

# **Houses in Multiple Occupation**

Review of Article 4  
Directions

Walsall Council

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This document has been prepared and checked in accordance with the Lambert Smith Hampton Quality Assurance procedures and authorised for release.

Signed:

A handwritten signature in black ink, appearing to read 'Stephen Hemming', followed by a period.

For and on behalf of Lambert Smith Hampton

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## **1.0 Introduction**

- 1.1 This report has been prepared by Lambert Smith Hampton on behalf of Walsall Council to consider the background to Houses in Multiple Occupation (HMOs) generally and within the borough and the possible controls available to the council.
- 1.2 There have been concerns raised by both members and residents about the potential impact of a proliferation of HMOs in certain wards within the borough and this has previously led to an enhanced licensing regime although the concerns remain.
- 1.3 The report reviews what HMOs are and how they are controlled by the planning system, as well as considering the rising need for HMOs as a home for many people and the impact this might have in different areas.
- 1.4 There has been previous research carried out in respect of HMOs in Walsall, and the report considers the outcomes of this work, and reviews the current controls in place in the borough, together with the geographical spread of HMOs and the possible impact on areas.
- 1.5 The approach of other authorities, both neighbouring Walsall and further afield across the West and East Midlands, has been reviewed to understand the approach that they have taken to introducing additional controls to the creation of HMOs including Article 4 Directions removing permitted development rights and specific planning policies covering HMOs.
- 1.6 A number of these authorities have introduced Article 4 Directions which cover the whole of their administrative area, rather than specific wards, and the potential for this approach in Walsall is considered.
- 1.7 The report sets out the options available in respect of introducing an Article 4 Direction to control and manage HMOs, and the requirements for making and confirming the Direction with recommendations for the suggested approach and the next steps required.
- 1.8 The report does not consider recent changes to the General Permitted Development Order (GDPO) which have widened and extended the scope and scale of properties (including offices and retail premises) which can be converted to residential use under permitted development rights.

## **2.0 Background to Houses in Multiple Occupation**

- 2.1 This section considers the definition of Houses in Multiple Occupation (HMOs) together with the controls available to authorities under planning legislation. This will include a review of what constitutes an HMO, together with the requirements for planning consent to create an HMO and how this might be reinforced through the introduction of an Article 4 Direction.
- 2.2 HMOs are properties rented out to at least 3 people who are not from one household but share facilities like a bathroom and kitchen. Most HMOs are conversions or subdivisions of larger houses.
- 2.3 HMOs provide an important way of meeting the housing needs of an area, particularly for people on low incomes, young professionals, students and the growing number of one person households. At the same time, high concentrations of HMOs in any one area can present a challenge to creating mixed, balanced and sustainable communities and impact on residential character and amenity.
- 2.4 Currently under planning legislation HMOs are divided into two uses classes most commonly known as 'Small' and 'Large' HMOs. A 'Smaller' HMO is defined under Class C4 of the Town and Country Planning (Use Classes) Order 1987, which sets out that this is the use of a dwellinghouse by no more than six unrelated individuals.
- 2.5 Currently the Town and Country Planning (General Permitted Development) Order (2015) allows the change of use of a single-family dwelling house (C3) to a Small HMO (C4) without requiring planning permission. In essence this means that a house is able to be converted, or used, as a smaller HMO without requiring any planning consent if it is to be used by no more than six unrelated individuals.
- 2.6 Larger HMOs that can accommodate more than 6 people are regarded as 'Sui Generis' which means that they are classified as falling within a use class of their own, and subsequently no change of use rights are afforded. This means that the creation of Larger HMOs already requires planning approval, this coming under the control of the local planning authority.
- 2.7 In considering the control of HMOs through planning powers, councils can introduce Article 4 Directions which are afforded through Schedule 3 of the Town and Country Planning (General Permitted Development) Order 2015. An Article 4 Direction enables LPAs to remove specific permitted development rights, such as those afforded under Schedule 2, Part 3, Class L (Small HMOs to dwellinghouses and vice versa).

- 2.8 There are two approaches to the implementation of Article 4 Directions, those without immediate effect and those with immediate effect.
- 2.9 In respect of the use of Article 4 Directions, paragraph 53 of the National Planning Policy Framework sets out the following in relation to removal of national permitted development rights:
- Be limited to situations where an Article 4 Direction is necessary to protect local amenity or the well-being of the area (which could include the use of Article 4 directions to require planning permission for the demolition of local facilities);
  - In all cases, be based on robust evidence, and apply to the smallest geographical area possible.
- 2.10 Article 4 Directions can only be introduced following a period of public consultation with a requirement to notify the Secretary of State following adoption (see section 5 below). Compensation may be payable following imposition of an immediate Direction, therefore nearly all authorities opt for a non-immediate Direction to control and manage HMOs (see section 3 below).
- 2.11 In understanding the potential future pressures for HMO accommodation there are two important aspects to consider. The first being the need for this type of accommodation within an area and the second being the approach of neighbouring authorities, whereby if neighbouring authorities have sought to restrict and control the provision of HMO's within their authority areas, this may contribute to an increase in Private Rented Sector (PRS) landlords seeking to provide HMO accommodation in areas where permitted development rights remain (see section 3 below).
- 2.12 HMO accommodation is generally recognised as meeting a specific need in terms of type and tenure of accommodation as shared accommodation of this nature can be more affordable for single persons. For instance, under Universal Credit & Housing Benefit rules, the rate of "housing costs" for someone who is single and under the age of 35, is normally restricted to the Shared Accommodation Rate (SAR) when they are in the private rented sector accommodation. The Shared Accommodation Rate only provides for a single room in a shared house in someone's area, even if they do not live in shared housing.
- 2.13 Recent changes to the General Permitted Development Order (GDPO) have given wider opportunities to convert properties from other uses to residential use. This includes lifting the floor limit for office conversion and removing the requirement for a period of

vacancy, as well as extending the range of other properties which can be converted under permitted development (PD) rights which now includes retail and other town centre uses.

- 2.14 These types of PD conversion do not come under the scope of HMOs, with guidance making it clear that local authorities must have good reason to remove the PD rights through Article 4 Directions, and as such they have not been considered within this report.

### **3.0 Approach of Neighbouring Local Authorities**

- 3.1 One of the concerns raised by members is in relation to the approach taken to HMOs by neighbouring local authorities, with a number introducing area wide Article 4 Directions, and the potential impact that this might have upon demand for HMOs within Walsall. It is clear that the number of Article 4 Directions being introduced to control HMOs has increased over recent years, and as such it is useful to review the approach that other authorities have taken locally and across the wider West and East Midlands.
- 3.2 We have reviewed the approach taken by a number of local authorities both in the Black Country and West Midlands, and across the East Midlands. Whilst Walsall probably has most in common with other Black Country authorities in terms of the likely demand for HMOs, it was considered useful to review how other authorities of various sizes have dealt with the issue.
- 3.3 The following looks at each of the authority areas in turn and sets out the details of any restrictions on HMOs, particularly for Article 4 Directions, looking at how long they have been in place and how much of the authority area they cover. Details have been obtained from Council websites and no contact has been made with the respective authorities at this time.

#### **Birmingham City Council**

- 3.4 Historically Birmingham has had Article 4 Directions in place covering Selly Oak, Edgbaston and Harborne, which were principally intended to prevent the proliferation of student housing associated with the University of Birmingham, which had seen a significant amount of family housing being lost to student accommodation.
- 3.5 The review of HMOs and their controls in the city came about following concerns being raised by councillors and residents about the high concentrations of HMOs in certain areas, together with the impact that this could have on the character and residential amenity of the area.
- 3.6 A review of HMOs across the city identified concentrations in various areas including those where there were Article 4 Directions in place, and considered the various options for how Directions might be put in place from nothing being put in place, multiple area-based Directions or a single city-wide Article 4 Direction.
- 3.7 At the Cabinet meeting on 14<sup>th</sup> May 2019, it was agreed that a single city-wide Direction



should be put in place on the basis that this would provide a the most consistent and comprehensive approach to manage the distribution of HMOs across the city.

- 3.8 As part of the review of the Development Management SPD, the existing policy relating to HMOs was reviewed and consulted upon with an over-concentration of HMO properties considered where they would constitute more than 10% of residential properties within 100 metres of the application site as well as considering continuous frontages and sandwiching of C3 properties by non-family housing.
- 3.9 The city-wide Article 4 Direction came into force from 8 June 2020, with the existing area-based Directions being cancelled at the same time.

#### **Dudley Council**

- 3.10 Dudley Council followed a similar process to Birmingham following concerns from members and residents about the effect of a proliferation of HMOs in the borough. Following a vote in October 2021, officers were instructed to review the situation with HMOs across the area, with consideration of similar options to Birmingham, i.e. no Article 4 Direction, area-based or borough-wide.
- 3.11 The Council had no specific policies which sought to manage the location and nature if HMOs, referencing the NPPF together with policies in the Black Country Core Strategy and Dudley Borough Development Strategy in the determination of planning applications for larger HMOs. Reference was also made to the proposed policy in the draft Black Country Plan, albeit this is of course no longer proceeding.
- 3.12 Having considered extensive evidence, the recommendation was made that a borough-wide Article 4 Direction was put in place in order to provide consistent and comprehensive management of HMOs across the borough, with the Direction being made and coming into effect from September 2023.

#### **Wolverhampton City Council**

- 3.13 Wolverhampton introduced an Article 4 Direction in respect of small HMOs in 2017 which covers the whole of the council's area. This followed consultation in 2016, which in turn followed evidence gathering and council decisions to make the Direction.
- 3.14 Responses to the consultation included a direct request to the Secretary of State to intervene in the Article 4 Direction, although it was determined by the DHLUC that it was not considered that there were clear reasons for intervention at Government level.

### **Sandwell Metropolitan Borough Council**

- 3.15 Sandwell and Walsall are the only Black Country authorities which have not yet introduced an Article 4 Direction restricting HMOs. Sandwell has recently carried out a consultation on additional licensing controls for HMOs, but does not yet appear to have considered the introduction of an Article 4 Direction.

### **West and East Midlands**

- 3.16 Other authorities across the West and East Midlands have taken differing approaches to the introduction of Article 4 Directions to control HMOs in their areas.
- 3.17 **Coventry City Council** introduced an Article 4 Direction in September 2023, which restricts the creation of HMOs in a number of wards principally covering the centre and south of the city area.
- 3.18 **East Staffordshire Borough Council** confirmed an Article 4 Direction in March 2022 relating to HMOs within the settlement boundary of Burton upon Trent which comprises the main urban area in the borough. The council has a policy relating to HMOs dating back to 2018.
- 3.19 **Leicester City Council** has an Article 4 Direction dating back to August 2013. This relates to specific named streets and runs of properties within those streets. Further consultation was undertaken in 2022 to review the extension of the Direction to a further 3 areas, although it was not proposed to introduce a city-wide direction.
- 3.20 **Nottingham City Council** introduced an Article 4 Direction restricting HMOs across the whole of the city in 2011. This has subsequently been followed up with the introduction of Policy HO6 within their local plan concerning the change of use of properties to HMOs, along with an updated Guidance Note in 2019.
- 3.21 **Rugby Borough Council** has very recently introduced an Article 4 Direction covering five wards in close proximity to Rugby town centre. The Direction was introduced following the proliferation of HMOs in these wards which anecdotally is believed to have been in response to the demand for accommodation from mainly single workers at the numerous distribution sites in the locality.
- 3.22 Other authority areas including Stoke on Trent, Telford and Stafford do not currently have Article 4 Directions in place, but do have local plan policies relating to their control and have considered the introduction of Directions to control and manage the number of HMOs alongside licensing controls.

- 3.23 We have carried out a high level review of the impact of the introduction of area wide Article 4 Directions on the number of planning applications for HMOs, but have not been able to identify any significant increase in applications.

## **4.0 HMOs in Walsall**

- 4.1 This section of the report considers the current position of the council towards the control of HMOs in Walsall, with particular reference to existing planning policy and the Additional Licensing Schemes (ALS) that been designated - and proposed to be designated - within the borough. The section also draws upon previous assessments of the borough's privately rented housing stock (including the HMO stock) which have been used to facilitate the delivery of the council's housing strategy and enable targeted interventions in the improvement of housing. In doing so, this section elaborates on the particular wards of the borough in which there is the greatest prevalence of HMOs and in quantitative terms, what this translates to in terms of socio-economic conditions and level of crime.

### **Planning Policy**

- 4.2 At present, the consideration of applications for large HMOs classified as "sui generis" is primarily governed by saved Unitary Development Plan (UDP) Policy H7, the wording of which is copied below.

#### Policy H7: Hostels and Houses in Multiple Occupation

Proposals for the establishment, enlargement or alteration of hostels or houses in multiple occupation will be encouraged if it can be demonstrated that:

- i. There would be no harm to the amenity of the occupants of neighbouring buildings or the intended occupiers of the proposed accommodation.
- ii. There would be no harm to the character and appearance of the building or the surrounding area.
- iii. It would not impair the free flow of traffic or highway safety.

- 4.3 The saved UDP policy is encouraging in its position towards HMOs, subject to proposals protecting the residential amenity of both intended residents and neighbours, and there being no adverse impact on the building, surrounding area and highway network. The text accompanying the policy notes that whilst HMOs (and hostels) play an important role in meeting housing needs, they can create amenity issues, including for adjacent occupants through noise or on-street parking. As set out at paragraph 6.14, there is an opportunity to bolster the wording of this policy through the new local plan, so as to reflect on the greater range of issues relating to HMOs and ensure that new proposals adhere to a stricter range of criteria concerning the impact and harm of these issues.

## HMO Stock

- 4.4 Based on Council data – namely, the Integrated Dwelling Level Housing Stock Modelling and Database compiled for the council by BRE in September 2019 and the most recent Joint Strategic Needs Assessment (JSNA) – there is an estimated total of 2,030 HMOs within the borough, which equates to 11% of the private rented housing stock. Of these, 304 HMOs are licensed under the Additional Licensing Scheme (ALS) which is detailed further below. Table 1 below extracts the relevant figures from the BRE report and indicates the number and percentage of HMOs by ward, with the dotted red line indicating the 11% borough-wide figure.

<b>Table 1: Stock of HMOs by Ward</b>			
<b>Ward</b>	<b>Number of HMOs</b>	<b>% of borough's HMOs</b>	<b>% of private rented stock is HMOs</b>
St. Matthew's	308	15.2	14
Pleck	247	12.2	17
Willenhall South	205	10.1	13
Palfrey	196	9.7	18
Birchills Leamore	131	6.5	10
Blakenall	129	6.4	14
Bentley and Darlaston North	117	5.8	13
Darlaston South	117	5.8	12
Paddock	103	5.1	13
Bloxwich East	70	3.4	9
Brownhills	56	2.8	9
Pheasey Park Farm	50	2.5	9
Bloxwich West	49	2.4	6
Rushall-Shelfield	44	2.2	7
Aldridge Central and South	43	2.1	6
Short Heath	39	1.9	7
Aldridge North and Walsall Wood	39	1.9	6
Pelsall	34	1.7	6
Streetly	31	1.5	6
Willenhall North	22	1.1	4
<b>Total</b>	<b>2,030</b>	<b>-</b>	<b>-</b>

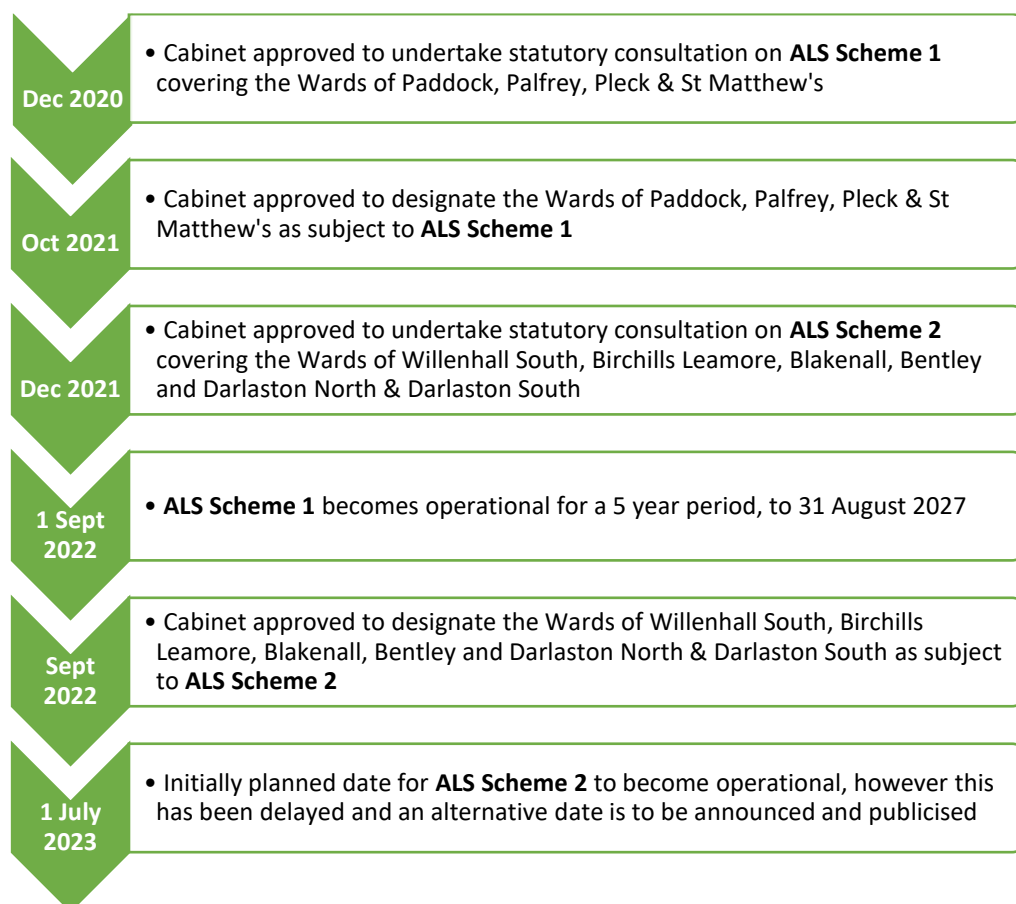
- 4.5 The table suggests that 9 of the borough's 20 wards have a stock of HMOs that exceed the borough-wide average of 11%. As noted below, these wards are either subject to an ALS ("Scheme 1") or intended to be subject to an ALS in due course ("Scheme 2").

- 4.6 To inform the content of this report and further refine the estimation of HMO stock within the borough, the council has provided planning application data dating from April 2018 to February 2024. Whilst this does helpfully identify a range of applications that have successfully gained permission for the change of use of a property to a HMO, these are limited in number (specifically, 15no.), and when considered with the permitted development right that eliminates the greater extent of planning applications that would otherwise need to be submitted, this means that the full stock of HMOs cannot be estimated through this source of data.
- 4.7 By looking at Lower Layer Super Output Areas (LSOAs), it is also possible to take a more granular view of HMO stock within Walsall. For example, the 2019 BRE Modelling and Database identifies that there are 49 LSOAs with a higher percentage of HMOs than the overall Walsall figure of 11%. A similar analysis of LSOAs shows that within the estimated total stock of HMOs, there is a 31.5% prevalence of low-income households.
- 4.8 With HMOs being a by-product of the private rented and buy-to-let sectors, it is also important to highlight the significant contribution of these sectors towards the borough's housing stock and the likely increased reliance on private rented housing in the future, especially against the backdrop of house price inflation. The results of the 2021 Census indicate that 16.3% of households within the borough are of private rented tenure; notably, this is an increase of 4.6% when compared against the results of the 2011 Census.

#### **Additional Licencing Scheme (ALS)**

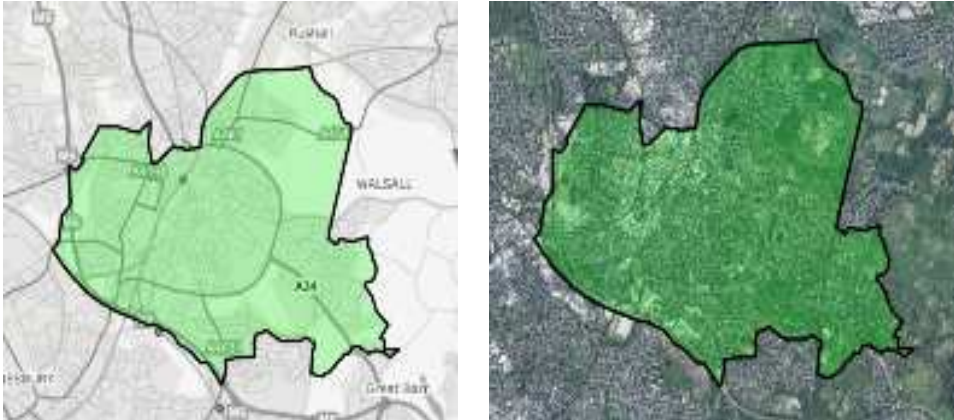
- 4.9 The mechanism currently used by the council to control the prevalence of HMOs within the borough is the Additional Licensing Scheme (ALS). The scheme requires landlords of private rented HMOs that are occupied by 3 or 4 unrelated people to apply to the council for a license in order to let the property for such purpose. HMOs occupied by 5 or more unrelated people are already subject to "Mandatory" licensing. Both forms of licensing (Additional and Mandatory) impose conditions relating to residential amenity and safety that HMO landlords must meet in order to lawfully let a property to tenants.
- 4.10 The government requires councils to apply a set of prescribed conditions which cannot be altered or removed as they are set by the Housing Act 2004; these are set out at **Appendix 1** (numbered 1 to 12 inclusive) in respect of Walsall's ALS and relate to, inter alia, gas and electrical safety, bedroom sizes, waste disposal and emergency escape lighting. An additional set of conditions can also be agreed and set by the council.

- 4.11 Over the last four years, the council has consulted on the introduction of two ALS within the borough and has subsequently introduced one scheme in accordance with section 56 of the Housing Act 2004. The trajectory for doing so is summarised by the following flow diagram.



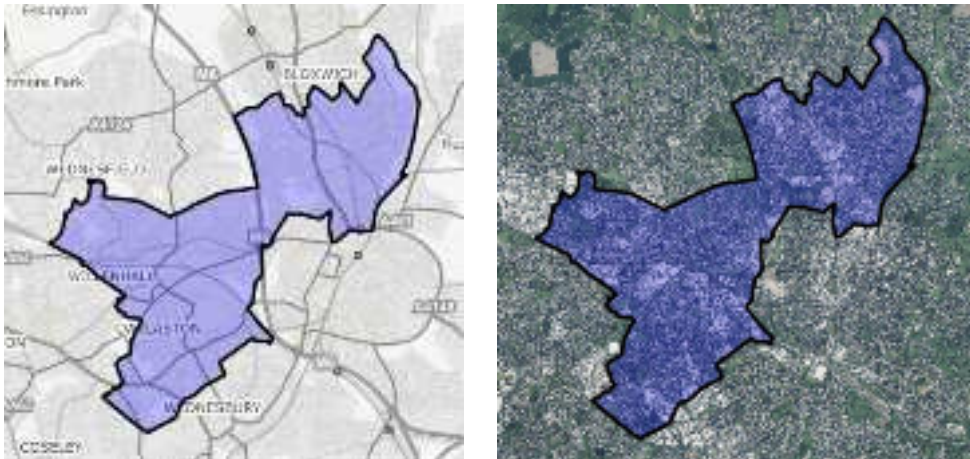
- 4.12 The following tables 2 and 3 also provide a summary of both Additional Licencing Schemes in terms of: the extent of designation (by geographical area and wards); the period/proposed period of operation; the conditions/proposed conditions that apply to the Scheme; the number of HMOs within these wards and wider Scheme area; and the proportion of these HMOs which have Category 1 Hazards (under Housing Health and Safety Rating System) and disrepair; and the proportion of Lower Super Output Areas (LSOAs) within the Scheme area which are in the most deprived in the country.

**Table 2: Walsall HMO ALS Scheme 1**

Designated Area	 <p>R: (c) Ordnance Survey L: (c) Copyright Bluesky International Ltd/Getmapping PLC 2024</p>
Designated Wards	<ul style="list-style-type: none"> <li>• Paddock</li> <li>• Palfrey</li> <li>• Pleck</li> <li>• St Matthew's</li> </ul>
Period of Operation	1 September 2022 to 31 August 2027
ALS Conditions	The Government requires councils to apply a set of prescribed conditions which cannot be altered or removed as they are set by statute; these are set out at <b>Appendix 1</b> and are numbered 1 to 12 inclusive. An additional set of conditions are agreed and set by the council and these are numbered 9 to 39 inclusive at <b>Appendix 1</b> . Specific conditions can also be applied to an HMO licence and are consulted upon directly with the landlord.
No. of HMOs	<ul style="list-style-type: none"> <li>• Paddock - 103</li> <li>• Palfrey - 196</li> <li>• Pleck - 247</li> <li>• St Matthew's – 854</li> <li>• <b>Total – 854 (42.1% of borough's HMOs)</b></li> </ul>
% of HMOs with Cat 1 Hazards & Disrepairs	<ul style="list-style-type: none"> <li>• Paddock – Hazards 18.4%; Disrepair 13.6%</li> <li>• Palfrey – Hazards 18.9%; Disrepair 21.9%</li> <li>• Pleck – Hazards 19%; Disrepair 22.3%</li> <li>• St Matthew's – Hazards 23.4%; Disrepair 21.1%</li> <li>• <b>Total – Hazards 20.5%; Disrepair 20.7%</b></li> </ul>
% of LSOA in Scheme Area of Most Deprived in England	<ul style="list-style-type: none"> <li>• Top 10% Most Deprived – 40%</li> <li>• Top 20% Most Deprived – 63%</li> </ul>



**Table 3: Walsall HMO ALS Scheme 2**

<b>Proposed Designated Area</b>	 <p>R: (c) Ordnance Survey L: (c) Copyright Bluesky International Ltd/Getmapping PLC 2024</p>
<b>Proposed Designated Wards</b>	<ul style="list-style-type: none"> <li>• Bentley and Darlaston North</li> <li>• Birchills Leamore</li> <li>• Blakenall</li> <li>• Darlaston South</li> <li>• Willenhall South</li> </ul>
<b>Proposed Period of Operation</b>	1 July 2023 to 30 June 2028 ( <i>delayed; alternative date to be announced and publicised</i> )
<b>Proposed ALS Conditions</b>	The Government requires councils to apply a set of prescribed conditions which cannot be altered or removed as they are set by statute; these are set out at <b>Appendix 1</b> and are numbered 1 to 12 inclusive. An additional set of conditions are agreed and set by the council and these are numbered 9 to 39 inclusive at <b>Appendix 1</b> . Specific conditions can also be applied to an HMO licence and are consulted upon directly with the landlord.
<b>No. of HMOs</b>	<ul style="list-style-type: none"> <li>• Bentley and Darlaston North - 117</li> <li>• Birchills Leamore - 131</li> <li>• Blakenall - 129</li> <li>• Darlaston South - 117</li> <li>• Willenhall South - 205</li> <li>• <b>Total – 699 (34.4% of Borough's HMOs)</b></li> </ul>
<b>% of HMOs with Cat 1 Hazards &amp; Disrepairs</b>	<ul style="list-style-type: none"> <li>• Bentley and Darlaston North – Hazards 17.1%; Disrepair 10.3%</li> <li>• Birchills Leamore – Hazards 12.2%; Disrepair 10.7%</li> <li>• Blakenall – Hazards 15.5%; Disrepair 12.4%</li> <li>• Darlaston South – Hazards 15.4%; Disrepair 8.5%</li> <li>• Willenhall South – Hazards 15.6%; Disrepair 11.2%</li> <li>• <b>Total – Hazards 15.2%; Disrepair 10.7%</b></li> </ul>
<b>% of LSOA in Scheme Area of Most Deprived in England</b>	<ul style="list-style-type: none"> <li>• Top 5 Most Deprived – 19% (21% of Dwellings)</li> <li>• Top 10% Most Deprived – 43% (46% of Dwellings)</li> <li>• Top 20% Most Deprived – 88% (91% of Dwellings)</li> </ul>

## Crime and Anti-Social Behaviour

- 4.13 Whilst not specific to Walsall, it is acknowledged that there have been concerns from the public and members for a number of years around the perceptions of crime and anti-social behaviour associated with HMOS, and the negative impact this has on local communities. These perceptions often materialise through representations to HMO planning applications which often reference issues relating to the behaviour of occupiers. It is important to recognise that in many cases, these views may be perceptual rather than actual. For example, attitudes towards the nature of occupiers may be based on the perception of who may live there (i.e. ex-offenders, migrants, those suffering with mental health or addiction issues) and the nature of activity that may occur, whereas actual attitudes towards the impact on neighbouring residential amenity are likely to be based upon experience within the local area.
- 4.14 This report has also been informed by engagement with the council's Head of Community Building and Cohesion who has confirmed that the negative perception of HMOs in terms of crime and anti-social behaviour is often expressed at community safety and partnership meetings. It was recognised that whilst negative perceptions can be driven by personal prejudices, they are more often a genuine concern, based on notable changes in the housing mix which often create tension between families and single people. In addition, it is often considered that the changeable and transient population of areas with greater concentration of HMOs means that it is harder to take action and alleviate particular concerns around safety and waste management.
- 4.15 To further consider the correlation (rather than causation) between the prevalence of HMOs and level of crime and anti-social behaviour, it is helpful to refer to the official crime statistics held by West Midlands Police, which are accessed via the police.uk data portal<sup>1</sup>. This data is geographically arranged and presented in the form of various 'neighbourhoods' within the borough, which broadly align with ward boundaries, albeit with wards amalgamated in most cases. For example, the Willenhall 'neighbourhood' encompasses the wards of Willenhall North, Shorth Heath and Willenhall South.
- 4.16 As set out in more detail at **Appendix 2**, it is possible to consider the level of reported crime against the estimated number of HMOs in order to understand if a correlation exists between the two issues. This is also summarised as follows:

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<sup>1</sup> <https://www.police.uk/pu/your-area/west-midlands-police>

- Aldridge North & Walsall Wood, Aldridge Central & South, Pheasey Park Farm and Streetly – these wards contain 8% of the estimated total of HMOs within the borough and account for 10% of all reported crimes over the period April 2021 to December 2023 within the borough.
- Bentley & Darlaston North and Darlaston South – these wards contain 11.5% of the estimated total of HMOs within the borough and account for 11% of all reported crimes over the period April 2021 to December 2023.
- Blakenhall and Birchills Leamore – these wards contain 12.8% of the estimated total of HMOs within the borough and account for 14% of all reported crimes over the period April 2021 to December 2023.
- Bloxwich East and Bloxwich West – these wards contain 5.9% of the estimated total of HMOs within the borough and account for 9% of all reported crimes over the period April 2021 to December 2023.
- Brownhills, Pelsall and Rushall Shelfield – these wards contain 6.6% of the estimated total of HMOs within the borough and account for 10% of all reported crimes over the period April 2021 to December 2023.
- Palfrey and Paddock – these wards contain 14.7% of the estimated total of HMOs within the borough and account for 10% of all reported crimes over the period April 2021 to December 2023.
- Pleck – this ward contains 12.2% of the estimated total of HMOs within the borough and accounts for 7% of all reported crimes over the period April 2021 to December 2023.
- St Matthews – this ward contains 15.2% of the estimated total of HMOs within the borough and accounts for 14% of all reported crimes over the period April 2021 to December 2023.
- Willenhall North, Short Heath and Willenhall South – these wards contain 13.1% of the estimated total of HMOs within the borough and account for 16% of all reported crimes over the period April 2021 to December 2023.

4.17 Whilst in some instances the above analysis does indicate a loose correlation between the level of reported crime and the estimated number of HMOs, this is not considered to be strong enough to credibly suggest there is a link between the two issues. This is also a result of the two issues not existing in isolation and the wider association between the socio-economic conditions of an area and dependency on HMOs for short-term housing which is elaborated on elsewhere within the report. Nevertheless, the analysis is helpful in so far as confirming that the level of crime is not a factor which, in isolation, should be used to justify the control of HMOs within a particular ward or area.

- 4.18 Where other neighbouring authorities have undertaken this type of review a broad correlation between the levels of crime reported and the level of HMOs within an area, although again there is no definitive evidence that there is a causal effect from a concentration of HMOs leading to high levels of crime.

### **Health and Wellbeing**

- 4.19 In the process of consulting on the introduction of ALS, it has been previously highlighted to Cabinet that there are complex interconnections between living conditions, deprivation and health problems, which HMOs clearly lie at the centre as a form of low-cost, intermediary housing. It is also acknowledged that the council has a statutory duty to tackle what are known as Category 1 Hazards under the Housing Health and Safety Rating System (HHSRS) which, as the above tables 2 and 3 suggest, are more prevalent within HMOs. Alongside this, there are 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.
- 4.20 For example, poorly managed HMOs can lead to fly tipping / waste accumulation, either by the landlord and or tenant, which both have an immediate detrimental impact on the local neighbourhood and wellbeing of residents and also can act as an attractant to vermin and pests. The cost of dealing with fly tipping within the borough is significant and principally borne by the council. The council's own waste and street cleaning team have previously acknowledged the ALS as being particularly helpful in the process of issuing the correct capacity for waste collection of HMO properties and reducing the contamination of recycling.

## **5.0 Controls and Implementation**

- 5.1 As outlined in section 2 above, if the council is minded to introduce additional planning controls to manage the creation of HMOs in the area, it can introduce an Article 4 Direction to remove the permitted development right afforded under Schedule 2, Part 3, Class L (Small HMOs to dwellinghouses and vice versa) of the GPDO, thereby requiring planning permission to be granted for new small HMOs.
- 5.2 There are two types of Article 4 Direction – immediate and non-immediate. Immediate directions apply immediately as the name suggests, albeit the local authority is required to confirm the Direction within six months following public consultation. Non-immediate Directions, however, do not take effect until after public consultation and subsequent confirmation by the local authority. The Secretary of State is notified of all Article 4 Directions made by local authorities as soon as practicable after confirmation. The Secretary of State can also intervene where there are clear reasons to do so.
- 5.3 With an immediate Article 4 Direction, there is for potential for applicants to claim compensation from local authorities if they have had planning permission refused for a development scheme that they would normally be able to carry out under permitted development rights. Any such compensation claims can only be made against abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights.
- 5.4 To avoid the risk of such compensation claims, local authorities tend to pursue non-immediate Article 4 Directions in respect of small HMOs, often with a lead-in time of 12-months before the Direction is brought in to affect. The maximum period of time that an Article 4 Direction can be applied after being confirmed is two years following the date on which the representation period began
- 5.5 The council will initially need to follow its internal processes to consider the making of a non-immediate Direction with decisions being made through Corporate Management Team (CMT) with any decision endorsed by Cabinet. These processes are set out within the Walsall Statement of Community Involvement (SCI) which was most recently revised in November 2018. This confirms that when producing an Article 4 Direction, the council will:
  - Undertake consultation for a minimum of 3 weeks;
  - Make all the relevant documents available on the website, in the main library and at the planning reception;

- Place a notice in the local press;
- Display at least 2 site notices within the area the Direction would apply for a minimum of 6 weeks;
- Where reasonable notify all owners and occupiers within the area the Direction would apply to; and
- Clearly set out when the Article 4 Direction will come into force.

5.6 The above process will also need to align with the legislative procedure for introducing an Article 4 Direction which is set out within Schedule 3 of the Town and Country Planning (General Permitted Development) Order 2015. This process is summarised as follows:

- Notice of any Direction made under article 4(1) of the Order must be undertaken as soon as practical after the Direction has been made in the following forms and for a minimum period of six weeks.

- a) Local advertisement; and
- b) By site display in no fewer than 2 locations within the area to which the Direction relates

5.7 Whilst it exceeds local and national requirements, the council may also consider direct consultation with planning agents, previous applicants for HMOs and letting agents within the area.

5.8 In respect of the consultation, Schedule 3 Para. 1 (1)(c) sets out that notice should be served on the owner and occupier of every part of the land within the area of site to which the Direction relates. However, exceptions are given to this requirement within paragraph (2) which sets out that the LPA need not serve notice on an owner or occupier if it is considered that the number of individuals within the area to which the Direction relates would make individual service impracticable.

5.9 It is generally accepted that given the areas which may be considered for directions in respect of HMOs, that it would not be practical to serve notice on all owners or occupiers of every C3 single family dwelling house within the area, or within any respective areas considered appropriate for adoption of an Article 4 Direction.

5.10 Further controls in respect of HMOs may also be introduced through the formulation of appropriate planning policies setting out the issues to be considered as part of any proposals for the introduction of HMOs (either as large HMOs or where Article 4

Directions have removed permitted development rights.

5.11 These would need to be consulted upon, and can be introduced either as an SPD, or as policy to be introduced within the new local plan which would expand upon saved UDP policy H7. Appropriate policies may contain controls such as:

- Limit on the percentage of HMOs within a certain radius of the application site;
- Limit on continuous frontages of HMOs, or sandwiching of C3 residential uses;
- Loss of facilities supporting other objectives and policies;
- Cumulative impacts of amenity, character, appearance, highway safety and parking;
- Standard of accommodation (may also be controlled under licensing).

5.12 The council may also consider the need for HMO housing through its Housing Needs Assessment which will be carried out as part of the evidence base for a local plan. This will look at the need for housing of various types and unit sizes, including identifying the need for single person accommodation, which will often be met through HMOs. This requirement for single person accommodation may also be taken into account in determining any applications for HMOs.

## **6.0 Recommendations and Next Steps**

- 6.1 It is clear from the research undertaken to prepare this report, which includes a review of research which has previously been carried out by or on behalf of the council, that there are significant and increasing numbers of HMOs within the borough. The average across Walsall is at around 11% of properties, with nine wards having a percentage in excess of that level.
- 6.2 Concern has been raised by both members and the public about the uncontrolled growth of HMOs through the use of permitted development (PD) rights, albeit it is worth bearing in mind that these PD rights are only able to be exercised for “small” HMOs.
- 6.3 Large HMOs are already subject to planning controls through the classification of being “sui generis”, thus allowing for consideration of any proposals through the planning system. The consideration of these applications is currently governed by saved Unitary Development Plan (UDP) policy H7 which is encouraging in its position towards HMOs.
- 6.4 It is also apparent that HMOs, and other similar residential properties, play an increasingly important part in the provision of housing in the borough, particularly for single person households and those depending upon benefits.
- 6.5 There is a view that a higher-than-average number of HMOs within an area (generally considered on a ward-wide basis) will lead to an increased level of crime within an area, and whilst there are levels of crime reported within areas that have large concentrations of HMOs, there is no established link between the two.
- 6.6 Where planning applications for HMOs are submitted, the increased potential for crime is often raised as an issue and a reason to refuse permission. Within this context, it is important that the council acknowledges recent case law<sup>2</sup> which has established a series of tests which must be passed before a ‘fear of crime’ can be considered a material consideration in the determination of an application. In particular, the fear of crime:
  - must be objectively justified;
  - must have some reasonable basis; and
  - must relate to the use of the land in question rather than assumptions “not supported by evidence as to the character of future occupiers”.

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<sup>2</sup> APP/Y3425/W/23/3315258: Stafford Education and Enterprise Park, Weston Road, Stafford (26 June 2023)



- 6.7 If the council are to consider bringing small HMOs under planning control by removing PD rights, then this can be done through the introduction of an Article 4 Direction. The council will have to follow their internal processes following Cabinet approval, and align with the council's Statement of Community Involvement to agree to making a Direction, following which it will need to be advertised in accordance with Schedule 3 of the GDPO.
  
- 6.8 The council will firstly need to decide whether they should introduce an Article 4 Direction to control HMOs and then decide whether this should cover specific areas or the whole of the council area. It is also assumed that the council would pursue a non-immediate Direction, so as to avoid compensation claims being made against the council by any developers for abortive expenditure or losses and damages directly related to the withdrawal of the permitted development right.
  
- 6.9 Allowing a 12-month grace period for enforcing the Article 4 Direction would enable developers of new small HMOs to become aware of the removal of these rights before planning and commencing the conversion of such properties. The date that the Article 4 Direction is confirmed must be within two years following the date on which the representation period began.
  
- 6.10 Whilst Government guidance is that Article 4 Directions should only be introduced where there are specific and evidenced issues necessitating the removal of PD rights, it is clear that other authorities, including neighbouring authorities (Birmingham, Dudley and Wolverhampton), have introduced Directions covering the whole of their administrative areas.
  
- 6.11 The reasoning given for a borough-wide Direction appears in all cases to be based upon an assertion that this will give the most consistent and comprehensive approach to the management of HMOs across an area, providing clarity for the council, residents and potential landlords. To date this approach appears to have been through the respective consultations with no challenges or interventions from the Government.
  
- 6.12 Notwithstanding the important role of HMOs in providing a low-cost and intermediary form of housing, particularly for the most vulnerable within society, it is clear that the proliferation of HMOs could potentially disrupt community cohesion and resilience across the borough, as well as give rise to a particular fear of crime and anti-social behaviour.
  
- 6.13 It is therefore recommended that the council should adopt a borough-wide Article 4

Direction in order to deliver this consistent and comprehensive approach to the control of HMOs and to mirror the approach of neighbouring authorities. Whilst it has been suggested that being out of step with other areas may lead to an increase in HMOs where they are not controlled in the same way, there is no evidence to support this.

- 6.14 Once council approvals are in place, the necessary publication of the introduction of the Direction will need to be made. As set out above, it is accepted that it is not practical to directly contact everyone who may be affected, and as such public notices through press and websites would be acceptable. It is also recommended that local planning agents and letting agents, together with appropriate trade bodies should be consulted. Once the consultation period has been undertaken, the Direction can be formally made and brought into place.
- 6.15 Alongside the introduction of an Article 4 Direction, it is also recommended that through the new local plan process (preparation of which is anticipated to commence later this year), the council introduce a relevant planning policy to replace and strengthen saved UDP Policy H7, to be applied in the determination of future planning application for HMOs. This was proposed to be included within the Black Country Plan, but as this is not proceeding, an alternative approach should be introduced, either through the emerging local plan or through a specific SPD in the interim. However, it is understood that the local planning regulations do not allow an SPD to include development management policies and therefore the effectiveness of this approach may be somewhat limited.
- 6.16 Such a policy should set out the parameters against which applications will be assessed and will provide the council with a robust tool to control the introduction of HMOs and to defend any potential planning appeals arising from refusals of planning permission.

## **Appendix 1**

### **Additional Licensing Scheme Conditions**

## Appendix 3

### Conditions for Walsall Additional Licensing

#### **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**

<b><u>1</u></b> <b><u>Gas Safety</u></b>	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.
<b><u>2</u></b> <b><u>Furniture and Furnishings</u></b>	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.									
<b><u>3</u></b> <b><u>Electrical Appliances</u></b>	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.									
<b><u>4</u></b> <b><u>Smoke Alarms</u></b>	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.									
<b><u>5</u></b> <b><u>Carbon Monoxide Alarm</u></b>	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.									
<b><u>6</u></b> <b><u>Tenancy Agreement</u></b>	The Licence Holder must supply to all occupiers of the house a written statement of the terms on which they occupy it.									
<b><u>7</u></b> <b><u>Bedroom Sizes</u></b>	<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><b>Number of People</b></td><td><b>Age in Years</b></td><td><b>Minimum Bedroom Floor Area</b></td></tr><tr><td>One person</td><td>over 10</td><td>6.51m<sup>2</sup></td></tr><tr><td>Two persons</td><td>over 10</td><td>10.22m<sup>2</sup></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>	<b>Number of People</b>	<b>Age in Years</b>	<b>Minimum Bedroom Floor Area</b>	One person	over 10	6.51m <sup>2</sup>	Two persons	over 10	10.22m <sup>2</sup>
<b>Number of People</b>	<b>Age in Years</b>	<b>Minimum Bedroom Floor Area</b>								
One person	over 10	6.51m <sup>2</sup>								
Two persons	over 10	10.22m <sup>2</sup>								
<b><u>8</u></b> <b><u>Waste Disposal</u></b>	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.									
<b><u>9</u></b> <b><u>Electrical Installation Condition</u></b>	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 <a href="http://www.competentperson.co.uk">www.competentperson.co.uk</a>									
<b><u>10</u></b> <b><u>Electrical Installation Remedial Works</u></b>	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.									
<b><u>11</u></b> <b><u>Electrical Installation Certification</u></b>	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.									
<b><u>12</u></b> <b><u>Emergency Escape Lighting</u></b>	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.									



<b><u>13</u></b> <b><u>Automatic Fire</u></b> <b><u>Detection &amp;</u></b> <b><u>Warning System</u></b> <b><u>Standard</u></b>	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.
<b><u>14</u></b> <b><u>Fire Safety</u></b> <b><u>Certification</u></b>	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.
<b><u>15</u></b> <b><u>Fire Fighting</u></b> <b><u>Equipment</u></b>	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.
<b><u>16</u></b> <b><u>Condition of</u></b> <b><u>Furniture</u></b>	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.
<b><u>17</u></b> <b><u>Information that</u></b> <b><u>must be</u></b> <b><u>Displayed</u></b>	<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"> <li>• This licence, or a copy of it</li> <li>• Gas Safety Certificate (If Supplied)</li> <li>• Name and address of Licence Holder OR their Manager</li> <li>• Contact Telephone Number of Licence Holder OR their Manager</li> </ul> <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>
<b><u>18</u></b> <b><u>Property</u></b> <b><u>Inspections</u></b>	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.
<b><u>19</u></b> <b><u>Fit and Proper</u></b> <b><u>Persons</u></b>	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.
<b><u>20</u></b> <b><u>Tackling Anti-</u></b> <b><u>Social</u></b> <b><u>Behaviour</u></b>	<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"> <li>Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour.</li> <li>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.</li> <li>Take all necessary steps to establish if it is continuing.</li> </ol>

<p><b><u>20</u></b> <b><u>Tackling Anti-Social Behaviour continued</u></b></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><b><u>21</u></b> <b><u>Notification of Change of Circumstances</u></b></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"> <li>• Change of their address</li> <li>• Change of manager, management arrangements or ownership</li> <li>• 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</li> <li>• 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</li> <li>• Any proposed changes to the layout of the house that would affect the licence or licence conditions.</li> </ul> <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><b><u>22</u></b> <b><u>Preventing and Tackling Overcrowding</u></b></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><b><u>23</u></b> <b><u>Care of Common (Shared) Areas</u></b></p>	<p>The licence holder must make arrangements to ensure that:</p> <ul style="list-style-type: none"> <li>• The common parts in the premises are kept free from obstruction, in a clean condition and in good order and repair.</li> <li>• Common areas, including shared living rooms, kitchens, and hallways are not used for sleeping by tenants or their guests.</li> </ul> <p>Smoking is not permitted in any common area.</p>



<b><u>24</u></b> <b><u>Maintenance</u></b> <b><u>of External</u></b> <b><u>Areas</u></b>	<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>		
<b><u>25</u></b> <b><u>Bin</u></b> <b><u>Provision</u></b> <b><u>for Waste</u></b> <b><u>Collection</u></b> <b><u>and</u></b> <b><u>Disposal</u></b>	<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>		
	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
<p>Bin collection days for properties in Walsall can be found at: <a href="https://www.walsall.gov.uk/waste/bincollections">https://www.walsall.gov.uk/waste/bincollections</a></p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul>			
<b><u>26</u></b> <b><u>Information</u></b> <b><u>Provision</u></b> <b><u>for</u></b> <b><u>Waste</u></b> <b><u>Collection</u></b> <b><u>and</u></b> <b><u>Disposal</u></b>	<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"><li>• which day refuse collections will take place;</li><li>• what type of bins to use for household and recycling waste;</li><li>• details of the Council's bulky waste collection service;</li><li>• 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;</li><li>• 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;</li></ul>		
<b><u>27</u></b> <b><u>Provision</u></b> <b><u>of</u></b> <b><u>Amenities</u></b> <b><u>for</u></b> <b><u>Cooking,</u></b> <b><u>Food</u></b> <b><u>Storage</u></b> <b><u>and Space</u></b> <b><u>Heating</u></b>	<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 <a href="https://go.walsall.gov.uk/hmo_licensing">https://go.walsall.gov.uk/hmo_licensing</a></p>		
<b><u>28</u></b> <b><u>Rent and</u></b> <b><u>other</u></b> <b><u>charges</u></b>	<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>		
<b><u>29</u></b> <b><u>Tenancy</u></b> <b><u>Deposits</u></b>	<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.
<b>30</b> <u>Termination of Tenancies</u>	The Licence Holder must use lawful means to seek repossession of the property from any tenant/s or licencees.
<b>31</b> <u>Lock Changes</u>	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.
<b>32</b> <u>Occupancy Levels</u>	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.
<b>33</b> <u>Right to Rent Checks</u>	You must ensure that you undertake all lettings in line with the Right to Rent Scheme including but not limited to securing references. <a href="https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check">https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check</a> .
<b>34</b> <u>Training</u>	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.
<b>35</b> <u>Minimum Energy Efficiency</u>	<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"> <li>• Meeting the minimum EPC level i.e. D by 2025 or</li> <li>• Have a valid exemption and be registered prior to 2025 on the national exemption register.</li> </ul> <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>
<b>36</b> <u>Remedial Works Required</u>	<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 2**

### **Crime Area Analysis**

**CRIME AREA ANALYSIS**  
**NEIGHBOURHOOD: DELVES**  
**WARDS: PALFREY, PADDOCK**

**Area Map**



(c) 2024 Google

**Crime by Quarter  
 (April 2021 to  
 Dec 2023)**

Apr - Jun 2021	629	9.2%
Jul - Sep 2021	696	10.2%
Oct - Dec 2021	718	10.5%
Jan - Mar 2022	653	9.6%
Apr - Jun 2022	632	9.3%
Jul - Sep 2022	596	8.7%
Oct - Dec 2022	575	8.4%
Jan - Mar 2023	610	8.9%
Apr - Jun 2023	533	7.8%
Jul - Sep 2023	564	8.3%
Oct - Dec 2023	611	9%

**Total Amount of  
 Crime (April 2021  
 to Dec 2023)**

6,817 (10% of all reported crimes within the borough across the same period)

**Total Number of  
 HMOs**

299 (14.7% of all HMOs within the borough)

**CRIME AREA ANALYSIS**  
**NEIGHBOURHOOD: ST MATTHEW'S**  
**WARDS: ST MATTHEW'S**

**Area Map**



(c) 2024 Google

**Crime by Quarter**  
**(April 2021 to**  
**Dec 2023)**

Apr - Jun 2021	1193	8.6%
Jul - Sep 2021	1245	9%
Oct - Dec 2021	1453	10.4%
Jan - Mar 2022	1268	9.1%
Apr - Jun 2022	1263	9.1%
Jul - Sep 2022	1300	9.3%
Oct - Dec 2022	1231	8.9%
Jan - Mar 2023	1199	8.6%
Apr - Jun 2023	1211	8.7%
Jul - Sep 2023	1299	9.3%
Oct - Dec 2023	1246	9%

**Total Amount of**  
**Crime (April 2021**  
**to Dec 2023)**

13,908 (14% of all reported crimes within the borough across the same period)

**Total Number of**  
**HMOs**

308 (15.2% of all HMOs within the borough)

**CRIME AREA ANALYSIS**  
**NEIGHBOURHOOD: PLECK**  
**WARDS: PLECK**

**Area Map**



(c) 2024 Google

**Crime by Quarter  
 (April 2021 to  
 Dec 2023)**

Apr - Jun 2021	544	7.8%
Jul - Sep 2021	626	9%
Oct - Dec 2021	632	9.1%
Jan - Mar 2022	634	9.1%
Apr - Jun 2022	650	9.4%
Jul - Sep 2022	661	9.5%
Oct - Dec 2022	758	10.9%
Jan - Mar 2023	695	10%
Apr - Jun 2023	579	8.3%
Jul - Sep 2023	635	9.1%
Oct - Dec 2023	532	7.7%

**Total Amount of  
 Crime (April 2021  
 to Dec 2023)**


6,946 (7% of all reported crimes within the borough across the same period)

**Total Number of  
 HMOs**


247 (12.2% of all HMOs within the borough)





<b>CRIME AREA ANALYSIS</b> <b>NEIGHBOURHOOD: ALDRIDGE</b> <b>WARDS: ALDRIDGE NORTH &amp; WALSALL WOOD, ALDRIDGE CENTRAL &amp; SOUTH, PHEASEY PARK FARM, STREETLY</b>																																			
<b>Crime by Quarter</b> <b>(April 2021 to Dec 2023)</b>	 <p>(c) 2024 Google</p>																																		
<b>Total Amount of Crime (April 2021 to Dec 2023)</b>	<table> <tr> <td>Apr - Jun 2021</td><td>985</td><td>9.8%</td></tr> <tr> <td>Jul - Sep 2021</td><td>933</td><td>9.3%</td></tr> <tr> <td>Oct - Dec 2021</td><td>978</td><td>9.7%</td></tr> <tr> <td>Jan - Mar 2022</td><td>948</td><td>9.4%</td></tr> <tr> <td>Apr - Jun 2022</td><td>921</td><td>9.2%</td></tr> <tr> <td>Jul - Sep 2022</td><td>1005</td><td>10%</td></tr> <tr> <td>Oct - Dec 2022</td><td>927</td><td>9.2%</td></tr> <tr> <td>Jan - Mar 2023</td><td>965</td><td>9.6%</td></tr> <tr> <td>Apr - Jun 2023</td><td>843</td><td>8.4%</td></tr> <tr> <td>Jul - Sep 2023</td><td>768</td><td>7.6%</td></tr> <tr> <td>Oct - Dec 2023</td><td>781</td><td>7.8%</td></tr> </table>		Apr - Jun 2021	985	9.8%	Jul - Sep 2021	933	9.3%	Oct - Dec 2021	978	9.7%	Jan - Mar 2022	948	9.4%	Apr - Jun 2022	921	9.2%	Jul - Sep 2022	1005	10%	Oct - Dec 2022	927	9.2%	Jan - Mar 2023	965	9.6%	Apr - Jun 2023	843	8.4%	Jul - Sep 2023	768	7.6%	Oct - Dec 2023	781	7.8%
Apr - Jun 2021	985	9.8%																																	
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Apr - Jun 2023	843	8.4%																																	
Jul - Sep 2023	768	7.6%																																	
Oct - Dec 2023	781	7.8%																																	
<b>Crime by Quarter</b> <b>(April 2021 to Dec 2023)</b>	10,054 (10% of all reported crimes within the borough across the same period)																																		
<b>Total Number of HMOs</b>	163 (8% of all HMOs within the borough)																																		



CRIME AREA ANALYSIS			
NEIGHBOURHOOD: BROWNHILLS			
WARDS: BROWNHILLS, PELSALL, RUSHALL SHELFIELD			
Crime by Quarter (April 2021 to Dec 2023)	<div></div> <div>(c) 2024 Google</div>		
Total Amount of Crime (April 2021 to Dec 2023)	Apr - Jun 2021	935	9.5%
	Jul - Sep 2021	904	9.2%
	Oct - Dec 2021	904	9.2%
	Jan - Mar 2022	911	9.2%
	Apr - Jun 2022	901	9.1%
	Jul - Sep 2022	968	9.8%
	Oct - Dec 2022	937	9.5%
	Jan - Mar 2023	938	9.5%
	Apr - Jun 2023	846	8.6%
	Jul - Sep 2023	876	8.9%
	Oct - Dec 2023	756	7.7%
Crime by Quarter (April 2021 to Dec 2023)	9,876 (10% of all reported crimes within the borough across the same period)		
Total Number of HMOs	134 (6.6% of all HMOs within the borough)		

**CRIME AREA ANALYSIS**  
**NEIGHBOURHOOD: BLOXWICH**  
**WARDS: BLOXWICH EAST, BLOXWICH WEST**

**Crime by Quarter**  
**(April 2021 to**  
**Dec 2023)**



(c) 2024 Google

**Total Amount of**  
**Crime (April 2021**  
**to Dec 2023)**

Apr - Jun 2021	865	9.6%
Jul - Sep 2021	879	9.8%
Oct - Dec 2021	923	10.3%
Jan - Mar 2022	849	9.4%
Apr - Jun 2022	841	9.3%
Jul - Sep 2022	948	10.5%
Oct - Dec 2022	814	9%
Jan - Mar 2023	672	7.5%
Apr - Jun 2023	749	8.3%
Jul - Sep 2023	772	8.6%
Oct - Dec 2023	692	7.7%

**Crime by Quarter**  
**(April 2021 to**  
**Dec 2023)**

9,004 (9% of all reported crimes within the borough across the same period)

**Total Number of**  
**HMOs**

119 (5.9% of all HMOs within the borough)


CRIME AREA ANALYSIS

NEIGHBOURHOOD: DARLASTON

WARDS: BENTLEY AND DARLASTON NORTH, DARLASTON SOUTH

Crime by Quarter

(April 2021 to Dec 2023)



(c) 2024 Google

Total Amount of Crime

(April 2021 to Dec 2023)

Apr - Jun 2021	1019	9.1%
Jul - Sep 2021	1100	9.8%
Oct - Dec 2021	1051	9.4%
Jan - Mar 2022	967	8.6%
Apr - Jun 2022	1002	8.9%
Jul - Sep 2022	995	8.9%
Oct - Dec 2022	982	8.7%
Jan - Mar 2023	1033	9.2%
Apr - Jun 2023	1072	9.5%
Jul - Sep 2023	1001	8.9%
Oct - Dec 2023	1014	9%

Crime by Quarter

(April 2021 to Dec 2023)

11,236 (11% of all reported crimes within the borough across the same period)

Total Number of HMOs

234 (11.5% of all HMOs within the borough)

**CRIME AREA ANALYSIS**  
**NEIGHBOURHOOD: BLAKENHALL**  
**WARDS: BLAKENHALL, BIRCHILLS LEAMORE**

**Crime by Quarter**  
**(April 2021 to**  
**Dec 2023)**



(c) 2024 Google

**Total Amount of**  
**Crime (April 2021**  
**to Dec 2023)**

Apr - Jun 2021	1389	9.5%
Jul - Sep 2021	1389	9.5%
Oct - Dec 2021	1450	10%
Jan - Mar 2022	1225	8.4%
Apr - Jun 2022	1340	9.2%
Jul - Sep 2022	1521	10.4%
Oct - Dec 2022	1330	9.1%
Jan - Mar 2023	1272	8.7%
Apr - Jun 2023	1194	8.2%
Jul - Sep 2023	1200	8.2%
Oct - Dec 2023	1257	8.6%

**Crime by Quarter**  
**(April 2021 to**  
**Dec 2023)**

14,567 (14% of all reported crimes within the borough across the same period)

**Total Number of**  
**HMOs**

260 (12.8% of all HMOs within the borough)