



Executive Director/Director Non-Key Executive Decision Report

Author/Lead Officer of Report: Lee Wilkes –
Team Manager

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Report to: Janet Sharpe
Date of Decision: 31st October 2018
Subject: Amendment to HMO Standards

Which Cabinet Member Portfolio does this relate to? *Place*

Which Scrutiny and Policy Development Committee does this relate to? *N/A*

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? *(Insert reference number)*

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*“The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended).”*

Purpose of Report:

To outline the reasons for the proposed changes to the HMO Standards, the report will also confirm the actual changes made and any expected impact on the local community.

Recommendations:

The report recommends that the amendments made to the HMO Standards which are outlined fully in this report are accepted.

This will allow both the Private Housing Standards team and Sheffield landlords to more easily instruct and carry out necessary improvement works to licensed properties across the City.

Background Papers:

N/A

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: N/A
		Legal: <i>Brendan Twomey</i>
		Equalities: N/A
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	Lead Officer Name: <i>Lee Wilkes</i>	Job Title: <i>Team Manager</i>
	Date: 9 th October 2018	

1. PROPOSAL

1.1 Recent legislation changes mean that from the From 1st October 2018, properties that meet all of the following criteria will be subject to mandatory licensing:

- is occupied by five or more persons;
- is occupied by persons living in two or more separate households; and meets—
 - the standard test under section 254(2) of the Act;
 - the self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or
 - the converted building test under section 254(4) of the Act.

The main change that will impact the Private Housing Standards teams is the removal of the criteria that a property would need to not only have 5 or more persons but also comprise of a minimum of 3 levels.

It is estimated that by doing this, an additional 177,000 HMOs (in addition to the existing 60,000) will become subject to mandatory licensing in England.

Our current HMO Standards document is difficult to read and navigate around and it has been deemed unhelpful by those reading the standards for guidance.

Taking into account the changes in legislation relating to the removal of the 'storey' element for mandatory licensing, the standards have been broken down into property type to help landlords identify quickly and easily which standards they need to apply.

Each property type has clear headings for requirements such as Automatic Fire Detection, Fire Doors, General Safety Requirements and Amenities. The requirements are clear and easy to understand.

The feedback we have had from landlords the SSLA and SADLA, who we have consulted for comment regarding the new layouts, have all been positive.

To confirm these amendments have been undertaken to improve the experience and make the process easier to follow, it is not a legal requirement to do so.

2. HOW DOES THIS DECISION CONTRIBUTE ?

2.1 *The reason to make the changes to the layout of the Standards document was taken purely to improve the process and make it easier for landlords to identify what their property requires before undertaking expensive and in some cases extensive works.*

In line with these aims we have also decreased the requirements in relation to cooking equipment; we are now only requesting 2 ovens when there are 9 tenants or more in a property, previously this was set at 8. Likewise we have decreased the need for a second sink only where there are 9 or more tenants; a dishwasher must be present as before in all cases.

The final amendment to the Standards is that of room sizes and ceiling heights when considering floor space. To meet the requirements of the Statutory Instrument 2018, "The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018" the new Standards state bedrooms must be a minimum of 6.51m squared for single occupancy, and 10.22m squared for twin/double rooms. If any of the ceiling height of the room is less than 1.5m in height, this floor space cannot be taken into consideration when calculating room sizes.

The above will reduce the amount of work and expense for landlords whilst maintaining good standards for tenants.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 *The Council legal team were consulted at the beginning of the process to establish the level of authorisation and consultation required. Having raised this with the legal team I do not believe this is classed as a key decision.*

Although we were not legally required to do so, as good practice and to maintain the good working relationship with local landlord groups we have shared the suggested new standards with SSLA & SADLA forums, the feedback has been positive and no concerns or queries were raised.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 The amendments made will not impact equality.

4.2 Financial and Commercial Implications

- 4.2.1 The financial and commercial implications are low, no financial impact is expected for the local authority.
As outlined in the report the changes made to the standards are expected to reduce the amount of work landlords will be requested to undertake.

4.3 Legal Implications

- 4.3.1 No legal implications are expected.
The inclusion of the new room size measurements which is taken directly from the most recent statutory guidance put in place by government is a positive step as this wasn't available in the previous version.

4.4 Other Implications

- 4.4.1 *No other implications are expected.*

5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 *There are no alternative options to updating the departments HMO Standards document.*

6. **REASONS FOR RECOMMENDATIONS**

- 6.1 *The previous version of the HMO Standards is outdated and in places provides incorrect guidance and therefore must be updated.*