SCRUTINY COMMITTEE - COMMUNITY

Date: Tuesday 11 November 2014
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -
Councillors Shiel (Chair), Newby (Deputy Chair), Branston, Brimble, Bull, Clark, Foggin, George, Holland, Mitchell, Morris, Raybould and Robson

Agenda

Part I: Items suggested for discussion with the press and public present

1 **Apologies**

To receive apologies for absence from Committee members.

2 **Minutes**

To sign the minutes of the meeting held on 9 September 2014.

3 **Declaration of Interests**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of item 13 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1, Schedule 12A of the Act.

5 **Questions from the Public under Standing Order 19**

A period of up to 15 minutes will be set aside to deal with questions to the Committee from members of the public.

Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting. Further information and a copy of the procedure are available from Democratic Services (Committees) (01392 265115) also on the Council web site.
http://www.exeter.gov.uk/scrutinyquestions

6 **Questions from Members of the Council under Standing Order 20**

To receive questions from Members of the Council to appropriate Portfolio Holders.

PRESENTATION TO COMMITTEE

7 **To Welcome Janice Kay, Deputy Vice Chancellor and Geoff Pringle, Chief Operating Officer of the University of Exeter**

ITEMS FOR DISCUSSION

8 **Housing Revenue Account - Budget Monitoring to September 2014**

To consider the report of the Assistant Director Finance. (Pages 5 - 20)

9 **Community - Budget Monitoring to September 2014**

To consider the report of the Assistant Director Finance. (Pages 21 - 32)

ITEM FOR EXECUTIVE

10 **Additional Licensing for Certain Types of Houses in Multiple Occupation (HMOS) throughout Exeter**

To consider the report of the Assistant Director Housing. (Pages 33 - 124)

ITEM FOR INFORMATION ONLY

11 **Spotlight Review on Anti Social Behaviour/Noise Nuisance and how the Council currently deals with these issues**

To consider the report of the Scrutiny Programme Officer. (Pages 125 - 128)

12 **Part II : Item suggested for discussion with the press and public excluded**

ITEM FOR EXECUTIVE

13 **Community Asset Transfer**

To consider the report of the Assistant Director Public Realm. (Pages 129 - 142)

Date of Next Meeting

The next scheduled meeting of the Scrutiny Committee - Community will be held on **Tuesday 20 January 2015** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site *http://www.exeter.gov.uk.* This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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REPORT TO: **SCRUTINY COMMITTEE - COMMUNITY**
DATE OF MEETING: **11 November 2014**
REPORT OF: **Assistant Director Finance**
TITLE: **Housing Revenue Account Budget Monitoring –September 2014**

Is this a Key Decision?
No

Is this an Executive or Council Function?
No

1. What is the report about?

To advise Members of any major differences, by management unit, between the approved budget and the outturn forecast for the first six months of the financial year up to 30 September 2014 in respect of the Housing Revenue Account and the Council's new build schemes.

A budget monitoring update in respect of the HRA Capital Programme is also incorporated into this report in order to help provide a comprehensive financial update in respect of the Housing Revenue Account.

In addition to the budgetary over/under-spends reported to this committee, Appendix 1 also highlights further areas of risk, so that Members are aware that certain budgets have been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from budget, and are therefore subject to close monitoring, by officers.

2. Recommendations:

That Members of Scrutiny Committee – Community assure themselves that satisfactory actions are being undertaken by Officers to address the key areas of budgetary pressure highlighted in this report.

3. Reasons for the recommendation:

The Housing Revenue Account is a statutory account and local housing authorities have a duty to keep an HRA in accordance with proper accounting practices and to review the account throughout the year. This is the second quarterly financial update in respect of the HRA for 2014-15.

4. What are the resource implications including non financial resources

This is the third financial year that the HRA has operated since the introduction of self-financing in April 2012. Self-financing enables stock holding authorities to retain the income they collect from rents for local re-investment, so that they are in a position to support their own stock from their own income.

Self-financing provides a clearer relationship between the rent a landlord collects and the services they provide. The financial resources required to deliver services to Council tenants during 2014-15 are set out in the body of this report.

5. Section 151 Officer comments:

This report has been prepared on behalf of the Section 151 Officer to set out the financial position of the Housing Revenue Account, as at 30 September 2014.

6. What are the legal aspects?

The Housing Revenue Account is framed by the Local Government and Housing Act 1989. This Act created the ring-fence and the structure within which the HRA operates and covers the detailed operation of the HRA, including the credits (income) and debits (expenditure) which make up the account.

7. Monitoring Officer Comments:

The Monitoring Officer has no issues to raise on the content of this report.

8. Report Details:

HRA BUDGET MONITORING TO 30 SEPTEMBER 2014

8.1 Projected Surplus/Deficit

During this period the total budget variances indicate that there will be a net deficit of £292,096 in 2014-15. This represents a decrease of £1,082,454 compared to the revised budgeted deficit of £1,374,550 for 2014-15; the main deviations from budget are set out below. Please also refer to Appendix 2.

Budget Heading	**Forecast Budget Variance (Under)/Overspend**	**Explanation**
Budgeted Deficit	£786,550	
Supplementary budget for Low Maintenance and Painting	£80,000	Executive approved 15 July 2014
Supplementary budget for Resolving Damp Ingress	£508,000	Executive approved 16 September 2014
Revised Budgeted Deficit	**£1,374,550**	
Budget variances reported in June	(£108,820)	Scrutiny Committee – Community 9 September 2014
Budget variances to be reported in September		
Management Costs	(£6,024)	• Savings in employee costs as certain posts have remained vacant pending the outcome of the restructure of Housing Services
Repairs and Maintenance Programme	(£1,041,000)	• Savings are forecast to be made in respect of routine service and maintenance budgets as follows: - (£30k) saving in respect of asbestos survey costs due to a lower than

		budgeted number of void properties - (£100k) saving in respect of the removal of low level asbestos as this work is now integrated within the General Maintenance contract - (£283k) forecast saving in respect of reactive repairs to council dwellings following a prolonged period of lower reported faults during the Summer months - (£463k) forecast saving in respect of repairs to void properties. The implementation of an action plan to address this area of budgetary pressure, specifically the formation of a dedicated voids team, referral of kitchen and bathroom replacements to the capital programme and pre-void inspections have resulted a significant reduction in revenue repair costs. - (£165k) saving is anticipated following the commencement of a new gas service and maintenance contract in July.
Capital Charges	£83,390	• Depreciation charges are higher than budgeted due to a rise in the valuation of council dwellings. Depreciation is a real cost to the HRA as it represents the amount of money which needs to be set aside in the Major Repairs Reserve to provide for the cost of future capital works or to repay debt.
Rents	(£10,000)	• Rental income from garages is expected to be higher than budgeted, as several sites previously identified for re-development will remain occupied until the financing for COB Wave 3 has been secured.
Total budget variances	**(£1,082,454)**	
Projected HRA deficit	**£292,096**	Transfer from HRA Working Balance

8.2 Impact on HRA Working Balance

The HRA Working Balance represents amounts set aside to help facilitate service improvements, repay debt or to provide investment in the stock in future financial years.

The forecast balance, as at 31 March 2015, is set out below. Please also refer to Appendix 3 which sets out the total forecast HRA capital resources over the next 3 years, of which the HRA working balance forms a significant part.

Movement	2014/15
Opening HRA Working Balance, as at 1/4/14	£5,963,219
Deficit for 2014/15	(£292,096)
Balance resolved to be retained (HRA contingency)	(£3,000,000)
Balance Available, as at 31/3/15	**£2,671,123**

8.3 HRA Capital Programme

The 2014-15 HRA Capital Programme was last reported to Scrutiny Committee – Community on 9 September 2014, since that meeting the following changes have been made that have increased the programme.

Description	2014/15	Approval / Funding
HRA Capital Programme reported 9 September 2014	**£14,352,403**	
Budgets accelerated from future financial years	£578,282	Executive 7 October 2014
Savings declared	(£106,000)	Executive 7 October 2014
Revised HRA Capital Programme	**£14,824,685**	

8.4 Performance

The current HRA Capital Programme is detailed in Appendix 4. The appendix shows a total forecast spend of £12,723,080 compared to the £14,824,685 approved programme, a decrease of £2,101,605.

8.5 Capital Budget Variances

The details of key variances from budget are set out below.

Scheme	Forecast Overspend / (Underspend)	Explanation
Electrical Central Heating	(£15,000)	A saving is anticipated in respect of replacing electrical central heating systems due to a lower than budgeted level of reported breakdowns by tenants.
Central Heating Programme	(£229,000)	Significant savings are expected to be made in respect of replacement central heating systems following the commencement of a new comprehensive gas servicing contract in July. Works will be undertaken to maximise the life expectancy of central heating systems as part of the routine service and maintenance regime.
Boiler Replacement	(£350,000)	Significant savings are

Programme		expected to be made in respect of boiler replacements following the commencement of a new comprehensive gas servicing contract in July. Works will be undertaken to maximise the life expectancy of boilers as part of the routine service and maintenance regime.
Scheme	**Budget to be deferred to 2015/16**	**Explanation**
LAINGS Refurbishments	£71,850	Structural surveys have been undertaken in respect of three vacant properties. The results will form part of an options appraisal for the extent of works to be undertaken, in the event that a full refurbishment is deemed appropriate the works would be completed in the Spring. Further spend of this budget is then dependent upon further LAINGS properties becoming empty.
Other Works	£20,000	This budget provides for ad hoc capital works identified during the course of the financial year. To date, no works have been identified for 2014/15.
Communal Areas	£40,000	Fourteen communal areas have been identified for improvement works including; the provision of new flooring, doors and glazing. Full spend of the budget is pending the outcomes of a prioritisation process for the next phase of improvements to communal areas.
Rennes House Structural Works	£400,000	Only urgent health and safety works are planned to be carried out ahead of the results of a full options appraisal for the long term future of this site.
Electrical Re-wiring	£150,000	Fewer full electrical re-wires have been required in accordance with the recommendations of periodic electrical testing in the first six months with remedial

		repairs undertaken instead.
COB Wave 2 – Rennes House Car Park	£407,040	Delays associated with moving telecoms equipment and an electrical substation at this site have impacted on the profiling of this budget with slippage into 2015/16.
Acquisition of Social Housing	£418,715	The acquisition of 8 new affordable housing units are expected to complete this financial year, the remaining budget will be deferred into 2015/16.

9. COUNCIL OWN BUILD BUDGET MONITORING TO 30 SEPTEMBER 2014

The Council's own build properties at Rowan House and Knights Place form part of the overall Housing Revenue Account, but separate income and expenditure budgets are maintained in order to ensure that they are self-financing.

9.1 Projected Surplus/Deficit

There are no projected variances to report, as at September. The budgeted net surplus of £22,670 is still projected to be achieved during 2014-15.

MU Code	Management Unit	Budget Variance Overspend / (Underspend)	Explanation
85B5	COB	£0	The budgets for 2014/15 factored in a reduction in rental income due to properties remaining empty whilst snagging issues at Knights Place are resolved. This will form part of a claim to the main contractor and has been highlighted as an area of budgetary risk.

10. How does the decision contribute to the Council's Corporate Plan?

The Housing Revenue Account contributes to two key purposes, as set out in the Corporate Plan; help me find somewhere suitable to live and maintain our property assets.

11. What risks are there and how can they be reduced?

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates. Appendix 1 sets out the risks identified, as at June.

12. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

No impact

13. Are there any other options?

No

Assistant Director Finance

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:
None

Contact for enquiries:
Democratic Services (Committees)
Room 2.3
(01392) 265275

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AREAS OF BUDGETARY RISK **APPENDIX 1**

A number of areas of budgetary risk have been identified within the HRA, as follows:

Budget Title	Approved Budget	Risk
Restructure of Housing Services		The financial impact of the proposed restructure of Housing Services is pending the outcomes of Job Evaluation and the time required to complete the recruitment process.
Rental Income from Dwellings	£18,900,000 (revenue)	Right to Buy sales, number of new tenancies set at convergence rent levels, number of days lost through major works, rent lost in respect of void properties and welfare reform changes (for which an increased bad debt provision has been made) all impact on the annual rental income. Rental income is slightly behind profile due to a rise in the level of arrears but this has been partially offset by a reduction in the amount of rent lost through void properties following a reduction in turnaround times.
Damp Ingress Repairs	£500,000 (revenue)	To date, damp ingress works totalling £240k have been committed with priority given to; the worse affected properties, on medical grounds and to properties that are already programmed to have external painting works. In order to gain cost efficiencies it is hoped that remaining properties will be dealt with as part of a contract of works in 2015/16 and therefore the £500k may not be fully spent.
Kitchen Replacement Programme	£2,648,710 (capital)	The number of kitchens which can be replaced within approved budgets may vary dependent upon the cost of associated works such as electrical repairs and re-plastering, which varies per property. For 2014-15 it is planned that 477 kitchens will be replaced.
Bathroom Replacement Programme	£1,164,850 (capital)	The number of bathrooms which can be replaced within approved budgets may vary dependent upon the cost of associated works such as re-plastering, which varies per property. For 2014-15 it is planned that 369 bathrooms will be replaced.
Higher Barley Mount – pathway/steps	£34,000 (capital)	The procurement of structural engineering services have led to a delay with these works which may result in slippage into 2015/16
Retaining Walls to Communal Gardens	£55,000 (capital)	The procurement of structural engineering services have led to a delay with these works which may result in slippage into 2015/16
Knights Place	No budget (capital)	Significant works have been required to resolve water penetration issues at Knights Place and the costs and associated lost rental income will form part of a claim from the main

		contractor.

HOUSING REVENUE ACCOUNTS BUDGET MONITORING 2014-15

APPENDIX 2

APRIL 2014 TO SEPTEMBER 2014

ACTUAL TO DATE					YEAR END FORECAST		
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	Code		APPROVED BUDGET	CURRENT OUTTURN FORECAST	FORECAST VARIANCE
£	£	£			£	£	£
1,522,263	1,373,102	(149,161)	85A1	MANAGEMENT	3,272,640	3,189,016	(83,624)
143,795	129,352	(14,443)	85A3	SUNDRY LAND MAINTENANCE	287,590	270,590	(17,000)
3,337,700	1,772,619	(1,565,081)	85A4	REPAIRS & MAINTENANCE PROGRAMME	6,675,400	5,465,400	(1,210,000)
0	0	0	85A5	REVENUE CONTRIBUTION TO CAPITAL	6,195,200	6,349,980	154,780
0	0	0	85A6	CAPITAL CHARGES	2,356,390	2,439,780	83,390
(9,673,865)	(9,621,845)	52,020	85A8	RENTS	(19,347,730)	(19,357,730)	(10,000)
967,530	968,087	557	85B2	INTEREST	1,935,060	1,935,060	0
			85B4	MOVEMENT TO/(FROM) WORKING BALANCE	(1,374,550)	(292,096)	1,082,454
				Net Expenditure	**0**	**0**	**0**
				Working Balance 1 April 2014	**5,963,219**	**31 March 2015**	**5,671,123**

COUNCIL OWN BUILD SITES

PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	Code		APPROVED BUDGET	CURRENT OUTTURN FORECAST	FORECAST VARIANCE
£	£	£			£	£	£
(4,722)	(5,707)	(985)	H006	ROWAN HOUSE	(7,540)	(7,540)	0
(21,266)	(25,496)	(4,230)	H007	KNIGHTS PLACE	(35,150)	(35,150)	0
0	0	0	H008	INTEREST	9,390	9,390	0
0	0	0	H009	CAPITAL CHARGES	10,630	10,630	0
			H010	MOVEMENT TO/(FROM) WORKING BALANCE	22,670	22,670	0
				Net Expenditure	**0**	**0**	**0**
				Working Balance 1 April 2014	**103,512**	**31 March 2015**	**126,182**

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APPENDIX 3

HOUSING REVENUE ACCOUNT	2014-15 £	2015-16 £	2016-17 £	TOTAL £
CAPITAL RESOURCES AVAILABLE				
Usable Receipts Brought Forward				2,057,869
Major Repairs Reserve Brought Forward				3,783,728
Other HRA Sales	173,360	0	0	173,360
RTB sales	1,000,000	500,000	350,000	1,850,000
Major Repairs Reserve	2,439,780	2,356,390	2,356,390	7,152,560
Revenue Contributions to Capital	6,349,980	5,771,928	5,689,075	17,810,983
External contributions	84,340	0	0	84,340
HCA funding	0	0	700,000	700,000
Commuted sums	296,346	1,605,737	1,897,918	3,800,001
Total Resources available	10,343,806	10,234,055	10,993,383	**37,412,841**
CAPITAL PROGRAMME				
HRA Capital Programme	14,824,685	10,777,661	10,211,993	35,814,339
September - Overspends / (Savings)	(594,000)			(594,000)
September - Slippage	(1,507,605)	1,507,605		0
Total Housing Revenue Account	**12,723,080**	**12,285,266**	**10,211,993**	**35,220,339**
UNCOMMITTED CAPITAL RESOURCES:				
Usable Receipts Brought Forward	2,057,869	648,025	648,025	2,057,869
Major Repairs Reserve Brought Forward	3,783,728	2,814,298	763,087	3,783,728
Resources in Year	10,343,806	10,234,055	10,993,383	31,571,244
Less Estimated Spend	(12,723,080)	(12,285,266)	(10,211,993)	(35,220,339)
Uncommitted Capital Resources	3,462,323	1,411,112	2,192,502	2,192,502
WORKING BALANCE RESOURCES:				
Balance Brought Forward	5,963,219	5,671,123	3,394,891	5,963,219
HRA Balance Transfer - Surplus/(Deficit)	(292,096)	(68,670)	314,023	(46,743)
Additional revenue finance to resolve damp ingress		(2,207,562)		(2,207,562)
Balance Carried Forward	5,671,123	3,394,891	3,708,914	3,708,914
Balance Resolved to be Retained	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
	2,671,123	394,891	708,914	708,914
TOTAL AVAILABLE CAPITAL RESOURCES	**6,133,446**	**1,806,003**	**2,901,416**	**2,901,416**

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APPENDIX 4

2014-15
CAPITAL MONITORING TO 30 SEPTEMBER 2014

		2014-15 Capital Programme	2014-15 Spend	2014-15 Forecast Spend	2014-15 Budget to be Carried Forward to Future Years	2014-15 Programme Variances Under ()
		£	£	£	£	£
	HRA CAPITAL					
7HHOME	***EVERYONE HAS A HOME***					
Z4212	Adaptations	630,000	246,376	630,000		0
Z4402	Rendering of Council Dwellings	323,500	35,669	323,500		0
Z4502	MRA Fees	35,280	0	35,280		0
Z4702	Communal Door Entry System	10,000	308	10,000		0
Z4703	Environmental Improvements - General	30,000	4,403	30,000		0
Z4705	Programmed Re-roofing	65,310	15,399	65,310		0
Z4709	Energy Conservation	70,400	16,321	70,400		0
Z4717	Smoke Detector Replacements	278,230	48,893	278,230		0
Z4718	LAINGS Refurbishments	296,850	0	225,000	71,850	0
Z4719	Kitchen Replacement Programme	2,648,710	648,150	2,648,710		0
Z4724	Bathroom Replacements Programme	1,164,850	276,766	1,164,850		0
Z4740	Other Works	44,620	0	24,620	20,000	0
Z4742	Fire Precautionary Works to Flats	277,090	7,899	277,090		0
Z4743	Communal Areas	191,640	36,560	151,640	40,000	0
Z4745	Structural Repairs	184,390	3,656	184,390		0
Z4746	Fire Alarms at Sheltered Accommodation	15,300	0	15,300		0
Z4753	Property Entrance Improvements	20,000	0	20,000		0
Z4755	Rennes House Structural Works	435,840	0	35,840	400,000	0
Z4756	Automatic Doors Faraday House	15,000	0	15,000		0
Z4757	Bridespring/Mincinglake Road Works	20,000	16,638	20,000		0
Z4758	Common Area Footpath/Wall Improvements	50,000	0	50,000		0
Z4759	Higher Barley Mount Improvements	34,000	0	34,000		0
Z4760	Lift Replacement 98 Sidwell Street	50,000	0	50,000		0
Z4761	Replacement Lead Water Mains	25,000	6,741	25,000		0
Z4762	Communal Garden Retaining Walls	55,000	0	55,000		0
Z4763	Soil Vent Pipe Replacement	20,000	0	20,000		0
Z4764	Electrical Central Heating	35,000	6,238	20,000		(15,000)
Z4766	Capita Upgrade	7,500	7,500	7,500		0
Z4802	Electrical Re-wiring	899,630	98,508	749,630	150,000	0
Z4901	Central Heating Programme	354,190	37,604	125,190		(229,000)
Z4903	Boiler Replacement Programme	550,630	59,590	200,630		(350,000)
	HOUSING REVENUE ACCOUNT TOTAL	**8,837,960**	**1,573,219**	**7,562,110**	**681,850**	**(594,000)**
	COUNCIL OWN BUILD CAPITAL					
Z3214	COB Wave 2 - Rennes Car Park	1,181,943	97,040	774,903	407,040	0
Z3215	COB Wave 2 - Newport Road	716,248	82,553	716,248		0
Z3218	COB Wave 2 - Whipton Methodist Church	1,294,138	292,808	1,294,138		0
Z3219	COB Wave 2 - Bennett Square	1,146,451	181,821	1,146,451		0
Z3220	St Loyes ExtraCare	296,350	0	296,350		0
Z3248	Phase 3 Professional Fees	9,200	0	9,200		0
Z3249	Phase 2 St Andrews Road	10,230	0	10,230		0
Z3250	COB Land Purchase	300,000	0	300,000		0
Z3260	Rennes House Wider Site Development	280,000	272,950	280,000		0
Z4751	Acquisition of Social Housing	752,165	3,212	333,450	418,715	0
	COUNCIL OWN BUILD TOTAL	**5,986,725**	**930,384**	**5,160,970**	**825,755**	**0**
	OVERALL HOUSING REVENUE ACCOUNT TOTAL	**14,824,685**	**2,503,603**	**12,723,080**	**1,507,605**	**(594,000)**

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EXETER CITY COUNCIL

REPORT TO: **SCRUTINY COMMITTEE - COMMUNITY**
DATE OF MEETING: **11 NOVEMBER 2014**
REPORT OF: **ASSISTANT DIRECTOR FINANCE**
TITLE: **BUDGET MONITORING REPORT TO 30 SEPTEMBER 2014**

Is this a Key Decision?
No

Is this an Executive or Council Function?
No

1. What is the report about?

This report advises Members of any material differences to the approved budget in respect of the Community Services revenue and capital budgets.

Potential areas of budgetary risk are also highlighted in this report, so that Members are aware that certain budgets have been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from budget, and are therefore subject to close monitoring by officers.

An update on the approved budget savings has also been included.

2. Recommendations:

That Members of Scrutiny Committee – Community assure themselves that satisfactory actions are being undertaken by Officers to address the key areas of budgetary pressure highlighted in this report.

3. Reasons for the recommendation:

Local authorities have a statutory duty to set and monitor their budgets during the year and to take any actions necessary because of potential overspending or potential shortfalls in income. Members are therefore presented with a quarterly financial update in respect of Community Services.

4. What are the resource implications including non financial resources

The financial resources required to deliver Community Services during 2014/15 are set out in the body of this report.

5. Section 151 Officer comments:

This report has been prepared on behalf of the Section 151 Officer to set out the projected financial position of Community Services as at 31 March 2015.

6. What are the legal aspects?

Part 2 of the Local Government Act 2003 provides the legislative framework for the process of setting and managing budgets. In particular, Section 28 of the 2003 Act requires local authorities to monitor their budgets during the financial year.

7. Monitoring Officer comments:

The Monitoring Officer has no issues to raise on the content of this report.

8. Report Details:

Community Services Budget Monitoring to 30 September 2014

8.1 **Key Variations from Budget**

The current forecast suggests that net expenditure for this committee will increase from the approved budget by a total of £238,930 after transfers from reserves and revenue contributions to capital, as detailed in Appendix 1. This represents a variation of 2.44% from the approved budget. This includes supplementary budgets of £10,130.

8.2 The significant variations by management are:

MU Code	Management Unit	Over / (Underspend)	Detail
81A3	Health & Safety, Licensing & Commercial	(£5,260)	• Vacancy pay savings
81A4	Public Safety	£3,500	• University Contract loss of income
81A6	Parks & Open Spaces	(£15,000)	• Projected underspend on Asset Maintenance budgets.
81B2	Bereavement Services	(£33,210)	• Backdated NNDR refund Higher Cemetery
81C2	Advisory Services	£146,850	• Housing Benefit income has been lower than expected • Vacancy pay savings
81C4	Private Sector Housing	£39,170	• Introduction of a new licensing scheme not expected until late 2014/15 and subject to Executive approval on 18 November 2014
81D4	Street Scene	18,820	• Shortfall of income in respect of green waste credits
81D5	Public Conveniences	(£21,250)	• Projected underspend on premises maintenance and water budgets.
81D7	Exton Road Overheads and Fleet Management	(£6,260)	• Rate refund and utility savings
81E1	General Fund Housing – Property	£111,570	• Higher than budgeted repair and hand back costs in respect of Private Sector Leased and Extralet properties and rent lost during void periods. Please refer to para 11.1 which sets out an action plan to help address this area of budgetary pressure.

8.3 An update on the approved budget savings for the Scrutiny – Community committee are included in appendix 2.

9. Capital Budget Monitoring to 30 September 2014

To report the current position in respect of the Community Capital Programme and to update Members with any anticipated cost variances, acceleration of projects or slippage of schemes into future years.

9.1 **Revisions to the Community Capital Programme**

The 2014/15 Capital Programme, including commitments brought forward from 2013/14, was last reported to Scrutiny Committee – Community on 2 September 2014. Since that meeting the following changes have been made to the programme:

Description	£	Approval/Funding
Capital Programme, as reported to Scrutiny Committee – Community, 2 September 2014	**2,105,650**	

Budget Deferred to 2015/16 & Beyond at Quarter 1	(77,820)	Approved by Executive 7 October 2014
Overspends/(Underspends) reported at Quarter 1	(360)	
Topsham Recreation Ground	26,240	External contributions
Heavitree Pleasure Ground Tennis Courts	5,000	External contributions
Revised Capital Programme	**2,058,710**	

9.2 **Performance**
The current Community Capital Programme is detailed in Appendix 3. The appendix shows a total spend of £679,505 in 2014/15.

9.3 **Capital Variances from Budget**
No variances or issues concerning expenditure have arisen for this committee.

9.5 **Capital Budgets Deferred to 2015/16**
No slippage has been identified during the quarter.

10. How does the decision contribute to the Council's Corporate Plan?
Community Service budgets contribute to 3 key purposes, as set out in the Corporate Plan; keep me/my environment safe and healthy, keep place looking good, help me find somewhere to live

11. What risks are there and how can they be reduced?
Areas of budgetary risk are highlighted in this report. The key areas of budgetary risks within Community Services are attached as Appendix 4, for reference.

11.1 **Action Plan**
Officers have taken the following actions to address the key areas of budget pressures in respect of General Funding Housing - Property:

- All repairs identified on Extralet properties will be referred back to the landlord, including emergencies, so that landlords organise and manage necessary repairs directly. This will save valuable officer time arranging the repairs, paying invoices and recharging the landlords.
- Keysafes have been installed at the houses of multiple occupations (HMO PSL's) so that contractors can gain access more efficiently and avoid collecting and returning keys to the Civic Centre. This will reduce labour costs from contractors for travelling time.
- The Council bears the cost of heating HMO PSL's. Lockable thermostats are being installed in order to better control the consumption of electricity/gas.
- A monthly meeting has been established to closely monitor costs and to ensure costs rechargeable to the landlords are fully recovered.
- Landlords are no longer able to spread the cost of major repairs over more than one financial year via reduced rental payments; effectively interest free loans. Landlords are either required to organise and pay for the works themselves or the cost may be spread, only with the express permission of the Sustainable Letting Team Manager, provided the amount is fully repaid before the end of the financial year.

- PSL's are being rationalised in order to help ensure long term empty properties are returned to the landlord, so that retained properties better match demand. Despite high initial hand back costs, this will save rent payments being made to the landlord whilst no corresponding income is collectable during the void periods.
- Introduction of the new Tenant Finder Service, following Executive approval in July, will reduce the financial pressure associated with providing an in-house property management service – Extralet, with no repair responsibilities falling upon the Council.
- Regular property inspections will be undertaken in order to help ensure properties are maintained at a certain standard and help avoid compensation payments to landlords being made.

12. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

No impact.

13. Are there any other options?

No

Assistant Director Finance

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:
None

Contact for enquiries:
Democratic Services (Committees)
Room 2.3
(01392) 265275

SCRUTINY COMMITTEE - COMMUNITY
BUDGET MONITORING

APRIL 2014 TO SEPTEMBER 2014

ACTUAL TO DATE					YEAR END FORECAST			
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	CODE		APPROVED BUDGET	CURRENT OUTTURN FORECAST	FORECAST VARIANCE	Q1 FORECAST VARIANCE
£	£	£			£	£	£	£
159,019	86,134	(72,886)	81A1	ENVIRONMENTAL PROTECTION	440,630	440,630	0	0
146,646	65,850	(80,797)	81A3	LICENCING,FOOD,HEALTH & SAFETY	387,500	382,240	(5,260)	(5,260)
273,377	207,250	(66,127)	81A4	PUBLIC SAFETY	822,630	826,130	3,500	3,000
748,334	650,457	(97,876)	81A6	PARKS & OPEN SPACES	2,019,450	2,004,450	(15,000)	0
112,347	985	(111,362)	81B2	BEREAVEMENT SERVICES	189,880	156,670	(33,210)	(33,210)
458,454	580,207	121,753	81C2	ADVISORY SERVICES	1,212,680	1,359,530	146,850	0
84,611	78,054	(6,557)	81C3	AFFORDABLE HOUSING DEVELOPMENT	154,150	154,150	0	0
(36,777)	11,458	48,235	81C4	PRIVATE SECTOR HOUSING	173,200	212,370	39,170	39,170
83,950	83,950	0	81C5	SUNDRY LANDS MAINTENANCE	83,950	83,950	0	0
(8,583)	92,396	100,979	81C9	ASSISTANT DIRECTORS	0	0	0	0
772,200	858,370	86,170	81D2	DOMESTIC REFUSE COLLECTION	1,981,370	1,981,370	0	0
616,872	495,480	(121,392)	81D4	STREET CLEANING	1,445,040	1,463,860	18,820	0
175,736	118,627	(57,109)	81D5	PUBLIC CONVENIENCES	426,750	405,500	(21,250)	0
(137,254)	(491,801)	(354,548)	81D6	CLEANSING CHARGEABLE SERVICES	(258,350)	(258,350)	0	0
169,414	193,360	23,946	81D7	EXTON ROAD OVERHEADS AND FLEET	333,030	326,770	(6,260)	(6,260)
67,672	295,579	227,908	81D8	RECYCLING	169,680	169,680	0	0
100,013	199,231	99,218	81E1	GF HOUSING - PROPERTY	173,590	285,160	111,570	0
3,786,031	**3,525,586**	**(260,445)**		**NET EXPENDITURE**	**9,755,180**	**9,994,110**	**238,930**	**(2,560)**

VARIANCES ON TRANSFERS TO / (FROM) EARMARKED RESERVES	
REVENUE CONTRIBUTION TO CAPITAL	
OVERALL FORECAST EXPENDITURE FOR THE YEAR AFTER MOVEMENTS TO/FROM RESERVES	**9,994,110**
REVISED BUDGETS	**9,755,180**
ADJUSTED OUTTURN VARIANCE	**238,930**

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AD / CM / Support Service	Proposals 2014/15	Will be achieved 100% in 2014-15	Will be achieved but not fully in 2014-15	Will not be achieved	Comments
Assistant Director - Environment					
Stop free bulky waste weekends	8,000	8,000			Completed
Reduce refuse transportation mileage	60,000	60,000			On target for year-end
Cut Cleansing Supplies & Services	96,000		91,000	5,000	Still early in the year, but £5k likely to be deferred until 15/16.
Increase bin delivery charge	10,000		6,500	3,500	Below target April to September
Increase garden waste customers by 500	3,000	3,000			Completed
Increase range of trade recycling and promote trade refuse	20,000	20,000			On target for year-end
Increase bulky Waste Charges	10,000	10,000			On target for year-end
Increase immigration visit charges	1,000	1,000			
Contaminated land charge increase	1,000	1,000			
	209,000	**103,000**	**97,500**	**8,500**	

AD / CM / Support Service	Proposals 2014/15	Will be achieved 100% in 2014-15	Will be achieved but not fully in 2014-15	Will not be achieved	Comments
Assistant Director - Public Realm					
To be confirmed	30,000	30,000			Saving to be made on facilities management budgets in parks.
Reduce Street Sweeper by 2 FTEs	33,000		0		Public Realm restructure in the process of being undertaken, it is anticipated to be implemented in Feb 15. This will result in the savings being achieved in 2015-16.
	63,000	**30,000**	**0**	**0**	

AD / CM / Support Service	Proposals 2014/15	Will be achieved 100% in 2014-15	Will be achieved but not fully in 2014-15	Will not be achieved	Comments
Assistant Director - Customer Access					
Reduced staff in Housing Benefits, Revenue Collection, Customer Service Centre, Housing Advisory Service and temporary accommodation	255,000	255,000			The full saving of £255k will be made. The majority of savings are based on vacant posts and a re-structuring exercise is currently being undertaken.
	255,000	**255,000**	**0**	**0**	

AD / CM / Support Service	Proposals 2014/15	Will be achieved 100% in 2014-15	Will be achieved but not fully in 2014-15	Will not be achieved	Comments
Assistant Director - Housing					
Housing Development	13,080	13,080			
Reduce supplies budget	2,200	2,200			
Additional Licensing scheme S257	70,000		5,833		The introduction of a new licensing scheme for certain types of Houses in Multiple Occupation is not expected to commence until 23 February 2015, as it is pending Executive approval on 18 November 2014. The license fee income will therefore mostly fall into next financial year.
	85,280	**15,280**	**5,833**	**0**	

TOTALS	612,280	403,280	103,333	8,500

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CAPITAL MONITORING TO 30 SEPTEMBER 2014

	2014/15 Revised Capital Programme	2014/15 Spend to 30 September	2014/15 Forecast Spend	2014/15 Budget to be Carried Forward to 2015/16 and Beyond	2014/15 Programme Variances Under ()
	£	£	£	£	£
COMMUNITY & ENVIRONMENT					
KEEP PLACE LOOKING GOOD					
Play Area Refurbishments	133,460	109,043	133,460		
Flowerpot Skate Park Lighting	35,000		35,000		
Heavitree Pleasure Ground Tennis Courts	45,000		45,000		
Topsham Recreation Ground	56,730	45,682	56,730		
Refurbishment and Upgrade of Paddling Pools	27,460	25,038	27,460		
Parks Improvements	11,730	2,299	11,730		
Neighbourhood Parks & Local Open Spaces	8,020		8,020		
KEEP ME/MY ENVIRONMENT SAFE & HEALTHY					
Vehicle Replacement Programme	397,000	205,122	397,000		
HELP ME FIND SOMEWHERE TO LIVE					
Disabled Facility Grants	359,100	144,495	359,100		
Warm Up Exeter/PLEA Scheme	163,650		163,650		
Wessex Loan Scheme	15,610		15,610		
Glencoe Capital Works	3,890		3,890		
Private Sector Renewal Scheme	159,080	11,878	159,080		
WHIL Empty Properties	194,000		194,000		
The Haven	63,980	50,947	63,980		
Temporary Accommodation Purchase	300,000		300,000		
Grant to the Red House Hotel	85,000	85,000	85,000		
COMMUNITY & ENVIRONMENT TOTAL	**2,058,710**	**679,505**	**2,058,710**		

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AREAS OF BUDGETARY RISK

The table below identifies areas that have been identified as a budgetary risk within the Community Services revenue and capital budgets.

The revenue budget areas of risk are:

Budget Title	Approved Budget	Risk
Revenue: Advisory Services	£1,212,680	A forecast income under-recovery of £146,850 has been reported in September. Further work is being undertaken to investigate the reasons for the Housing Benefit and Rent figures being lower than expected.
Revenue: Private Sector Housing – Income from new licensing scheme	£70,000	The introduction of a new licensing scheme for certain types of Houses in Multiple Occupation is not expected to commence until 23 February 2015, as it is pending Executive approval on 18 November 2014. The license fee income will therefore mostly fall into next financial year, resulting in a shortfall of budgeted income for 2014/15.
Revenue: General Fund Housing – Property	£173,590	A forecast overspend of £111,570 has been reported in September, however the extent of the overspend is still considered a budgetary risk as factors beyond officer control including; landlords requesting their properties back, turnover of properties and levels of reactive repairs, may further impact on the budget.

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EXETER CITY COUNCIL

REPORT TO:	**SCRUTINY COMMITTEE – COMMUNITY AND EXECUTIVE**
DATE OF MEETING:	**11 NOVEMBER 2014 AND 18 NOVEMBER 2014**
REPORT OF:	**ASSISTANT DIRECTOR HOUSING**
TITLE:	**ADDITIONAL LICENSING FOR CERTAIN TYPES OF HOUSES IN MULTIPLE OCCUPATION (HMOS) THROUGHOUT EXETER**

Is this a Key Decision?

Yes.

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 This report provides feedback on the outcome of the 10 week consultation exercise undertaken on the proposal to extend the principles of Mandatory HMO Licensing through the introduction of an Additional Licensing Scheme covering specific types of HMOs throughout Exeter. It goes on to seek approval for the Designation of an Additional Licensing Scheme.

2. Recommendations:

i To make a Designation for an Additional Licensing Scheme, covering the whole of the Exeter City Council administrative area, for the types of HMOs specified in Appendix 1, annex B.

ii To agree the fee structure detailed in Appendix 2 and the licence conditions detailed in Appendix 3.

iii To agree the implementation of the Scheme beginning on 23 February 2015

iv To authorise the Assistant Director Housing, in consultation with the relevant portfolio holder, to periodically review the Scheme, its implementation and resourcing to ensure that the principles of the Scheme are achieved

3. Reasons for the recommendation:

3.1 Exeter has an unusually high proportion of privately rented accommodation, estimated to be 24% of the overall housing stock (approximately 12,600 dwellings). This compares with 19% nationally.

3.2 Exeter also has an unusually high number of HMOs, estimated at 2,829. Nearly 800 of these are covered by the national Mandatory HMO Licensing Scheme, many of which are student lets. A further 1,200 are small, shared house HMOs, commonly let to students.

3.3 These estimates closely match the number of properties which are exempt from council tax, being occupied exclusively by students, which stood at 1,888 in May 2014.

3.4 The remaining 800 or so HMOs provide accommodation for working tenants, singles or families, or those on benefits.

3.5 The Mandatory HMO Licensing Scheme has proved to be successful in driving up the standards of those HMOs requiring a licence, through the enforcement of licence conditions. However, as indicated above, a large proportion of the HMOs requiring a licence under that Scheme are student shared houses, many of which exceed the minimum standards. This is as a result of the combination of high expectations of students and their parents, the changing demographic of Exeter students and market forces, there being an oversupply of student lets in the private rented sector as a result of competition from national student housing providers.

3.6 The types of HMO which are often occupied by the more vulnerable tenants are not covered by Mandatory HMO Licensing. In particular, that Scheme does not cover rented properties in buildings which have been poorly converted into self contained flats, often many years ago when fire safety standards were much lower than they are today, or the majority of flats in multiple occupation above commercial premises or in mixed use buildings. A significant proportion of these HMOs pose an increased risk to their tenants in respect of fire safety and are often associated with poor management. The tenants of these properties, or their visitors, are also frequently linked to complaints about anti social behaviour.

3.7 It is specifically these two types of HMO for which a Designation is sought, as defined in appendix 1

3.8 The overarching aim of introducing Additional Licensing would be to extend the principles of Mandatory HMO Licensing to these types of HMOs. These are to ensure that properties are suitable to accommodate the number of tenants that they house, have adequate facilities, fire precautions etc and that they are properly managed, through adherence to the conditions attached to the licence.

3.9 The standards for facilities and fire safety, which are the same as those enforced through the Mandatory HMO Licensing Scheme, are set out in appendix 4 and 5.

3.10 The proposed licence conditions are set out in appendix 3. Mandatory conditions, those which the Council is required to include in HMO licenses by legislation, are in bold. The other conditions are the proposed discretionary conditions aimed at promoting sound management practices whilst tackling regularly encountered local issues, such as unsatisfactory refuse storage arrangements. It is also anticipated that some HMOs will require specifically tailored conditions.

3.11 Additional Licensing will also ensure that the licensees of HMOs are considered to be ‘fit and proper persons’ to undertake their role. No other housing related legislation addresses this ‘people’ aspect of safety in HMOs.

3.12 In order to be considered ‘fit and proper’, prospective licensees must confirm that they have not:

- Committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- Practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
- Contravened any provision of the law relating to housing or of landlord and tenant law

3.13 In the event of a Designation for Additional Licensing being made those people or companies who would be required to apply for a licence are detailed in appendix 6.

4. What are the resource implications including non financial resources.

4.1 The immediate resource implication, should the decision be made to designate an Additional Licensing Scheme, would be the costs involved in communicating the decision direct to consultees, which must be done with 14 days of the Designation being made. These costs can be met within existing resources

4.2 The Housing Act 2004 allows councils to charge a licensing fee. The proposed fee structure has been set at a level that will cover the cost of administering the Additional Licensing Scheme based on the estimated number of HMOs that will become licensable, the estimated staff time and associated costs involved in processing the applications, monitoring and administration including overheads.

4.3 A significant proportion of the 'converted building' HMOs that would be subject to Additional Licensing would take the form of large houses divided into self contained flats, each of which, in many cases, will be in separate ownership. In addition many different management models will be encountered. This will make the cost of administering the Scheme significantly higher than for Mandatory HMO Licensing, where much more straightforward ownership structures are the norm.

4.4 It is forecast that the introduction of an Additional Licensing Scheme would generate income of approximately £70,000 per annum over its five-year duration and that the Scheme would be self financing, in line with legislation and guidance. Without the introduction of an Additional Licensing Scheme the City Council would not have the resources to routinely inspect these properties, as it has in the past. The majority of the projected income will be received in the financial year 2014/15, at the outset of the Scheme, but that income will be apportioned across its 5 year duration.

5. Section 151 Officer comments:

5.1 The number of HMO's affected by the proposed new licensing scheme is not certain and therefore the generation of £70,000 per annum will depend upon actual applications, level of license fee and eligibility for discounts. This will need to be closely monitored by officers with any significant deviations from financial forecasts reported back to committee.

5.2 On the basis that costs of implementing the new licensing scheme can be met within approved budgets and that the associated license fee income will be spread over the respective 5 years, in accordance with proper accounting practice, there are no further comments to make.

6. What are the legal aspects?

6.1 Prior to 2010 the introduction of Additional Licensing Schemes required the approval of the Secretary of State for Communities and Local Government. The power was devolved to local authorities in April 2010 through the Licensing of Houses in Multiple Occupation and Selective Licensing of other Residential Accommodation (England) General Approval 2010.

6.2 Local authorities must demonstrate the need for an Additional Licensing Scheme and consider that a 'significant proportion of the HMOs in their area, of the type proposed to be covered by it, are being managed sufficiently ineffectively' as to give rise, or likely to give rise, to problems for occupiers or members of the public'. They must also have regard to any other courses of action available and demonstrate that the Designation will significantly assist in dealing with the issues.

6.3 The City Council's view that these legislative requirements are met were detailed in the report that went to Executive on 24th June 2014.

6.4 In order to comply with the requirements of the General Consent local authorities also have to act to consult those most likely to be affected by the Scheme for a minimum of 10 weeks and to respond to those consultees who raise substantive issues.

6.5 Should a Designation be made The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006 stipulate the following:

6.6 Within 7 days of the Designation being made the City Council must:

- Arrange for the publication of the Notice of Designation in two local newspapers, further publishing it on 5 more occasions

- Post the Designation on a public notice board at the Civic Centre and on the Council's web site

Within 2 weeks the Council must:

- Send copies of the Notice to anyone who responded to the consultation and organisations which represent the interest of tenants and landlords or who represent managing agents, estate agents or letting agents in the City

- Send copies to organisations which provide advice to landlords and tenants, e.g., in Exeter's case, the CAB, St Petroc's etc

- Allow a minimum three month period between the Designation being made and its implementation (a legislative requirement).

6.7 Failure to meet these statutory requirements may lead to a challenge in the form of a request for a judicial review. To mitigate the chances of this the Council has consulted widely, as detailed in the report, and followed the prescribed process and government guidance

7. Monitoring Officer's comments:

7.1 As the proposal is in line with the statutory requirements placed on a Council wishing to introduce an Additional Licensing Scheme, there are no further comments to make.

8. Report details:

8.1 Following approval to consult on the proposal to introduce Additional HMO Licensing by Executive on 24th June 2014 a large scale consultation exercise began on 7th July 2014. It lasted for 10 weeks, ending on 15th September 2014. The 10 week duration of the consultation was necessary to satisfy the requirements of the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of other Residential Accommodation (England) General Approval 2010, which permits local authorities to designate Additional Licensing Schemes within their area without having to seek the approval of the Secretary of State.

8.2 The consultation included:

- Press release to local news media
- Direct mail outs to:
    - The 2540 landlords known to own property in the city, plus
    - The 87 letting agents and property management companies in Exeter
    - Organisations including the University of Exeter and those providing advice to tenants such as Shelter and the CAB together with the local representative of the National Landlords Association
    - Round robin e mails to all staff in Exeter City Council, Devon County Council, University of Exeter and the Chamber of Commerce.
    - The chairs of all the residents associations known to the Council
    - Ward Councillors
- A leaflet drop to 2000 houses in the 19 streets known to have a high concentration of HMOs of the type that the council is seeking to licence.
- Leaflets handed out to visitors to the Council's Customer Services Centre
- A social media campaign including the use of Twitter and Facebook

8.3 All these communications invited recipients to visit the Exeter City Council website to view an outline of the proposal and complete an online questionnaire, similar to that which has been used in other Cities where Additional Licensing has been successfully introduced, or to make comment to a dedicated e mail address.

8.4 Alternative arrangements were made available to those without access to a computer.

8.5 Copies of the consultation materials are contained in appendix 7

8.6 In all 42 completed questionnaires were received , 8 from owner occupiers, 24 from landlords (including 1 letting agent), 8 from private sector tenants, 1 from a residents association and 1 from an organisation representing tenants

8.7 Email responses were received from The Student Guild, Citizens Advice Bureau, and 2 HMO landlords. Other emails were received from an owner

occupier, an agent, Exetra and a residents association, all of whom had also completed the questionnaire.

8.8 A letter of support was received from Devon and Somerset Fire and Rescue Service

8.9 Although the response rate to the consultation was surprisingly low the overwhelming majority of those who responded agreed with the Council's aim to improve conditions, safety standards and management of HMOs in the City with 19 landlords , 8 owner occupiers and 5 tenants agreeing (76% of recipients). Only 2 landlords and 1 owner occupier disagreed, with 5 recipients having no opinion.

8.10 19 recipients (10 landlords, 6 owner occupiers and 3 tenants) agreed that additional licensing would contribute to this aim. 16 recipients (9 landlords, 2 owner occupiers and 5 tenants) disagreed, with 6 recipients having no opinion.

8.11 The majority of those responding, however, agreed that Additional Licensing would be an effective way to improve substandard HMOs and their management, with 14 agreeing (12 landlords, 1 owner occupier and 1 tenant), 8 landlords disagreeing with 4 landlords having no opinion

8.12 Importantly, bearing in mind that one of the primary purposes of introducing Additional Licensing is to improve the level of management of HMOs, only 10 of the 24 landlords who responded belong to a landlords association. Membership of such associations is the only way that landlords can be sure that they will keep up to date with legislative changes and hence their legal responsibilities as landlords.

8.13 Of the 14 landlords not in a landlords association, only 4 have ever attended any form of landlord training.

8.14 Overall, only 7 of the 24 landlords who responded attend the landlord forums (4 of whom are in landlords associations and have done training). This is a surprisingly low number, considering that the majority of landlords who engaged with the consultation are known to the Council as responsible landlords but it does highlights the ‘amateurish’ approach that many landlords take to their role.

8.15 The lack of a significant response, despite extensive information being made available about the proposed scheme through the methods highlighted above, suggests that the introduction of an Additional Licensing Scheme is not considered a controversial step, possibly since many of the landlords consulted already have HMOs covered by Mandatory Licensing, which has not proved to be as contentious as anticipated when it was introduced.

9. How does the decision contribute to the Council’s Corporate Plan?

9.1 The introduction of Additional HMO Licensing directly relates to the key actions of ‘Help me find somewhere suitable to live’: driving up standards in private rental properties’ and is wholly consistent with the overall direction of the Council’s housing strategies.

10. What risks are there and how can they be reduced?

10.1 The initial risk associated with going forward with a Designation is that of a judicial review into the decision to proceed. The consultation has, however, been undertaken with full regard to legislation and guidance contained in both the DCLG's 'Approval steps for additional and selective licensing designation in England' and the guidance produced by Local Government Regulation 'Additional and Selective Licensing under General Consent'

10.2 A further risk is that the estimate that there are 400 HMOs which would fall into the scope of Additional Licensing is based on pre 2006 data, when the proactive inspection of HMOs broadly ceased following the introduction of Mandatory HMO Licensing. The true figure, and therefore the projected income, will only become clear should the Scheme be introduced.

10.3 Recent experiences would indicate that the major risk would be to tenants' welfare and the Council's reputation should Additional Licensing not be introduced. During the 10 week consultation period one HMO above commercial premises was prohibited from use by the Devon and Somerset Fire and Rescue Service, acting in consultation with the City Council, thus safeguarding the 10-12 residents against a serious fire risk. A second HMO is in the process of being prohibited under Housing Act powers, as a result of a poor layout causing a category 1 fire hazard.

10.4 Because there has only been a limited proactive inspection scheme of these types of HMO for some years, resources having largely been diverted into operating the Mandatory Licensing Scheme, much of the recent in-depth involvement with them results from complaints from residents. Those HMOs that have been subject to complaints are often found to have a low level of compliance.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 The decision to introduce an Additional Licensing Scheme would have a positive impact in all these respects by ensuring that the standard of the accommodation occupied by, in many cases, young, vulnerable and ethnically diverse tenants, would be improved

12. Are there any other options?

12.1 In order to achieve the desired outcome of driving up standards in HMOs other options are available, specifically:

12.2 The introduction of a **voluntary accreditation scheme**. Over the last 5 or more years the City Council has been working with the University of Exeter to introduce a voluntary accreditation scheme for student HMOs. Initially the University developed their own scheme but in 2013, after that Scheme had failed to take off, they signed up to the nationally recognised AFS/ Unipol landlord accreditation scheme, specifically developed for student lets. For the academic year 2016/17 it is the University's intention only to promote properties managed by accredited landlords to its students through their accommodation office and web site.

12.3 The pitfall, as with any voluntary scheme, is that only responsible landlords, invariably offering good quality accommodation, sign up. During the first year of

the operation of the AFS/ Unipol scheme fewer than 30 landlords letting property to students in the city (out of an estimated 1000-1500) have passed through the inexpensive accreditation process.

12.4 **Landlord training**. For the past 2 years the Council has actively been promoting one day training courses for landlords, delivered by accredited trainers from the National Landlords Association (NLA). These courses have effectively been subsidised by the City Council through the provision of free training rooms and facilities, being delivered at a cost of £100 per landlord. Despite widespread promotion of the courses, through the landlord forum and newspaper advertising, it has proved difficult to encourage attendance with only four courses going ahead, others having to be cancelled through lack of interest. In all, up to this point, only 38 landlords have attended these courses.

In an effort to improve the professionalism of landlords a number of further training courses have been provisionally booked for January and February 2015 to encourage as many landlords as possible to receive training and thus benefit from a discounted licensing fee.

12.5 **A limited Designation**. It would be possible to limit the Designation to cover certain types of HMOs in certain streets or wards where 'problem' HMOs are known to be. The problem with this approach is that it sets up inconsistencies with different standards for landlords (and HMOs) across the City. Effectively by limiting the Designation the Council would create a 'post code lottery' which would result in poorly managed properties being missed and tenants in parts of the City remaining at risk.

12.6 **Enforcement.** Without the introduction of Additional Licensing enforcement would remain the only means of improving standards. Traditional, statutory notice based enforcement has its place in bringing about improvements but it is time consuming being both technically challenging and administratively labour intensive.

Additional Licensing has the potential to be a more efficient method of improving standards, through enforcement of licence conditions. Once the licence has been granted, an administratively burdensome process in itself, stiff penalties are attached for failure to comply with these conditions:

It is an offence if the landlord or person in control of a licensable HMO:

- Fails to apply for a licence for a licensable property
- allows a property to be occupied by more people than are permitted under the licence
- Breaches a condition of the licence.
- Breaches a regulation set out in the Management Regulations for HMOs

Fines of up to £20,000 may be imposed if a licensable HMO is allowed to operate without a licence and £5000 for breaches of any of the licence conditions or Management Regulations.

In addition to this there are other consequences of not licensing an HMO which is licensable

- Tenants can apply to the Residential Property Tribunal to claim back any rent they have paid during the unlicensed period (up to a limit of 12 months).
- Councils can reclaim any housing benefit that has been paid during the time the property was without a licence.

- Landlords cannot use the grounds laid out in Section 21 of the Housing Act 1988 to obtain possession.

No other option is available to ensure that individuals or companies responsible for the management of HMOs are 'fit and proper', a vital consideration, particularly in cases where vulnerable tenants are involved.

Assistant Director: Roger Coombes
Originating Officer: Keith Williams

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-
None

Contact for enquires:
Democratic Services (Committees) Room 2.3
01392 265275

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Appendix 1

The Exeter City Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation.

The Exeter City Council in exercise of their 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 Exeter City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2014.

2. This designation is made under the Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010, under which general approval is given to local authorities, by the Secretary of State, under Section 58 (1)(b) of the Housing Act 2004, to designate their district or an area within their district, as subject to additional licensing. The designation is made on 18 November 2014 and shall come into force on 23 February 2015.

3. This designation shall cease to have effect on 23 February 2020 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 administrative district of Exeter City Council as delineated and edged red on the map at annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to all the HMOs of the two description specified in Annex B within the area described in paragraph 4 unless -

(a) the building is of a description specified in annex c (Buildings that are not HMOs for the purpose of the Act - other than Part 1)

(b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act

(c) the HMO is subject to a temporary exemption under section 62 of the Act; or

(d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing)

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (d) every HMO of the description specified in Annex B in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Housing Act 2004.

7. The Exeter City Council will comply with the notification requirements contained in section 59 of the Act and Regulation 9 of Licensing and Management of Houses in

Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006 and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.

8. Landlords, persons managing or tenants should seek advice from Exeter City Council by contacting them, as specified in paragraphs 13,14 and 15, to ascertain whether their property is affected by this designation.

9. Failure to licence a property which requires licensing by virtue of the designation may result in a fine of up to £20,000 on summary conviction under section 72 of the Housing Act 2004. It also gives tenants and the City Council, in the case of Housing Benefit payments, to apply to the Residential Property Tribunal under Section 73(5) and(6) and Section 74 of the Housing Act 2004 for rent repayment order.

INSPECTION OF THE DESIGNATION

10. Exeter City Council is the local housing authority which made the designation which may be inspected at the Customer Services Centre, Civic Centre, Dix's Field, Exeter.

11. The opening times of the civic centre are: Monday – Wednesday and Friday, 9am to 5pm, Thursday 9am – 6pm, Closed at weekends and public holidays

12. Copies of the designation can be obtained from the private sector housing team, Exeter City council, Civic Centre, Dix' s Field, Exeter.

APPLICATIONS FOR HMO LICENCE AND GENERAL ADVICE ABOUT HMO LICENSING.

13. Applications for HMO additional licences and general advice on the licensing scheme should be made at the civic centre, Dix's Field, Exeter.

14. The contact number for the private sector housing team is 01392 265148.

15. The e mail address for HMO licensing is additional.hmolicensing@exeter.gov.uk

16. Date and authentication by the council date....

Signed

Date

Date published.....

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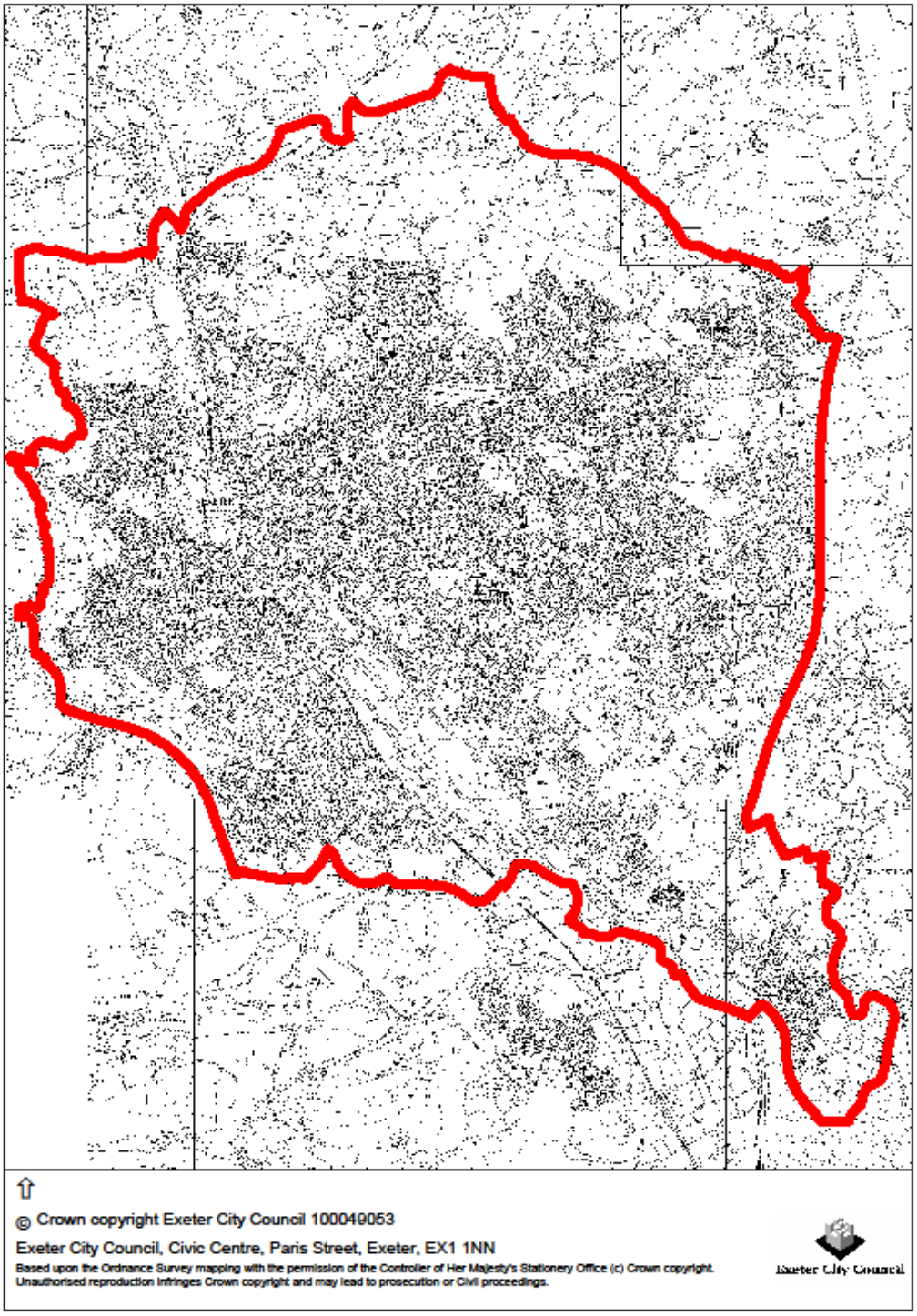
Annex A – Paragraph 4: Map of Designated Area



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Annex B – Paragraph 5: HMOs subject to the designation

1 Flats in multiple occupation which

- Are situated in ‘mixed use’ buildings containing both residential and commercial premises (shops, offices etc) and
- Are occupied by 3 or more people forming more than one household who
- Share an amenity, such as kitchen, bathroom or toilet.

Occupiers not forming a ‘single household’ are a group of tenants who are not all members of the same family.

Family is defined as:

- Married or cohabiting couples (or in an equivalent relationship in the case same sex couples) who are
- Related to each other i.e. parent, grandparent, child (including stepchild), grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

2 Certain buildings converted into flats, those being:

- Buildings converted into two or more self contained flats, where the conversion does not comply with the 1991 Building Regulations (or later) and less than two thirds of the flats are owner occupied

A building converted into two flats will only be licensable if **both** flats are tenanted and there are at least three tenants occupying the building.

A flat is “owner-occupied” if it is either occupied on a long lease (for a term of over 21 years) or by a person who has the freehold interest in the converted block of flats

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Annex C – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act

Buildings controlled or managed by public bodies etc

1. A building where the person managing or having control of it is:

(a) a local housing authority

(b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

(c) a fire and rescue authority under the Fire and Rescue Services Act 2004

(d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990

(e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

(a) sections 87 to 87D of the Children Act 1989

(b) section 43 (4) of the Prison Act 1952

(c) section 34 of the Nationality, Immigration and Asylum Act 2002

(d) The Secure Training Centre Rules 1998

(e) The Prison Rules 1998

(f) The Young Offender Institute Rules 2000

(g) The Detention Centre Rules 2001

(h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001

(i) The Care Homes Regulations 2001

(j) The Children's Homes Regulations 2001

(k) The Residential Family Centres Regulations 2002.

Certain student lettings etc

5. A building –

(i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

(ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment and

(iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.

Religious communities

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

Buildings occupied by owners

7. A building which is only occupied by –

(i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building

(ii) and/or any member of the household of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by resident landlord etc

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons, not forming part of the owner's household.

Buildings occupied by two persons

9. Any building which is only occupied by two persons (forming two households)

Meaning of "building"

10. In this annex a "building" includes a part of a building.

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Appendix 2

Number of flats in Section 257 HMO	Cost of licence	less single ownership discount *	less early registration discount	Accreditation/landlord association discount**
1	£550.00 (**per flat** in the case of flats in multiple occupation in mixed use building)	£100	£50.00	£125.00
2	£700.00			
3	£850.00			
4	£1,000.00			
5 to 7	£1,150.00			
8 to 10	£1,300.00	please tick if applicable	please tick if applicable	please tick if applicable
10 or more	Add £150 per additional flat			

Cost of licence =	£
Minus applicable discounts	£
Total cost of licence £	

*All flats need to be under one ownership for this discount to apply (no discount applies where there are fewer than 2 flats)

** membership of a recognised landlord association **plus** attendance at training during past 5 years **or** accredited under AFS Unipol scheme

A fee of £300 will be added to the cost of the licence if Exeter City Council become aware of a licensable property and an application has not been submitted by 31st March 2015

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Appendix 3

Licence conditions

The licence holder is required to:-

- Where gas is supplied to the property produce annually to the City Council the gas safety certificate obtained in respect of the property within the last 12 months.

- Keep electrical appliances and furniture provided in a safe condition and supply to the City Council, on demand, a declaration as to the safety of such electrical appliances and furniture.

- Ensure that smoke alarms are installed in the house and kept in proper working order and supply, on demand, a declaration as to the condition and positioning of such alarms.

- Supply, on demand, certificates from a competent person showing that the HMO's fire warning system has been installed and/or maintained and /or tested by him and that it is in proper working order.

- Supply every occupier of the HMO with a written statement of the terms on which they occupy it (a standard Tenancy Agreement containing clauses which amongst other things impose reasonable duties and responsibilities on occupiers will satisfy this requirement). Include within the statement a requirement that the occupier:

  1. comply with the Manager's reasonable written instructions for the storage within the property of refuse and household waste; and
  2. presents the property's refuse containers on refuse collection days at the specified location on its boundary for emptying by the Council

- Display the following in a prominent location within the HMO:

  1. The HMO licence;
  2. The current gas safety certificate;
  3. The manager's name, address and contact telephone number

- Ensure that suitable management arrangements are in place including:

  1. A system for tenants to report defects and emergencies with arrangements to respond to these reports
  2. A process for dealing with anti-social behaviour associated with the property

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HOUSES IN MULTIPLE OCCUPATION (HMOs):

AMENITY AND SPACE STANDARDS

This part of the website sets out our standards for cooking, washing and toilet facilities in the types of HMO commonly occurring in Exeter. It also covers room sizes required in these HMOs.

Some less-common HMO types, for example Bed and Breakfast establishments for homeless people, are not covered. If you want information about the standards applying to those and any other HMOs not dealt with here, please get in touch on 265193.

Many HMOs in Exeter are 'Shared- house' HMOs. A 'Shared – house' HMO is one where, although they are unrelated to one another, the occupiers live in a similar way to a family. Typically:

- *the house has been rented by an identifiable group of sharers such as students or work colleagues;*
- *each occupant has his or her own bedroom but they share the other facilities of the house;*
- *all occupiers have exclusive legal possession and control of all parts of the house including all bedrooms;*
- *there is usually a significant level of social interaction;*
- *they have rented the house as one group;*
- *there is a single joint tenancy agreement*

We have adjusted our standards as they apply to 'Shared-house' HMOs to make them more suited to the type of living pattern occurring in these properties. Look out for the references to 'Shared-house' HMOs as you read the standards.

AMENITIES IN HMOs

1. KITCHEN FACILITIES.

Each letting in an HMO should normally be provided with its own kitchen facilities.

Those facilities must consist of the following:

- A 4-ring cooker complete with oven and grill (in a single-person letting a 2-ring cooker complete with oven and grill will be accepted);

- A sink and draining board complete with constant supply of hot and cold running water;
- A minimum of 1 metre of worktop (600 mm deep);
- 2 double 13-amp electric sockets over the worktop;
- A refrigerator or refrigerators suitable for the number of people using the facilities;
- Sufficient and suitable food storage cupboards;
- Adequate refuse disposable facilities.

Kitchen facilities must not be located within a fire escape route (for example on a landing or in an understairs cupboard) and must be separated from an escape route by a proper fire door. For more details, see the Fire Safety guide ***LINK***

Kitchens must be so laid out as to be safe and convenient in use. In particular, the sink and cooker must be so arranged that there is no risk of burns, scalds, electrocution or collision.

All rooms containing kitchen facilities must have adequate natural and/or artificial ventilation and artificial lighting.

Floors, walls and ceilings in kitchens must be capable of being easily cleaned and there must be at least 2 courses of tiles over sinks and worktops to act as a splashback.

'Shared-house' HMOs, and HMOs where it is not practicable to provide facilities in each letting:

- A complete set of facilities for each 5 (or part of 5) must be provided.

HOWEVER:

- In 'Shared-house' HMOs with up to 7 occupiers we can accept the following as an alternative to the second set of facilities:
    - A suitably located and plumbed dishwasher;
    - A combination-type microwave oven;
    - An extra 0.5 metre length of worktop;
    - An additional 13 amp electric socket.

A shared kitchen must be at least 5.5 square metres in floor area. Where 2 sets of facilities are provided the room must be at least 11 square metres in area.

No more than 2 sets of facilities can be provided in any one kitchen.

2. *PERSONAL WASHING AND TOILET FACILITIES*

These standards apply to licensable and non-licensable HMOs alike.

For each 5 occupants or part of 5 there must be:

- **A fixed bath or shower with constant supplies of hot and cold running water;**
- **A wash hand basin with constant supply of hot and cold running water;**
- **An internal WC.**

Where practicable the WC should be in a compartment separate from the bathroom/shower room. Where there are more than 5 occupants and 2 or more baths/showers, basins and WCs are required, at least one WC should be in a separate compartment.

Any separate WC must contain a wash hand basin with supply of hot and cold running water. Where such a basin cannot be fitted because of inadequate space a basin must be provided in each bedroom.
A bath with a shower fitment over it counts as a single bath/shower.

Baths and showers must be provided with proper tiled surrounds to enable proper cleansing. There must be at least 2 courses of ceramic tiles over wash hand basins to act as splashbacks.

All fittings must be provided with proper soil/waste drainage and be properly plumbed-in.

Compartments containing baths, showers and WCs must be provided with adequate natural and/or artificial ventilation.

MINIMUM ROOM SIZES IN HMOs

1. 'Shared-house' HMOs

(i) Where a communal living room is provided:

Single-person bedrooms:	6.5 square metres
Two-person bedrooms:	11.0 square metres

(ii) Where there is no communal living room:

Single-person bedrooms:	10.0 square metres
Two-person bedrooms:	14.5 square metres

In each case, shared kitchens must meet these minimum size requirements:

Use by 1-5 persons:	5.5 square metres
Use by 6-10 persons:	11.0 square metres

Where communal living rooms are provided in 'Shared house' HMOs and they meet the following minimum floor areas we accept the smaller bedroom sizes shown in (i) above:

Use by 1-5 persons:	12.0 square metres
Use by 6-10 persons:	16.5 square metres
Use by 11-15 persons:	21.5 square metres

2. Bedsits with kitchens in the rooms

(A bedsit is a single room letting used as a living and sleeping room)

Single person bedsit:	13.0 square metres
Two-person bedsit:	20.5 square metres

3. Bedsits with separate kitchens (shared or otherwise)

Single person bedsit:	9.5 square metres
Two-person bedsit:	17.0 square metres

Shared kitchens must meet these minimum size requirements:

Use by 1-5 persons:	5.5 square metres
Use by 6-10 persons:	11.0 square metres

4. Multiple room lettings

Living rooms:	12.0 square metres
Bedrooms:	10.0 square metres
Living rooms/kitchens:	15.0 square metres
Living rooms/bedrooms:	14.0 square metres
Kitchens:	7.0 square metres*

**- kitchens provided for the exclusive use of the tenant of the multiple room letting*

Appendix 5

Fire precautions

FIRE SAFETY IN HOUSES IN MULTIPLE OCCUPATION:

A GUIDE

ABOUT THIS DOCUMENT

This document is a guide to fire safety in the types of Houses in Multiple Occupation (HMOs) commonly found in Exeter. It is very much a **general guide:** the measures that the City Council would require in any specific case would depend upon the character and layout of the property concerned and the type of occupancy.

The Guide covers typical **existing HMOs.** If you intend to create a new HMO or carry out major works to an existing one, perhaps with the intention of increasing the level of occupancy, it would probably be necessary to seek approval for what you propose under the Town and Country Planning Acts and Building Regulations. Some parts of the city are the subject of a legal Direction made by the Council under Planning powers. This prohibits the conversion of existing dwelling houses into HMOs.

You should always check what permissions and consents are required before starting alteration work on any HMO or creating a new one. Remember, too, that the Council has standards for **amenities and facilities** – baths, WCs, wash hand basins and so on – in HMOs. Those standards are set out in separate guidance, also available from us.

This Guide covers:

- What constitutes a House in Multiple Occupation
- What makes an HMO licensable under the Housing Act 2004
- Why fire safety measures are needed in HMOs
- What the law says
- The fire safety measures that are commonly required in typical Exeter HMOs

The precise nature of the fire safety measures needing to be installed in any specific HMO is determined by a risk assessment. Many factors affect the assessment of risk. A general guide such as this cannot cover all the possible variations in layout, type of occupancy, standard of construction, etc. that play a part in determining the measures required in a specific property. It is always best, therefore, to consult us before carrying out works which may not necessarily cover all the fire safety needs in a particular HMO.

If you are being required to carry out work following an inspection by us you will find that the schedule and any drawing we send you will explain what needs to be done. This Guide should also be helpful. If, however, you remain in doubt, please ask us for clarification. We are always keen to assist.

PART 1

FIRE SAFETY IN HMOs: BACKGROUND

What is an HMO?

The Housing Act 2004 defines what constitutes an HMO.

A building or part of a building is an HMO if:

- the building or part consists of **living accommodation**; and
- the accommodation is occupied by **more than a single household**; and
- it is their **main residence**; and
- **rents are payable or other consideration is provided**; and
- the occupiers **share** one or more (or the accommodation **lacks** one or more) **toilet, personal washing or cooking facilities**.

A 'household' is where all the persons are members of the same family. A person is a member of the same family if:

- those persons are married to each other or live together as husband or wife (or in an equivalent relationship in the case of persons of the same sex); or
- one of them is a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin of the other; or
- one of the persons is a relative of one of the couples.

A building or part of a building that contains **two persons sharing** is not an HMO. A building occupied by the owner's household plus **up to 2 lodgers** is also not an HMO.

A **self-contained flat** will be an HMO if it matches the criteria above, i.e. it is occupied by more than a single household, there are at least 3 unrelated people in it, rents are payable, etc.

A **purpose-built block of flats** is not an HMO. However, a **building converted into a block of flats** is an HMO if the following apply:

- the conversion was not done to the Building Regulations 1991 standard (or, if it was done when later Building Regulations were in force, to the standard laid down in them); and:
- less than two-thirds of the self-contained flats are owner-occupied.

Some common types of HMO:

- Houses divided into bedsits or flatlets
- Houses occupied by 3 or more students
- Bed and Breakfast establishments accommodating homeless people.

What is a *licensable* HMO?

An HMO is licensable under the **mandatory licensing provisions** in the Housing Act 2004 if:

- It, or any part of it, comprises 3 storeys or more; **and**:
- It is occupied by 5 or more persons; **and**:
- It is occupied by persons living in 2 or more households.

Business premises and self-contained flats in, but not connected with, parts of buildings containing HMOs, generally count as 'storeys' when determining whether the HMO is licensable.

The Act also enables councils to extend licensing to types of HMO not covered by the mandatory licensing scheme.

The licensing requirement is touched-upon in more detail later in this Guide.

So why do HMOs need fire safety measures?

When a property is in multiple occupation, the risk of fire breaking out is greater than in an ordinary single family home. Some of the reasons for this are:

- Portable heating appliances may be used
- There is often more than one kitchen present, and kitchens can be shared by a number of individual tenants. Kitchens are by definition high-risk areas
- Electrical circuits can become overloaded
- There are more people in the house who are living independently of, and having no real control over, each other's behaviour

The kind of fire safety measures set out later in this document seek in a number of different ways to reduce the level of risk that an HMO can pose to occupiers. **Fire safety measures make sense**: they reduce the risk of injury or death and can help to lessen the kinds of losses that can occur when fire-related incidents do happen.

What does the law say about HMOs and fire safety?

Anyone who lets property to others is under a general duty in law to provide accommodation that is fit for the purpose and safe. However, there is a body of legislation that relates specifically to fire safety in HMOs:

- The **Housing Act 2004** contains the powers which enable Councils to take action where a range of housing hazards, including the risk of fire, occur. The Act also lays down the licensing requirements for larger HMOs. It also enables Councils to take control of HMOs where they seriously threaten the health, safety or well-being of occupiers or people in the locality.

- The **HMO Management Regulations** place duties on the manager of an HMO to keep the fabric, fixtures and fittings in good order, ensure that occupiers are protected from injury, and supply and maintain gas, electricity and other services.

- The **Regulatory Reform (Fire Safety) Order 2005,** which requires any person with some level of control over an HMO to:

  - take reasonable steps to reduce the risk from fire;
  - make sure anyone in the property can safely escape if a fire occurs.

These pieces of legislation are now explained in a little more detail.

1. **The Housing Act 2004**

The Act lays down a Council's powers to tackle a wide range of housing hazards including inadequate fire safety provision. It enables a Council which finds a significant housing hazard to:

- Serve a notice requiring specified improvement works within a set time;
- Make an Order limiting or prohibiting occupation where that is appropriate;
- Take quick action itself to deal with a serious hazard;
- Serve a notice drawing attention to the existence of a hazard (but not requiring work to be done);
- Make a demolition order.

The action which a Council takes in any particular case will depend, amongst other things, on the nature of the hazard, the type of property, the effect of the hazard on occupiers and visitors, and any views expressed by the landlord or tenants as to what they think should be done.

The whole process of tackling a housing hazard begins with a **Health and Safety Risk Assessment.** This takes account of:

- The **likelihood** of a housing hazard leading to injury or ill-health;
- The kind of **health outcome** that could result.

The assessment involves applying chosen likelihood and health outcome values to a mathematical formula which gives a numerical rating to the hazard. This puts the hazard into one of two hazard categories.

Where the hazard is rated Category 1 the Council must by law take enforcement action. Where it is Category 2 the Council has the discretion as to whether or not to act.

In the case of fire safety hazards the Risk Assessment helps to determine what measures will be needed to reduce the risk to an acceptable level. Generally speaking, the measures required will be those shown in part 3 of this Guide as being appropriate to the type of HMO in question.

Where the HMO in question poses a more serious risk – for example, because the layout of the escape route is more complex than usual, or the occupiers are particularly vulnerable – more extensive measures may be required. Smaller HMOs, on the other hand, will usually require simpler measures.

The Housing Act 2004 also lays down the scheme for the **compulsory licensing of larger HMOs** (which are those described in '*What is a licensable HMO?'* earlier in the Guide).

There are substantial penalties for operating a licensable but unlicensed HMO. They can include the making of a legal order to repay rents. Applications for HMO licences should be made to the City Council's Private Sector Housing team.

2. **The HMO Management Regulations**

There are 2 sets of HMO Management Regulations.

Regulations dating from 2006 apply to the majority of HMOs and ones introduced in 2007 apply to the 'Converted block of flats' type of HMO ('Converted block of flats' HMOs required their own regulations because of the different tenure and control arrangements in place where flats can be held on leases and are a mixture of owner-occupied and tenanted).

The Regulations place a series of duties on **HMO managers** to maintain proper standards of **repair, management and cleanliness**. The key fire safety duties are:

- To provide the **manager's name, address and telephone number** to each household in the HMO and display the same information in a prominent position in it;
- To keep the **means of escape from fire** free of obstruction and in good order and repair;
- To keep **alarms, fire fighting equipment** and **emergency lighting systems** in good working order;
- To **protect occupiers from injury** with regard to the HMO's design, structural condition and number of occupiers;
- Where there are more than 4 occupiers, to display **notices** indicating the location of means of escape from fire, making them clearly visible to all occupiers;
- To ensure that all **fixed electrical installations** are inspected and tested by a qualified engineer at least once every 5 years and a results certificate obtained;
- To provide the Council with the latest **gas and electrical safety test results** within 7 days of the Council asking for them;
- To **maintain common parts, fixtures, fittings, etc**. clean, safe, in good decorative repair and working order and free from obstruction. Handrails and banisters must be provided and kept in good order, and any stair coverings securely fixed;
- To keep **any part of the HMO not in use** clean and free from litter.

HMO tenants are required:

- **Not to obstruct the manager** in the performance of his/her duties;
- To **avoid causing damage** to anything the manager is under a duty to supply, maintain or repair;
- To **store and dispose of refuse** as directed;
- To **comply with the manager's reasonable instructions** as regards any fire escape, fire prevention measures and fire equipment.

3. The Regulatory Reform (Fire Safety) Order 2005

This Order is enforced locally by Devon and Somerset Fire and Rescue. It requires any person who has some level of control of an HMO (the 'Responsible Person') to:-

- take reasonable steps to reduce the risk from fire;
- make sure anyone in the property can safely escape if a fire does occur.

The 'Responsible Person' can pass the task to some other competent person (although the 'Responsible Person' retains the duty to meet its requirements).

The first task in meeting the Order's requirements is to carry out a **Fire Safety Risk Assessment.** This identifies any possible dangers and risks in the HMO and forms the basis for action to improve fire safety.

The steps involved in carrying out a Fire Safety Risk Assessment are:

Step 1: Identify the hazards (e.g. sources of ignition such as naked flames or heaters and sources of ignition for a fire: accumulations of rubbish, furnishings, and so on).

Step 2: Identify people at risk (tenants in general, but particularly occupiers especially at risk: children; parents with babies; disabled people; the elderly or infirm).

Step 3: Evaluate, remove, reduce and protect from risk (look to remove/reduce any fire hazards, for instance by replacing highly flammable materials and having a safe smoking policy. Then assess any remaining risk and think about further steps to reduce it. Consider general fire precautions such as:

- maintaining fire detection and warning systems;
- facilities for tackling small fire, e.g. chip-pan fires;
- keeping protected escape routes clear and usable;
- ensuring the escape route leads to a safe exit point;
- providing and maintaining fire doors).

Step 4: Record, plan, instruct, inform and train (note down the dangers and people identified as being at risk and the actions taken under Step 3. Draw up an Emergency Plan and inform, instruct and train people such as residents and managers in what it says and what they need to do).

Step 5: Review (periodically check the assessment to make sure it is up to date and amend as needed).

Sources of further information about duties under the Fire Safety Order are given at the end of the Guide.

PART 2

FIRE SAFETY MEASURES IN HMOS

This part of the Guide is arranged in 2 sections.

The first section describes the **range** of fire safety measures that may be required in HMOs. The second section lists the **typical measures** that need to be provided in the different types of HMO covered.

As indicated previously, the Guide is intended as a general indication of what is required. The measures required in a particular HMO may differ from the Guide because of the way in which it is arranged or let.

If you are in any doubt as to the measures needed in an HMO for which you are responsible, please contact us and we will be glad to assist.

'Shared – house' HMOs

National statistics on fire incidents in HMOs indicate that 'Shared – house' HMOs pose less of a risk of fire than the traditional type of HMO (typically the bedsit or flatlet type). A different standard, reflecting the lower risk which exists in them, has therefore been developed for the 'Shared – house' HMO.

A 'Shared – house' HMO is one where, although they are unrelated to one another, the occupiers live in a similar way to a family. Typically:

- *the house has been rented by an identifiable group of sharers such as students or work colleagues;*
- *each occupant has his or her own bedroom but they share the other facilities of the house;*
- *all occupiers have exclusive legal possession and control of all parts of the house including all bedrooms;*
- *there is usually a significant level of social interaction;*
- *they have rented the house as one group;*
- *there is a single joint tenancy agreement*

We will usually apply the specific 'Shared – house' HMO standard to such properties (although if there are particular features which make it necessary we will ask for additional measures. This might be needed where, for example, the internal layout is especially complicated or numbers occupying are unusually high).

In the next section of the guide, variations from the normal fire safety standard that apply to 'Shared – house' HMOs are indicated in italics. The standard itself is shown in the section which sets out the requirements for specific HMO types.

The 3 key components of any package of fire safety measures are:

- the protected escape route
- separation between units of accommodation
- the fire warning system

(Supporting measures such as emergency escape lighting and fire fighting equipment are covered at the end of this section)

KEY FIRE SAFETY COMPONENTS:

1. THE PROTECTED ESCAPE ROUTE

The protected route is the normal route the occupants take from their accommodation to the final exit, and which is upgraded to provide 30 minutes fire protection from the rooms leading off it. It usually consists of the stairs, landings and hallway, often referred to as **the staircase enclosure**. Secondary or external staircases are normally only required where the house has more than five floors.

In any fire, smoke is the biggest danger. It spreads very quickly, reduces visibility and impedes escape. Most deaths in house fires are caused by smoke inhalation. For this reason, providing an adequate means of escape from fire includes controlling the spread of smoke.

Components of the Protected Route:

(i) Fire doors and frames

Doors and door frames giving 30 minutes' resistance to fire need to be fitted to rooms leading off the protected route. WC compartments and bathrooms where there is no source of ignition need not be fitted with fire doors. (A fire door will be needed where a bathroom contains an old – style electric bar heater or a particularly old gas boiler).

For a fire door to be effective it must be fitted in accordance with the Council's specification. Doors that do not fit properly, are damaged, have damaged or ill fitting linings or have the wrong fittings, will not meet the specification and will **not** be accepted.

Specification for fitting new doors to achieve 30 Minutes Fire Resistance (FD30(s) standard)

Some of these provisions do not apply to fire doors in 'Shared – house' HMOs. The box at the end of this section shows the differences.

- **Doors must be hung on 1½ pairs (i.e. 3 hinges) of 100mm pressed steel butt hinges.** The central hinge should be about 50cm down from the top of the door, i.e. closer to the top hinge than the bottom. Brass hinges <u>cannot</u> be used.

- **Doors must be self-closing.** Self-closing devices fitted to fire resisting doors must be positive in action and capable of closing and latching the door and holding it firmly against the rebates of the frame. Rising butt hinges and garden gate type coil springs are <u>not</u> acceptable. **Overhead hydraulic closers** are recommended as being the most effective and reliable type, allowing the door to close in a controlled manner. **Chain spring closers ['Perko' or similar]** can be used as an alternative, however the chain closer does not control the closing speed of the door, resulting in a tendency to slam.

- An **intumescent strip and smoke seal** must be fitted to the top and sides of the door or corresponding sections of the frame (shown in diagram at end of guide).

  The smoke seal (which consists of small brush hairs or flexible blades) prevents smoke escaping through the closed door, and if the fire develops, the heat will cause the intumescent strip to expand, holding the door in the frame to give 30 minutes fire resistance. The strip and smoke seal can be fitted as a combined unit. They must be fitted in accordance with the manufacturer's instructions.

  CLOSE ATTENTION MUST BE GIVEN TO THE GAP BETWEEN DOOR AND FRAME. As a guide it should not be more than 1 – 3 mm. A larger gap may render the intumescent strip ineffective in a fire. In addition you must ensure that if a door edge mounted smoke seal is being used it <u>brushes right up against the door lining.</u>

  It is important that you never paint or varnish over the smoke seal.

  Fire doors must not be cut down unless they are of solid construction. Solid fire doors must only be cut down in accordance with the manufacturer's instructions and the hardwood lipping must always be replaced on all edges.

- **The gap between the door and the finished threshold must be kept to a minimum, and must not exceed 10mm.** Where the gap exceeds 10mm or the floor is out of level, a hardwood threshold must be fitted.

- Locking Arrangements – Where a lock is to be fitted to the door it must be of a type that allows the door to be held shut but which does not lock unless a key is used on the outside, or a thumbturn used on the inside. The door, whether locked or not, must be openable from the room side without the use of a key.

  A cylinder rim dead lock with roller bolt is recommended e.g. Yale 81 or Union 1158 or the Euro Mortice Lock with thumb turn. Other locks may be acceptable, providing they meet with the same specification.

  Additional bolts, chains, etc must not be fitted. If you feel there is a need for greater security please discuss your concerns with us.

Fire doors in Shared-house HMOs

Smoke seals and intumescent strips will NOT be required to be fitted to fire doors in Shared-house HMOs. Likewise, a self-closer will only need to be fitted to the fire door serving the kitchen in this HMO type. We will tell you when your HMO comes into the 'Shared house'

Door Frames

These provisions apply to all fire door frames

In all openings where a fire door is fitted, or is to be fitted, existing linings and architraves must be thoroughly checked to see whether they provide sufficient fire resistance. In particular:

- If the existing frame is in **poor condition or warped** so that it will be difficult to achieve a proper, close fit and good smoke seal for the fire door, a **new fire**

resisting frame will be required. This will often be more cost/time effective than trying to patch up an old frame.

If the existing frame is to be retained it must be capable of supporting the additional weight of the new fire door and be of sound, well jointed timber.

- If new timbers are to be added to the frame to improve fit, they must be glued and screwed to the existing linings.

- Existing architraves must be removed on the risk side (i.e. the room side) and all gaps between the door lining, wall/partitioning and non-risk side architrave must be filled and sealed with fire resisting materials e.g. 12.5mm plasterboard with skim finish. Suitable architraves must be refitted to the risk side. The original architraves may be re-used if they are in sound condition. All new architraves must be a minimum of 15mm thick and 45mm wide.

Apertures in Fire Doors

Generally the fitting of standard letter boxes, door viewers, cat flaps etc will undermine the effectiveness of a fire door. It is possible to get products that will protect the integrity of the doors and which meet the relevant British Standards but the specification for installation must be closely followed.

Glazing in Fire Doors

Glazing can only be fitted to doors which are designed for the purpose and tested to the relevant BS. The doors are often sold without the glazing panel and glazing must be fitted in accordance with the manufacturer's instructions. If you install a door with glazing you will be required to demonstrate that it has been installed in accordance with the manufacturer's instructions.

Upgrading Existing Doors

In the past doors were routinely upgraded into fire doors, lining the door panels with fire resistant sheeting and fitting large door stops.

Previously upgraded doors are very unlikely to be accepted these days unless the paperwork is available to confirm the extent of works carried out and the degree of fire resistance achieved. Even if this is available it will still be necessary for intumescent strips and smoke seals to be fitted. Upgraded doors that are damaged or a poor fit to the frame will not be accepted under any circumstances.

In some circumstances, such as where a property is a listed building, the replacement of doors with fire doors may not be an option. In such circumstances the door must first be inspected by a specialist contractor to assess its suitability. Some doors will be in too poor a condition, or not thick enough to make upgrade possible in which case alternatives will have to be considered.

60 Minute Fire Resisting Doors and Frames

Where 60-minute fire doors are required the frame will **always** have to be replaced. The rating of the frame must equal that of the door and the frame must be able to support the weight of the door; therefore a purpose manufactured 60-minute fire door and frame set must be installed.

Components of the Protected Route:

(ii) Fire-resisting construction

This part applies to all HMO types including 'Shared – house' HMOs

All of the **internal walls** which separate rooms adjoining the protected escape route from the route itself need to offer 30 minutes' fire resistance.

Existing partition walls in good condition will usually be accepted as adequate to give 30-minute fire resistance. 'Good condition' means that the walls do not 'give' when subjected to hand pressure, that plaster is still firmly keyed to laths and there are no cracks, bulges or other defects.

Where it is necessary to **upgrade** internal walls, the following materials will give the required 30-minute resistance:

- **One layer of 12.5mm fire resistant plasterboard securely fixed to joists/studs with joints sealed with intumescent mastic, or joints taped and finished with plaster skim.**

- **One layer of 6mm rigid fire resisting board (e.g. Supalux or similar) securely fixed to joists/studs with joints sealed with intumescent mastic.**

Upgrading must be carried out on the <u>risk</u> side, i.e. inside the room/compartment where the fire is to be contained.

The partition walls separating understairs cupboards from the ground floor passage usually consist of single skins of tongue-and- groove boarding or similar. Where this is so, upgrading of the wall on the **inside** face to give 30 minutes' resistance will be required.

Other requirements for understairs and other cupboards appear below.

Sometimes it is necessary to upgrade internal walls to give **60 minutes' fire resistance** (we will let you know when this is needed)**.** When this is required the following materials will achieve the standard:

- **Two layers of 12.5mm fire resistant plasterboard securely fixed to joists/studs with joints staggered. Joints to be sealed with intumescent mastic, or taped and finished with plaster skim.**

- **Two layers of 6mm rigid fire resisting board (e.g. Supalux or similar) securely fixed to joists/studs with joints staggered. Joints to be sealed with intumescent mastic.**

Ceilings in the protected escape route will also need to be in sound condition to provide 30 minutes' fire resistance. This also applies to the underside of the staircase, including the portion usually found in the understairs cupboard off the ground floor passage. The materials described above give the necessary protection where upgrading is needed. Any recessed lighting units in these ceilings need to feature purpose-made 30 minute fire resistant hoods in the space immediately above them.

Any polystyrene or other inflammable tiles or decorations must be removed.

New or existing suspended ceilings will only be accepted as providing 30 - or 60 - minutes' fire resistance if appropriate paperwork or certificates are provided.

Loft hatches over the protected escape route need to be upgraded by fitting 6 mm Supalux or similar fire resisting board to their upper face. The hatch must fit into a

rebated opening and a combined smoke seal and intumescent strip fitted into the edge of the hatch. Alternatively, the loft can be cleared, the loft hatch securely locked and the key removed from the house.

Any roof void access doors in the protected route will require treating; we can advise.

(iii) Other aspects of the Protected Escape Route

- **Upgrading Cupboards (including understairs cupboards)**

This applies to built in cupboards only. Free standing cupboards are not permitted in the protected route.
If a cupboard is to be retained, it must be lined internally with materials which provide 30 minutes fire resistance, e.g. 12.5mm fire resisting plasterboard, or 6mm Supalux or similar rigid fire resisting board, joints to be sealed with intumescent mastic. The access door must meet the FD30(s) standard, either effectively self-closing or lockable and clearly indicated "KEEP LOCKED SHUT".

If you do not wish to use a cupboard and there are no gas or electrical fittings in it, the cupboard can be emptied and screwed shut to prevent use.

Where cupboards are removed from the protected route all surrounding areas must be made good and upgraded to give 30 minutes' fire resistance where necessary.

In 'Shared-house' HMOs, fire doors provided to cupboards located in the protected route do not require self-closers, smoke seals or intumescent strips. The measures to protect the staircase underside and wall separating the cupboard from the passage are still needed.

- **Borrowed Lights [for example glazed windows above doors]**

'Borrowed lights' are windows or glazed panels designed to allow daylight to penetrate into internal areas that cannot be served by windows of their own.

Fixed borrowed lights in the protected route or between a high risk room and another room must be fitted with glazing of fire resisting quality. Existing glazing not up to standard must be removed, and fire resisting glazing (i.e. tested to the relevant BS) fitted.

Great care must be exercised in preparing existing timber frames to achieve maximum fire resistance. Correct installation of fire resistant glazing is complicated and expensive. It must not be assumed that the use of specialist glass and glazing materials will compensate for an inadequate frame.

When possible, you might consider removing the existing glazing and constructing a partition to provide 30 minutes fire resistance. Clearly, this will not be possible where the borrowed light is essential for safe movement through the part of the property in question.

- **Stairway Lighting and Escape Lighting to the Stairway**

The standard stairway lighting system must be wired so that the whole of the staircase enclosure is illuminated by the operation of any one switch. Push button (timed) switches can be used but must be set to allow adequate time to reach the furthest unit of accommodation.

Separate Escape Lighting will be required in many HMOs. Escape Lighting systems are dealt with at the end of this part of the guide.

- **Final Exit Doors**

  In any HMO, any door which enables an occupier to leave the building in an emergency needs to be capable of being opened without the use of a key.

  Locks which enable a proper degree of domestic security to be maintained whilst making it possible to get outside quickly in an emergency are widely available. There is no reason, therefore, why your building's insurance should be compromised when seeking to provide safe means of escape from fire.

  We will accept the provision of spare keys in proper 'key boxes' (purpose-made key containers, finished in red and usually provided with a glass or perspex cover) fitted close to the doors they serve.

  Security chains and similar devices can impede escape in an emergency. They should not be fitted to exit doors.

- **Keeping the Protected Route clear**

  For obvious reasons it is essential that protected escape routes in all HMOs are kept completely clear of items of furniture, rubbish, clothes drying facilities, bicycles, trailing leads and so on. Nothing should be allowed to accumulate in the protected escape route.

  Stairs, handrails and floor coverings must be maintained in a good, serviceable and safe condition at all times.

KEY FIRE SAFETY COMPONENTS:

2. SEPARATION BETWEEN UNITS OF ACCOMMODATION

This section also covers 'inner room' arrangements within flats and flatlets and physical standards where minor internal alterations are proposed. It applies to all HMO types.

As already indicated, smoke is the biggest danger where a fire occurs. It is vitally important, therefore, that the spread of smoke as well as fire between dwelling units - in fact, between any area of a building and any other - is prevented for sufficient time to allow safe escape.

Walls, partitions and ceilings **between units of accommodation, and separating higher risk rooms (such as kitchens)** from the rest of the accommodation therefore need to provide 30 minute fire resistance.

Where a property has both commercial and residential occupation, for example, flats above a ground floor shop, a greater degree of separation is required between the two different parts. **Sixty minutes of fire resistance** is usually required and this will mean a higher specification for upgrading of ceilings and partitions. There will also need to be separate entrances for the commercial and residential parts of the building. Access to the residential part will not be permitted through the commercial unit.

Where **30 minute** separation is required:

- Existing walls and ceilings in **sound condition** (well-keyed to laths and/or joists, firm when hand pressure is applied, free of cracking or other deterioration) can be accepted;

- Walls and ceilings in **substandard condition** must be replaced by **12.5 mm fire resistant plasterboard** or **6 mm rigid fire resisting board** in the manner described in the section above relating to forming the protected escape route (page 14)

Where **60 minute** separation is required:

- **Two layers of 12.5 mm fire resistant plasterboard** or **two layers of 6 mm fire resisting board**, each fixed with staggered joints and the joints sealed with intumescent mastic or taped and finished with plaster skim, must be provided.

Where houses are provided with cellars, works to separate those areas from the occupied parts of the building will usually be required. A mixture of structural fire separation and smoke detection may be possible. We will advise you of what works are required in any particular case.

Service Ducts, Concealed Spaces and Voids

It is necessary to prevent the spread of fire, smoke or hot gases through service ducts in the building structure. In particular there must not be any apertures that would allow smoke to travel from rooms to the protected route, or from one unit of accommodation to another.

Effective fire/smoke stops must be provided where building services such as water supply pipes, drainage, ventilation ducts etc, penetrate floors or walls either between the protected route and a risk room, or between units of accommodation, by fitting purpose made intumescent seals or filling gaps with fire resisting materials such as intumescent paste.

Where provided, **ceiling recessed lighting** can only be fitted in association with a 30 minute fire resistant hood.

Ceiling Hatches and Roof Void Access Doors

Where a ceiling hatch or roof access door is present within a room its lower or room side must be lined with material affording 30 minutes fire resistance, e.g. 6mm Supalux or similar rigid fire resisting board. The hatch or door should be locked shut.

'Inner room' arrangements

It is important to ensure that all accommodation within HMOs has a **safe internal layout**, i.e. there is an adequate means of escape from all the rooms in the unit, regardless of where a fire breaks out. This can be a problem where there are **inner rooms**, i.e. where the only exit from a room is through a room of higher risk (e.g. a bedroom situated off a kitchen, or an upper floor landing kitchen which gives on to the rest of the flat it serves).

There are some circumstances where an inner room will be considered to meet an adequate standard of fire safety, although the Council will require the layout to be altered in most cases.

When assessing an inner room layout we will take into account:

- the level above ground of the accommodation;
- access arrangements;
- standard of fire resistance throughout the property;
- extent of the alarm system;
- usage of the rooms;
- style of occupation;
- management of the property; and
- what works can be done to minimise risk.

It is advisable to consult us where you have a property with inner rooms, especially where they are on upper floors.

Constructing new stud partitions or lobbies

Any new stud partitions or lobbies constructed in HMOs should be:

- **Constructed in a minimum of 75 mm by 50 mm timber;**
- **Provided with material giving 30- or 60-minute fire protection as required (see above);**
- **Fitted with 12.5 mm plasterboard with joints taped and finished with plaster skim on the 'non-risk' side.**

KEY FIRE SAFETY COMPONENTS:

3. THE FIRE WARNING SYSTEM

A properly-designed, installed and maintained automatic fire detection and warning system will alert occupiers to a fire in its early stages and enable them to evacuate to a place of total safety before the escape route becomes blocked by smoke or directly affected by fire. It should wake people who are sleeping. It should also give early warning of the presence of a fire developing in any hidden area such as a boiler room, storeroom or cellar.

This part of the guide covers the types of fire warning system usually required in traditional and 'Shared – house' HMOs of 2, 3 and 4-storeys. The systems required are based on British Standard 5839: Part 6 (2004).

The British Standard specifies 6 system types or 'grades' and 3 levels of system coverage. The type of system and degree of coverage depend on the type and size of HMO. Briefly, a large, traditional HMO will require an extensive system of mains-wired smoke and heat detectors and alarm 'sounders', all linked to a control panel usually located inside the main entrance to the HMO; and a small, 'Shared – house' HMO will need a system of mains-wired and interlinked smoke and heat alarms in communal rooms and circulation areas.

As a general rule:

- **Smoke detectors** (where required) have to conform to BS EN54-7: 2001 and operate on the optical or obscuration principle and <u>not</u> the ionisation principle.

- **Heat detectors** (where required) must conform to BS EN 54-5: 2001 (Heat sensitive detectors – Point detectors).

- **Sounders** must provide sound pressure levels of not less than 65dB (A), except in bedrooms where a level of 75dB (A) at the bed head must be achieved.

- **Either bells <u>or</u> sounders may be used;** mixed use is unacceptable.

- A person who designs the more complex fire warning system must forward a copy of the design together with the system specification to Private Sector Housing, Exeter City Council for examination prior to installation. The designer must complete a design certificate and provide us with a copy. Installation and Commissioning certificates are also required for whole-house systems (where fitted).

Some further points on fire warning systems:-

Power Supply: In an HMO there will usually be a landlord's supply for power and lighting in the common areas of the house with a separate quarterly meter. If not, such a meter needs to be provided. The supply to the alarm system and any escape lighting must be fed from that meter and be independent of any consumer unit supplying individual lettings. A coin, key or card meter is not acceptable.

The supply to the fire alarm must be labelled "FIRE ALARM DO NOT SWITCH OFF". The isolating protective device (landlord's consumer unit) must be secured from unauthorised access.

Contractors: Systems must be installed by a reputable fire alarm company or suitably qualified contractor (e.g. NICEIC registered electrician) who is experienced in this type of work. Please ensure that your contractor provides you with a commissioning certificate for the fire alarm and any escape lighting system. These will be checked by the Council on final inspection.

Log Book: The contractor should leave you with a log book for the alarm system. This is used to record daily, weekly and monthly checks that need to be carried out on the alarm system. It is also used to log any false alarms.

You must arrange for the contractor to carry out a maintenance check of the alarm and escape lighting system at least twice a year at six monthly intervals. He will look at the log book to see what problems have occurred. The Council may require sight of the log book at the time of any subsequent management inspections.

The fire warning systems required in the types of HMO commonly occurring in Exeter are shown in summary form in Part 3 of this Guide. As indicated previously, the Risk Assessment we carry out may lead to a requirement to exceed the normal standard.

There are other types of HMO besides these. If you need advice about the fire warning system standard which applies in an HMO not covered in this guide, contact us and we will happy to assist.

OTHER FIRE SAFETY MEASURES:

1. STAIRWAY LIGHTING AND EMERGENCY ESCAPE LIGHTING

In any HMO the day-to-day staircase lighting must be wired so that the whole of the staircase enclosure is illuminated by operating any one switch. Where push-button switches are used they must be set to give sufficient time to reach the most distant unit of accommodation.

Larger HMOs will require a system of **emergency escape** lighting in addition to the standard stairway lighting. Emergency escape lighting will be required in the case of:

- large buildings with long escape routes;
- buildings with complex layouts;
- buildings with no natural or borrowed lighting along the escape route;
- buildings with vulnerable occupiers.

We will advise you when emergency escape lighting is needed.

The escape lighting must come on in the event of a power failure of the normal lighting circuit and it must be capable of illuminating the escape route for at least 3 hours. This can be achieved by: -

- providing standard stairway lighting (with appropriate switching) and separate <u>non-maintained</u> escape lighting (i.e. the escape lighting only operates if the power fails).

- installing <u>maintained</u> escape lighting only (i.e. the escape lighting is on all the time with battery back-up for power failure).

- installing <u>switched maintained</u> escape lighting. The lighting is operable throughout the staircase from any one switch as standard lighting, <u>and</u> operates automatically in the event of a power failure.

The advantages of providing <u>maintained</u> **or** <u>switched maintained</u> **escape lighting are: -**

- The lighting units use fluorescent lamps which are more reliable than standard bulbs.
- The lighting units are less likely to be interfered with as the lamps will not fit standard light fittings in tenants' rooms.

If you opt for standard lighting and non-maintained escape lighting, it is a good idea to use screw fittings in the stairway so that the lamps cannot be used in units of accommodation. It is also worth using fluorescent lighting and/or permanent non-switched lighting or lighting operated from a light sensitive switch for the day-to-day staircase lighting in order to reduce the cost of installation and maintenance.

You should discuss with your contractor which is the best option for you in terms of cost and management.

Remember that you are responsible for ensuring that the stairway lighting is always fully operational. That includes the provision of working lamps.

The installation of the fittings required for emergency escape lighting and the fittings themselves must comply with the relevant British Standards.

2. FIRE FIGHTING EQUIPMENT

Fire blankets are required in all rooms in HMOs where cooking facilities are present. This includes cooking facilities in bedsits and flatlets.

Fire blankets must:

- comply with BS EN 1869:1997 or equivalent;
- be of 'light duty' type, capable of dealing with small fires such as cooking fires or fire involving clothing;
- be wall-mounted at about 1.5 m above floor level and closer to the room exit than the cooker.

Fire extinguishers will often be required. They should:

- comply with BS EN 3-7: 2004;
- be tested and maintained on an annual basis in accordance with BS 5306-3 and the manufacturer's instructions;
- be clearly visible, and located on a proper stand or on wall brackets with the handle roughly 1.5 m from floor level;
- not obstruct the escape route or be obstructed by opening doors;
- be close to the exit position from each floor;
- be away from heaters or places where they may be damaged.

PART 3

TYPICAL FIRE SAFETY MEASURES IN DIFFERENT TYPES OF HMO

This part of the guide shows the typical fire safety measures that will be required in the common types of HMO found in Exeter. The measures shown are the ***minimum*** *for the HMO types covered.*

As indicated elsewhere in the guide, the provision that will be required in any specific HMO may vary from the standard package of measures. The kinds of factors which make this necessary include:

- *unusually complicated or lengthy staircase or corridor arrangements in the intended protected escape route;*
- *potentially hazardous arrangements of rooms;*
- *tenants who are at particular risk, e.g. those with disabilities.*

The ***risk assessment*** *which we carry out will play a key part in determining the measures required in the HMO in question.*

It is always best, therefore, to ***consult us*** *before carrying out works which may not necessarily cover all the fire safety needs in a particular HMO.*

Standard of Work

Works must be carried out to a good standard in accordance with approved building practice and all appropriate British Standards and Codes of Practice. ***Please ensure that contractors have a copy of this document as well as any schedule of work and/or drawings we provide.***

'Shared-house' HMO of 2 storeys

- **Walls and floors between units and between rooms and the stairway to be of sound traditional construction**
- **30-minute fire separation between any basement/cellar and the ground floor escape route (if this required; depends on quality of individual property construction and its layout)**
- **Sound, well-constructed, close-fitting conventional room doors**
- Mains-powered, interlinked smoke alarms **in ground floor passage, on first floor landing, in lounge and any other communal room plus any cellar posing a risk.** Mains-powered, interlinked heat alarm **in kitchen. All alarms featuring** battery back-up.
- **Fire blanket in kitchen**
- **Simple multi-purpose fire extinguishers in ground floor and first floor circulation spaces**
- **Conventional artificial lighting in escape route; no requirement for emergency escape lighting**

Bedsit HMO of 2 storeys, cooking facilities in bedsits

- **Walls and floors between units and between rooms and the stairway to be of sound traditional construction**
- **30-minute fire resisting construction throughout the escape route**
- **30-minute fire doors to all 'risk' rooms (bedsits; communal rooms; rooms containing boilers). Fire doors fitted with smoke seals, intumescent strips and self-closers**
- Mains-powered, interlinked smoke alarms **in ground floor passage, on first floor landing and in any cellar posing a risk.** Mains-powered, interlinked heat alarms **in bedsits.** Stand-alone, mains-powered smoke alarm **in each bedsit (to protect sleeping occupants). All alarms featuring** battery back-up.
- **Fire blankets in rooms with cooking facilities, i.e. each bedsit**
- **Simple multi-purpose fire extinguishers in ground floor and first floor circulation spaces**
- **Conventional artificial lighting in escape route; emergency escape lighting not needed unless route is long, complex or there no proper borrowed light.**

Note: If cooking facilities in a 2-storey bedsit HMO are in **shared kitchens**, the fire warning system must comprise:

- interlinked smoke alarms with integral battery back-up in each bedsit;
- interlinked heat alarms with integral battery back-up in each communal kitchen;
- additional interlinked smoke alarms with integral battery back-up in any cellar.

Fire blanket and fire extinguisher specifications can be found at the very end of Part 2 of the guide.

‘Shared-house’ HMO of 3 or 4 storeys

- **Walls and floors between units and between rooms and stairway to be of sound traditional construction (If a cellar is present, 30-minute separation is required between the cellar and the ground floor escape route)**
- **30-minute fire doors required to all ‘risk’ rooms (kitchen; lounge; dining room; bedrooms; rooms containing boilers). Self-closer on kitchen door only. No smoke seals or intumescent strips to fire doors**
- **Mains-powered, interlinked smoke alarms** in ground floor passage, on each landing, in lounge and any other communal room plus any cellar. Mains-powered, interlinked heat alarm in kitchen. All alarms featuring battery back-up.
- **Fire blanket in shared kitchen**
- **Simple multi-purpose fire extinguisher on each landing and in ground floor passage**
- **Conventional artificial lighting in escape route; emergency escape lighting not needed unless escape route is long, complex or there is no proper borrowed light.**

Fire blanket and fire extinguisher specifications can be found at the very end of Part 2 of the guide.

Bedsit HMO of 3 or 4 storeys, cooking facilities in bedsits

- **Walls and floors between units and between rooms and stairway to be of sound traditional construction (If a cellar is present, 30-minute separation is required between the cellar and the ground floor escape route)**

- **30-minute fire doors to all 'risk' rooms (bedsits; communal rooms; rooms containing boilers). Fire doors fitted with smoke seals, intumescent strips and self-closers**

- **Comprehensive fire warning system comprising:**

    - Mains-wired, interlinked smoke detectors **at all levels in protected escape route including understairs cupboards plus any cellar;**
    - Mains-wired, interlinked heat detectors **in bedsits and any room containing a particularly old gas boiler;**
    - Break-glass alarm call points **at all levels in the protected escape route and at every final exit door;**
    - Fire warning system control panel **serving all of the above, situated inside the main entrance door;**
    - Stand-alone, mains-powered smoke alarm **in each bedsit (to protect sleeping occupants)**

        - **System to be fed from a separate, landlord's power supply;**
        - **All alarms to feature** battery back-up;
        - **Alarm signal to give sound level of** 65 dB in all areas**,** 75 dB at all bed-heads **when doors are closed;**
        - **System design to be submitted to us before installation gets under way.**

- **Fire blankets in rooms with cooking facilities, i.e. each bedsit**

- **Simple multi-purpose fire extinguisher on each landing and in ground floor passage**

- **Conventional artificial lighting in escape route; emergency escape lighting not needed unless escape route is long, complex or there is no proper borrowed light.**

Note: If cooking facilities in a 3 or 4 storey bedsit HMO are located in shared kitchens, not within bedsits:

- interlinked smoke detectors to be located in each bedsit (in addition to detectors in escape route);
- heat detectors in each kitchen;
- additional interlinked smoke detectors located in any cellar.

Fire blanket and fire extinguisher specifications can be found at the very end of Part 2 of the guide.

Buildings converted into self-contained flats

Many large, older houses in Exeter have been fully converted into self-contained flats. Typically, these are Victorian and Edwardian houses of three and four storeys (although we do encounter two-storey houses subdivided into self-contained flats).

Recent conversions- those done in accordance with the Building Regulations 1991- will meet current fire safety standards. Older conversions, however, will almost invariably require additional fire safety measures.

As indicated in Part 1 of this Guide, buildings fully converted into self-contained flats are HMOs if:

The conversion was not done to the standard in the Building Regulations 1991; and:

- Less than two-thirds of the flats in them are owner-occupied.

The following boxes cover fire safety standards applying to buildings which have been converted into self-contained flats. They are intended purely as a general guide. Some properties, for example those with particularly lengthy and/or complex escape routes, may require additional fire safety provision.

Two storey building converted into self-contained flats

- **Walls and floors separating flats from other flats and between flats and stairway to be of sound traditional construction**
- **Entrance doors of flats to be 30-minute fire doors, hung on 3 heat-resistant hinges, fitted with smoke seals, intumescent strips and self-closers. Locks not to be key-lockable from inside flat. No requirement for fire doors within flats, but existing doors must be sound, well-constructed and close-fitting**
- **Mains-powered smoke detectors in the ground floor passage and on the first floor landing (<u>not</u> in the flat), plus, in each flat, mains-powered heat detectors in the lobby or room entered directly off the escape route. All these detectors interlinked. Mains-wired smoke detectors in each flat, in the lobby or room entered directly off the escape route. These <u>not</u> interlinked.**
- **Fire blanket recommended to be fitted in each flat's kitchen**
- **Multi-purpose fire extinguisher recommended for each floor in the building's common parts (ground floor hallway only, where no first floor common parts)**
- **Conventional artificial lighting in the escape route; emergency escape lighting not needed unless escape route is long, complex or there is no proper borrowed light.**

3 or 4 storey building converted into self-contained flats

- **Walls and floors separating flats from other flats and between flats and stairway to be of sound traditional construction**
- **Entrance doors of flats to be 30-minute fire doors, hung on 3 heat-resistant hinges, fitted with smoke seals, intumescent strips and self-closers. Locks not to be key-lockable from inside flat. No requirement for fire doors within flats, but existing doors must be sound, well-constructed and close-fitting**
- **Mains-powered smoke detectors in the ground floor passage and on the first floor landing (<u>not</u> in the flat), plus, in each flat, mains-powered heat detectors in the lobby or room entered directly off the escape route. All these detectors interlinked. Mains-wired smoke detectors in each flat, in the lobby or room entered directly off the escape route. These <u>not</u> interlinked.**
- **Fire blanket recommended to be fitted in each flat's kitchen**
- **Multi-purpose fire extinguisher recommended for each floor in the building's common parts**
- **Conventional artificial lighting in the escape route; emergency escape lighting not needed unless escape route is long, complex or there is no proper borrowed light.**

Notes:

- We sometimes encounter flats in older converted buildings where living rooms and bedrooms have to be accessed through kitchens. In such cases it is necessary to alter the layout of the flat in order to make it possible to gain access to the living room and bedrooms independently of the kitchen- a ‘high risk’ room.

  Other, similar room arrangements may also require modifying. You will find more information in section 2 (“ ‘Inner room’ arrangements”) of Part 2 of this Guide.

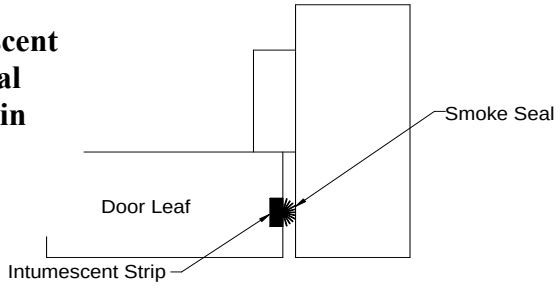
- We will not require the installation of the fire warning systems described above where converted buildings have previously been provided with comprehensive fire warning packages which go well beyond those systems. We will, however, require evidence that these existing systems are in proper working order and that a maintenance contract with a recognised alarm specialist is in place.

- An enhanced fire warning system will be required in any individual flat in a converted building which is in multiple occupation.

FIRE DOORS: Diagram Showing Details of Intumescent Strips and Smoke Seals

Cor
anc
fitte

Combined intumescent strip and smoke seal (brush type) fitted in door leaf



Cor
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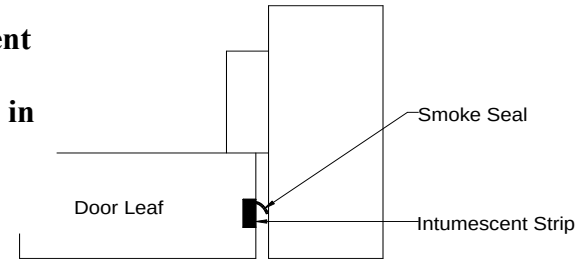
fitte

Combined intumescent strip and smoke seal (flexible blade) fitted in door leaf



Per
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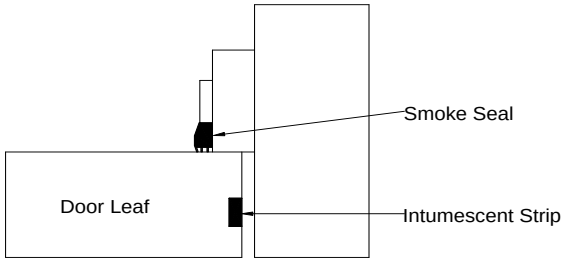
Perimeter smoke seal fitted to door stop and intumescent strip fitted in door leaf



Appendix 6

Who will need to apply for a licence?

In the case of flats or maisonettes in multiple occupation within a mixed residential / commercial use buildings, each individual flat or maisonette will need to be licensed by the person managing or the person having control of the flat or maisonette

In the case of a converted block of flats, only one licence will be required to cover the building, there will not be a requirement for each individual flat to be licensed separately. The licence holder must be the person having control of the building which, in most cases, will be the freeholder of the building, the managing agent or management company (if one is in place). In the case of multiple freeholders, one would need to be designated as the licensee, the other freeholders being bound by the licence conditions

The "person having control" in respect of a section 257 HMO (which means a converted block of flats) is—

(a) in relation to an HMO in respect of which no person has been granted a long lease of a flat within the HMO, the person who receives the rack rent for the HMO, whether on his own account or as an agent or trustee of another person;

(b) in relation to an HMO in respect of which a person has been granted a long lease of a flat within the HMO, the person who falls within the first paragraph of subsection (8) to apply, taking paragraph (a) of that subsection first, paragraph (b) next, and so on.

Subsection (8): A person falls within this subsection if the person—
(a) has acquired the right to manage the HMO under Part 2 of the Common hold and Leasehold Reform Act 2002.
(b) has been appointed by the Leasehold Valuation Tribunal under section 24 of the Landlord and Tenant Act 1987
(c) is the person who is the lessee of the whole of the HMO under a lease between him and a head lessor or the freeholder, or is the freeholder of the HMO; or
(d) has been appointed to manage the HMO by the freeholder, by a head lessor of the whole of the HMO, or by a person who has acquired the right to manage the HMO

HMOs exempt from the need to licence.

HMOs that would be licensable under either mandatory or additional HMO licensing but where the building, or part of the building is controlled or managed by a public body, specifically:

- A district council
- Housing association
- The police or fire service
- The health service

All of these are exempt from the need to licence, as are

- student halls of residence
- buildings occupied by religious communities
- buildings wholly occupied by owner occupiers

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July 2014

Private Rented Housing in Exeter

Have Your Say

Additional Licensing of Houses in Multiple Occupation

Exeter City Council is consulting on a new licensing scheme with the aim of improving the safety and management of certain kinds of rented accommodation.

The existing House in Multiple Occupation (HMO) licensing scheme, which is a national mandatory scheme for 'high risk' properties, currently covers:-

Properties with 3 or more floors, and
5 or more occupants where there is sharing of amenities, e.g. bathrooms and kitchens.

The new scheme would cover certain houses converted into self contained flats and living accommodation in multiple occupation above commercial premises - an estimated 400 properties. It would require landlords who apply for a license to submit details of their property, certify that they are a 'fit and proper' person to hold a license, and make sure the property is up to standard.

Before introducing an Additional Licensing Scheme for these specific types of HMO the City Council has to enter into a 10 week consultation period with as many individuals, groups and organisations as possible to seek their views.

The consultation starts on the 7th July 2014 with a closing date of the 15th September 2014. If you would like to submit your views, an online questionnaire can be found on our website **www.exeter.gov.uk/additionalhmolicensing** together with some additional information. If you do not have access to the internet hard copies of the questionnaire can be obtained by calling Exeter City Council on 01392 265147 and a copy will be sent to you in the post.

If you have any queries contact
additional.hmolicensing@exeter.gov.uk

01392 26 **5147**

Direct Dial: (01392) 265147

Email: Additional.hmolicensing@exeter.gov.uk

Our ref:

Your ref:

Date: 7th July 2014

Dear Sirs

Consultation on the introduction of an Additional HMO Licensing Scheme in Exeter

Exeter City Council is considering the introduction of an Additional Licensing Scheme to improve standards in the City's Houses in Multiple Occupation (HMOs).

Currently, all HMOs of three or more storeys with 5 or more occupiers are required by law to be licensed with their local authorities. Some 800 HMOs in Exeter are subject to this national mandatory licensing scheme; however, a significant number of HMOs in the City are outside the scope of the scheme. There is evidence that many of these properties are in poor physical condition, poorly managed or the source of complaints about noise and other anti-social behaviour.

The City Council is therefore looking at introducing an Additional Licensing Scheme to cover:

- Tenanted houses which were converted into self-contained flats before the current Building Regulation standards came into force;
- HMOs and flat conversions above commercial premises (shops, offices, etc).

Councils considering the introduction of Additional Licensing Schemes are required to undertake a consultation exercise in their communities. As part of this exercise, the City Council is seeking the views of individuals and local bodies with an interest in the City's privately- rented housing stock.

We would, therefore, like to receive your views on the proposed Additional Licensing Scheme.

A factsheet, together with a link to the on-line questionnaire which the Council is using to seek the views of landlords, tenants, letting agents etc can be found at www.exeter.gov.uk/additionalhmolicensing.

Office of Assistant Director Housing and Contracts

Civic Centre, Paris Street, Exeter, EX1 1JN Tel: 01392 277888 Fax: 01392 265265 www.exeter.gov.uk

In order to be taken into consideration, your response to this letter should be received by Monday, 15th. September, 2014, by e mail to additional.hmolicensing@exeter.gov.uk

Thank you in anticipation of your input

Yours sincerely

Keith Williams

Keith Williams

Private Sector Housing Manager
Exeter City Council
Civic Centre
Exeter
EX1 1RQ

Bayleys of Exeter	7 Hollow Lane	Hill Barton	Exeter	EX1 3PH
Belvoir Lettings	8 The Station Masters H	New North Road	Exeter	EX4 4HF
Bradleys Estate Agents	24 Cowick Street	Exeter	Exeter	EX4 1AL
Bradleys Property Rentals	47 North Street		Exeter	EX4 3QR
Drewes	37b-38 Fore Street	Topsham	Exeter	EX3 0HR
East of Exe	61 Fore Street	Topsham	Exeter	EX3 0HR
Exelets - Student Letting Agency	University of Exeter Stu	Devonshire Hou	Exeter	EX4 4PZ
Fulfords Residential Lettings	47 Fore Street	Heavitree	Exeter	EX1 2QN
Gould & Co	14b Lower North Street		Exeter	EX4 3ET
Humble Abode Lettings Ltd	48 Queen Street		Exeter	EX4 3SR
Inspired Homes	1 Sheldon Place	North Street	Exeter	EX1 2RE
Keywise (Exeter)	14 Blackboy Road		Exeter	EX4 6SW
Knight Frank	19 Southernhay East	Exeter	Exeter	EX1 1QD
Mckinley White	PO Box 580		Exeter	EX1 9GT
Naomi J Ryan Estate Agents	4 Southernhay West	Exeter	Exeter	EX1 1JG
novahomes.co.uk	46 Blackberry Road		Exeter	EX4 6SZ
Palmer Collins	Business House	33 Longbrook St	Exeter	EX4 6AW
Penny's Estate Agents	22 Cowick Street	St Thomas	Exeter	EX4 1AL
Robert Williams	2 Southernhay West		Exeter	EX1 1JG
Samuels	38 Longbrook Street	Exeter	Exeter	EX4 6AE
Savills Lettings	The Forum	Barnfield Road	Exeter	EX1 1QR
Seven Steps Property Shop	1 Mount Pleasant Road	Exeter EX4 7AB	Exeter	EX4 7AB
Solo Property Services	Ground Floor	25 Southernay E	Exeter	EX1 1QP
Stratton & Holborow	8 Southernhay West	Exeter	Exeter	EX1 1JG
Stratton Creber Residential Lettings	90 South Street		Exeter	EX1 1EN
Strutt & Parker	24 Southernhay West	Exeter	Exeter	EX1 1PR
The Property Supermarket	537 Topsham Road		Exeter	EX2 7DL
Total Letting Agents Ltd	Ground Floor Office Sui	26 Clifton Hill	Exeter	EX1 2DJ
Underhill Real Estate Agents	58 South Street		Exeter	EX1 1EE
Weekes Estate Agents Ltd	65 Magdalen Road	St Leonards	Exeter	EX2 4TA
Wottons Residential Lettings	3 Northgate Court	Lower North Stre	Exeter	EX4 3EA

info@a-quicker-property-sale.com

info@estuary-lettings.co.uk
info@gillams-properties.co.uk
info@hometrust.co.uk
info@jamesonhomes.co.uk

info@saleboards.co.uk

info@starlettings.com

lettings@dormansestates.co.uk
lettings@eclipseproperty.co.uk
lettings@haart.co.uk
mail@exeter-property.co.uk
mail@houselets-ltd.co.uk

property@burgoynesestateagents.co.uk

property@whittonandlaing.com
sales@bowerandbower.com
sales@cooksleys.co.uk
sales@milestoneestateagents.co.uk
sales@pyneandlyon.co.uk
studentlettings@cardensestateagents.co.uk
topsham@hallandscott.co.uk

Exeter Landlords' Newsletter

Additional Licensing of Houses in Multiple Occupation

Any tenanted house or flat occupied by three or more people forming at least two households falls within the definition of a House in Multiple Occupation (HMO), as do certain buildings converted into self contained flats (a 'household' is a group of blood relatives, a couple in a relationship or an individual unrelated to others)

Some HMOs are subject to the mandatory licensing regime which was introduced nationally in 2006. Since then Exeter City Council has licensed and inspected nearly 800 HMOs, working with landlords to see them brought up to a good standard.

Mandatory licensing only applies to HMOs of three storeys or more with 5 or more residents sharing facilities. Typically these are the larger student shared houses. They make up a minority of HMOs in the City.

Because of the amount of work involved in licensing and inspecting the exceptionally high number of licensable HMOs in Exeter the Council has not had the resources to inspect and bring up to standard those properties which fall outside the scope of mandatory licensing. Some of these HMOs pose a significantly higher risk to tenants if they are poorly managed.

It is estimated that there are 1800 or so HMOs in Exeter which fall outside the mandatory licensing regime. Around 400 of these are buildings which have either been poorly converted into largely tenanted, self contained flats not meeting the requirements of the 1991 Building Regulations, or are flats in multiple occupation above commercial properties. It is these HMOs which are often the subject of complaints to the Council and which are found, in many cases, to be poorly managed. Many of these flat conversions were done a long time ago; fire separation, fire warning systems and facilities therefore fall well below current standards.

The Housing Act enables a local authority to extend the scope of licensing by introducing what is known as Additional Licensing. Exeter City Council considers that there is sufficient evidence that a significant proportion of converted blocks of flats and HMOs above commercial premises are 'being managed sufficiently ineffectively as to give rise, or be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public' - the key criterion for the introduction of an Additional Licensing Scheme.

As a result the Council is considering introducing an Additional Licensing Scheme which would apply to converted blocks of flats and flats in multiple occupation above commercial buildings.

Before introducing an Additional Licensing Scheme for these specific types of HMO the City Council has decided to enter into a 10 week consultation period with as many individuals, groups and organisations as possible to seek their views.

This news letter forms part of that consultation and I would be grateful if you could complete the online questionnaire on our website which can be found, together with some additional information, at **www.exeter.gov.uk/additionalhmolicensing**

If you do not have access to the internet hard copies of the questionnaire can be obtained by calling Exeter City Council on 01392 265147 and a copy will be sent to you in the post.

The consultation period will run from 7th July 2014 to 15th September 2014, following which representations will be considered and a final decision made.

Because of the high cost of producing and posting out the newsletter, feedback on the consultation and what is happening as a result will be placed on the web site. It will be emailed directly to you if you provide an email address on the consultation questionnaire. Other arrangements will be made if you do not have access to the internet. The feedback should be available by late September / early October.

Should the decision be made to proceed with Additional Licensing the Scheme would commence in March or April 2015.

Contact Environmental Health

01392 26 **5147**

additional.hmolicensing@exeter.gov.uk

If you have any queries about the contents of this newsletter

Exeter City Council

CONSULTATION QUESTIONNAIRE FOR AN ADDITIONAL HMO LICENSING SCHEME IN EXETER

OUTLINE OF THE SCHEME:

Exeter City Council is consulting on a new licensing scheme with the aim of improving the safety and management of certain kinds of rented accommodation.

The existing HMO (House in Multiple Occupation) licensing scheme, which is a national mandatory scheme for 'high risk' properties currently, includes:-

- Properties with 3 or more floors,
- 5 or more occupants and
- With shared amenities e.g. bathrooms and Kitchens.

The new scheme will be extended to include certain houses converted into self contained flats and living accommodation in multiple occupation above commercial premises - an estimated 400 properties.

It will require landlords who apply for a licence to submit details of their property and to certify that they area 'fit and proper' person. The cost of a licence will be £400 for the 5 year period. (See consultation document for full fee proposals).

The consultation starts on the with a closing date of the . The consultation document is available available from:-

- The website: www.exeter.gov.uk/
- Exeter City Council Customer Service Centre
- by calling Private Sector Housing on 01392 265148

PART 1: PERSONAL DETAILS

1. **Please tell us your details. Are you a :**(please tick ☐ all that apply)

Owner Occupier	☐	Please complete part 4 only
Private Tenant	☐	Please complete part 2 & 4 only
Council or Housing Association Tenant	☐	Please complete part 4 only
Landlord	☐	Please complete part 3 & 4 only
Managing or Letting Agent	☐	Please complete part 3 & 4 only
Leaseholder of a flat In a converted building	☐	Please complete part 4 only
Other	☐	Please complete part 4 only

Please specify other **(please write in)**

Contact Details: (please specify name, address, telephone, email) (please write in)

Exeter City Council

PART 2: QUESTIONS FOR TENANTS

1. What type of property do you live in?

Room in a shared house ☐

Bedsit (whether sharing facilities or otherwise) ☐

Self contained flat ☐

Lodger living with owner occupier ☐

House ☐

Other ☐ Please specify

2. Are you concerned about any of the following in the property you are living in? (please tick ☐ one box per row)

Fire Safety	Yes ☐	No ☐
Gas Safety	Yes ☐	No ☐
Electrical Safety	Yes ☐	No ☐
Security	Yes ☐	No ☐
Heating	Yes ☐	No ☐
Damp/ Mould	Yes ☐	No ☐
Waste / Storage / Rubbish	Yes ☐	No ☐
Poor Repair	Yes ☐	No ☐
Too little space / too many people	Yes ☐	No ☐
Losing your home/ notice to quit	Yes ☐	No ☐
Nuisance/ noise	Yes ☐	No ☐
Anti Social behaviour (ASB)	Yes ☐	No ☐
Other	Yes ☐	No ☐

Please specify other (please write in)

3. How would you rate the standard of management of the property you are living in? (please tick ☐ one box only)

Very good ☐ Good ☐ Neutral ☐ Poor ☐ Very poor ☐

4. Have you ever had to complain to your landlord about the condition of the property you are living in?

Yes ☐ No ☐

If yes, was there a satisfactory outcome Yes ☐ No ☐ If no, please provide further details

Exeter City Council

5. **Have you been affected by nuisance such as noise nuisance or any other anti social behaviour in your rented property?**

Yes ☐(If yes, please provide details) No ☐

If yes, did you report this to;

Exeter City Council ☐ The police ☐

Your landlord ☐ Other ☐ please specify.....

6. **Do you think that landlords/managing agents should do the following?** (please tick ☐ all that apply)

- Get references for their tenants ☐
- Ensure that the garden, yard and any other outside space associated with the property are kept tidy ☐
- Ensure common parts (including bathrooms and kitchens) are kept clean and free from obstruction ☐
- Keep electrical appliances and furniture provided in a safe condition ☐
- Ensure that smoke alarms are installed in the house and keep them in proper working order ☐
- Supply every occupier of the HMO with a written statement of the terms on which they occupy it (a Tenancy Agreement) ☐
- Deal with anti social behaviour associated with the activities of tenants or visitors to the property ☐
- Provide sufficient bins for storage or disposal of litter on site ☐
- Provide tenants with written information on how to report repairs or other issues ☐
- Provide tenants with emergency contact details ☐
- Make sure all tenants use the facilities properly ☐

7. **From your experience what percentage of landlords do all of the above?** (please tick ☐one box only)

Most (76 -100%)☐ Few (0 - 25%)☐

Many (51 - 75%)☐ None (0%)☐

Some (26- 50%)☐ Don't know/No opinion ☐

PART 3: QUESTIONS FOR LANDLORDS, MANAGING AGENTS/LETTING AGENTS

1. **Do you think that Additional Licensing would be an effective way to improve substandard HMOs and their management?** (please tick ☐ one box only)

Yes ☐ No ☐ **If no, please say why?** (please write in) Don't know / no opinion ☐

2. **What other ways could the Council help landlords to achieve this aim?** (please write in)

3. **Do you belong to a landlords association or other professional body e.g. National Landlords Association (NLA)** (please tick ☐ one box only)

Yes ☐ No ☐

If yes, please specify which (their contact details: name, address, telephone, email) (please write in)

4. **Do you attend a Landlords Forum** Yes ☐ No ☐
5. **Have you attended any form of landlord training** Yes ☐ No ☐
If yes, please provide further details

6. **What do you think could be problems or obstacles to the scheme being successful?**(please write in)

7. **Any other Comments** (please write in)

PART 4: GENERAL QUESTIONS

1. **Do you agree with the Council's aim of improving conditions, safety standards and management in HMOs in the City?** (please tick ☐ one box only)

Agree ☐ Disagree ☐ Don't know / no opinion ☐

2. **Do you think additional licensing would contribute to that aim?** (please tick ☐ one box only)

Agree ☐ Disagree ☐ Don't know / no opinion ☐

3. **From your perception, what percentage of HMO's in your area appears to be maintained to a high standard?**

Most (76 -100%)☐ Few (0 - 25%)☐

Many (51 - 75%)☐ None (0%)☐

Some (26- 50%)☐ Don't know/No opinion ☐

4. **Are you concerned about any of the following issues in HMO's in your area?** (please tick ☐ one box per row)

Fire Safety	Yes ☐	No ☐
Security	Yes ☐	No ☐
Waste / Storage / Rubbish	Yes ☐	No ☐
Poor Repair	Yes ☐	No ☐
Too little space / too many people	Yes ☐	No ☐
Other	Yes ☐	No ☐

Please specify other (please write in)

5. **Have you been affected by nuisance such as noise nuisance or any other antisocial behaviour associated with the activities of tenants or visitors to private rented accommodation?**

Yes ☐ If yes, please provide details No ☐

If yes, did you report this to:

Exeter City Council ☐ The police ☐

The landlord ☐ Other ☐ please specify

Thank you for taking the time to give us your views. Please now return your completed form by to:

In accordance with our responsibility under the Data Protection Act, you should be aware that the personal information you are giving will be held and may be passed to other services of the Council, so that you are provided with the best possible support.

We may share your information with external organisations or individuals where we have a legal obligation to do so, for example, to prevent and detect fraud and corruption.

We will not use your personal information for direct marketing purposes, unless we have specifically informed you that we will.

Exeter City Council

Direct Dial: (01392) 265147

Email: Additional.hmolicensing@exeter.gov.uk

Our ref:

Your ref:

Date: 7th July 2014

The Manager
Shelter Housing Aid Centre
40 Looe Street
PLYMOUTH
PL4 0EB

Dear Sirs

Consultation on the introduction of an Additional HMO Licensing Scheme in Exeter

Exeter City Council is considering the introduction of an Additional Licensing Scheme to improve standards in the City's Houses in Multiple Occupation (HMOs).

Currently, all HMOs of three or more storeys with 5 or more occupiers are required by law to be licensed with their local authorities. Some 800 HMOs in Exeter are subject to this national mandatory licensing scheme; however, a significant number of HMOs in the City are outside the scope of the scheme. There is evidence that many of these properties are in poor physical condition, poorly managed or the source of complaints about noise and other anti-social behaviour.

The City Council is therefore looking at introducing an Additional Licensing Scheme to cover:

- Tenanted houses which were converted into self-contained flats before the current Building Regulation standards came into force;
- HMOs and flat conversions above commercial premises (shops, offices, etc).

Councils considering the introduction of Additional Licensing Schemes are required to undertake a consultation exercise in their communities. As part of this exercise, the City Council is seeking the views of individuals and local bodies with an interest in the City's privately- rented housing stock.

We would, therefore, like to receive your views on the proposed Additional Licensing Scheme.

A factsheet, together with a link to the on-line questionnaire which the Council is using to seek the views of landlords, tenants, letting agents etc can be found at www.exeter.gov.uk/additionalhmolicensing.

Office of Assistant Director Housing and Contracts

Civic Centre, Paris Street, Exeter, EX1 1JN Tel: 01392 277888 Fax: 01392 265265 www.exeter.gov.uk

In order to be taken into consideration, your response to this letter should be received by Monday, 15th. September, 2014, by e mail to additional.hmolicensing@exeter.gov.uk

Thank you in anticipation of your input

Yours sincerely

Keith Williams.

Keith Williams

Private Sector Housing Manager
Exeter City Council
Civic Centre
Exeter
EX1 1RQ

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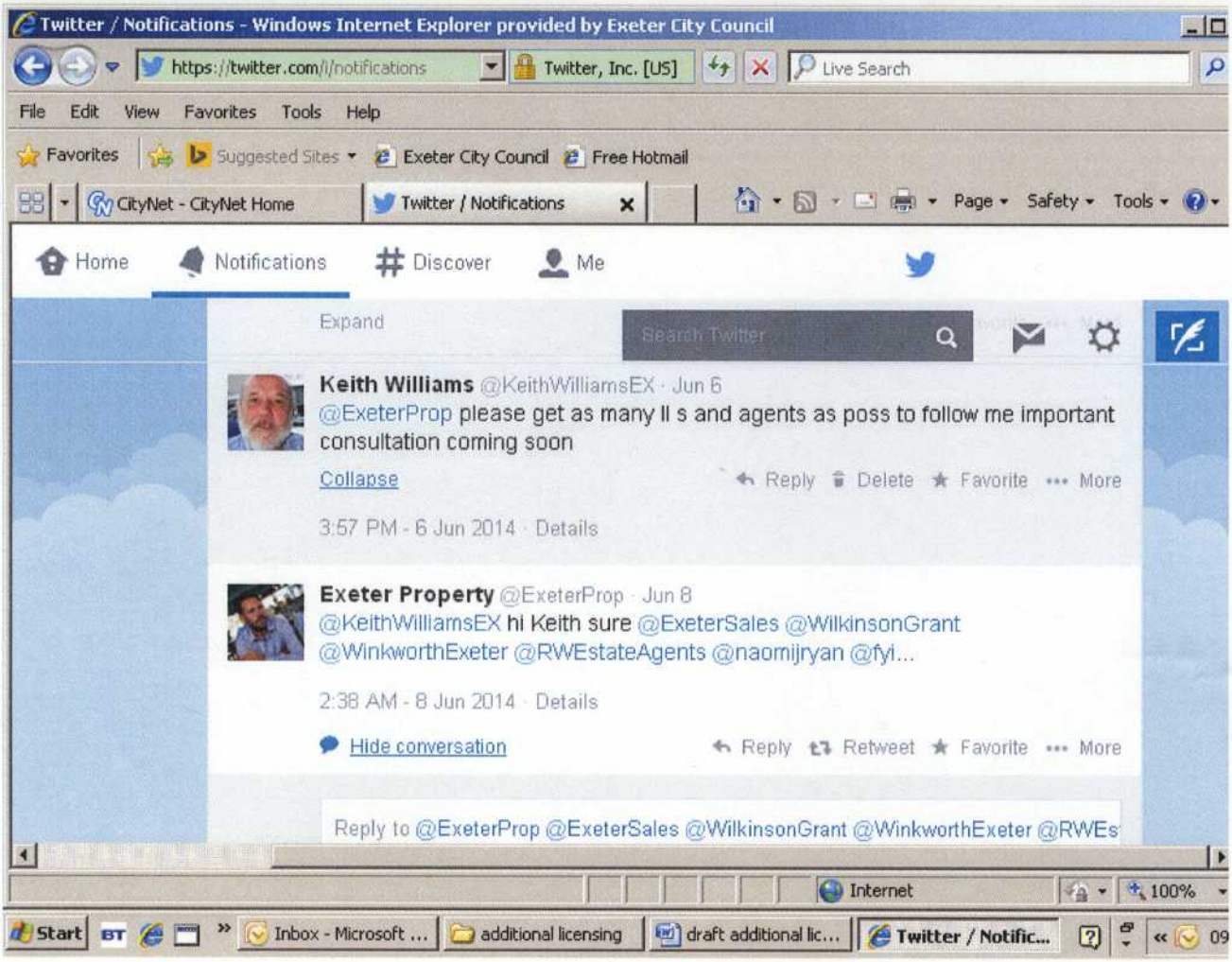
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HMO Licensing Scheme in Exeter

Additional Licensing of Houses in Multiple Occupation

Exeter City Council considers that there is sufficient evidence that a significant proportion of converted blocks of flats and HMOs above commercial premises are 'being managed sufficiently ineffectively as to give rise, or be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public'.

As a result the Council is considering introducing an Additional Licensing Scheme to cover these HMOs.

Before doing so the Council must enter into a 10 week consultation period with as many individuals, groups and organisations as possible to seek their views:-

- Consultation HMO Licensing in Exeter [57kb]
- HMO Licensing Scheme in Exeter 2014

Contact Us

Additional HMO Licensing
tel: 01392 2651
email: additional.hmoli g@exeter.gov.u
More contact information

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What is an House in Multiple Occupation (HMO)

Any tenanted house or flat occupied by three or more people forming at least two households falls within the definition of a House in Multiple Occupation (HMO), as do certain buildings converted into self contained flats ('household' is defined later on)

The definition of an HMO is contained within the Housing Act 2004, which states:

Section 254

(1) For the purposes of this Act a building or a part of a building is a "house in multiple occupation" if:-

(a) it meets the conditions in subsection (2), (3) or (4); or

(b) an HMO declaration is in force in respect of it under section 255; or

(c) it is a converted block of flats to which section 257 applies.

(2) A building or a part of a building meets the standard test if:-

(a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;

(b) the living accommodation is occupied by persons who do not form a single household

(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

(d) their occupation of the living accommodation constitutes the only use of that accommodation;

(e) rents are payable or other consideration is to be provided in respect of at least one of those persons' 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.

(3) A part of a building meets the self-contained flat test if:-

(a) it consists of a self-contained flat; and

(b) paragraphs (b) to (f) of subsection (2) apply .

(4) A building or a part of a building meets the converted building test if:-

(a) it is a converted building;

(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);

(c) the living accommodation is occupied by persons who do not form a single household;

(d) paragraphs (c) – (e) of subsection (2) apply.

Section 257 HMOs: certain converted blocks of flats:-

(1) For the purposes of this section a "converted block of flats" means a building or part of a building which—

(a) has been converted into, and

(b) consists of, self-contained flats.

(There must be at least 2 households and at least people occupying the converted block)

(2) This section applies to a converted block of flats if:-

(a) building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and

(b) less than two-thirds of the self-contained flats are owner-occupied.

In the case of a converted block of flats the "appropriate building standards" means , compliance with, at least, the standards contained in Building Regulations 1991.

Exeter City Council Building Control Section will be able to provide documentation as to whether the conversion was undertaken to the appropriate building standard, if necessary.

A flat is "owner-occupied" if it is either occupied on a long lease (for a term of over 21 years) or by a person who has the freehold interest in the converted block of flats

'Persons not forming a single household' are a group of tenants who are either not all members of the same family, defined as:

(1) Married or cohabiting couples (or in an equivalent relationship in the case of persons of the same sex);

(2) Related to each other ie. parent, grandparent, child (including stepchild), grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

Mandatory licensing:

Some HMOs are subject to the mandatory licensing regime which was introduced nationally in 2006.

Mandatory licensing only applies to HMOs of three storeys or more with 5 or more residents sharing facilities. Typically these are the larger houses shared by students, which actually make up a minority of HMOs in the City.

Additional licensing:

HMOs that Exeter City Council is considering licensing under an additional HMO licensing scheme, throughout the administrative area of Exeter City Council.

Under Section 56 of the Housing Act 2004 local authorities have the power to designate an area as subject to additional licensing, requiring all HMOs within that area, which fall within the description of HMO specified in the designation, to be licensed.

In order to introduce additional licensing a local authority must consider that a significant proportion of the HMOs described in the designation are 'being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public'.

Exeter City Council is satisfied that this is the case in respect of two particular categories of HMO. These specific types of HMO are:

(1) Converted blocks of flats, as defined by Section 257 Housing Act 2004 (see above) – which could include multiple flats above commercial premises
(2) HMOs associated with commercial premises, for example single flats and maisonettes (in multiple occupation) either above shops, restaurants, takeaways, offices etc or in buildings which also contain offices etc.

Although these types of HMO make up a small percentage of the HMOs not subject to Mandatory Licensing they are the subject of frequent complaints and, upon inspection, are, in the majority of instances, found to provide poor living conditions, have inadequate safety measures in place and be poorly managed. The Council, therefore, is considering the implementation of an Additional Licensing Scheme to cover **just the two forms of HMO listed above.** This could be subject to change dependent upon the outcome of the consultation

Who would need to apply for a licence?

In the case of a **converted block of flats** only the building where more than two thirds of the flats are rented would require a licence, not each individual flat.

In most cases the person responsible for the freehold of the block, the managing agent or management company (if one is in place) would need to apply for the licence. In the case of multiple freeholders, one would need to be designated as the licensee.

In the case of **flats and maisonettes in multiple occupation** each flat or maisonette would require a separate licence with the owner of the flat or maisonette being, in most cases, the licensee.

Proposed licence fee

Unlike mandatory licensing, where licences require renewal every five years, the designation for additional licensing ceases to have effect five years after being introduced. At this stage, therefore, it is only envisaged that a one off, non refundable licence fee would charged for a licence lasting for the full five year period.

Subject to the outcome of the consultation the licensing fee is likely to be broadly with the fee currently charged for a mandatory HMO licence, £700, which would be used to cover the cost of administering the Scheme.

The licence

The effect of the licence would be to authorise occupation of the HMO concerned by not more than a maximum number of households or persons specified in the licence. The licence would not be transferable.

Upon application, supported by appropriate documentation and payment of the full fee, a licence would be granted as long as the local authority was satisfied

(1) That the house is reasonably suitable for occupation by the number of residents (having adequate bathroom, kitchen facilities etc)

(2) That the proposed licence holder is a 'fit and proper person' and the most appropriate person to be the licence holder;

(3) That the proposed manager of the house (who need not be the licence holder) is a 'fit and proper person'.

To pass the 'fit and proper person' test the licence holder or manager must not have:

(1) Committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
(2) Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
(3) Contravened any provision of the law relating to housing or of landlord and tenant law;

In certain, exceptional, circumstances HMOs may be temporarily exempted from the need to licence by means of a temporary exemption notice.

Licence Conditions

Conditions would be attached to the licence and, subject to consultation, would reflect the conditions currently attached to HMOs subject to Mandatory Licensing. These conditions are:

The licence holder would be required to:-

- Produce annually to the City Council the gas safety certificate obtained in respect of the property.

- Keep electrical appliances and furniture which he or she provides in a safe condition.

- Supply to the City Council on demand a declaration as to the safety of electrical appliances and furniture.

- Ensure that smoke alarms are installed in the house and kept in proper working order.

- Supply to the City Council on demand certificates from a competent person showing that the HMO's fire warning system has been installed and/or maintained and /or tested by him and that it is in proper working order.

- Supply to the City Council on demand a declaration as to the condition and positioning of such smoke alarms.

- Supply every occupier of the HMO with a written statement of the terms on which they occupy it (a standard Tenancy Agreement containing clauses which amongst other things impose reasonable duties and responsibilities on occupiers will satisfy this requirement). Include within the statement a requirement that the occupier:

  1. comply with the Manager's reasonable written instructions for the storage within the property of refuse and household waste; and
  2. presents the property's refuse containers on refuse collection days at the specified location on its boundary for emptying by the Council

- Display the following in a prominent location within the HMO:

  1. the HMO licence;
  2. the current gas safety certificate;
  3. the manager's name, address and contact telephone number

<u>The consequences of additional licensing</u>

Should an additional licensing designation be made it would become an offence not to licence an HMO subject to the designation (Max fine £20,000).

It would also be an offence for the licensee / manager to permit the HMO to be occupied by more households or persons than authorised by the licence or to fail to comply with the licence conditions (Max fine £5,000).

The other consequences of failing to license an HMO subject to additional licensing are, firstly, that tenants would be able to apply for rent repayment orders to recover any rent paid during a 12 month period that the HMO should have been, but was not, licensed. Secondly, in certain circumstances local authorities would be able to reclaim any housing benefit payments made during the period.

Finally, tenants living in HMOs subject to licensing which are not licensed cannot be evicted by service of a S21 Notice until such time as the HMO is licensed or a

Management Order is in place, an order which effectively puts the HMO under the control of the local authority.

The next steps

Before making a designation for additional licensing, Exeter City Council is undertaking a consultation exercise with those who are likely to be affected by the designation and the public at large. This consultation will begin on the 7th July 2014 and last for 10 weeks, closing on 15th September, following which all representations will be considered.

To access the online consultation questionnaire please return to main web page.

Should, following consultation, the decision be made to proceed with the designation of the entire city as an area of additional licensing for certain types of HMO it is envisaged that a licensing scheme would be in place by March or April 2015, at which point all the designated HMOs would need to be licensed.

The outcome of the consultation and the way forward will be communicated at the end of the consultation period through the Council's website or by e mail if you provide your e mail address on the consultation document.

REPORT TO: **SCRUTINY COMMUNITY COMMITTEE**
Date of Meeting: **11th November 2014**
Report of: **The Scrutiny Programme Officer**
Title: **Spotlight Review on Anti Social Behaviour/Noise Nuisance and how the Council currently deals with these issues.**

Is this a Key Decision?
No

Is this an Executive or Council Function?
Council

1. What is the report about?

Following the Annual Scrutiny Work Programme meeting in July 2014, the way in which the Council deals with anti social behaviour and noise nuisance was highlighted as a high priority topic for scrutiny investigation particularly as Community Patrol had ceased to exist and had been replaced by a new team with a different approach.

This report outlines the outcome of the Spotlight Review in relation to this topic.

The following Members were nominated for and invited to the Review meeting:-

Cllr Bull	Cllr Shiel	No Liberal Democrat nominations although Cllr Mitchell invited.
Cllr Clark	Cllr Newby	
Cllr Robson	Cllr Holland	
Cllr Foggin		
Cllr Hannaford		
Cllr Edwards		
Cllr Owen		

2. Recommendations:

- That Scrutiny Community note this report and Members are content with this Review.
- That Scrutiny Community support a further meeting of this Review Group once the new anti social behaviour legislation has been implemented fully so that any impacts on service delivery can be considered.

3. Reasons for the recommendation:

- To ensure that Members remain fully informed of topics highlighted for Scrutiny investigation.
- To inform the Committee of the findings of this review.
- To ensure that all Scrutiny Community Members have the opportunity to comment on the outcome of the Review.

4. What are the resource implications including non financial resources:

None at present for the purposes of this specific report to Committee.

5. Section 151 Officer comments:

This report raises no issues for the Section 151 officer to consider.

6. What are the legal aspects?

None.

7. Monitoring officer Comments

This report raises no issues for the Monitoring officer to consider.

8. Report Details:

On the basis of the information provided by the Housing Solicitor, Assistant Director Environmental Health, Senior Environmental Health Officer, Environmental Health Manager and the Community Safety and Enforcement Service Manager, this Spotlight Review found that:-

Members agreed that the new team and system did not have as high a profile as their predecessor which was the Community Patrol. However, Members of this Review were satisfied that this did not mean that the new team and system were lacking by comparison. Members were content that the new team and system are successful in delivering a targeted and focussed approach which seemed to be lacking under the Community Patrol system. The new service was generating good results and this had not been impacted by the loss of late night patrollers as was initially thought to be the case. The introduction of the new Anti Social Behaviour legislation and the review of the current service by the Senior Environmental Health Officer were welcomed by Members as a positive step for the continued improvement of this service.

As a result of the Review, participating Members agreed that:-

- An e-mail should be circulated to all Councillors with details of the relevant officers in Housing, Environmental Health and Legal Services so that they know who to approach for advice in respect of anti social behaviour and noise nuisance complaints which they may have received from residents.
- A brief report should be provided to the Scrutiny Community Committee in respect of this Spotlight Review and its findings.
- This Group should meet once more following the Senior Environmental Health Officer's review of the service and once the new legislation had had the chance to settle in practice. This would provide Members with the opportunity to learn of any service improvements and what impact (if any) the introduction of the new legislation has had on the delivery of this service.

The Scrutiny Programme Officer would ensure that these requests were attended to.

9 What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, Economy safety and the environment?

None in respect of decision. However, the service which is the subject of this report, has a positive impact on these areas.

Anne-Marie Hawley, Scrutiny Programme Officer, Democratic Services

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:
None

Contact for enquiries: John Street, Corporate Manager, Democratic Services and Civic Support
Room 2.2, (01392) 265106

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