

Approval of New HMO Licensing Standards Briefing Note

1. Background Information

- 1.1. The Council are under a legal duty to enforce property and management standards in all Houses in Multiple Occupation (HMOs) also known as shared houses.
- 1.2. Mandatory licensing of the **larger** shared houses has been in force since 2006. This is generally houses that have 5 bedrooms or more – over 3 floors or more.
- 1.3. This means that all owners/landlords must apply to the Council for a licence to ‘operate’ the house. The licence states the standards that the house must achieve, and also contains various other licence conditions. For example; it will stipulate the type of fire detection and protection and the number of bathrooms required.
- 1.4. The existing HMO Licensing standards were largely set in 2005 in preparation for the new law coming in. They were varied in 2009. Those standards complied with the National Minimum standards and clarify what we accept in Sheffield in terms of any specifics.
- 1.5. The following issues have been incorporated into the new standards;
 - 1) The Council developed standards for the Page Hall Selective Licensing area which, in some cases were higher and more detailed than the existing HMO Standards. It is ideal to get conformity between the two sets of standards where appropriate
 - 2) Standards of insulation are included for the first time
 - 3) The requirement for Carbon Monoxide detectors is included for the first time
- 1.6. The publishing of the standards allows landlords to bring properties up to the correct standard prior to applying for licensing/letting. The majority of landlords are up to speed on technical matters relating to the business they operate in. Indeed, if they were not aware at all – it would be of great concern to us! We are very proud of our excellent working relationship with the vast majority of landlords and we constantly encourage them to seek our advice on anything they are not sure of, or disagree with. The legislation provides for technical officers to operate with discretion to ensure all works are justified and proportionate.
- 1.7. The document is not intended for a tenant audience, as it is by definition ‘technical’. However, we provide a range of advice leaflets and again encourage anyone that is concerned about their home or a potential new home to contact us for advice.
- 1.8. The standards have been in consultation for a number of months, involving landlords the fire service and officers in the team. It has been approved by our own legal services. It has also been scrutinised by the solicitor acting for the Sheffield Student Landlord Association, who was also the policy director of the Residential Landlord Association. He has worked with us to ensure that the standards are clear.

- 1.9. All licensed properties are inspected, and any shortfalls from the standards are detailed in a schedule for the landlord. Prior to issue of a licence, the proposed licence holder and manager are sent a draft of the proposed licence and condition for the purpose of them seeking clarity or making representations before the final licence is confirmed.
- 1.10. There are enough Council resources to implement and enforce HMO licensing. This is because the full costs associated the scheme is met from licence fees collected from the applicants.
- 1.11. Setting these new standards has little or no effect upon finances or the staffing required to administer the licences. We continue to have successful enforcement and prosecution cases against landlords that have failed to licence, or have breached their licence conditions.

Summary

- The Council has a statutory duty to administer mandatory licensing of eligible HMOs.
- The standards were originally set in 2005, and were amended in 2009. It is correct that they are reviewed from time to time to ensure they incorporate any changes required by legislation or local circumstances.
- They are intended for landlords and agents, and they have been consulted throughout the review period. Less technical information and advice is available for tenants so they understand what standards their property should meet.
- The HMO licensing scheme is fully funded through the licence fees received from all applicants, so is fully resourced without being a burden on the General Fund.



Paul Rotherham, Legal & Policy Officer
27 March 2017
