protect an increasing number of low income and or vulnerable households who are accommodated in increasing numbers of non-licensed HMOs.

5.2 For the reasons listed in this report it is proposed to proceed with the proposal for Additional Licensing (Scheme 2).

6. Respond

6.1 This report responds to the evidence provided by the Walsall Stock Condition Survey and an assessment of the condition of the HMOs that are subject to the existing mandatorily licensed HMOs and the general public dissatisfaction about the lack of regulation for smaller HMOs. It directly responds to the statutory consultation undertaken on Additional Licensing.

7. Review

7.1 A detailed review of the statutory consultation responses has been undertaken and in summary this provides overwhelming support for the proposal.

7.2 As indicated in 4.5.4 the council is able to review Additional Licensing during the lifetime (5 years) of its operation and if it considers it necessary the council can seek to renew it through the same statutory process (i.e. assessment, statutory consultation and formal resolution). It is proposed to undertake annual summary of outcomes and publish this on-line for all parties to review.

Background papers

Housing Act 2004

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 2006/1715.
Licensing and management provisions in the Housing Act 2004: Draft guidance 2010 (CLG)
NICE Guidelines NG5 and Quality Standard QS117 Preventing excess winter deaths and illness associated with cold homes
Walsall Home Energy Conservation Act (HECA) Action Plan – July 2022

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Signed
Sally Rowe
Executive Director Childrens and Customer

Signed
Councillor G Ali
Portfolio Holder Customer

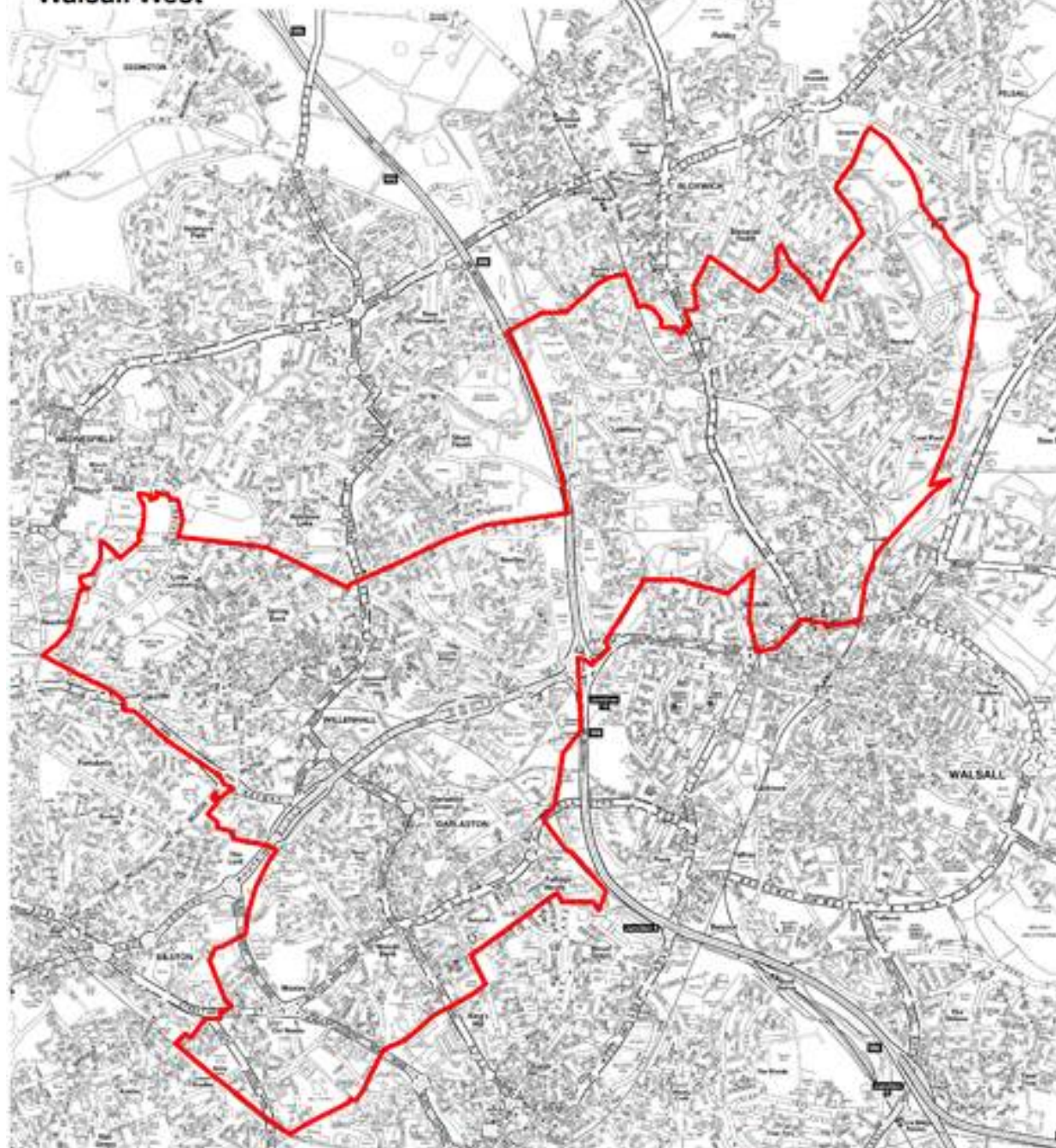
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Walsall Council

Appendix 1 - Area for proposed Additional Licensing of Homes in Multiple Occupation Walsall West



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Appendix 2

THE WALSALL METROPOLITAN BOROUGH COUNCIL DESIGNATION OF FIVE COUNCIL WARDS FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION 2023 (SCHEME 2).

Walsall Metropolitan Borough Council (“the Council”) in exercise of its powers under section 56 of the Housing Act 2004 (“the Act”) hereby designates for additional licensing of Houses in Multiple Occupation (“HMOs”) the area described in paragraph 4.

CITATION COMMENCEMENT AND DURATION

1. This designation may be cited as the “Walsall Metropolitan Borough Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2023 – Scheme Two”
2. This designation is made on 10 October 2022 and shall come into force on 1 July 2023. The designation falls within the description of designations for which the Secretary of State has issued a General Approval dated 26 March 2015.
3. This designation shall cease to have effect on 30 June 2028 or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the wards of Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North, and Darlaston South as delineated and edged red on the map at Appendix 1 (“the Area”) to be known as Scheme 2.

APPLICATION OF THE DESIGNATION

5. This designation applies to HMOs of the description specified in Appendix A within the Area unless –
 - a. The HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
 - b. The HMO is subject to a temporary exemption under section 62 of the Act;
 - c. The HMO is required to be licensed under section 55 (2)(a) of the Act (Mandatory licensing)
 - d. The HMO is specifically excluded from the scheme as detailed in Appendix B.

EFFECT OF THE DESIGNATION

6. Subject to paragraph 5 above every HMO of the description specified in that paragraph in the Area shall be required to be licensed under section 61 of the Act.
7. The Council will comply with the notification requirements contained in Section 59 of the Act and shall maintain a register of all houses registered under this designation as required by section 232 of the Act.

8. Landlords, persons managing or a tenant within the Area should seek advice from the Council by contacting them as specified in paragraph 14 to ascertain whether their property is affected by this designation.

CONSEQUENCES OF FAILING TO LICENCE A HMO

9. A person who fails to licence a property which requires licensing by virtue of this designation or allows a licensed property to be occupied by more households or persons other than as authorised by a licence, is liable to prosecution and upon summary conviction is liable to an unlimited fine by virtue of Section 72 of the Act. The Council may, as an alternative to prosecution, impose a financial penalty of up to £30,000.00 by virtue of section 249A of the Act.
10. A person who breaches a condition of a licence is liable upon summary conviction to a level Walsall Metropolitan Borough Council fine (section 72 of the Act). The Council may as an alternative to prosecution impose a financial penalty of up to £30,000 (section 249A of the Act).
11. The tenant(s) and/or the Council may apply to the First-Tier Tribunal (Residential Tribunal) under the provisions of section 41 of the Housing and Planning Act 2016 for a rent repayment order.
12. No section 21 notice pursuant to the Housing Act 1988 (recovery of possession on termination of shorthold tenancy) may be given in relation to a shorthold tenancy of a part of an unlicensed HMO so long as it remains unlicensed.

INSPECTION OF THE DESIGNATION

13. The Council is the Local Housing Authority which made the designation. Subject to paragraph 15, the designation may be inspected online at: <https://go.walsall.gov.uk/housing/additional-licensing>.
14. The Council will ensure copies of the designation are available for members of the public to view by emailing digital copies of the designation upon receipt of a request to the Housing Standards & Improvement team (HMOs@Walsall.gov.uk).
15. Information, advice and applications relating to HMO licensing, including Additional licensing, should be made to the Council's Housing Standards & Improvement Team as follows:

Post: Housing Standards & Improvement Team, 1st Floor, Walsall Metropolitan Borough Council, The Civic Centre, Darwall Street, WS1 1TP,
Telephone: 01922 652171
Email: HMOs@Walsall.gov.uk
Webpage: <https://go.walsall.gov.uk/housing/additional-licensing>

Signed: Sally Rowe, Executive Director, Children Services

Appendix A – HMOs subject to the Designation

For the purpose of this designation and subject to paragraphs 6 to 10 below a building or part of a building is a HMO if it falls into any of the categories detailed in paragraphs 1 – 5 below.

1. A building or a part of a building is a HMO if:-
 - a. It consists of one or more units of living accommodation not consisting of a self-contained flat or flats; and
 - b. The living accommodation is occupied by persons who do not form a single household (see paragraph 6 and section 258 Housing Act 2004); and
 - c. The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it; and
 - d. Their occupation of the living accommodation constitutes the only use of that accommodation; and
 - e. Rents are payable or other consideration is to be provided in respect of at least one of those person's occupation of the living accommodation; and
 - f. Two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.
2. A self-contained flat is a HMO if paragraphs 1(b) to 1(f) apply.
3. A converted building or a part of a converted building is an HMO if:-
 - a. It is a converted building; and
 - b. It contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats); and
 - c. The living accommodation is occupied by persons who do not form a single household; and
 - d. The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it; and
 - e. Their occupation of the living accommodation constitutes the only use of that accommodation; and
 - f. Rents are payable or other consideration is to be provided in respect of at least one of those person's occupation of the living accommodation.
4. It is a converted block of flats to which section 257 of the Act applies (further detail is contained within said section of the Act) where the Freehold of the building belongs to the same person.
5. A HMO declaration is in force in respect of the building under section 255 of the Act
6. Persons are to be regarded as not forming a single household unless:-
 - a. They are all members of the same family, or
 - b. Their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
7. A person is a member of the same family as another person if:-
 - a. Those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
 - b. One of them is a relative of the other; or

- c. 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.
8. For those purposes:-
- a. A “couple” means two persons who are married to each other or otherwise fall within 7a;
 - b. “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
 - c. A relationship of the half-blood shall be treated as a relationship of whole blood; and
 - d. The stepchild of a person shall be treated as his child.
9. A person is still to be treated as occupying a building or part of a building as their only or main residence even where it is occupied by the person:-
- a. As the person’s residence for the purpose of undertaking a full-time course of further or higher education;
 - b. As a refuge; or
 - c. For occupation by a migrant or seasonal workers (where the occupation is provided by their employer or agent); or
 - d. For occupation by asylum seekers and their dependents when such accommodation is provided under section 95 of the Immigration and Asylum Act 1999 and provided on behalf of the UK Border Agency.
 - e. In any other circumstances which are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
10. “Refuge” means a building or part of a building managed by a voluntary organisation and under wholly or mainly for the temporary accommodation of person who have left their homes as a result of:-
- a. Physical violence or mental abuse, or
 - b. Threats of such violence or abuse, from persons to whom they are or were married or with whom they are or were co-habiting.

Appendix B:

Buildings that are not HMOs for the purpose of the Act (other than HMOs under Part 1 of the Act) in accordance with Schedule 14 of the Act

Introduction: buildings (or parts) which are not HMOs for purposes of this Act (excluding Part 1)

- 1 (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.
- (2) In this Schedule “building” includes a part of a building.

Buildings controlled or managed by public sector bodies etc.

- 2 (1) A building where the person managing or having control of it is —
 - a local housing authority,
 - (aa) a non-profit registered provider of social housing,
 - a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
 - a police and crime commissioner,
 - the Mayor's Office for Policing and Crime,
 - a fire and rescue authority, or
 - a health service body within the meaning of section 9 of the National Health Service Act 2006.
 - (2) In sub-paragraph (1)(e) “ fire and rescue authority ” means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).
- 2A. A building—
- (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
 - (b) where the person managing or having control of it is a profit-making registered provider of social housing.

Buildings controlled or managed by a co-operative society

- 2B (1) A building where—
- (a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub- paragraph (2) is met, and
 - (b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.
- (2) The conditions are—
- (a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,
 - (b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,
 - (c) that each member has equal voting rights at such a meeting, and
 - (d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.

- (3) For the purposes of sub-paragraph (1) “co-operative society” means a body that—
- (a) is registered as a co-operative society under the 2014 Act or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act, and
 - (b) is neither—
 - (i) a non-profit registered provider of social housing, nor
 - (ii) registered as a social landlord under Part 1 of the Housing Act 1996.
- (4) In this paragraph—
- “the 2014 Act” means the Co-operative and Community Benefit Societies Act 2014;
- “assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;
- “protected tenancy” has the same meaning as in the Rent Act 1977; “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.

Buildings regulated otherwise than under this Act

- 3 Any building whose occupation is regulated otherwise than by or under this Act and which is of a description specified for the purposes of this paragraph in regulations made by the appropriate national authority.

Buildings occupied by students

- 4 (1) Any building—
- (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
 - (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.
- (2) In sub-paragraph (1) “specified” means specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying —
- (a) a particular educational establishment, or
 - (b) a particular description of educational establishments.
- (4) The appropriate national authority may have regard to the extent to which, in its opinion—
- (a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or
 - (b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice, as the case may be.

- (5) In sub-paragraph (4) “ occupied for connected educational purposes ”, in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full- time course of further or higher education at the establishment.

Buildings occupied by religious communities

- 5 (1) 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) This paragraph does not apply in the case of a converted block of flats to which section 257 applies.

Buildings occupied by owners

- 6 (1) Any building which is occupied only by persons within the following paragraphs —
- (a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;
 - (b) any member of the household of such a person or persons;
 - (c) no more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

Buildings occupied by two persons

- 7 Any building which is occupied only by two persons who form two households.

--- End of Appendix B ---

Appendix 3

Conditions for Walsall Additional Licensing (Scheme 2)

Explanatory Note:

For Additional Licensing the Government requires councils to always use a set of what are known as prescribed conditions. Councils are not permitted to alter or remove any of these conditions. They are set by statute. These conditions are shown below in Section A and they are numbered 1 to 12 inclusive

The Government also permits two forms of extra types of condition:

- a) Those that are locally agreed by a council – these conditions are numbered 9 to 36 inclusive;
- b) Those that the council applies to a specific HMO licence under the Additional Licensing scheme. These are consulted upon directly with the parties (HMO applicant etc.) at the point of an HMO licence being considered. If parties do not agree to the specific additional condition(s) they are able to appeal directly to the First tier tribunal for consideration of the matter. An example, of the nature of 'specific conditions' is where the officer requires that occupancy is reduced to a lower level within a stated period (i.e. 3 months etc.) this sort of condition is used to provide a landlord with the opportunity to legally and fairly reduce the occupancy levels so that the property is not over-crowded

WALSALL COUNCIL

LICENCE CONDITIONS FOR HOUSES IN MULTIPLE OCCUPATION COVERED BY ADDITIONAL LICENSING

(Housing Act 2004 part 2 Section 67 and Schedule 4)

Address of property:	
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These conditions must be complied with as any contravention may lead to formal enforcement action by the Council. Note that any reference to Licence Holder also applies to the Manager (where applicable) and both parties are jointly responsible for full compliance with the above conditions.

You should take advice from the Council or an independent body if you do not understand a condition.

Failure to meet license conditions can result in a criminal conviction and an unlimited fine or be issued with a financial penalty in line with the council's approved policy.

A. Prescribed Conditions set by Government and required by the Housing Act 2004

<u>1</u> <u>Gas Safety</u>	If gas is supplied to the premises, the Licence Holder must provide to the Council a Landlord's <i>Gas Safety Record issued in accordance with the Gas Safety (Installation and Use) Regulations 1998 (as amended)</i> with respect to all gas appliances, fittings, flues and pipework. Such a Gas Safety Record must have been obtained from a competent person and be dated within the 12 months prior to the date of application for this licence.
<u>2</u> <u>Furniture and Furnishings</u>	The Licence Holder must ensure that all upholstered furniture supplied by them for use by any occupier of the premises is compliant with the <i>Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989 and 1993)</i> . They must supply to the Council when requested, a declaration as to the safety of such furniture. Any such furniture which fails to comply with these regulations must be removed from

	the premises without delay and properly disposed of. Suitable replacement furniture must be provided as appropriate.									
<u>3</u> <u>Electrical Appliances</u>	The Licence Holder must ensure that all electrical appliances supplied by them for use by any occupier of the premises are maintained in a safe condition. They must supply to the Council when requested, a declaration as to the safety of such appliances.									
<u>4</u> <u>Smoke Alarms</u>	The licence holder must ensure that suitable smoke alarms are installed in the property and must keep them in proper working order. The licence holder must supply the authority with a declaration as to the condition and positioning of such alarms.									
<u>5</u> <u>Carbon Monoxide Alarm</u>	The licence holder must 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. They must keep them in proper working order and supply the authority with a declaration as to the condition and positioning of such alarms.									
<u>6</u> <u>Tenancy Agreement</u>	The Licence Holder must supply to all occupiers of the house a written statement of the terms on which they occupy it.									
<u>7</u> <u>Bedroom Sizes</u>	<p>A room smaller than the specified relevant sizes below must not be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.</p> <table><tr><td>Number of People</td><td>Age in Years</td><td>Minimum Bedroom Floor Area</td></tr><tr><td>One person</td><td>over 10</td><td>6.51m²</td></tr><tr><td>Two persons</td><td>over 10</td><td>10.22m²</td></tr></table> <p>Any area of the room in which the ceiling height is less than 1.5m cannot be counted towards the minimum room size.</p>	Number of People	Age in Years	Minimum Bedroom Floor Area	One person	over 10	6.51m ²	Two persons	over 10	10.22m ²
Number of People	Age in Years	Minimum Bedroom Floor Area								
One person	over 10	6.51m ²								
Two persons	over 10	10.22m ²								
<u>8</u> <u>Waste Disposal</u>	The licence holder must ensure that suitable and adequate provision is made for the storage and disposal of domestic refuse from the house and that the council's arrangements for storage and waste disposal are adhered to.									
<u>9</u> <u>Electrical Installation Condition</u>	The Licence Holder must ensure that the fixed electrical installation of the premises is inspected and tested at intervals not exceeding five years. This must be carried out by a suitably qualified electrical contractor who should be a member of an approved scheme such as NICEIC, ECA, NAPIT and registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk									
<u>10</u> <u>9.</u> <u>Electrical Installation Remedial Works</u>	All remedial works equivalent to C1, C2 or FI must be completed as specified and an updated written confirmation obtained upon completion of such works.									
<u>11</u> <u>Electrical Installation Certification</u>	Test reports on the condition of the electrical installation in the property must be provided to the Council within 7 days of the date of a demand.									
<u>12</u> <u>Emergency Escape Lighting</u>	The Licence Holder must ensure that the premises is provided with a satisfactory emergency lighting throughout the communal fire escape route in according to the size, layout and type of accommodation. This must be inspected, tested and serviced by a competent person in accordance with the current British Standards.									

<u>13</u> <u>Automatic Fire</u> <u>Detection &</u> <u>Warning System</u> <u>Standard</u>	The Licence Holder must ensure that an automatic fire detection and warning system that is designed and installed to the current applicable British Standard for Houses in Multiple Occupation and is maintained in proper working order.
<u>14</u> <u>Fire Safety</u> <u>Certification</u>	The licence holder must provide maintenance reports to Walsall Council on request within 28 days with regards to emergency lighting, fire detection and alarm systems. The maintenance must be undertaken by a qualified fire alarm engineer and certification provided to confirm the systems complies with the relevant British Standards.
<u>15</u> <u>Fire Fighting</u> <u>Equipment</u>	The Licence Holder must ensure that all firefighting equipment, where provided, is maintained in accordance with the manufacturer's recommendations and that replacement or refilled equipment is provided without delay following any usage which renders it no longer effective.
<u>16</u> <u>Condition of</u> <u>Furniture</u>	The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the Landlord's responsibility throughout the tenancy.
<u>17</u> <u>Information</u> <u>that must be</u> <u>Displayed</u>	<p>A copy of the following documents should be displayed in a prominent position within the property at all times:</p> <ul style="list-style-type: none"> • This licence, or a copy of it • Gas Safety Certificate (If Supplied) • Name and address of Licence Holder OR their Manager • Contact Telephone Number of Licence Holder OR their Manager <p>A schedule of these licence conditions must also be available for viewing by any occupier either by providing copies to each person or by displaying adjacent to the licence</p>
<u>18</u> <u>Property</u> <u>Inspections</u>	The licence holder shall ensure that inspections of the property are carried out at least every 6 months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, the date and the time of inspection and any issues found and action(s) taken. Copies of these must be provided within 7 days of the Council's demand.
<u>19</u> <u>Fit and Proper</u> <u>Persons</u>	The Licence Holder shall ensure that any person or persons involved with the management of the house are to the best of their knowledge "fit and proper persons" for the purposes of Section 66 of the Act.
<u>20</u> <u>Tackling Anti-</u> <u>Social</u> <u>Behaviour</u>	<p>The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to anti-social behaviour. These include written tenancy management arrangements to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 7 days of the Council's demand.</p> <p>If the licence holder or manager / manager receive complaints of anti-social behaviour that concern the occupiers of, or visitors to the property or that result from their actions they must comply with requirements (a) to (h) below:</p> <ol style="list-style-type: none"> Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour. If a complaint is received, or anti-social behaviour is discovered, within 7 days the tenant must be informed of the allegations of anti-social behaviour in writing and of the consequence of its continuation. Take all necessary steps to establish if it is continuing.

<p><u>20</u> <u>Tackling Anti-Social Behaviour continued</u></p>	<p>d) Where the anti-social behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or their manager must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.</p> <p>e) Where the licence holder or his manager has reason to believe that the anti-social behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.</p> <p>f) If after 14 days of giving a warning letter the tenant has failed adequately to address the anti-social behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).</p> <p>g) Where the obligation under (f) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps they proposes to take, and the timescale for taking those steps, in order to resolve the problem</p> <p>h) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (g) above, or generally.</p> <p>i) There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence holder would still be expected to take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.</p>
<p><u>21</u> <u>Notification of Change of Circumstances</u></p>	<p>The licence holder must inform, in writing, the Council within 21 days of any material change in circumstances including:</p> <ul style="list-style-type: none"> • Change of their address • Change of manager, management arrangements or ownership • Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law • Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law • Any proposed changes to the layout of the house that would affect the licence or licence conditions. <p><i>Licence holders should note that some of the changes above may result in either a new application or a variation being required to an existing licence.</i></p>
<p><u>22</u> <u>Preventing and Tackling Overcrowding</u></p>	<p>The number of persons residing in the premises at any one time shall not exceed the maximum number of occupants stated on the licence. The licence holder must not allow the property to be overcrowded and communal rooms (e.g. living rooms) must not be used as bedrooms. If the licence holder becomes aware of overcrowding at the property, they must take all reasonable steps to deal with the issue and advise the authority of the actions taken.</p>
<p><u>23</u> <u>Care of Common (Shared) Areas</u></p>	<p>The licence holder must make arrangements to ensure that:</p> <ul style="list-style-type: none"> • The common parts in the premises are kept free from obstruction, in a clean condition and in good order and repair. • Common areas, including shared living rooms, kitchens, and hallways are not used for sleeping by tenants or their guests. <p>Smoking is not permitted in any common area.</p>

24 <u>Maintenance of External Areas</u>	<p>The licence holder must ensure that: At the beginning and for the duration of each letting, the garden and external areas of the property must be free of refuse, litter and excess vegetation and maintained in a reasonable state of repair. Fencing and other external elements where present, are properly maintained, kept in a clean, clear and/or sound condition.</p>												
25 <u>Bin Provision for Waste Collection and Disposal</u>	<p>The licence holder shall ensure that suitable and adequate provision is made for refuse storage and collection which comprises of closable bins of suitable capacity; including for recycling as specified by Walsall council. The Council currently operates the following 3 kerbside collection services:</p> <table><tr><td>Type of Waste</td><td>Collection Frequency</td><td>Minimum Capacity of Wheeled Bins</td></tr><tr><td>Domestic household general waste</td><td>Fortnightly</td><td>140 litres</td></tr><tr><td>Domestic household dry recyclable materials (commingled)</td><td>Fortnightly</td><td>240 litres</td></tr><tr><td>Household garden waste</td><td>3 weekly</td><td>240 litres</td></tr></table> <p>Bin collection days for properties in Walsall can be found at: https://www.walsall.gov.uk/waste/bincollections</p> <ul style="list-style-type: none">•The licence holder shall ensure so far as is reasonably possible that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions themselves.•The licence holder is also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. large items of furniture, hazardous waste etc.) are disposed of responsibly and appropriately.	Type of Waste	Collection Frequency	Minimum Capacity of Wheeled Bins	Domestic household general waste	Fortnightly	140 litres	Domestic household dry recyclable materials (commingled)	Fortnightly	240 litres	Household garden waste	3 weekly	240 litres
Type of Waste	Collection Frequency	Minimum Capacity of Wheeled Bins											
Domestic household general waste	Fortnightly	140 litres											
Domestic household dry recyclable materials (commingled)	Fortnightly	240 litres											
Household garden waste	3 weekly	240 litres											
26 <u>Information Provision for Waste Collection and Disposal</u>	<p>The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating:</p> <ul style="list-style-type: none">•which day refuse collections will take place;•what type of bins to use for household and recycling waste;•details of the Council's bulky waste collection service;•the occupiers responsibility to put bins out no earlier than 4pm on the day before collection (and be presented by at least 6.30am on collection day) and to return refuse containers within the boundary of the property on the same day that they are emptied or at the latest by 6.30am the day after the collection;•that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal;												
27 <u>Provision of Amenities for Cooking, Food Storage and Space Heating</u>	<p>The Licence Holder must ensure that the premises are provided with sufficient and adequate standard amenities for use by the current or intended number of occupiers for Cooking, Food Storage and Space Heating in line with our 'HMO Amenities Standards' which can be found on the following link https://go.walsall.gov.uk/hmo_licensing</p>												
28 <u>Rent and other charges</u>	<p>You must give written receipts to tenants at the time the payment is made for any rent paid in cash. Where rent is paid weekly you must provide a rent book or similar document and this must be kept up to date. During the fixed term of the tenancy agreement, any rent increase proposed must be through the appropriate legal procedure (currently Housing Act 1988 s.13).</p>												
29 <u>Tenancy Deposits</u>	<p>Where a deposit is taken the licence holder must provide the tenant with the relevant information about the Approved Deposit Scheme to which it is protected. In addition to giving the prescribed information to the tenants, you, or your manager, must keep a record of having given this information, such that you have clear evidence</p>												

	of the information having been given to the tenant. Where the deposit is paid in cash, a receipt should be issued stating clearly what this money is for, and the grounds for a refund.
30 Termination of Tenancies	The Licence Holder must use lawful means to seek repossession of the property from any tenant/s or licencees.
31 Lock Changes	Where previous tenants have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new tenants moving in.
32 Occupancy Levels	Only bedrooms xxxx (this will list specific bedroom numbers where relevant) are suitable for double occupancy in this property. The remainder of the bedrooms must not be occupied by more than a single person.
33 Right to Rent Checks	You must ensure that you undertake all lettings in line with the Right to Rent Scheme including but not limited to securing references. https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check .
34 Training	In the event that the Council confirms the presence of significant and/or continuous deficiencies in the supervision and/or maintenance of a licensed HMO the licence holder and/or manager may be required by the Council to attend an accredited management training course.
35 Minimum Energy Efficiency	<p>The HMO have a valid (in date not expired) Energy Performance Certificate (EPC) throughout the duration of the licence. The government proposes that private rented dwellings including HMOs must achieve an EPC of a minimum rating of D by 2025. Where a licence is granted up to or past 2025 it will be contingent upon the HMO either:</p> <ul style="list-style-type: none"> • Meeting the minimum EPC level i.e. D by 2025 or • Have a valid exemption and be registered prior to 2025 on the national exemption register. <p>Where the landlord / managing agent of the HMO fails to secure either a) or b) above this condition will be considered breached and action taken under HMO licensing and or Minimum Energy Efficiency Standards.</p>
36 Remedial Works Required	<u>Note:</u> This section is used as relevant to list remedial works that are required at the specific HMO property

Advisory Notes for Landlords:

To help prevent / tackle ASB the Council recommends:

That the licence holder demands references from persons who wish to occupy the house and shall supply evidence of these to the local authority within 7 days of demand. The reference should provide testimony as to the tenant's past record of keeping to tenancy conditions and not committing anti-social behaviour, or provide other genuine and significant evidence as to the likelihood of them keeping to tenancy conditions and not committing anti-social behaviour.

The reference must also provide the referee's name, address and either an up to date telephone number or email address. Copies of these references shall be kept for the duration of this licence.

Right to Rent

Landlords are advised to ensure that they follow all relevant legislation relating to Right to Rent: <https://www.gov.uk/check-tenant-right-to-rent-documents>

To help minimise potential for disputes the Council recommends:

That landlords consider the use of inventories and suggests that before the tenant “checks in” a detailed inventory should be completed by the licence holder. It is best practice for the inventory to be initialled on all pages by both parties, signed and dated by them on the last page.

A copy should be provided to the tenant whilst retaining a copy for your own records. The inventory procedure should be repeated for “check out” inventory at the end of tenancy. Note: Inventory covers items included within the tenancy and the condition of the Property.

B. Legislation also permits:

The Council to attach conditions to individual licences if there are issues specific to the property. If and when these are proposed the HMO applicant will be consulted on the conditions prior to the final licence being issued. The Council will consider any representation made by the HMO applicant. The HMO applicant also has a right of appeal to the First Tier Tribunal if they do not agree with a specific condition that is proposed.

Appendix 4

Additional Licensing Fees and Licence Periods (Scheme 2).

Overall

These fees (and fee structure) cover the cost of managing the Additional licensing scheme, including preparing for the scheme, publicising the scheme, training staff, landlords and other stakeholders and the actual administrative costs of processing individual licence applications and compliance monitoring, and do not make a profit for the Council. The Council does not use the money to pay for legal enforcement work against non-compliant landlords.

The Fee structure ensures that those landlords who work diligently to submit early or on time full and correct applications are not subsidised by those who don't.

Promoting best practice in property management - Discounts for Accredited Landlord

The Council is committed to supporting the improvement of private renting standards within the borough and as such offers a discounted rate for 'accredited' landlords and agents where they are a full member of a national and or regional accredited landlord including:

- Midland Landlord Accreditation Scheme (MLAS)
- National Residential Landlords Association (NRLA Accreditation).

An accreditation discount will be applied if, at the time of applying, the applicant for the HMO licence owns the property and/or is a confirmed member of the Midlands Landlords' Accreditation Scheme or any other recognised national or regional scheme. Local (single council etc.) landlord accreditation schemes do not qualify for a discount. The Council has the final decision as to whether to recognise any scheme put forward by the applicant for a discount.

The accreditation discount to the HMO licence fee will NOT be applied if your application to the accreditation scheme is still pending when you make your HMO application. We will not retrospectively apply the accreditation discount to an existing application and there is no 'proxy' entitlement to the accreditation discount by virtue of an 'association' between a non- accredited and an accredited member.

Where an applicant secures a discount based on being accredited they must retain the accreditation throughout the duration of the licensing scheme. Where their accreditation lapses they will be subject to an additional £100.00 charge.

As indicated in the tables below discounts are also provided for 'early bird' applicants to encourage early registration.

Pre-condition for agents and property managers.

Where an agent or a property manager is managing properties that do not belong to them they will be required to be a member of the Letting Agents Redress Scheme. As this is a statutory requirement no additional discount will be offered to agents signed up to this.

Overseas landlords / managers distant from the property.

Where a landlord is not resident in the UK they must appoint a fit and proper UK based person to manage their HMO for them. The council will usually expect the manager to

be 'local', ideally to the borough of Walsall so that they can attend promptly to resident and or council requests / concerns.

LICENCE FEES

There are 2 stages to the fee payment:

The first stage fee payment will need to accompany the licence application.

The second stage fee payment will need to be made following the issuance of the notice of intention to issue the licence but before the final licence is issued. This 2nd stage payment will be refunded if the final licence is not granted.

The Council will usually contact the applicant (by email) to confirm when 2nd Stage fee is due. You must pay this within 14 days. Please note no licence will be issued without payment being received of the 2nd Stage fee. If you operate an HMO without a licence you may be subject to legal action by the Council.

Fees and Stages of Fee payment

Fees for 2022/23* Stage payments				
For HMOs of 3 or 4 persons (Please note HMOs of 5 or more persons are subject to Mandatory Licensing)	Non Accredited		Accredited Landlord Fee	
	Stage 1	Stage 2	Stage 1	Stage 2
Standard Fee	£800	£265	£635	£215
	Total £1,065		Total £850	
Early Bird Fees A 15% reduction in relevant fee for those who apply within first 3 months of the Additional Licensing scheme going live.	£680	£230	£555	£190
	Total £910		Total £745	

*Please note that fees for applications are expected to increase by circa 2% each financial year. They will be published online on the Council's website.

Renewal of HMO Application:

Licence holders renewing a licence for the same property will be charged a 'renewal fee', which is lower than the full HMO application licence fee, provided their application is received within time (i.e. their existing licence has not expired).

If an application for renewal is received and is either incomplete or after the licence has expired then the full application fee will apply.

Renewal Fees for 2022/23* including stages of payment				
For HMOs of 3 or 4 persons	Non Accredited		Accredited Landlord	
	Stage 1	Stage 2	Stage 1	Stage 2
Renewal Fee (No early bird discounts apply)	£520	£225	£415	£180
	£745		£595	

*Please note that fees for applications are expected to increase by circa 2% each financial year. They will be published online on the Council's website.

Licence Fee variation: There is no fee charged for a licence variation, for example, to notify the council of a change of manager. The licence condition still requires written notification to be given to the council about material changes within 21 days of the change. Failure to make such written notification is a breach of the Licence conditions. Refer to licence conditions for further details.

Fee Reduction per property for a landlord / manager for additional HMOs (either mandatory or additional licensed): £50 reduction accredited landlord and £50 reduction non-accredited. This will be applied to the 2nd stage fee (not the 1st stage).

Fee Refunds

There will not normally be any refunds on HMO application fees.

Any refund will be at the discretion of the Council and are limited to the following two scenarios:

- Refunds of 1st Stage fees where a duplicate application has been made for a property or
- Where on review of an application (at 1st Stage) it is decided that the property does not need a license at the time of application (for example, it falls under one of the exemptions).

The refund will be up to 50% of the 1st stage fee paid and 100% of any 2nd stage fee paid. The remainder of the fee will be retained by the Council for the administrative work that has been undertaken.

There will be no refund for applications that are refused by the Council.

LICENCE PERIODS

Generally, HMO licences are granted for 5 years. However, the licence period may be reduced in certain circumstances at the discretion of the Council and limited to a period of 1, 2, 3 or 4 years. This includes, but is not limited to, where the property is in a poor state, previous licence conditions have not been met and where the Council has concerns over the competence of the (proposed) licence holder and or (proposed) managing agent.

The Council will normally only issue a licence for a period of 1 Year for all of the following cases:

The application follows an investigation made by the Council
The application follows a request made by the Council for you to apply
Where a property should in the opinion of the Council have been licensed previously
There is evidence of previous poor management of any HMO
The property in the opinion of the Council needed significant improvements before a licence could be considered
History of formal housing notices in respect of the property and or landlord or managing agent.

Appendix 5

Statutory Consultation on Walsall Additional Licensing (2022 – Scheme Two)

Report of the Results

Summary

This report provides:

- An overview on what the statutory consultation 'looked like' and how it was undertaken (Appendix 5.1)
- Details of the feedback to the on-line questionnaire (Appendix 5.2)
- Feedback received additional to the on-line questionnaire (Appendix 5.3)
- Council responses to feedback received (Appendix 5.4)

Overview - Statutory consultation

The requirements for statutory consultation for Additional Licensing are that a minimum consultation period of 10 weeks needs to be available for interested parties to make their observations. Walsall Council has provided 15 weeks (28 February 2022 and 13 June 2022).

Key findings / Executive Summary

The proposal overall was supported as indicated in Table 1.1 below

A total of 83 responses were received to the proposal.

8 respondents used e-mail or letter to respond to the consultation.

The key method for respondents to have their say was via an online questionnaire. A total of 75 individuals / organisations used this method to have their say on the proposals.

The tables below shows some additional summary results for this. The full results of the questionnaire are in Appendix 5.2.

1.1 Overall

The table below summarises the responses to the proposal

Table 1.1	Total	Fully Support	Partially Support	Object*	No Comment
On-line Questionnaire	75	35	5	31	4
	Total	Support		Object	No Comment
Email / letters	8	6		1	1
Total	83	46		32*	5

***Key observation:** It is also noted that of those who indicated that they did not support the proposal (14 for online questionnaire) a high proportion (44%) made a comment that indicated that they didn't support it for reasons related to topics such as:

- their overall opposition to existing or new HMOs
- they considered the scheme would actually encourage HMOs or the council was encouraging HMOs specifically for this area and they didn't want this
- that they considered that the fees were too low and as a result the scheme would be funded by council tax payers
- that the scheme should include other streets or be borough wide

For email / written respondents (8) 1 respondent objected in detail, 1 had no specific view on the proposal but had issues with HMOs and the remaining 6 supported the proposal.

1.2 Proposed Conditions

There was overwhelming support for the council having more control over HMO landlords and agents in how they manage their properties (as shown in Table 1.2).

Do you think Walsall Council should have more control over the way that Houses of Multiple Occupancy (HMO) landlords / agents manage their properties in the proposed scheme area?

Table 1.2	Overall	Count
Yes	81%	61
No	9%	7
Don't know	9%	7
Total	100%	75

When it came to the specific conditions that were proposed to manage HMOs respondents to the on-line questionnaire were split in whether they thought they were reasonable and able to improve the standard of private rented properties as shown below in Table 1.3.

Overall, do you think the proposed Additional Licence conditions are reasonable and will improve the standard of private rented properties?

Table 1.3	Overall	Count
Yes	41%	31
No	44%	33
Don't know	15%	11
Total	100%	75

1.3 Fees:

The key response to the fees questions on the on-line questionnaire were that the fees we proposed were insufficient as shown in Table 1.4. Only 7 (9%) of respondents considered that the fees proposed were too much.

Do you think that a one off average fee of £885 for a 5 year licence, per HMO property is.....?

Table 1.4	Overall	Count
Not enough	64%	48
Reasonable	27%	20
Too much	9%	7
Total	100%	75

Appendix 5.1

Statutory Consultation on Walsall Additional Licensing (2022)

An overview on what the statutory consultation 'looked like' and how it was undertaken

Background to the consultation

To support the statutory consultation and to ensure that all consultees, especially landlords, have sufficient information to allow for intelligent consideration and response (something noted during judicial reviews such as in Croydon), significant effort was made to ensure that a range of supporting information was readily available including;

- a) Copy of the December 2021 Cabinet report in its entirety (including all Appendices)
- b) Map of proposed Additional Licensing Area
- c) Conditions proposed to be used for HMOs in addition to the existing mandatory conditions
- d) Fees and charges for the licences and related matters
- e) Time period for licences
- f) Answers to frequently asked questions about Additional Licensing
- g) Street list for those streets within the proposed Additional Licensing Area.

Quality Information

Material used in the consultation was developed in close partnership with the council's Corporate Consultation & Customer Feedback Officer. As a result all consultation materials was designed in line with the Council's Corporate Consultation Strategy, quality assured by The Consultation Institute. Furthermore, the work was be conducted in adherence with the Market Research Society Code of Conduct.

All material was produced in a way to ensure it provided sufficient information to allow informed comment, clearly explaining complex information and signposting to where further information could be found. All materials were professionally designed and printed by the council's award winning Print and Design service.

The team nominated a dedicated consultation officer to specifically lead on the statutory consultation. This officer acted as the council's main point of contact for those wanting further information or advice for how to respond.

Key methods of Consultation

The Council used some key methods to promote the opportunity for people to comment on the proposal:

- | | |
|---|---------------------|
| a. Council website | b. Social media |
| c. Direct 'traditional' letter delivery | d. Targeted e-mails |

a. Council Website:

A news item was placed on the front page of the Council website (4 March 2022) detailing the consultation and linking to bespoke housing web pages where further information could be found was produced. The bespoke webpages also had;

- Original Cabinet report
- Proposed licensing conditions (as separate appendices for ease of access)
- Answers to frequently asked questions

- Maps showing the proposed boundary to the Additional Licensing Area
 - A link to the online survey for landlords and agents
 - Contact details for any questions
- Additionally an article was placed on the council intra-net site Inside Walsall on 1 March 2022.

b. Social media

The council used the following social media to promote the consultation:

- o Council Twitter on 4 March 2022

The table below shows when relevant posts / tweets were undertaken.

Other partners / organisations also promoted the consultation through their own social media:

Facebook - Nashdom 19 May 2022

Twitter - Home Safe Scheme 10 March 2022

c. Direct 'traditional' mailing

To residents and to businesses / organisations: 40,000 addresses

Direct mailing delivered to all addresses within and surrounding the proposed area for Additional licensing. This had clear information on how people to comment on the proposals. This included:

- residents who were private tenants;
- businesses including but not limited to landlords and residential letting and managing agents.

Chief Executives of the following neighbouring local authorities

- Birmingham City Council
- City of Wolverhampton Council
- Cannock Chase District Council
- Sandwell MBC
- Dudley MBC and
- Lichfield District Council

Additionally other housing standards (or equivalent) officers within the councils were also contacted about the consultation.

Members of Parliament

- MP Valerie Vaz
- MP Eddie Hughes
- MP Wendy Morton

Targeted e-mails

Bespoke e-mails were produced and sent to a significant and wide range of organisations / individuals. As well as the email being sent at the start of the consultation period a 'repeat' email was sent during the period too.

The emails whilst bespoke each explained the consultation and provided direct links to the detailed information on the website and the online questionnaire for; which itself includes direct links to supplementary information to aid understanding and completion.

Direct e-mail sent in March and May 2022 to 118 separate private sector residential landlords

Emails were sent to landlords who have attended previous Walsall landlord forums.

Direct e-mail sent to in March and May 2022 to 127 residential letting / managing agents

Similar to the email to landlords a bespoke email went to those letting agents known to operate / market properties within the borough.

Direct Email to: All Councillors where the Additional Licensing Scheme is proposed as at March 2022 and again to the Ward Councillors post local election in May 2022

Direct Email to 122 individual residents: All have previously said they are interested in being kept informed about Additional licensing sent in March and May 2022.

Key social sector landlords

Social sector landlords with stock in the borough.

Walsall Housing Group (WHG)	Sanctuary Housing
GreenSquareAccord	Longhurst
WATMOS	Bromford
Platform Housing	Midland Heart
Clarion Housing	Nehemiah
Hanover	

Key Partners:

- Walsall Neighbourhood Policing unit
- West Midlands Immigration Compliance and Enforcement Team
- West Midlands Fire Service – Head of Protection

Walsall Private Sector Landlord Steering Group

The Steering Group was notified by council officers prior to the cabinet report in December 2021.

Council officers shared information on the statutory consultation with the landlord steering group members via Teams on 26 April 2022. The session including a question and answer session with the landlords present. Attendees were also asked to forward to the council any additional contact details of individuals / organisations who they thought may not have already received information about Additional Licensing.

All private landlords known to the council were separately contacted by email.

A broader NRLA Landlord Forum was held on 12 May 2022 via Teams on the sole topic of Walsall Council Additional Licensing scheme(s). The consultation process was again highlighted to attendees at this event by council officers.

Head Teachers of Local Schools

A bespoke email was sent out to:

The Jane Lane School	Goldsmith Primary Academy
Mary Elliot	Edgar Stammers Primary Academy
Rowley View Nursery	Fibbersley Park Academy
Valley Nursery	King Charles Primary
Barcroft Primary	Kings Hill Primary

Beacon Primary	Leamore Primary
Bentley West Primary	Moorcroft Wood Primary
Birchills CE Community Academy	North Walsall Primary Academy
Blakenall Heath Junior	Old Church CE (C) Primary
Bloxwich Academy	Pinfold Street Primary
County Bridge Primary	Salisbury Primary
Christ Church CE (C) Primary	St Giles CE Primary
Croft Academy	St Joseph's Catholic Primary
St Thomas of Canterbury Catholic Primary	St Thomas More Catholic School
Sunshine Infant & Nursery	Shepwell School and Home & Hospital Tuition Services
Woods Bank Academy	

Broad range of voluntary and community organisations

Ablewell Advice	Caldmore Village Festival Group
Afghan Community & Welfare Centre	Chuckery Festival Group
Supporting Homeless	Walsall Kobar Friendship Association
The Glebe Centre	Sikh Recreation & Learning Centre
Care 2 U	Walsall Retired Teachers Association- Broadway United Reform Church
Have a Hart, help the Homeless	Kingsley Fellowship Club
Aaina Centre	Delves United Charity
UKIM Youth	Keyring
Ambur FM Radio	Paddock / Chuckery Sure Start Children's Centre
Bespoke Community Solutions	Pleck Library 50+ Club
Black Sisters Collective	St. Gabriel's Day Centre
Bilal Academy	St. Giles Hospice
Caldmore Community Garden	Street Teams
Walsall Local Compact	Nashdom
Love Walsall	Walsall community litter watch
Old Hall Peoples Partnership	One Walsall
Darlaston All Active	Walsall for all
Walsall Local Compact	Our Walsall
First Base Walsall	
Walsall Black Sisters	Afghan Community Association
Frank F Harrison Community Association	UKIM Youth
Willbraham Court	St. Gabriel's Day Centre
St. Giles Hospice	Street Teams

Faith and cultural groups / organisations

Masjid-Al-Farouq	St. Mary's The Mount
Aisha Mosque	St. Matthew's Church
Ghausia Qasmia Trust Mosque & Community Centre	St Matthews Asian Congregation
Shah Jalal Jami Masjid	Delves Place of Refuge

Dar-us-Sunnah Madani Trust	Pleck Church
Masjid-e-Usman	RCCG Caldmore
St Jude's	Zia-e-Madinah
Jalalia Sunni Jami Masjid & Islamic Education Centre	Jamia Masjid Ghausia & Community Centre
Shah Jalal Jame Masjid & Madrasssa	Bangladesh Islamic Society
Masjid Abu Bakr	All Saints Darlaston
Central Mosque	Darlaston Hindu Temple
Masjid Hamza Community Centre	Willenhall Sikh Temple
Minhaj Education Centre	Guru Nanak Gurdwara
Pleck Hindu Temple	Brunch Club- St Gabriels Parish Church
Bath Street Centre	Caldmore Methodist Church
St. Paul's The Crossing	Chatterbox- Caldmore Evangelical Church
Brunch Club- St Gabriels Parish Church	

Other Consultation / notification

Consultation with internal council services was undertaken for example with planning, environmental health, public health, clean and green services.

Communication and promotion via externally generated social media and traditional media:

The following is a record of on-line press releases on the proposals created by other organisations:

Organisation	
From Launch of statutory consultation (22/2/21)	
Facebook – Walsall Trading Standards Savvy Shopper	03/03/2022
Walsall Newsroom	04/03/2022
Gorgeous Radio website	04/03/2022
Walsall Echo website	05/03/2022
Landlord Today website (1,960 reads as at 5/7/2022)	08/03/2022
Letting Agent Today website (1,365 reads as at 5/7/2022)	10/03/2022

120 Flyer / Posters were displayed

Posters were displayed in the following venues throughout the area. The flyer / posters gave information about the Additional Licensing proposal, how people can get involved and include the web address:

- Schools
- Doctors surgeries / Health centres
- Libraries
- Local shops and Supermarkets
- Restaurants and take-aways
- Social clubs

Landlord Associations

The following major national private landlord organisations were emailed with details about the proposal and asked to publicize it to their members through their networks;

- The National Residential Landlord Association (NRLA)
- UK Association of Letting Agents

- MLAS

Appendix 5.2

Details of the feedback to the on-line Questionnaire

Marked up Questionnaire – Results are based on 75 responses

(Please note percentages may not sum to 100% due to rounding)

Consultation on the proposal to introduce Additional Licensing of Houses in Multiple Occupation (HMO) in parts of Walsall

We want your views on our proposal to introduce a new Houses in Multiple Occupation (HMO) licensing scheme in Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North and Darlaston South to improve the local environment and the housing conditions of renters in the private sector. Local residents, landlords and tenants, and any other person likely to be affected by the additional licensing designation, must be consulted prior to the introduction of a licensing scheme.

Someone's home is a house in multiple occupation (HMO) if both of the following apply:

- at least 3 tenants live there, forming more than 1 household
- you share toilet, bathroom or kitchen facilities with other tenants.

Additional Licensing is the official legal title that we need to use. Please note that:

- It does not mean that there will necessarily be an increase in HMO numbers, but rather, that those HMOs that are present and proposed in the future must have a licence and be let to a good standard and managed properly by the landlord.
- It does not in any way suggest that the council supports additional HMOs in this or other parts of the borough.

Additional Licensing has already been approved for the wards of Paddock, Palfrey, Pleck and St Matthew's and we are not seeking views on this. HMO landlords in these wards have from 1 March to 31 August 2022 to apply and obtain an HMO licence for their HMOs.

This survey takes around 10-15 minutes to complete. You can complete this questionnaire whether you live in the borough of Walsall or not, are a business / organisation, landlord, letting agent or other interested party.

The closing date for responses is midnight on 13 June 2022.

The results and final recommendations will be reported back to Cabinet later in 2022. If you have any queries about Additional Licensing please see our website www.walsall.gov.uk/housing/AL-new or email HMOs@walsall.gov.uk

If you require the information in any other alternative format or need support to complete it, please email HMOs@walsall.gov.uk or call 01922 652171.

This confidential survey is being run by Walsall Council in accordance with the Market Research Society Code of Conduct. The information gathered will be used to inform Cabinet's decision on Additional Licensing. Your participation is voluntary. None of your answers will be used, analysed or reported in a way that may identify you. All survey responses remain confidential and at no time will individual responses identify an individual nor appear in any data or summary reports. The survey asks a few personal/sensitive questions about you. Whilst answering these questions is voluntary, you are encouraged to answer these questions as they help us better understand the views of different groups of people. All electronic data will be stored securely and retained by the council for as long as required. All processing will be compliant with the Data Protection Act 2018 visit:

www.walsall.gov.uk/privacy_statement for more information.

Section 1: Your connection to the proposed Additional Licensing scheme area

Are you responding as...

Tick one only.

- 84% A resident
- 11% Private sector residential landlord / agent
- 5% Business / other organisation

After looking at the map and / or checking the street address list do...

Tick one only.

- 73% Live within the proposed Additional Licensing scheme area (Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North and Darlaston South)
- 7% Live within the Approved Additional Licensing scheme area (St. Matthews, Pleck, Palfrey or Paddock ward)
- 11% Live in the borough of Walsall but outside the proposed or approved additional licensing scheme areas
- 9% Do not live in the borough of Walsall

After looking at the map and / or checking the street address as a landlord / agent do you have residential property...

Tick all that apply.

- 88% Live within the proposed Additional Licensing scheme area (Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North and Darlaston South)
- 0% Live within the Approved Additional Licensing scheme area (St. Matthews, Pleck, Palfrey or Paddock ward)
- 0% Live in the borough of Walsall but outside the proposed or approved additional licensing scheme areas
- 13% Do not live in the borough of Walsall

How many Houses of Multiple Occupancy (HMOs) do you have / manage within the proposed additional licensing scheme area?

If none please type 0.

100%

After looking at the map and / or checking the street address as a business / organisation are you located...

Tick one only.

- 25% Live within the proposed Additional Licensing scheme area (Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North and Darlaston South)
- 0% Live within the Approved Additional Licensing scheme area (St. Matthews, Pleck, Palfrey or Paddock ward)
- 50% Live in the borough of Walsall but outside the proposed or approved additional licensing scheme areas
- 25% Do not live in the borough of Walsall

Do you...? *Tick one only.*

- 78% Own your own home outright or with a mortgage
- 6% Rent your home from a private landlord
- 12% Rent your home from a Housing Association e.g. Whg, Accord
- 4% Live with family / friends
- 0% Other

Do you live in a House of Multiple Occupancy (HMO)? *Tick one only. 12 people answered this question*

Your home is a house in multiple occupation (HMO) if both of the following apply:

- **at least 3 tenants live there, forming more than 1 household**
- **you share toilet, bathroom or kitchen facilities with other tenants**

17% Yes, I live in a HMO

83% I do not live in a HMO

Section 2: Problems in the proposed scheme area

Thinking about the proposed additional licensing scheme area, how much of a problem, if at all, are each of the following? *Tick one only on each row.*

	<i>Very big problem</i>	<i>Fairly big problem</i>	<i>Not a very big problem</i>	<i>Not a problem at all</i>	<i>Don't know</i>
Noisy neighbours or loud parties	39%	12%	28%	12%	9%
Rubbish or litter lying around	51%	27%	9%	5%	8%
Overflowing wheeled bins	39%	24%	16%	12%	9%
Fly tipping	45%	31%	9%	5%	9%
Poor quality housing	36%	24%	20%	9%	11%
Empty properties	12%	11%	41%	19%	17%
Overcrowded houses and flats	29%	21%	24%	8%	17%
Untidy gardens	35%	28%	17%	9%	11%
Pests and vermin e.g. rats, mice etc	39%	27%	17%	8%	9%
Vandalism, graffiti and other deliberate damage	35%	31%	19%	7%	9%

to property or vehicles

Burglary	28%	27%	24%	4%	17%
People using or dealing drugs	52%	17%	12%	4%	15%
People being drunk or rowdy in public places	33%	20%	14%	6%	10%

Are there any other local issues that cause a problem for you or your household / business organisation? Please tell us.

46 submitted responses

Overall, how satisfied or dissatisfied are you with the local area as a place to...?

Tick one only on each row.

	<i>Very satisfied</i>	<i>Fairly satisfied</i>	<i>Neither satisfied nor dissatisfied</i>	<i>Fairly dissatisfied</i>	<i>Very dissatisfied</i>	<i>Does not apply</i>
Live	13%	29%	25%	11%	22%	0%
Rent / manage a property	14%	57%	14%	14%	0%	9%
Operate a business / organisation	0%	0%	0%	0%	0%	100%

In the last 5 years have you experienced any problems with a Household of Multiple Occupancy (HMO) in the area where you live, rent or manage property or operate your business / organisation (either with the tenants or the buildings themselves)?

Tick one only.

46% Yes

54% No

Please explain what the problem was, and what if anything you did to sort it out.

26 responses

Section 3: Your views on HMO landlords and letting agents

In terms of letting, managing and maintaining their properties, do you think that landlords / agents letting out Houses of Multiple Occupancy (HMOs) in the proposed scheme area act...? *Tick one only.*

39% Not at all responsibly

31% Not very responsibly

11% Fairly responsibly

7% Very responsibly
13% Don't know

Do you think Walsall Council should have more control over the way that Houses of Multiple Occupancy (HMO) landlords / agents manage their properties in the proposed scheme area? *Tick one only.*

81% Yes 9% No 9% Don't know

Additional Licensing puts certain conditions on HMO landlords/agents that they must meet in order to let a property out. The Council believes that the Additional Licensing conditions will lead to better managed properties, a reduction in anti-social behaviour (specifically untidy front gardens and dumping of rubbish) and an improvement in living conditions for tenants.

The Government sets 8 Mandatory Conditions covering topics ranging from minimum bedroom size to gas safety. The Government also permits councils to set other conditions that they consider appropriate and Walsall Council proposes some which can be viewed here. The Council's proposed conditions cover additional items such as emergency lighting in HMOs and the need for the Licence Holder to be a Fit and Proper Person, fire fighting equipment.

Overall, do you think the proposed Additional Licence conditions are reasonable and will improve the standard of private rented properties...?

41% Yes 44% No 15% Don't know

Do you think that private landlords should be required to do the following when letting their House of Multiple Occupancy (HMO) out? *Tick one only.*

	Yes	No	Don't know
Get references for tenants before they move in	89%	5%	5%
Make sure tenants are given a written statement (tenancy agreement) of the terms on which they occupy the property	99%	0%	1%
Ensure tenants manage their waste properly	97%	1%	1%
Take action against their tenants who cause a nuisance or anti-social behaviour	99%	1%	0%
Keep properties in a good and safe condition inside and out	100%	0%	0%
Make sure houses and flats are not overcrowded	100%	0%	0%
Inspect their HMOs regularly to ensure that the required standards continue to be met	99%	0%	1%

Are there any other conditions you think HMO landlords / agents should have to meet?

43 responses

Section 4: Licence Fees

Under the proposed Additional Licensing Scheme, landlords would have to pay a licensing fee for each HMO property they rent out in the specified area. The licensing fee covers the cost of the scheme and allows the council to employ staff to check the condition of private rented HMOs in the area and make sure that the correct management arrangements are in place.

The Government permits fees to be charged to cover running costs. In line with this and Council policy the proposal will be self-funding (ie the proposed fees will cover costs). Research shows that in the Scheme Area there are an estimated 854 HMOs, the proposed fees are based on this and the costs of delivering the Additional Licensing Scheme. The Additional Licensing proposed fees can be viewed [here](#).

The proposal includes for discounts for Accredited Landlords, for those applying early and for fees for landlords applying for more than one HMO licence.

Do you think that a one off average fee of £885 for a 5 year licence, per HMO property is...? *Tick one only.*

64% Not enough
27% Reasonable
9% Too much

**How much do you think a 5 year licence for one HMO property be?
Please state the amount or leave blank if you don't know.**

35 responses

To support landlords and agents who plan ahead and respond appropriately, the Council proposes to offer an 'early bird' discount of 15% off the licence fee. Such early bird discounts are seen as best practice.

Do you think a 15% early bird discount should be given to encourage early sign up to the Additional Licensing scheme? *Tick one only.*

40% Yes 55% No 5% Don't know

The Council is committed to supporting the improvement of private renting standards within the borough and as such offers a discounted rate for 'accredited' landlords and agents where they are a full member of a national and or regional accredited landlord.

Do you think that landlords who are accredited by professional bodies should pay a lower licence fee? *Tick one only.*

39% Yes 53% No 8% Don't know

Section 4: Additional Licensing Overall (Willenhall South, Birchills Leamore, Blakenall, Bentley and Darlaston North and Darlaston South)

Do you agree or disagree that Additional Licensing will achieve the following in the Scheme Area? *Tick one only on each row.*

	<i>Strongly Agree</i>	<i>Agree</i>	<i>Disagree</i>	<i>Strongly Disagree</i>	<i>Don't know</i>
Improve management standards and property conditions	32%	27%	19%	19%	4%
Develop better relationships with landlords and tenants to help address anti-social behaviour linked to rented properties	28%	25%	21%	21%	4%
Improve confidence in the private rented sector both for landlords and tenants	32%	23%	20%	20%	5%
Allow better targeting of enforcement action against 'rogue landlords / agents'	37%	25%	12%	17%	8%
Promote consistent housing standards and a better understanding of what is expected from tenants and landlords	33%	27%	17%	16%	7%
Reduce overcrowding especially in HMOs	31%	21%	20%	23%	5%

Overall, to what extent do you agree or disagree that Additional Licensing should be introduced in the proposed area? *Tick one only.*

47% Fully support
7% Partially support
41% Do not support
5% Do not know

Do you have any other comments regarding the proposal, including the proposed area or even other areas of the borough that should be considered for Additional Licensing?

38 respondents made comments

Are there any other things or approaches you think the council could take to improve standards in Houses in Multiple Occupation?

40 respondents made comments

Section 5: Keeping you informed

Would you like to be kept informed by e-mail about Additional Licensing in Walsall and the findings from this consultation? *Tick one only.*

49% Yes, please add me to your email list

51% No thanks

Section 6: About you

Finally, we'd like to ask some questions about you. This is to ensure that we speak to a range of people which helps us to gain a better understanding of the views of different people and how they could be impacted by any changes. All the information you give will be kept completely confidential and will not be used or processed in a way that may identify you.

Are you...? *Tick one only.*

48% Female 44% Male 8% Prefer not to say

What is your age group? *Tick one only.*

3% 16 to 24
21% 25 to 44
56% 45 to 64
13% 65 and over
17% Prefer not to say

Do you have any physical or mental health conditions or illnesses lasting

or expected to last 12 months or more? *Tick one only.*

24% Yes 65% No 11% Prefer Not to say

Does your condition or illness / do any of your conditions or illnesses reduce your ability to carry out day-to-day activities? *Tick one only. 18 respondents answered*

33% Yes, a lot 17% Not at all 0% Prefer Not to say
50% Yes, a little

What is your ethnic group? *Choose one option that best describes your ethnic group or background.*

76% White
4% Mixed / multiple ethnic groups
7% Asian or Asian British
0% Black / African / Caribbean / Black British
0% Other ethnic group
13% Prefer not to say

Are there any other equality aspects you feel should be taken into account when considering the introduction of Additional Licensing in the proposed area of Walsall? *Protected equality characteristics include; age, gender, disability, ethnicity, religion, sexuality, gender reassignment and maternity*

20 respondents commented.

End of Questionnaire

Appendix 5.3

Feedback Received Additional to Online questionnaire

Respondents were able to provide feedback in other formats (written including e-mail, and telephone). This section covers the written responses that have been received.

Overall

A total of 8 emails / letters were received relating to the proposal these can be categorised as follows:

Respondent	No comment	Support	Object
Ward Councillors	0	2	0
Private Landlord	0	0	1
West Midlands Police	0	1	0
Residents	1	3	0

Appendix 5.4

Councils Responses to Feedback Received.

Overview

The Council proposes Additional Licensing, as submitted to December 2021 Cabinet and upon which Statutory Consultation has been undertaken. This included proposed:

- Boundary for the area
- Conditions
- Fees and Licence Periods

This Appendix does not therefore; in the main provide responses to feedback that are in support of the above.

This Appendix contains responses to the feedback received that is either partially or entirely opposed to the proposal where observations by respondents have been made.

A. Boundary for Additional Licensing

As highlighted above the Council consulted on the geographic boundary for the Additional Licensing. A map of the area was available for respondents to view on-line and a list of those streets within the area was also included.

A.1 Responses that opposed this boundary

16 respondents suggested that the area proposed was too small and other areas of the borough should be included (including the whole of the borough) or dealt with instead.

“Additional Licensing should be across the whole borough. I'm a Probation Officer in Walsall and some of my clients are living in atrocious conditions”

“Extend to the UK”

“I don't think that the Council should give out any more licences for HMOs in the proposed area”

“If you are proposing it should be global not local.”

A.2 Council Response to this feedback

The area for this specific Additional Licensing proposal follows a detailed analysis (included in Cabinet Report December 2021) of available data including but not limited to the Walsall Housing Stock Condition Report 2020. By defining this current boundary it does not preclude the council from undertaking statutory consultation upon another part of the borough for Additional Licensing. It is also noted that as of September 2022 additional Licensing has already commenced in four other wards of the borough.

It was clear from some response that respondents (despite information clearly saying this wasn't about seeking to promote more HMOs) thought that it was and for this reason suggested that these be spread into other areas of the borough rather than the proposal area for example;

“Stop putting them in the most deprived areas of Walsall. Share the problem with more affluent areas!”

As highlighted in the consultation information and cabinet report the proposal must be called for legislative reasons Additional Licensing, this does not mean that it is a proposal for more HMOs but rather that those HMOs that are not covered by mandatory licensing within the proposal area will now (with exceptions) come under the auspices of licensing.

Current data does not support the proposal for a borough wide Additional Licensing scheme.

A.3 Recommendation(s)

That the Council continue to implement Additional Licensing based upon the proposed boundary.

B. Proposed Additional Licensing Conditions

This report will not cover any responses received on the Mandatory Conditions as the consultation documents clearly confirmed that the Council has no ability to change / not apply these in the case of Additional Licensing.

The Council proposed 27 Local Conditions listed (9 to 36) in the consultation documents.

B.1 Responses that did not think the conditions were reasonable and or would improve the standard of private rented properties

44% of questionnaire respondents did not think that the conditions were reasonable and or would improve the standard of private rented properties. In a review of the comments of these respondents their listed concerns were mainly related to either not wanting HMOs at all or that they consider the council is not able to appropriately enforce to make the improvements. Examples include;

“Landlords should be totally responsible for the actions of their tenants, they are after all making a lot of money from them so it's the least they can do”

“I am totally against HMO's”

“I have no faith in the council being able to act in any cohesive way in this area”

“Cost of complying with fire regulations and other standards will be over £5,000 excluding the licence fees”

One stated that;

Our landlord xxxx is very good. He is registered with the landlord association and we have seen his certificate. He looks after us very well, and deals with any problems we may have. He has CCTV installed and is registered with the information comms office.

Specific feedback from respondents on suggested other conditions or existing conditions included:

“If a family is in the premises a stairgate might be provided but the wall into which it is screwed is inadequate. Issues like this should be considered and inspected”

“Is there a reason why display of gas safety has been included usually this is sent electronically as this is more environmentally friendly and it is not a document that the tenants would need to regularly refer to”.

B.2 Council Response to this feedback

Whilst 41% of respondents to the questionnaire supported the proposed conditions it is notable that 81% of respondents think that the council should have more control over the way that Houses of Multiple Occupancy (HMO) landlords / agents manage their properties in the proposed scheme area.

Appropriate conditions on licenses, implementation of the same by landlords and agents and enforcement of the same (where breaches occur) are how the council are able to

improve the condition and management of HMO properties.

Each additional condition that has been proposed by the council has been carefully formulated and each are individually and collectively considered to be:

1. Necessary;
2. Relevant to HMOs;
3. Enforceable;
4. Precise; and
5. Reasonable in all other respects.

The proposed Additional Licencing conditions 'mirror' those that have been consulted upon for Scheme 1 of Additional Licensing (In Place from 1 September 2022) and existing Mandatory Licensing.

B.3 Recommendation(s)

That the Council continue to implement Additional Licensing Conditions as listed in Appendix 2.

C. Proposed Fees and Licence Periods

The proposed fees and Licence Periods are detailed in Appendix 3.

Of questionnaire respondents they thought that the proposed average of £885 for a 5 year licence fee per HMO is

- Not enough 64 %
- Reasonable 27%
- Too much 9%

C.1 Responses that opposed / had concerns about the proposed fee levels and time periods

Too low

The majority (64%) who responded about fees stated that those proposed were not enough. 67% of the respondents who stated this suggested an average fee level. These ranged from £1,000 to over £100,000. The table below 'bands' these responses:

Fees should be	Percentage of those suggesting fee is too low and providing an alternative
£1,000	6%
£1,001 to £1,500 inclusive	9%
Over £1,500 to £2,500 inclusive	15%
£2,501 to £5,000 inclusive	42%
Over £5,000	24%

Too High

9% of all questionnaire respondents considered that the fees were too high.

There were 2 suggestions on fees £50 and £400 for a 5 year licence.

A written respondent (landlord and manager of a range of HMOs) is concerned that the cost of the licence is one of the highest they are aware of, will encourage landlords to leave the HMO market, will push up rents and at the same time not cover the full cost of administration of the scheme.

Don't support a 15% Early bird discount

55% of respondents don't support the proposal to offer an early bird discount for applicants. There were no specific comments provided on this topic by respondents opposed to it.

Don't support a discount for landlords / agents who are members of professional bodies
53% of respondents don't support a discount being offered to members of professional landlord bodies. There were no specific comments provided on this topic by respondents opposed to it.

C.2 Council Response to this feedback

a. Level of overall fee and charging fees for landlords per se and especially good landlords.

As highlighted within the December 2021 Cabinet report fees are set within the national guidance and the Council's policy for 100% recovery of costs. The consultation documentation was clear on this matter and that the fees are directly related to the work involved and not a 'money making exercise' for the Council. Also by setting appropriate fees the cost of the scheme is not met from council tax payments.

The fees proposed were carefully considered and were deemed proportionate at the time of consultation and this remains the case. The discounts available promote early / prompt applications and additionally for accredited landlords / agents promotes best practice.

The council proposes a matrix for Licence Periods that reflects the quality of application / landlord and direct issues relating to the HMO. For example, if a landlord has to be 'compelled to apply' and or applies for a property with serious concerns in condition or management a shorter licence period (than 5 years) will be likely to be given.

The high number of respondents who consider the fees to not be sufficient is a key issue. It is also noted that an HMO landlord who objects to the scheme also considers that the administration of the scheme will far outstrip the resources proposed to deliver it and that officers will simply become focussed upon reviewing and issuing licences rather than improving housing conditions and management standards.

This matter has been reviewed in detail and it is considered that the fees proposed with an increase in line with the reported 2% inflation rise from 2021/22 to 2022/23 is considered reasonable and proportionate. This will also ensure the fees are in line with those for Scheme 1.

It is considered reasonable and appropriate (as many councils also do) to provide discounts for early bird applicants and for those who are accredited members of a relevant professional / trade body.

C.3 Recommendation(s)

That the Council continue to implement Additional Licensing Fees and Time Periods as listed in Appendix 3.

D. Proposal Overall

What is meant by Additional Licensing

Specific text was included on consultation material including the questionnaire to highlight that the title additional Licensing is the statutory title and does not imply more HMOs or support for HMOs. Analysis of the detailed responses indicates that despite this a range of residents who object have objected because they consider that it will increase HMO numbers and or they don't want HMOs or don't like HMOs at all.

For example 14 (44%) of the 31 to object online have made a comment that they didn't support it for reasons related to topics such as:

- their overall opposition to HMOs
- that the scheme should include other streets or be borough wide
- they considered the scheme would actually encourage HMOs or the council was encouraging HMOs specifically for this area and they didn't want this
- that they considered that the fees were too low and as a result the scheme would be funded by council tax payers

Overall results

The table below summarise the overall results and shows that 55% fully support or partially support the proposals it is additionally noted that of the 39% who object 44% of them object for reasons stated above (i.e. related to their opposition to HMOs per se or that the scheme should be in another area or cover the whole council area):

Overall results	Total	Fully Support	Partially Support	Object*	No Comment
Total	83	46		32*	5

Comments of support included:

"Additional Licencing should be across the whole borough. I'm a Probation Officer in Walsall and some of my clients are living in atrocious conditions".

"Council should have stronger powers to take action against both landlords and tenants who contravene the licensing."

"We need this and much more regulation of HMO's."

"the additional licensing should be implemented nationally, not just at a local level. I run a charity that provides legal advice and support for persons on a low income suffering from disrepairs in rented properties and a disproportionate number of the people i have helped reside in HMO's. Landlord's buy properties knowing they can make vast sums by circumventing their duties to tenants owing to the previous lack of sufficient regulation of the area. I absolutely support and congratulate the borough in its efforts to crack down on this unscrupulous behaviour."

D.1 Responses that opposed the proposal in its entirety

39% of those who completed the questionnaire opposed the proposal. Of these respondents, 61% (19 individuals) provided further comments on their reason for opposition. It is notable that many of the responses (as highlighted above) object as they don't like HMOs per se / don't want HMOs in the proposed area or similar for example:

"more HMO's encourages more mess, bad behaviour, drug use and violence on the streets"

“Please please don’t do this. Haven’t recently moved from near HMOs to escape the antisocial behaviour - noise and disrespectful mess. We work hard to be able to afford our own home and don’t want this ruined. Please.”

“Stop putting them in the most deprived areas of Walsall. Share the problem with more affluent areas!”

“Scrap HMOs”.

The remaining comments received were a combination of:

- either not being directly about the proposal or
- suggesting that the scheme would penalise the good landlords and or was simply a money making scheme
- lack of consultation processes.

An HMO landlord who manages a range of premises within the proposed area also wrote in opposition to the proposal and his reasons included those listed above and additionally:

- a) the scheme will reduce the number of HMO rooms for letting in the borough – including that some landlords are already moving out of the market for HMOs;
- b) it will not improve standards in HMOs and will instead increase rents paid by tenants;
- c) some of the HMO standards / conditions are considered excessive however at the same time others are merely enforcing standards that already exist
- d) the scheme will not have enough HMOs to be licensed to meet the income to cover officer costs and will be an administrative distraction from housing work
- e) enforcement could be considered racist as landlords may not have English as their first language.
- f) property owners may be confused between lodging and HMO definitions and penalised unnecessarily.

D.2 Council Response to this feedback

As highlighted within the December 2021 Cabinet report the council considers that there is sufficient justification for the proposal.

Money making proposal

Additional licensing cannot be a ‘money making proposal’. As highlighted earlier in this report the fees that are proposed are considered to be in line with both the relevant legislation, guidance and the council’s policy of full cost recovery. The fees are relevant to the costs associated with delivery the scheme.

Bare minimum consultation

A respondent to the questionnaire indicated that they considered that

“A leaflet drop, and poorly thought through url, are the bare minimum of consultation with residents on this process. It remains to be seen how the council will successfully enact this proposal”.

Problems with HMOs

46% of respondents (28 people) indicate that they have had problems with HMOs in the last 5 years in the area that they live. The council’s work on HMOs and the private rented sector supports this in that poorly managed HMOs result in significant issues for local communities.

Overall

81% (61) of questionnaire respondents consider that the Council should have more control over the way HMO landlords / agents manage their properties in the proposed scheme area. The council works with some individual letting agents and landlords who manage their HMOs well and some to a very high level. However officer experience continues to show that there are many landlords and some agents who manage HMOs poorly, regularly fail to meet required standards and cause significant issues for their tenants, neighbours and the broader community.

In terms of how the council should undertake this 'greater' control the questionnaire responses provide support for the Additional Licensing proposal with 55% supporting or partially supporting the proposal. Additionally (44%) of those not support the proposal indicated that they opposed the proposal oppose it because they consider that it will lead to an increase in HMOs which they object to or have concerns about HMOs per se.

Suggested 'bare minimum of consultation'

A respondent indicated that they considered the level of consultation to be the 'bare minimum'. On this matter, the council has, as summarised in Appendix 5.1, undertaken a significant and comprehensive consultation scheme that had a broad range of information on the proposal in full accordance with the statutory requirements and national best practice.

The scheme will reduce the number of HMO rooms for letting in the borough – including that some landlords are already moving out of the market for HMOs – leading to increased homelessness

Private landlords each make a commercial decision on whether to develop and continue to manage HMOs (whether licensed or not). The proposal is to ensure that those HMOs that require a licence are to an appropriate standard of condition and management to protect occupants, their visitors and neighbours.

The council fully acknowledges that HMOs are a vital part of the boroughs housing mix and they play an important role in housing tenants who are in many cases vulnerable. It is the Councils position that therefore the management and condition of these same HMO premises should be satisfactory and striving to be high quality. There may be cases where tenants need to be re-housed from their accommodation that is found to be either severely overcrowded or pose an immediate risk to their health and safety. In these cases, the Housing Standards Team will work closely with the Council's Housing & Welfare Support service to ensure that alternative accommodation is offered where appropriate. The decision to exit the HMO market is clearly a commercial and private one for each landlord. Loss of very poorly managed and dangerous HMOs will reduce the pressure on council services.

It will not improve standards in HMOs and will instead increase rents paid by tenants - Some of the HMO standards / conditions are considered excessive however at the same time others are merely enforcing standards that already exist.

The standards that are proposed are in two parts – mandatory standards of basic condition and local standards. Each condition has been carefully considered and they are each intended to ensure minimum safety standards and appropriate property management.

There is evidence from national and local licensing schemes that licensing of housing such as HMOs directly improves property conditions. On a local level the council

continues to see this for example with the 150+ HMOs that are already licensed through Mandatory HMO Licensing.

The scheme will not have enough HMOs to be licensed to meet the income to cover officer costs and will be an administrative distraction from 'housing work'.

The council has calculated the number of HMOs for the area and this estimate has been used to calculate relevant fees. Assessing HMNO licence applications and inspecting licensable HMOs is key housing work and rather than being funded from general income such as council tax with the Additional Licensing scheme it will be funded direct from application income. If less HMOs exist officers will be able to focus even more time on ensuring that licence conditions are adhered to and that no licensable HMOs continue to operate without a licence (i.e. under the radar).

The annual updates on the scheme that are proposed will report on a range of matters including number of applications made and determined and legal action taken.

Enforcement could be considered racist as landlords may not have English as their first language.

Management of private rented accommodation requires an owner to either directly have an understanding of English or to appoint or use others (for example managing agent) to assist them in this matter. HMO management requires for example use of documents such as tenancies, securing relevant safety certificates (all written in English). The council has not had any instance of a landlord managing a private rented property who lacks the ability to communicate in English to a sufficient level as to not understand what is being required. The issue tends to be landlords not being up to date on the relevant legislation that is their duty to understand. This includes but is not limited to a range of landlords still failing to recognise that they need items such as a valid EPC, or gas safety certificate.

Property owners may be confused between lodging and HMO definitions and penalised unnecessarily.

The council provides clear advice on what is a licensable HMO and what is not a licensable HMO. The information is online and a property owner is able to freely review this. Property owners are equally able to contact the council team and ask for advice on the same and or seek their own external independent advice on the same matter for example from the NRLA.

D.3 Recommendation(s)

That the Council continue to implement Additional Licensing for the Proposed Area.