

**REPORT TO: EXECUTIVE MEMBER FOR HOUSING,
18th SEPTEMBER 2007.**

REPORT BY: ALAN CUFLEY – HEAD OF COMMUNITY HOUSING.

WRITTEN BY: BRUCE LOMAX – HOUSING STANDARDS MANAGER.

**SUBJECT: CHANGE TO THE ADOPTED AMENITY STANDARDS FOR
LICENSABLE HOUSES IN MULTIPLE OCCUPATION.**

1. PURPOSE OF REPORT.

To advise the Executive Member for Housing and of the changes in legislation that affects the amenity standards for licensable Houses in Multiple Occupation.

2. RECOMMENDATIONS.

- 1 The Executive Member for Housing notes the change in legislation concerning licensable Houses in Multiple Occupation (HMO).
- 2 The Executive Member for Housing agrees to the changes within section 6 to the adopted standard for deciding the suitability for occupation of a HMO by a particular maximum number of households or persons.
- 3 The Executive Member for Housing agrees to the methodology of proactively dealing with current licence conditions as described within section 7 of this report, which are affected by this change in legislation.
- 4 The Executive Housing agrees that the changes will come in force as of the 1st October 2007.

3. BACKGROUND.

The introduction of Statutory Instrument 373 in April 2006 introduced a prescribed standard for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons.

These National Minimum Standards set specific requirements for heating, washing facilities, kitchens, units of living accommodation without shared basic amenities and fire precautionary facilities. All these areas are controlled under set conditions within a Licence granted for an HMO.

Local Authorities were required to ensure that licensed HMOs did not fall below these set National Minimum Standards however if local adopted standards were greater then they could still be used.

The National Minimum Standards mirrored the adopted standards in use by Portsmouth City Council apart from the requirement of a wash hand basin being provided within each sleeping room.

Prior to the adoption of the mandatory licensing policy a consultation exercise was undertaken with Portsmouth and District Landlords Association who provided a positive feedback to the amenity standards. However there was some opposition to the inclusion of wash hand basins within sleeping accommodation as the landlords felt this was an unnecessary requirement. Appendix 1 provides information on the current amenities standards.

Previous reports brought before the Executive Member for Health, Housing and Social Care, relating to licensing of HMOs, adopted these standards to be used for all licensable HMOs.

4. CURRENT MANDATORY LICENCE CONDITIONS.

The City Council Housing Standards team has been very proactive in dealing with its responsibilities under Part 2 Housing Act 2004 Mandatory Licensing of certain HMOs.

All current applications have been fully processed and currently there are 137 Licences that have a condition relating to the increase of the amenities present within the property to meet the National Minimum Standards.

48% of these Licences have a specific condition relating to the installation of wash hand basins within sleeping rooms, which the licence holder has been given five years (Or the life of the licence) to complete the work.

Portsmouth City Council has a legal obligation to inspect licensed HMOs at least once during the life of the licence. It is anticipated that all current licensed HMOs will be inspected within the next 18 months.

5. LEGISLATION CHANGES.

Statutory Instrument 373, 2006 has been amended by Statutory Instrument 1903, 2007, which comes into force on 1st October 2007, which includes the following amendment:

Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:

- (a) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing for the number of persons sharing those facilities; and*
- (b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in Paragraph 4 (1)*

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash hand basins, toilets and bathrooms.

This amendment reflects the Governments commitment in providing authorities with discretion in how to provide for local needs within the private rented sector.

This removal of the prescriptive standard will allow Portsmouth City Council to take into account specific local factors when deciding upon the correct amenity standards for the private sector housing market and the occupation type.

6. PROPOSED REVISED STANDARDS.

The current levels of amenities regarding shared bathroom/WC amenity provisions in relation to the number of persons housed within the property is still adequate and therefore the required number in relation to occupancy levels is not required to change from the current adopted standards.

Statutory Instrument 1903, 2007 states that *where it is reasonably practical* a wash hand basin should be located within each sleeping room. It is proposed therefore that each property will be assessed on an individual basis taking into account the following:

Financial burden on the licence holder, Building Regulations compliance, Practicalities of the installation with specific regard to plumbing and drainage, Building design, Property occupation and Room sizes.

We propose to write to the licence holders affected by this change in legislation and explain that any conditions relating to amenities will be reviewed during the required licence inspection and for them not to undertake the work.

If it is found not to be reasonably practicable to install a wash hand basin within the sleeping rooms, the Licence will be varied in accordance with Section 69, Housing Act 2004 at no cost to the licence holder.

7. CONCLUSION.

The proposals within this report will ensure that Portsmouth City Council will still be able to meet its statutory obligations when licensing HMOs and that the standards within HMOs are not reduced to the detriment of the occupants.

These changes will also ensure that Landlords who have come forward for a licence are not penalised by this change to the legislation.

This report has been considered by the City Solicitor for legal issues.

8. ACCESS TO INFORMATION

Background list of documents:

Housing Act 2004.
Statutory Instrument 373, 2006
Statutory Instrument 1903, 2007,

9. SIGNING OFF THE REPORT

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Alan Cufley - Head of Community Housing

Dated.....

10. APPROVAL TO THE RECOMMENDATIONS.

The recommendations set out above was approved / approved as amended
/ deferred / rejected by the Executive Member for Housing,
on.....

Signed
Councillor Hugh Mason
Executive Member for Housing.

Appendix 1.

Current standards for licensable HMOs. (National Minimum Standards).

SCHEDULE OF AMENITY STANDARDS IN RELATION TO NUMBER OF PERSONS	
1 - 4 persons	No requirement for wash hand basins (WHB) in sleeping rooms At least 1 bathroom and 1 WC (the bathroom and WC may be combined)
5 persons	1 WHB required in each sleeping room plus 1 bathroom AND 1 separate WC with WHB (but the WC can be contained within a second bathroom)
6 - 10 persons	1 WHB required in each sleeping room plus 2 bathrooms AND 2 separate WCs with WHBs (but one of the WCs can be contained within one of the bathrooms.)
11 - 15 persons	1 WHB required in each sleeping room plus 3 bathrooms AND 3 separate WCs with WHBs (but two of the WCs can be contained within 2 of the bathrooms).