

Exeter  
City Council

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 7<sup>th</sup> July 2014 with a closing date of the 15<sup>th</sup> September 2014. If you would like to submit your views, an online questionnaire can be found on our website [www.exeter.gov.uk/additionalhmolicensing](http://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](mailto:additional.hmolicensing@exeter.gov.uk)

01392 26 5147

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**Direct Dial:** (01392) 265147

**Email:** Additional.hmolicensing@exeter.gov.uk

**Our ref:**

**Your ref:**

**Date:** 7<sup>th</sup> 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](http://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](http://www.exeter.gov.uk)



In order to be taken into consideration, your response to this letter should be received by Monday, 15<sup>th</sup>. September, 2014, by e mail to [additional.hmlicensing@exeter.gov.uk](mailto:additional.hmlicensing@exeter.gov.uk)

Thank you in anticipation of your input

Yours sincerely



Keith Williams

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

Bayleys of Exeter  
 Belvoir Lettings  
 Bradleys Estate Agents  
 Bradleys Property Rentals  
 Drewes  
 East of Exe  
 Exelets - Student Letting Agency  
 Fulfords Residential Lettings  
 Gould & Co  
 Humble Abode Lettings Ltd  
 Inspired Homes  
 Keywise (Exeter)  
 Knight Frank  
 Mckinley White  
 Naomi J Ryan Estate Agents  
 novahomes.co.uk  
 Palmer Collins  
 Penny's Estate Agents  
 Robert Williams  
 Samuels  
 Savills Lettings  
 Seven Steps Property Shop  
 Solo Property Services  
 Stratton & Holborow  
 Stratton Creber Residential Lettings  
 Strutt & Parker  
 The Property Supermarket  
 Total Letting Agents Ltd  
 Underhill Real Estate Agents  
 Weekes Estate Agents Ltd  
 Wotons Residential Lettings

7 Hollow Lane	Hill Barton	Exeter	EX1 3PH
8 The Station Masters H	New North Road	Exeter	EX4 4HF
24 Cowick Street	Exeter	Exeter	EX4 1AL
47 North Street	Topsham	Exeter	EX4 3QR
37b-38 Fore Street	Topsham	Exeter	EX3 0HR
61 Fore Street	Topsham	Exeter	EX3 0HR
University of Exeter Stur	Devonshire Hou	Exeter	EX4 4PZ
47 Fore Street	Heavitree	Exeter	EX1 2QN
14b Lower North Street		Exeter	EX4 3ET
48 Queen Street		Exeter	EX4 3SR
1 Sheldon Place	North Street	Exeter	EX1 2RE
14 Blackboy Road		Exeter	EX4 6SW
19 Southernhay East	Exeter	Exeter	EX1 1QD
PO Box 580		Exeter	EX1 9GT
4 Southernhay West	Exeter	Exeter	EX1 1JG
46 Blackberry Road		Exeter	EX4 6SZ
Business House	33 Longbrook St	Exeter	EX4 6AW
22 Cowick Street	St Thomas	Exeter	EX4 1AL
2 Southernhay West		Exeter	EX1 1JG
38 Longbrook Street	Exeter	Exeter	EX4 6AE
The Forum	Barnfield Road	Exeter	EX1 1QR
1 Mount Pleasant Road	Exeter EX4 7AB	Exeter	EX4 7AB
Ground Floor	25 Southernhay E	Exeter	EX1 1QP
8 Southernhay West	Exeter	Exeter	EX1 1JG
90 South Street		Exeter	EX1 1EN
24 Southernhay West	Exeter	Exeter	EX1 1PR
537 Topsham Road		Exeter	EX2 7DL
Ground Floor Office Sui	26 Clifton Hill	Exeter	EX1 2DJ
58 South Street		Exeter	EX1 1EE
65 Magdalen Road	St Leonards	Exeter	EX2 4TA
3 Northgate Court	Lower North Stre	Exeter	EX4 3EA



[info@a-quicker-property-sale.com](mailto:info@a-quicker-property-sale.com)

[info@estuary-lettings.co.uk](mailto:info@estuary-lettings.co.uk)

[info@gilliams-properties.co.uk](mailto:info@gilliams-properties.co.uk)

[info@hometrusted.co.uk](mailto:info@hometrusted.co.uk)

[info@jamesonhomes.co.uk](mailto:info@jamesonhomes.co.uk)

[info@saleboards.co.uk](mailto:info@saleboards.co.uk)

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[lettings@dormansstates.co.uk](mailto:lettings@dormansstates.co.uk)

[lettings@eclipseproperty.co.uk](mailto:lettings@eclipseproperty.co.uk)

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[mail@exeter-property.co.uk](mailto:mail@exeter-property.co.uk)

[mail@houselets-ltd.co.uk](mailto:mail@houselets-ltd.co.uk)

[property@burgovnesestateagents.co.uk](mailto:property@burgovnesestateagents.co.uk)

[property@whittonandlaing.com](mailto:property@whittonandlaing.com)

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[sales@cooksleys.co.uk](mailto:sales@cooksleys.co.uk)

[sales@milestonestateagents.co.uk](mailto:sales@milestonestateagents.co.uk)

[sales@pyneandlyon.co.uk](mailto:sales@pyneandlyon.co.uk)

[studentlettings@cardensstateagents.co.uk](mailto:studentlettings@cardensstateagents.co.uk)

[topsham@hallandscott.co.uk](mailto:topsham@hallandscott.co.uk)

1. What is the purpose of this document?

2. What are the main objectives of the project?

3. What are the key findings?

4. What are the conclusions?

5. What are the recommendations?

6. What are the next steps?

7. What are the dates?

8. What are the roles?

9. What are the resources?

10. What are the risks?





Exeter  
City Council

# 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](http://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 7<sup>th</sup> July 2014 to 15<sup>th</sup> 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](mailto:additional.hmolicensing@exeter.gov.uk)**

If you have any queries about the contents of this newsletter





## 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 are '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/](http://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                        | <input type="checkbox"/> | Please complete part 4 only     |
| Private Tenant                        | <input type="checkbox"/> | Please complete part 2 & 4 only |
| Council or Housing Association Tenant | <input type="checkbox"/> | Please complete part 4 only     |
| Landlord                              | <input type="checkbox"/> | Please complete part 3 & 4 only |
| Managing or Letting Agent             | <input type="checkbox"/> | Please complete part 3 & 4 only |
| Leaseholder of a flat                 | <input type="checkbox"/> |                                 |
| In a converted building               | <input type="checkbox"/> | Please complete part 4 only     |
| Other                                 | <input type="checkbox"/> | Please complete part 4 only     |

Please specify other (please write in)

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



**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 <input type="checkbox"/> | No <input type="checkbox"/> |
| Gas Safety                         | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Electrical Safety                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Security                           | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Heating                            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Damp/ Mould                        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Waste / Storage / Rubbish          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Poor Repair                        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Too little space / too many people | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Losing your home/ notice to quit   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Nuisance/ noise                    | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Anti Social behaviour (ASB)        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Other                              | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

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



**Exeter City Council**

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



**Exeter City Council**

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.*





Chicago City Council

Do you think additional funding would contribute to that work being done?  Yes  No

How often do you know or discuss it?  Often  Sometimes  Not often  Never

From your perspective, what percentage of HMDQ is your town eligible to be distributed to a high standard?  0-10%  11-20%  21-30%  31-40%  41-50%  51-60%  61-70%  71-80%  81-90%  91-100%

How often do you know or discuss it?  Often  Sometimes  Not often  Never

How often do you know or discuss it?  Often  Sometimes  Not often  Never

How often do you know or discuss it?  Often  Sometimes  Not often  Never

Are you concerned about any of the following issues in your town?  Yes  No

Yes  No

Yes  No

Yes  No

Yes  No

Yes  No

Yes  No

Yes  No

Empty rectangular box for text input.

How often do you know or discuss it?  Often  Sometimes  Not often  Never

Yes  No

Yes  No

Empty rectangular box for text input.

How often do you know or discuss it?  Often  Sometimes  Not often  Never

Yes  No

Yes  No

Yes  No

Yes  No

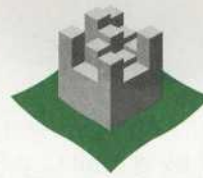
How often do you know or discuss it?  Often  Sometimes  Not often  Never

How often do you know or discuss it?  Often  Sometimes  Not often  Never

How often do you know or discuss it?  Often  Sometimes  Not often  Never

How often do you know or discuss it?  Often  Sometimes  Not often  Never





Exeter  
City Council

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

**Direct Dial:** (01392) 265147

**Email:** Additional.hmolicensing@exeter.gov.uk

**Our ref:**

**Your ref:**

**Date:** 7<sup>th</sup> 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](http://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

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In order to be taken into consideration, your response to this letter should be received by Monday, 15<sup>th</sup>. September, 2014, by e mail to [additional.hmlicensing@exeter.gov.uk](mailto:additional.hmlicensing@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

Keith Williams (KeithWilliamsEX) on Twitter - Windows Internet Explorer provided by Exeter City Council

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consult on additional HMO licensing in Exeter  
visit [exeter.gov.uk](http://exeter.gov.uk) to have your say 6 wks

Retweeted by Keith Williams

HMO Landlords Assoc. @HMOLandlords · Aug 7  
Landlord fined £33000 for putting HMO tenants at risk - [goo.gl/alerts/hng7z](http://goo.gl/alerts/hng7z)  
#HMO

1

Internet

100%

09:30

Start BT Mail Inbox - Microsoft ... additional licensing draft additional lic... Keith Williams (...



Hi [Name],

Thank you for your interest in Exeter. I'm excited to hear that you're considering Exeter as a potential partner.

At Exeter, we're committed to providing our customers with the highest quality products and services. We're looking for partners who share our commitment to excellence and are looking for ways to grow together.

Could you please let me know if you have any questions or if there's anything I can do to help you with your decision?

Best regards,  
[Name]  
[Title]  
[Company]



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@ExeterProp please get as many ll s and agents as poss to follow me important consultation coming soon  
[Collapse](#) Reply Delete Favorite More  
3:57 PM - 6 Jun 2014 · Details

 **Exeter Property** @ExeterProp · Jun 8  
@KeithWilliamsEX hi Keith sure @ExeterSales @WilkinsonGrant @WinkworthExeter @RWEstateAgents @naomijryan @fyi...  
[Hide conversation](#) Reply Retweet Favorite More  
2:38 AM - 8 Jun 2014 · Details

Reply to @ExeterProp @ExeterSales @WilkinsonGrant @WinkworthExeter @RWEs

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Licensing Officer

Senior Estate Surveyor

Service Lead- Housing Assets

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More jobs ...

**News**

Exeter City Council to commemorate World War One

Lord Mayor set to arrive in style on a tandem

More news ...



Travel news

Exeter St Davids railway station

1968-1969  
COUNCIL OF DISTRICT LEADERS REPORT

1. *[Faint text]*

2. *[Faint text]*

3. *[Faint text]*

4. *[Faint text]*

5. *[Faint text]*

6. *[Faint text]*

7. *[Faint text]*

8. *[Faint text]*

9. *[Faint text]*

10. *[Faint text]*

11. *[Faint text]*

12. *[Faint text]*

13. *[Faint text]*




## 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  
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# HMO Licensing Scheme in Exeter

## Additional Licensing of HMOs 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 well to be given a licence or to be exempt from the need to register. The Council will continue to monitor the situation and to one of the most important reasons for this is that the majority of the HMOs in the city are in the private sector.

As a result the Council is continuing to introduce an Additional Licensing Scheme to cover those HMOs

Before doing so the Council must wait for a 10-week consultation period with as many relevant groups and organisations as possible to seek their views.

[View the Council's HMO Licensing Scheme in Exeter 2014](#)

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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 be 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

#### The consequences of additional licensing

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 7<sup>th</sup> July 2014 and last for 10 weeks, closing on 15<sup>th</sup> 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.