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Understanding the impacts of Houses in Multiple Occupation (HMOs) in Portsmouth

This document explores the current data available to Portsmouth City Council with a view to understanding the impacts of HMOs, both on the tenants living in HMOs, and also the local community living close to shared houses.

What is a House in Multiple Occupation (HMO)

A property is known as a HMO if it is occupied by 3 or more people forming more than one household, where the occupants also share amenities such as a kitchen or bathroom. This is defined as such by the Housing Act 2004.

Mandatory Licensing of HMOs

The City Council, through its Private Sector Housing team, currently regulate Mandatory Licensable HMOs. Currently HMOs with 5 or more occupants are legally required to have a licence, which identifies the person who manages the property, and place certain conditions on that person. Licences are issued typically for 5 years, and are inspected at least one during the license period. Upon expiry of the license period, the property manager is required to renew their license. Currently HMOs with fewer than 5 persons do not require a license in Portsmouth.

Number of HMOs in Portsmouth

The City Council has no certain way of ascertaining the overall number of HMOs in the City. Currently there is no legal requirement for landlords of HMOs to make their properties known to the local authority, other than those which require a mandatory HMO license.

The City Council's Council tax team collect information from student occupied households as properties which are 100% occupied by students in full time education are exempt from Council tax payments. However, the Council Tax team does not collect data which specifically identifies HMOs in the city, as a HMO occupied by non-students has no bearing on the Council tax charging model.

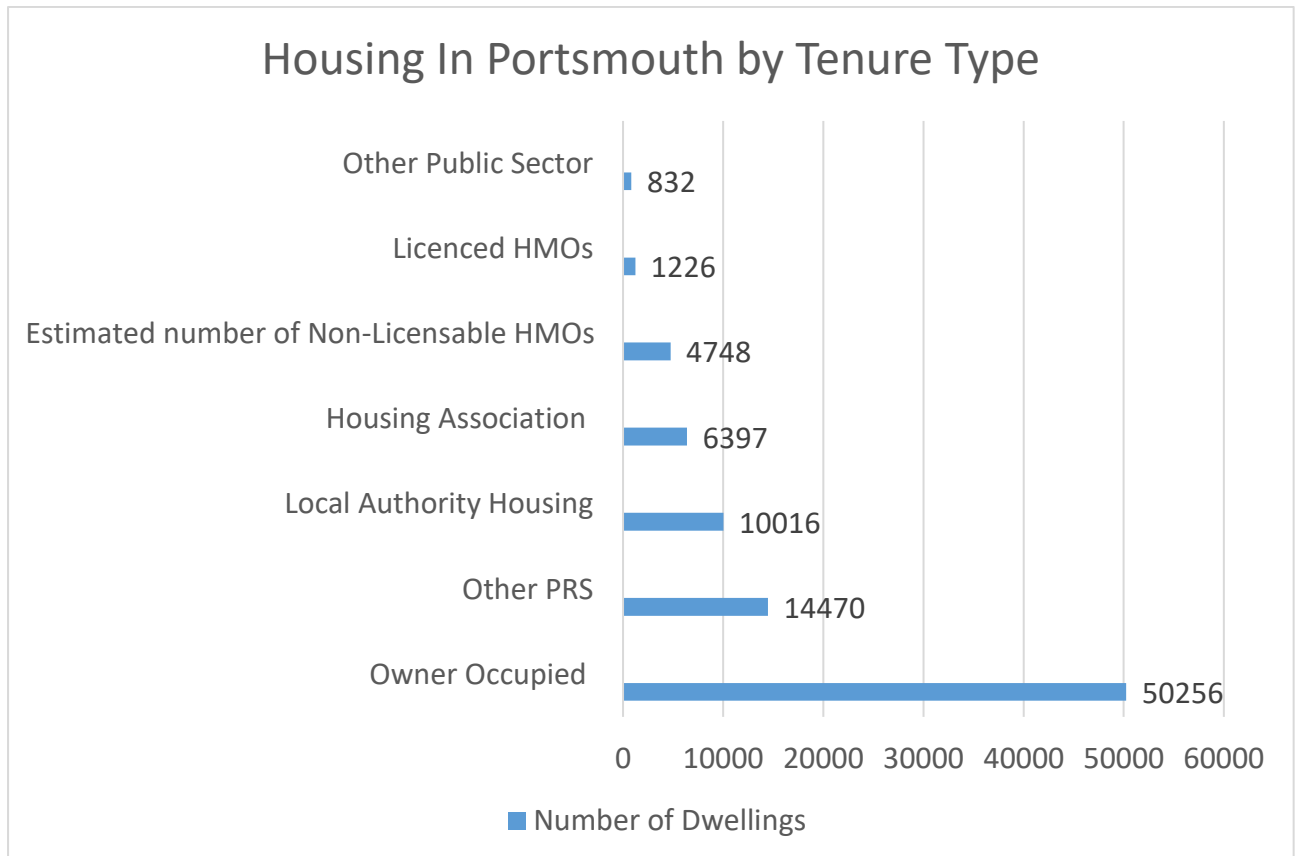
The City Council's Planning Enforcement team have a database of HMO's in the city, however as Landlords are not legally required to declare their HMO to the local authority, this list only includes HMOs which the City Council have been able to identify through various datasets and is not therefore a definitive list of HMOs in the city.

Non-licensable HMOs are occupied by fewer than 5 unrelated persons forming more than one household, sharing amenities such as a bathroom or kitchen.

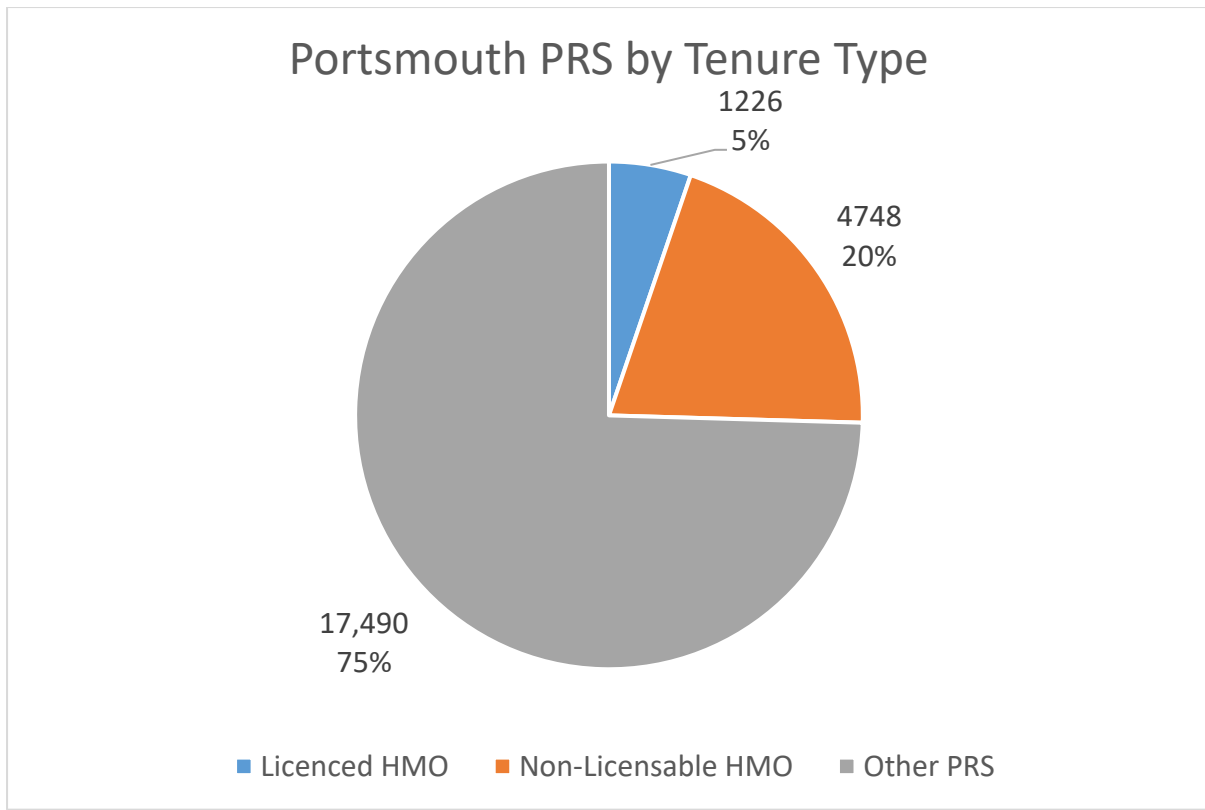
All the figures in the data presented below are based on the current known number of licenced HMO properties in Portsmouth, currently 1,226 properties, and uses data obtained by the Building Research Establishment (BRE) to indicate the total number

of non-licensable HMOs in Portsmouth, believed to be 4,700 properties. The total number of HMOs in the city is therefore believed to be approximately 6,000.

The following table shows the breakdown of the tenure types in Portsmouth.

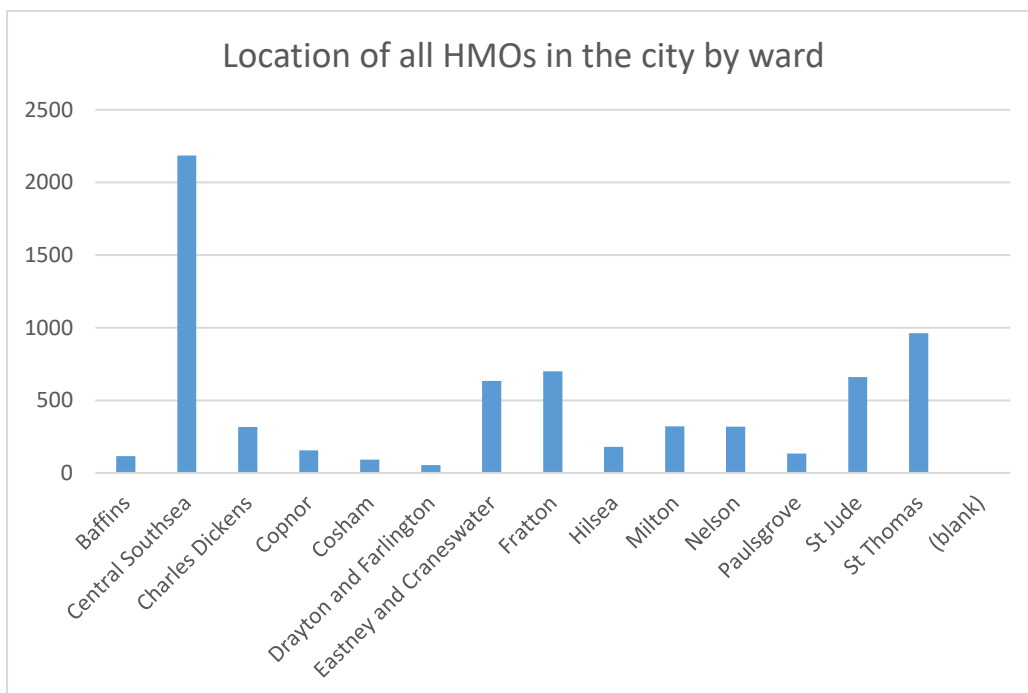


HMOs account for approximately 25% of the total Private Rental Sector (PRS) in Portsmouth.



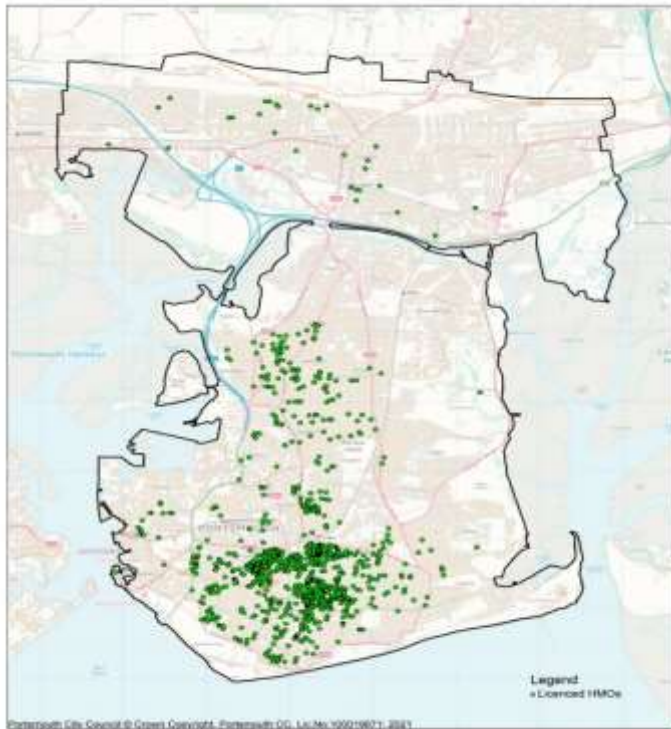
Of the total Private Rental Sector 5% is made up of Licensed HMOs, and 20% are HMOs which currently do not require a mandatory license. It is estimated that 80% of HMOs in the city do not currently require a license.

Location of HMOs in the City

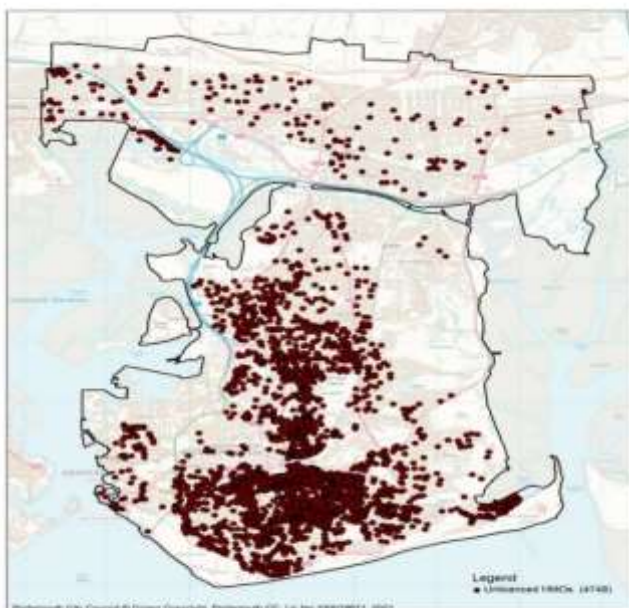


The wards with the highest numbers of HMOs in the City are Central Southsea, St Thomas, Fratton, St Jude, and Eastney and Craneswater.

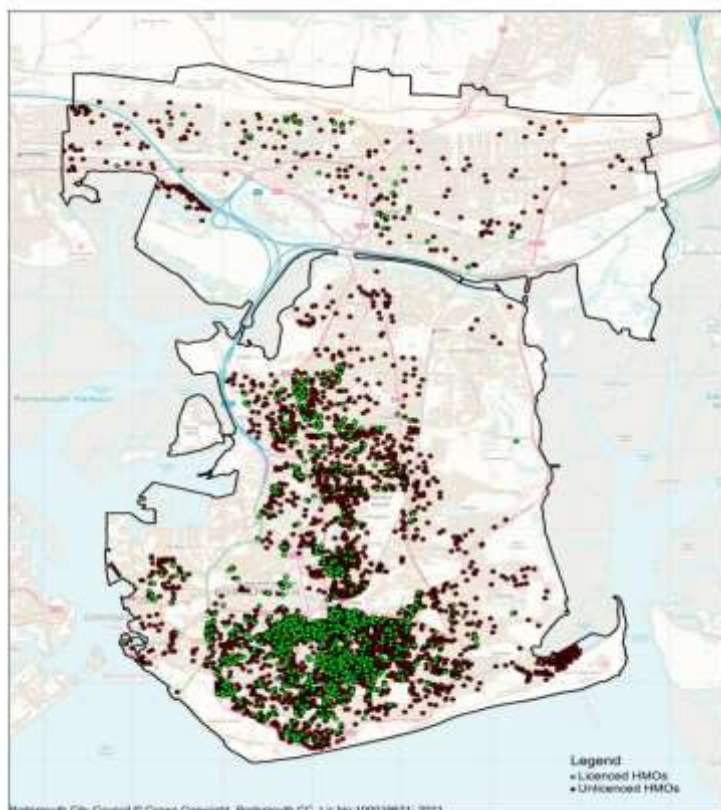
The following maps show a visual representation of the location of HMOs in City. The first map shows the location of current mandatory licensed HMOs in the city.



The second map shows the location of estimated non-licensable HMOs in the city.



The following map provides a combined visual location of all HMOs in Portsmouth.



Student HMOs

Approximately 28,000 students attend The University of Portsmouth, some of whom live in the private rented sector in Portsmouth, including HMOs. It is not possible to ascertain the exact number of students who live in the PRS in Portsmouth as the university do not collect data on the tenure of housing that every student lives in.

It is possible to identify the number of student occupied HMOs in city, although there are some limitations to this. The majority of HMOs occupied by students are solely occupied by students, and in these cases the property will have a council tax exemption and are therefore identifiable through council tax data. However, some HMOs will contain a mix of students and non-students. In this situations, it is only possible to identify a HMO as being student occupied when the property is occupied by only one person who is not full time student, as the Council tax team in this scenario record the property as student occupied, with a single person discount. Any HMOs occupied by 4 students, and 2 tenants who are not full time students for example, cannot be identified through council tax records.

To count as a full-time student, if the student is 20 years of age or over, the course must involve at least 21 hours study per week and last at least 24 weeks of an academic or calendar year. If a student is studying a qualification up to A level and is

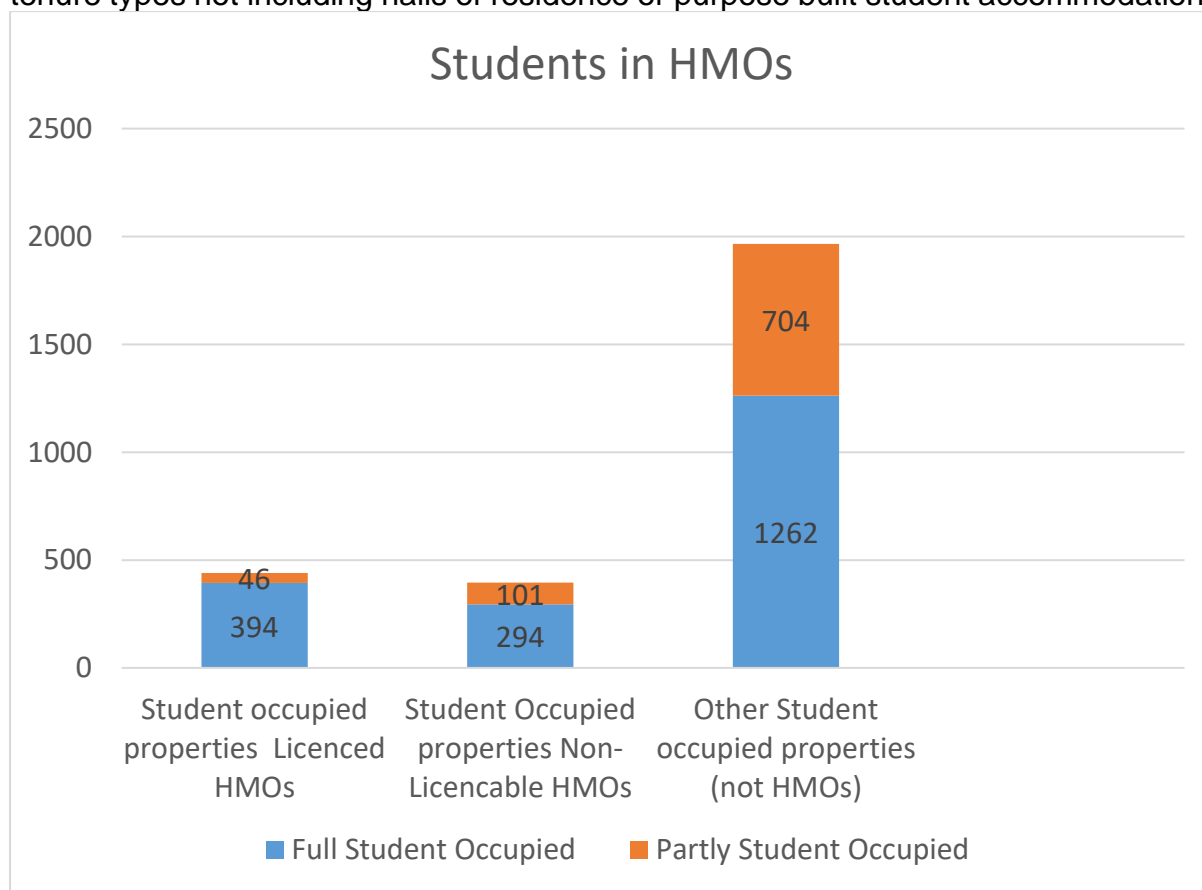
under 20 years of age, the course must: last at least 3 months and involve at least 12 hours study per week.

Information obtained from the University shows the below number of students who reside in halls of residence:

2018/19: 4272
 2019/20: 4314
 2020/21: 4030
 2021/22: 3262

"It may be helpful to note that the statistics provided for the current year to date will not include students who arrive in January and reside in halls from January to June, who are included in the other years listed above. It may also be helpful to note that these figures include all students who resided in halls, whether for the full academic year or a shorter duration".

The below graph shows the number of properties in the city identified through Council tax records as being student occupied HMOs in Portsmouth, compared with other tenure types not including halls of residence or purpose built student accommodation:



Source: Council Tax Student Exempt and Discounted Data October 2021

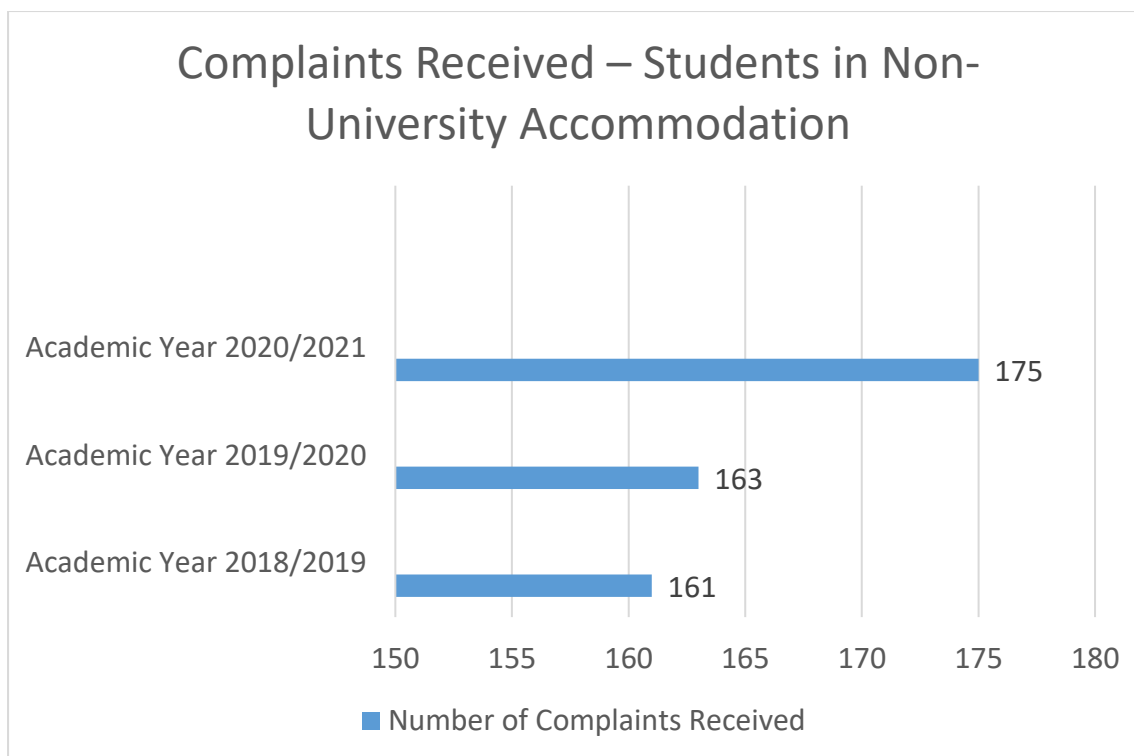
According to Council Tax data regarding student occupied dwellings, not including halls of residence or purpose built student accommodation, there are 2801 student dwellings in Portsmouth. Of the 835 student occupied HMOs, 53% are currently

licensed through the Councils mandatory licensing scheme. Overall student occupied properties represent approximately 3% of the total housing tenure in the city.

The following map provides a visual representation of the location of HMOs occupied by students in the city.



The below graph shows complaints received to the University of Portsmouth regarding students living in private sector accommodation, not including halls of residence or purpose built student accommodation:



Complaints received in the last academic year were made against just under 5% of the total student population living in private sector accommodation in Portsmouth, based on Council Tax data. The data provided is the number of individual student properties in the private sector which have received one or more complaints. This data does not include the number of individual complaints received against a property.

Of the current licenced HMOs in Portsmouth, data received regarding Council Tax indicates that approximately 32% of licenced HMOs are student dwellings or contain a mix of students and non-students.

Proportionately, non-licensable HMOs tend to have fewer students occupying them compared with larger licenced HMOs. The majority of students living in Portsmouth do not live in HMOs, they live in properties such as halls of residence.

Complaints made to the University regarding students living in the PRS have increased since 2018, although not significantly. The University are able to take punitive action against students regarding their behaviours and how these may impact on the public. The toughest sanctions applied can result in expulsion from the University, but is reserved only for the most serious cases.

A Freedom of Information (FOI) request was submitted to the University in November 2021. The findings of this FOI request were that the University does not hold data regarding how many students reside in the private rented sector, nor any other type of tenure. The university does not hold a record of any complaints regarding conditions or management in HMO properties and as a result are unable to give any indication on how many issues are experienced by students or the surrounding community regarding HMOs. The Student Housing team investigates noise, disturbances, anti-social behaviour, and neighbour disputes within recognised student properties in the

private sector. The Student Housing team will investigate reported property issues but we do not hold statistics on the number of complaints.

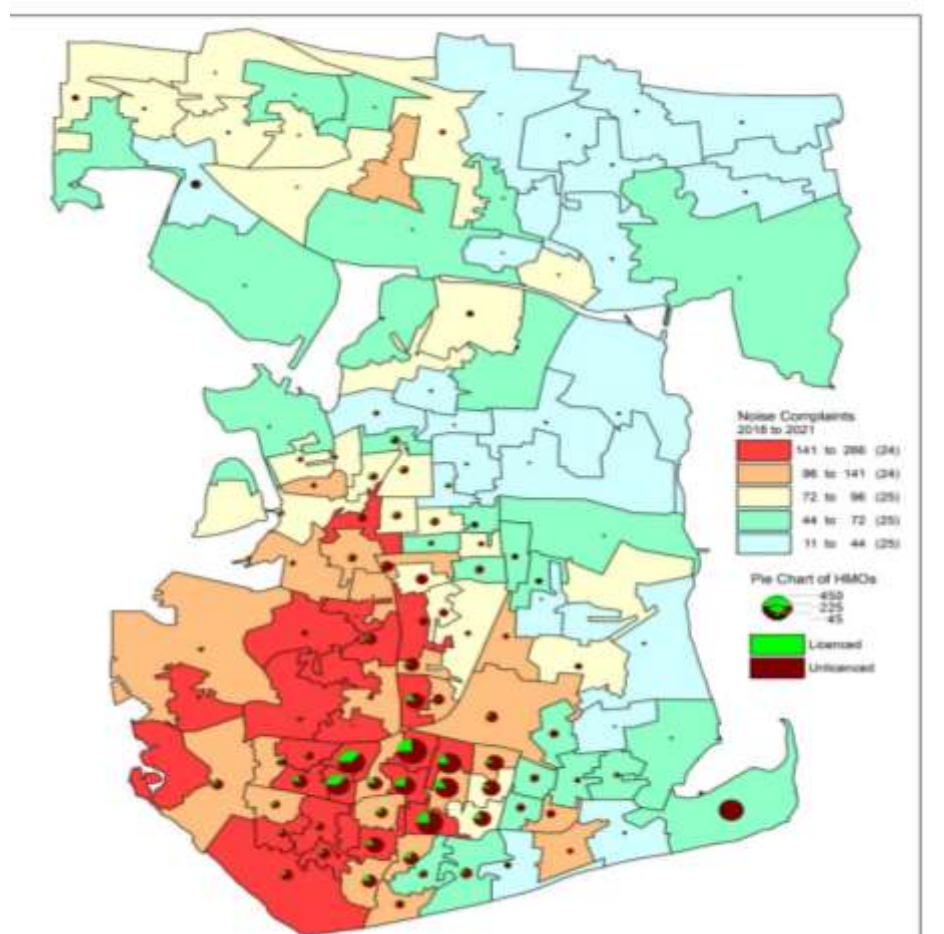
Impacts of HMOs on the local community

The following data explores the impacts of HMOs in the local community in Portsmouth, broken down by type.

Noise

Data collected from January 2017 - October 2021 shows that the City Council has consistently received what can be considered disproportionately high complaints from HMOs in the city, both from Licensed and non-licensable HMOs. Noise complaints from HMOs account for between 10-14% of all noise complaints received, whereas only HMOs represent approximately 6.5% of the overall tenure in the City. A likely contributing factor toward this is a conflict in lifestyle which can often be seen in areas of high HMO density, for example students in full time education living amongst working age families.

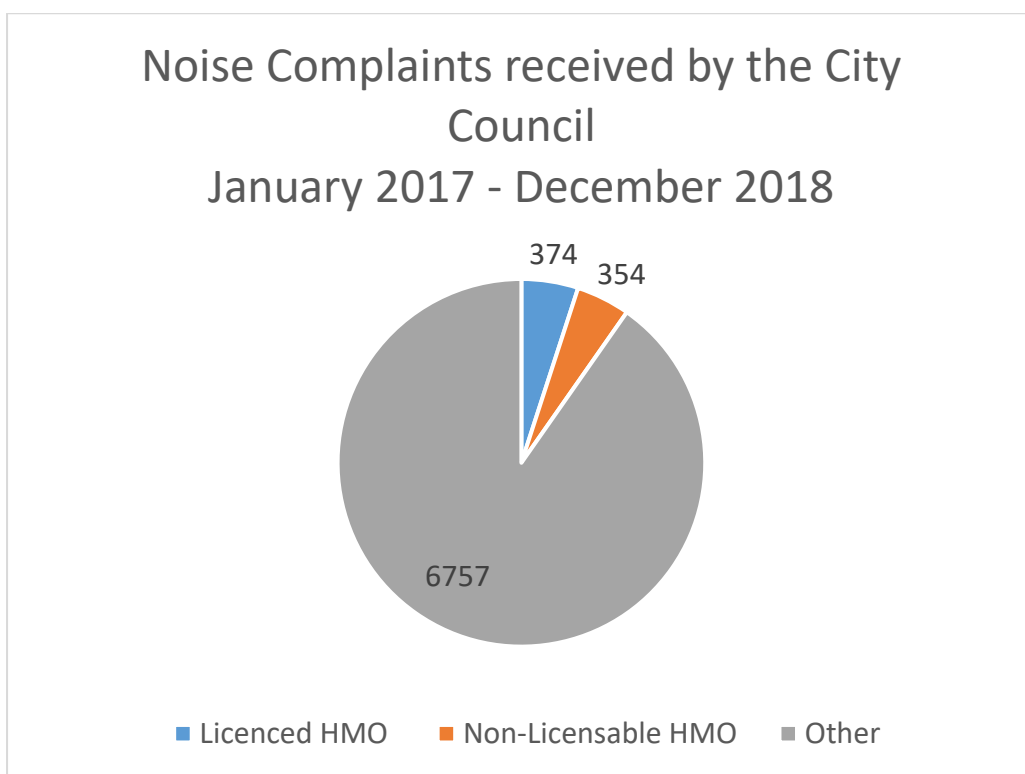
The below map shows a visual representation of the location of noise complaints received by the City Council for the period January 2018 to September 2021.



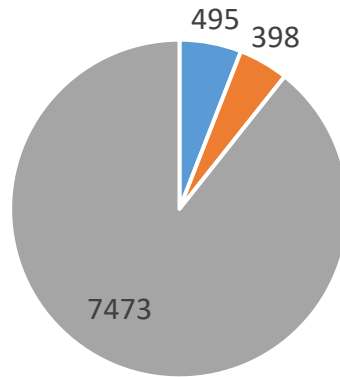
The above map suggests that HMOs can be associated with a higher level of Noise complaints received. The data also indicates a high demand of noise complaints in entertainment areas where there is a high volume of bars and restaurants.

Licensed HMOs produce a similar amount of noise disturbance to non-licensable, although licensed HMOs only account for 20% of HMOs in Portsmouth. This suggested that licensed HMOs create more demand per property than non-licensable HMOs. This may be due to the more people living in these properties, generating more noise disturbance.

The below data shows noise complaints made to Portsmouth City Council's, broken down into licensed HMOs, non-licensed HMOs and other dwellings:

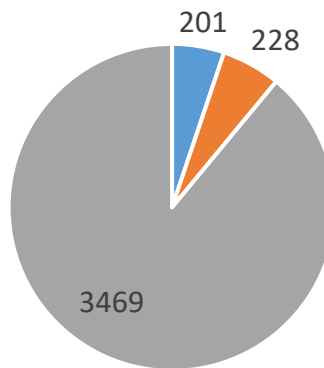


Noise Complaints received by the City Council
January 2019 - December 2020



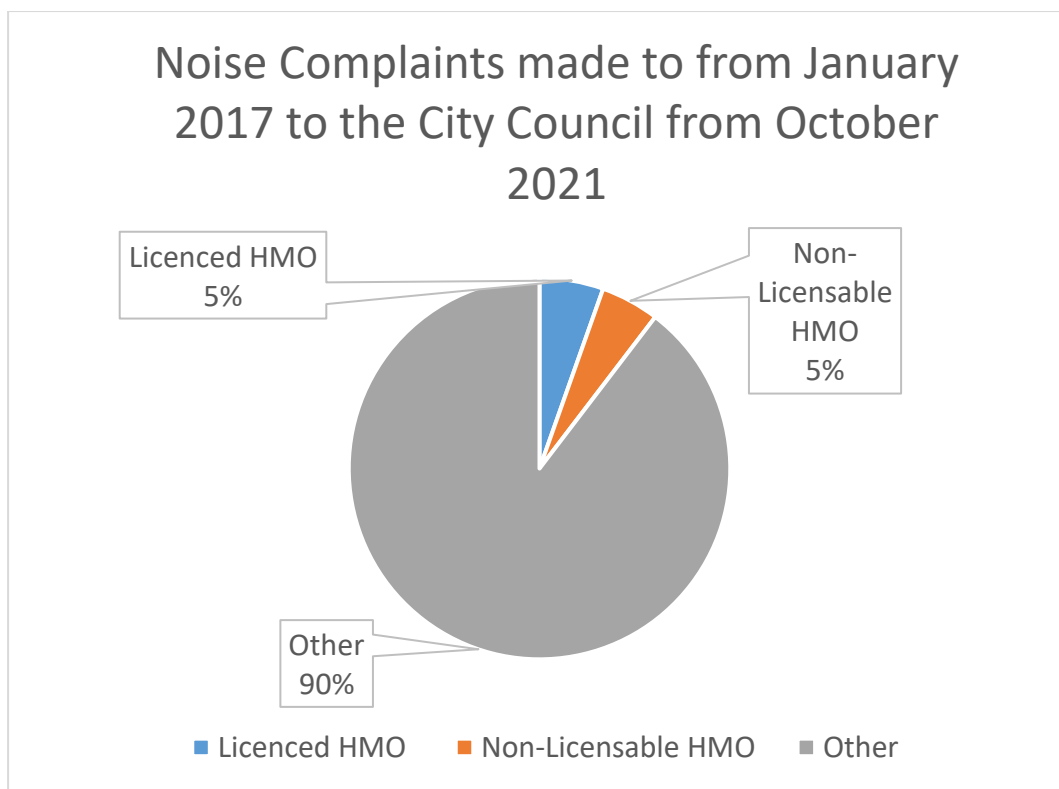
■ Licenced HMO ■ Non-Licensable HMO ■ Other

Noise Complaints received by the City Council
January 2021 - October 2021



■ Licenced HMO ■ Non-Licensable HMO ■ Other

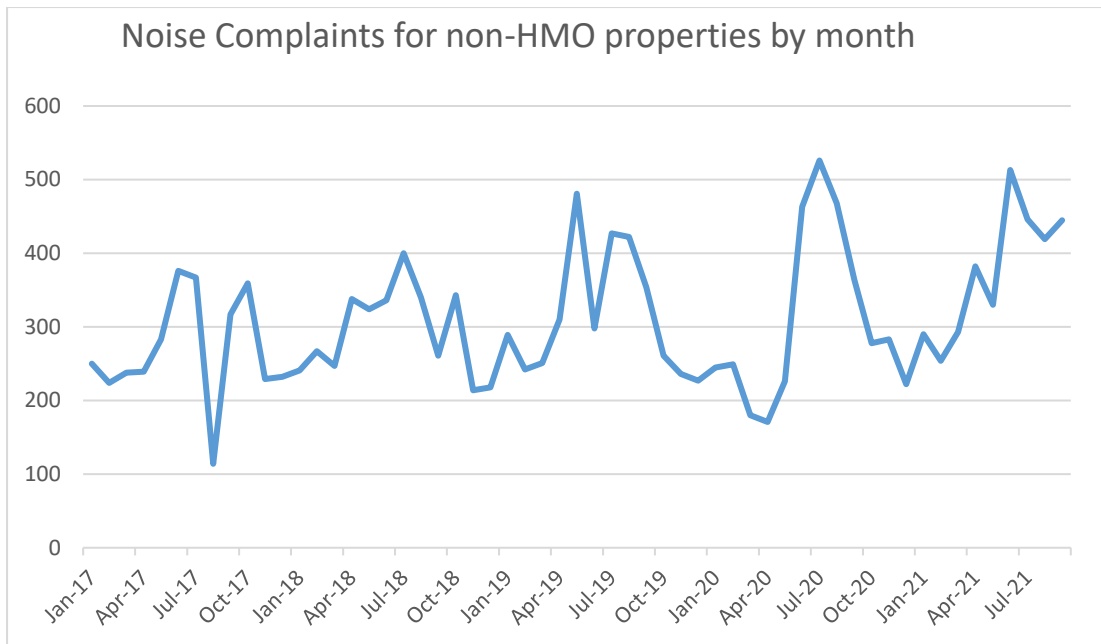
Note: Data regarding 2021 specifically relates to 01st January 2021 - 13th October 2021



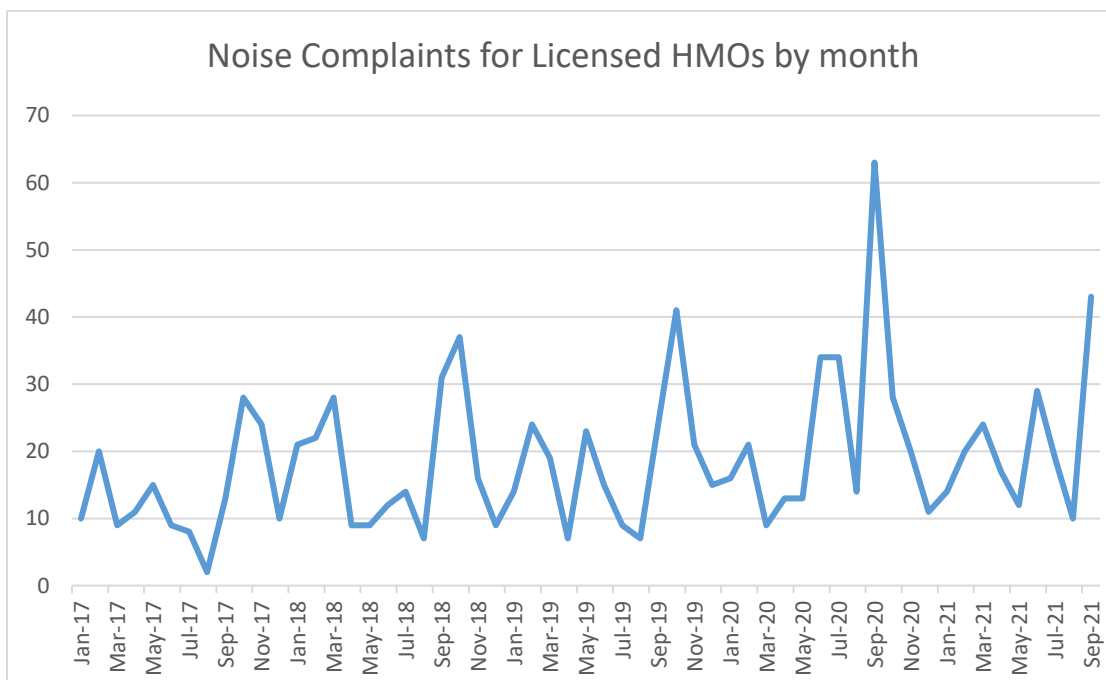
The above data suggests that variance each year regarding noise complaints concerning all HMO dwellings is minimal. HMOs make up 6.5% of total housing stock in Portsmouth which indicates that HMOs account for a higher share of noise complaints compared with other tenure types.

Noise nuisance is investigated through the Council's Regulatory Services team. Regulatory Services can take enforcement action against perpetrators of excessive noise nuisance via the Environmental Protection Act (Section 79). A common enforcement tool is to issue a Noise Abatement Notice where this threshold is met. To meet this threshold the nuisance must be considered unreasonable and shown to be having a clear impact, proven through evidence gathered such as noise monitoring equipment or Officers witnessing the offence.

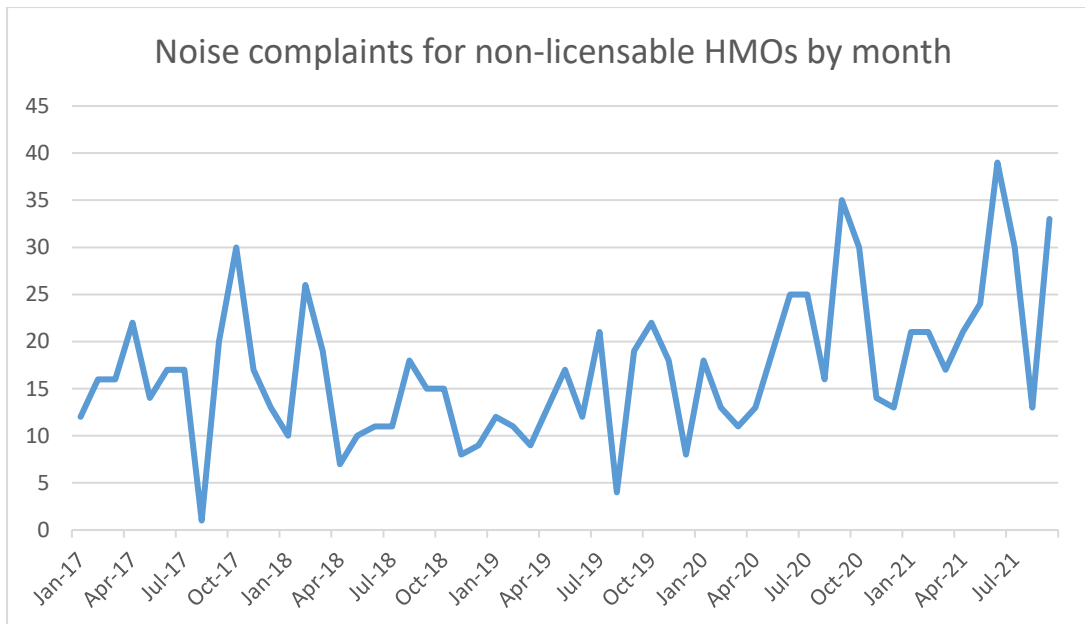
In 2021, a total of 67 Noise Abatement Notices were served on individuals, relating to 42 properties. None of the 42 properties were HMOs.



The data shown in the above graph shows an increase on average from 287.9 complaints per month in March 2017 up to 354.1 complaint per month from April 2020 for non-HMO properties in the city.



The average number of complaints regarding licenced HMO properties has remained consistent with an average of 18.5 complaints made per month.

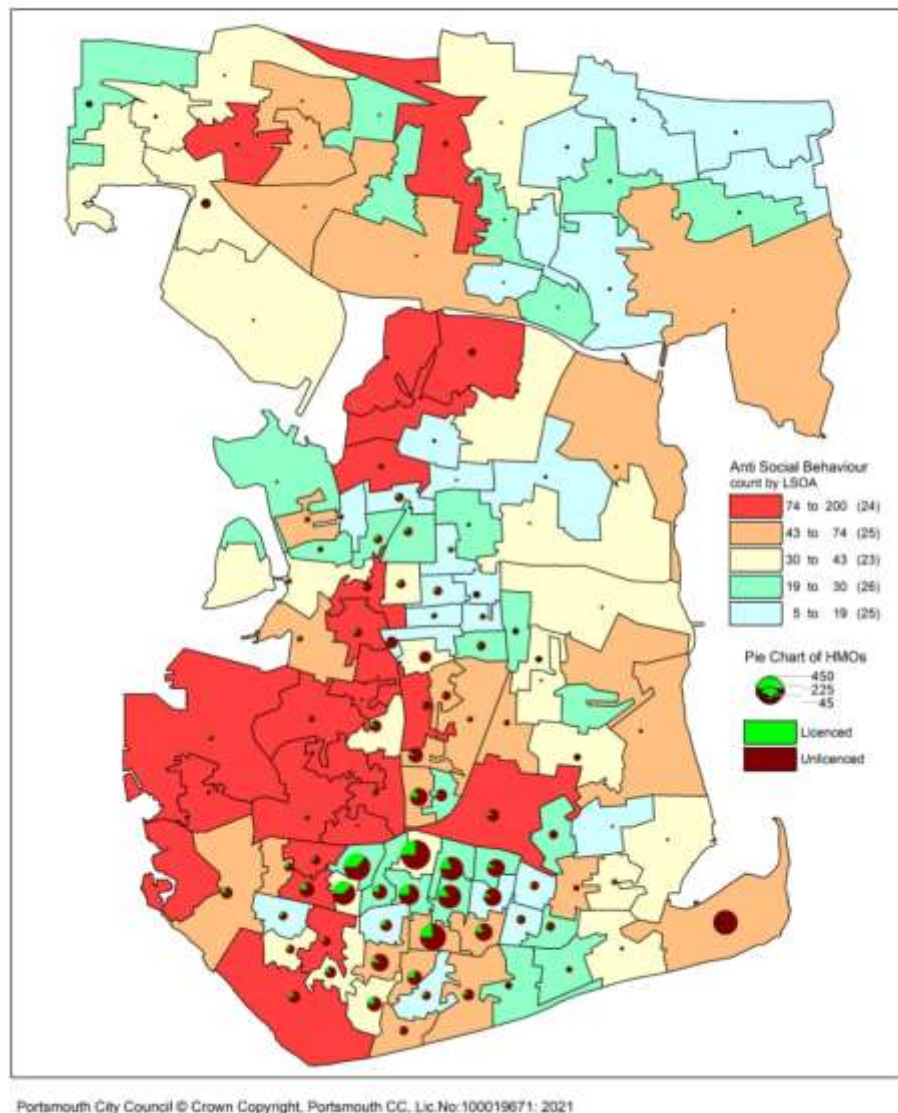


An increase can be seen in the average number of complaints received regarding non-licensable HMOs, from 14.5 per month in 2017 to 19.2 per month at present.

Anti-Social Behaviour

Data obtained from the police regard reported incidents of Anti-Social Behaviour (ASB) shows that the areas of the City with the highest incidents of ASB correlate to areas with shopping precincts and night time economy. There is not a clear link between ASB and HMOs from this data. However, it is possible that residents who repeatedly experience ASB due to neighbouring HMOs have stopped reporting this due to a perception that it will not be resolved. No data is available regarding non-reported incidents of ASB in the City, so the true impacts of them cannot be measured.

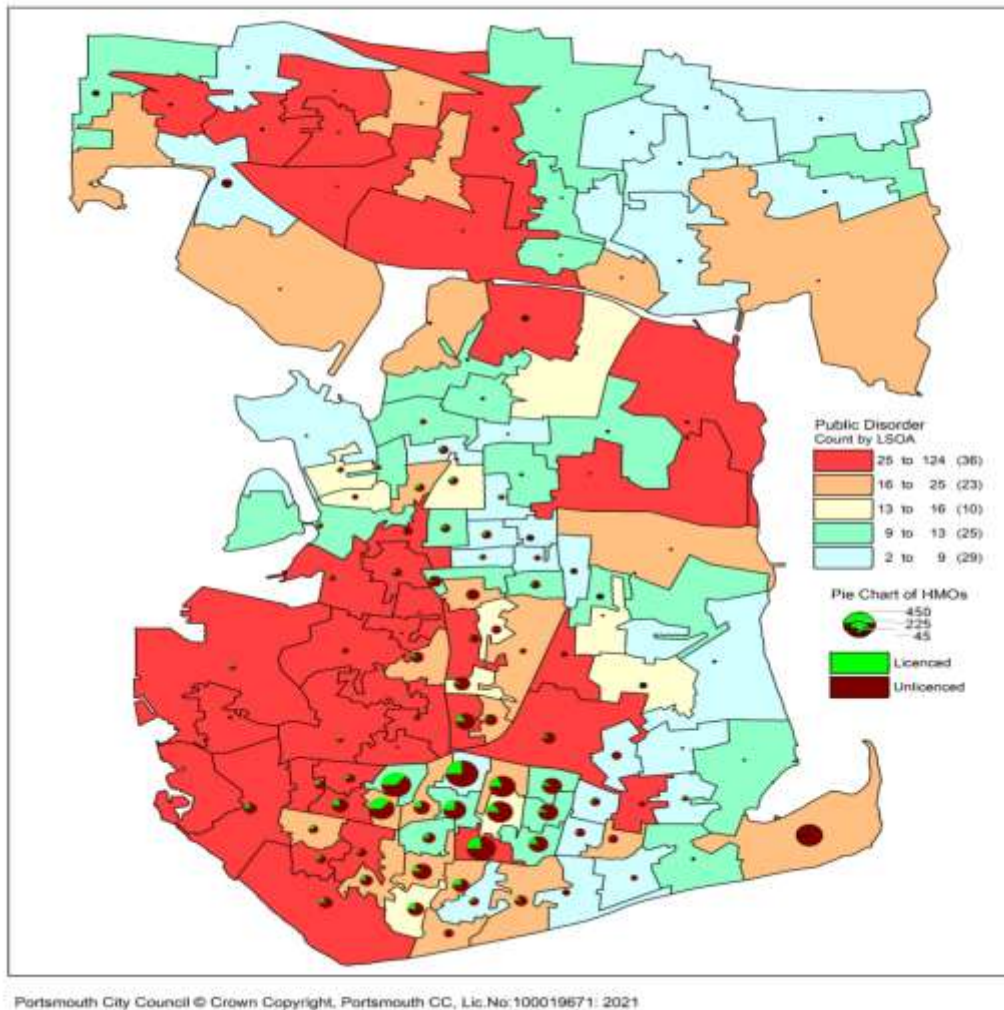
The below data map gives a similar indication regarding Police recorded ASB, loosely defined as those acting in a way likely to cause alarm or distress. ASB is subjective and may also include nuisance behaviour; such as littering, noise disturbance and graffiti.



Other Police data

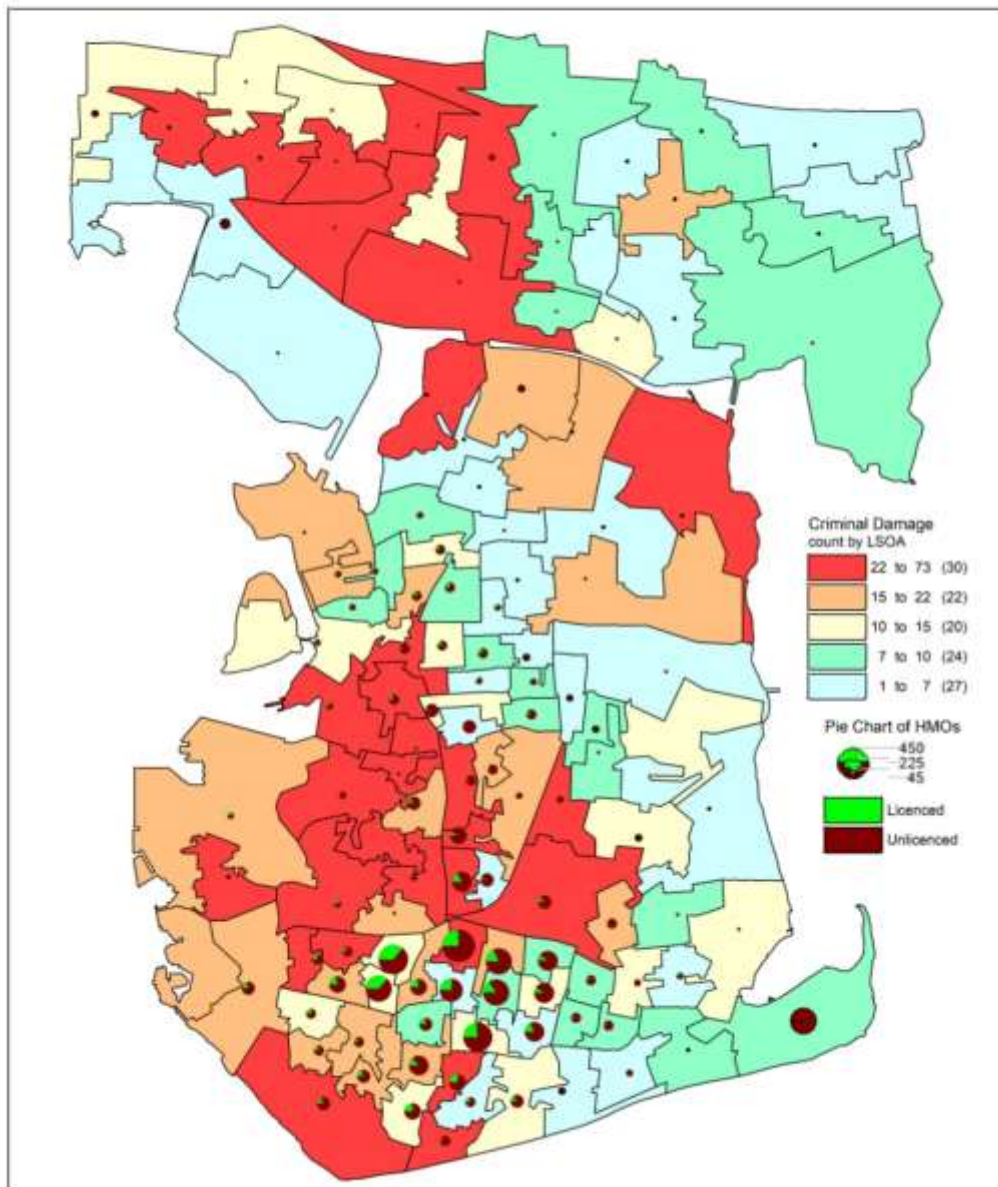
Data from the Police also included Police recorded Criminal Damage offenses and Public Order Offences. There was no clear correlation between the geographical hot-spots for these reported criminal offences, and the location of HMOs in the city.

The below map shows Police recorded Public Order Offences, deemed as the use of threatening behaviour often through violence or intimidation, with high crime density areas coloured red and low crime areas coloured pale blue:



The above data map indicates that areas of high HMO density, central and southern parts of the city, do not generally correlate with areas of high rates of Public Order offenses.

The following data map gives a similar indication regarding Police recorded Criminal Damage offenses, defined as someone who, without lawful excuse, damages or destroys property not belonging to them:



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Each of the data maps illustrated above suggest that areas of high density HMOs do not directly correlate with high crime or ASB areas in Portsmouth, which are more likely to be seen in shopping districts or highstreets or night time economy areas and main thoroughfares.

Incidents of Burglary

A report produced by the City Councils Partnership & Strategy Team in May 2017 title

"Houses in Multiple Occupation: The current picture in Portsmouth" stated that areas of the city most densely populated by HMOs tended to have the highest incidence of burglaries in the city. The report stated "in Portsmouth, most types of crime and anti-social behaviour do not appear to be associated with the density of HMOs, with the exception of burglary". The report indicates that higher incidents of burglaries are associated with areas of high density HMOs.

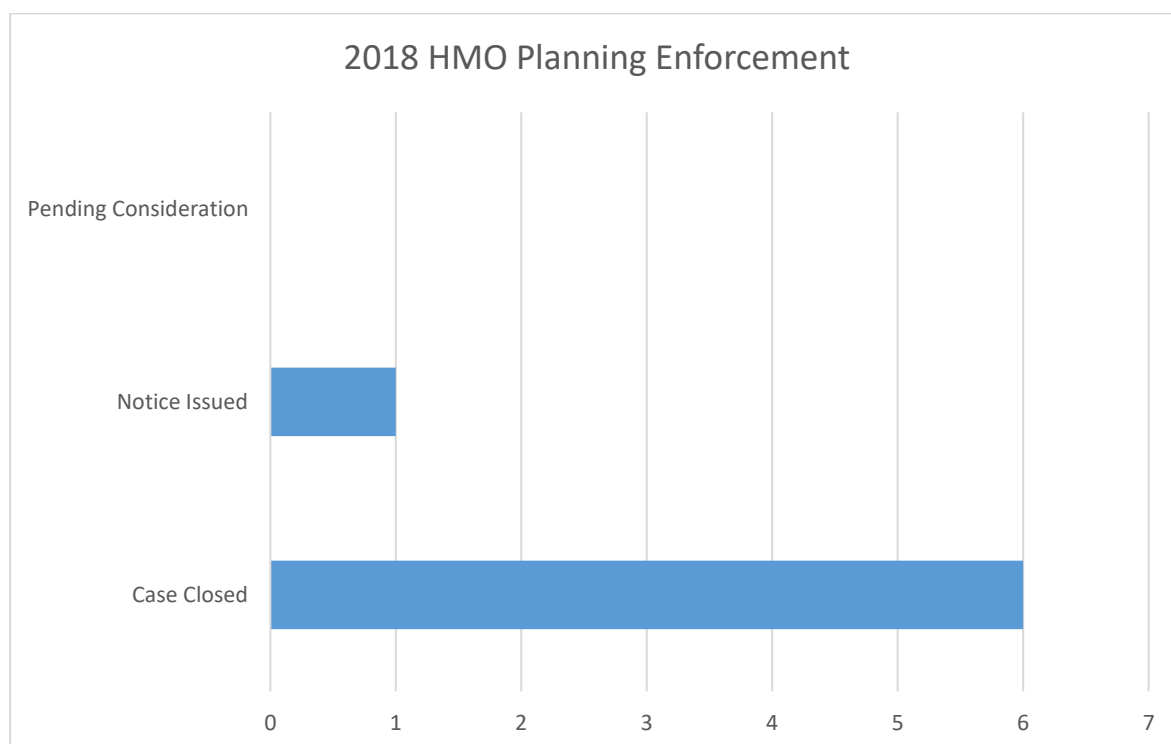
The report also states "There are some areas of medium to high density HMOs which are crime and anti-social behaviour hotspots. These specific areas are characterised by HMOs rented to vulnerable tenants or which are poorly managed".

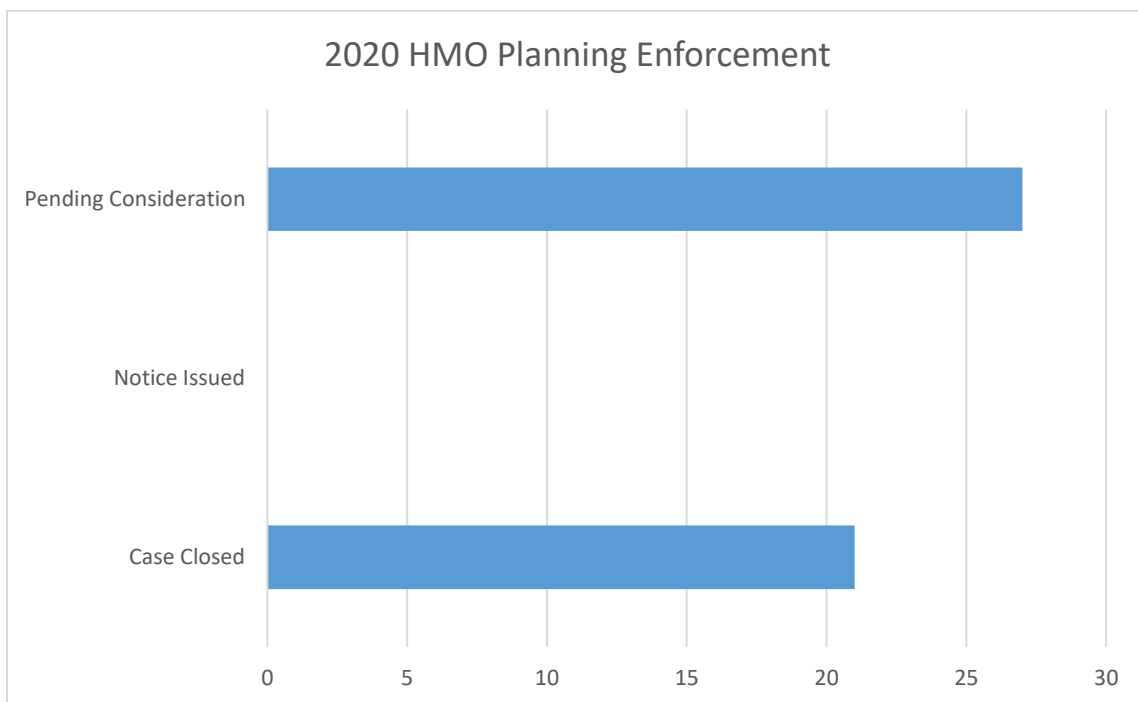
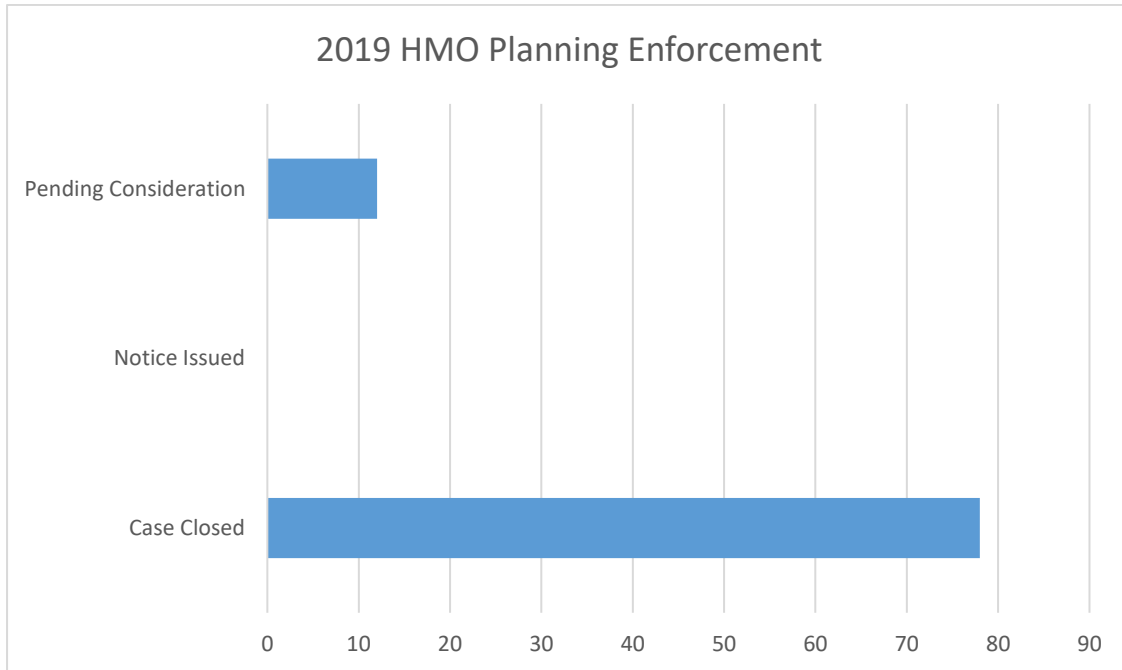
The report concludes "It is recommended that the relevant services within the community safety partnership engage more effectively with landlords who are poorly managing their properties, to address specific areas which have become(or are at risk of becoming) crime and anti-social behaviour hotspots".

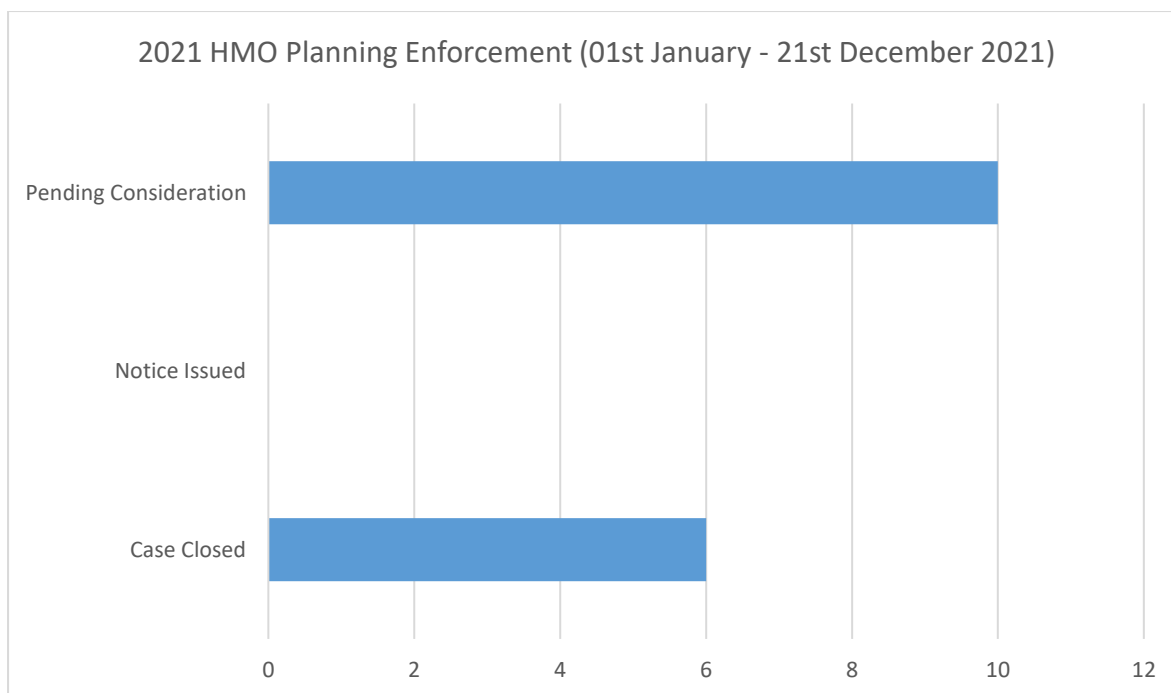
Planning Enforcement Data

The council's Planning and Planning Enforcement teams are responsible for investigating complaints of alleged breach of planning, such as operating a HMO without proper planning approval, and receiving applications for change in use for properties to operate as a HMO.

The below data concerns cases reported to the council Planning Enforcement team regarding HMO properties from 2018 until December 2021:







The above data indicates a low volume of notices issued resulting from complaints received to Planning Enforcement. Typically cases are closed, although a number of cases from 2020 and 2021 are still under consideration. Only one notice has been served in connection to a HMO breaching planning regulations since 2018.

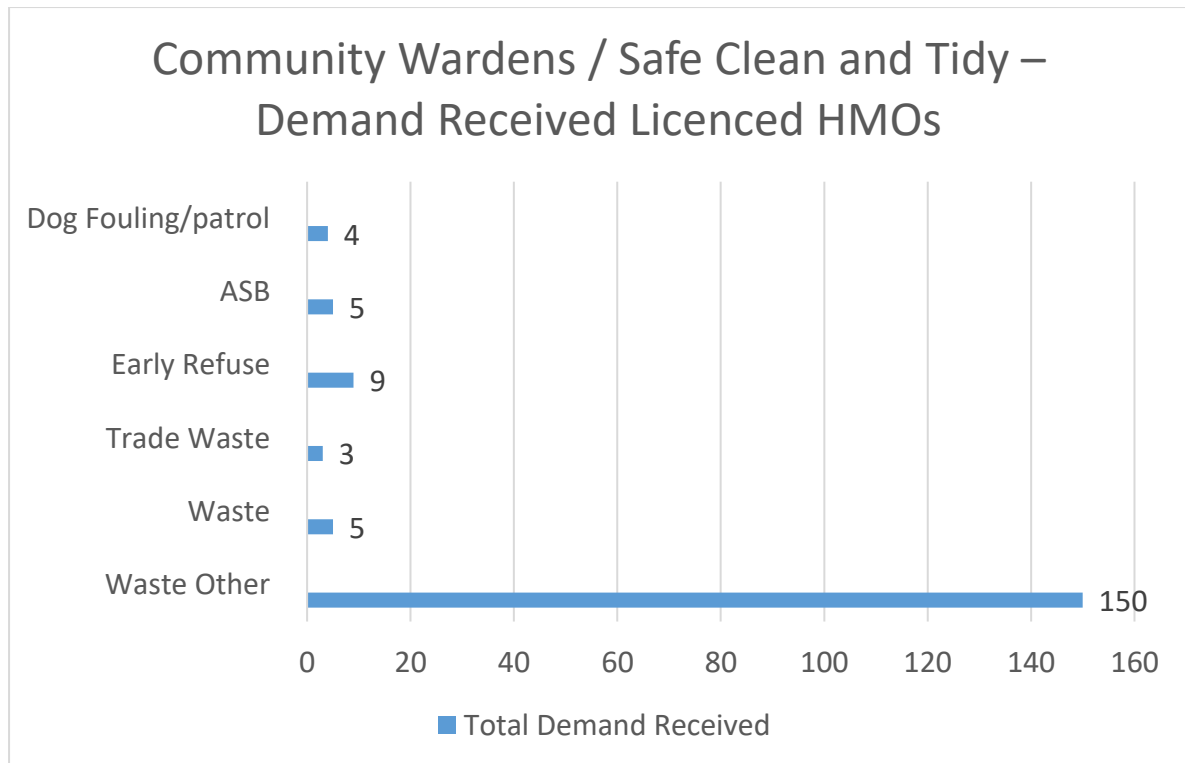
The COVID-19 pandemic has likely had an impact on the operations of the council Planning Enforcement teams during 2020 and 2021. However, data over the past three years suggests that compliance with planning regulations regarding HMOs is good, with few cases resulting in enforcement action taking place.

Waste

The City Council receives complaints about waste through the Safe Clean and Tidy team and the Private Sector Housing (PSH) Team.

Reports of waste issues, dog fouling and community ASB can be reported to Portsmouth City Councils Safe, Clean and Tidy team who can respond to complaints of ASB outside a property such as a public place or street.

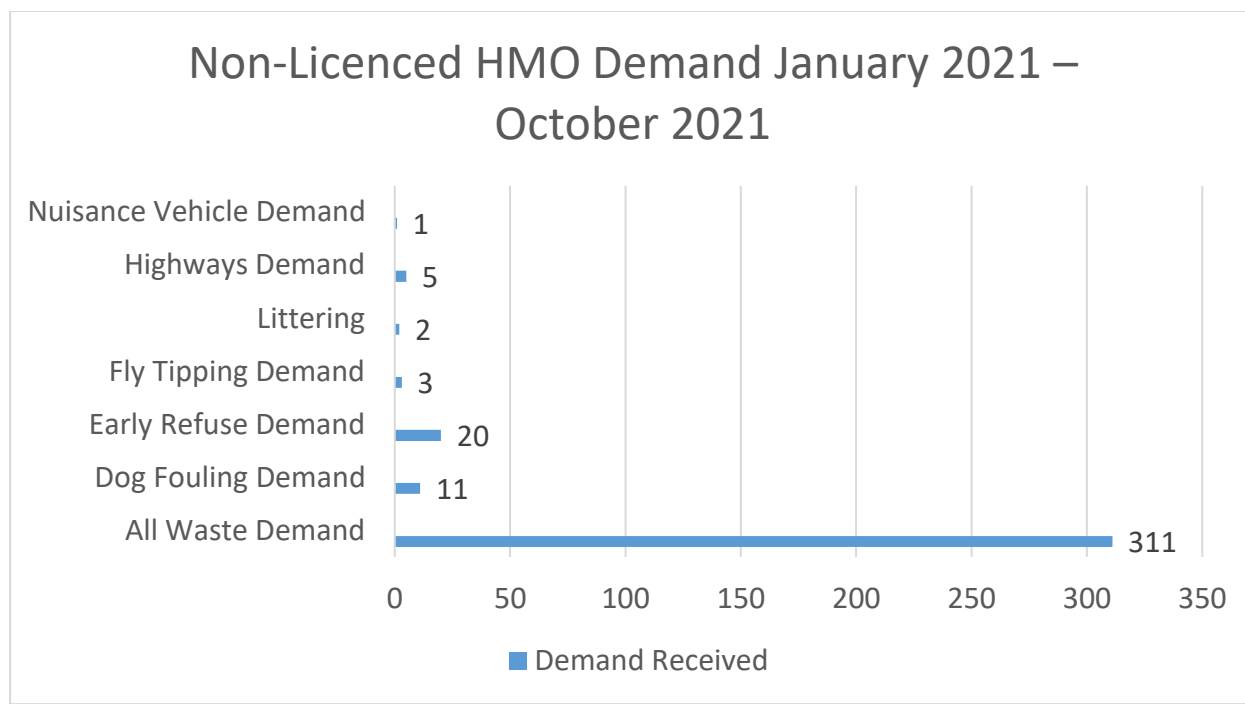
Data available from 1st January to 1st October 2021 regarding licenced HMOs in Portsmouth can be seen below



This shows that the majority of waste demand is categories as "waste other", which is defined as waste issues highlighted via Wardens during a patrol, rather than problems reported to the team by members of the public.

This data suggests that the majority of waste issues concerning licenced HMOs are identified via wardens during their patrols and not via complaints received from members of the public.

The below data shows demand received to safe, clean and tidy regarding non-licenced HMOs:



More varied demand types and a higher volume of demand has been received regarding non-licensed HMOs to the safe, clean and tidy team compared with licensed HMOs.

Overall 8.5% of the cases handled by the Safe Clean and Tidy team were generated by HMOs. Of the 531 cases which related to HMOs, 67% were from non-licensed HMOs. Proportionately non-licensed HMOs are believed to make up 79% of all HMOs in Portsmouth, meaning that non-licensed HMOs contribute less proportionately when compared with licensed HMOs.

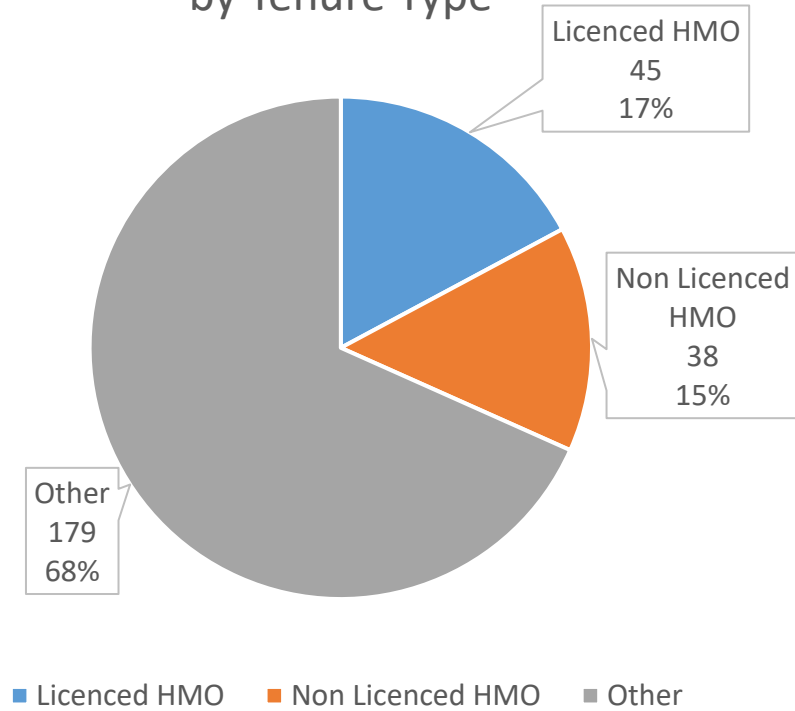
Most notably though, 87% of these cases were identified by the community wardens patrolling and identifying the issues themselves, rather than being reported to the council by members of the public. This suggests that residents living next to these problems are not routinely reporting them to the City Council.

From June 2021, the Council's Private Sector Housing (PSH) team receive complaints concerning waste accumulation in rear garden areas only. Complaints are investigated and efforts are made to contact the person/s responsible in order to resolve them promptly.

In the majority of cases issues are resolved informally, however in some cases enforcement action may be necessary.

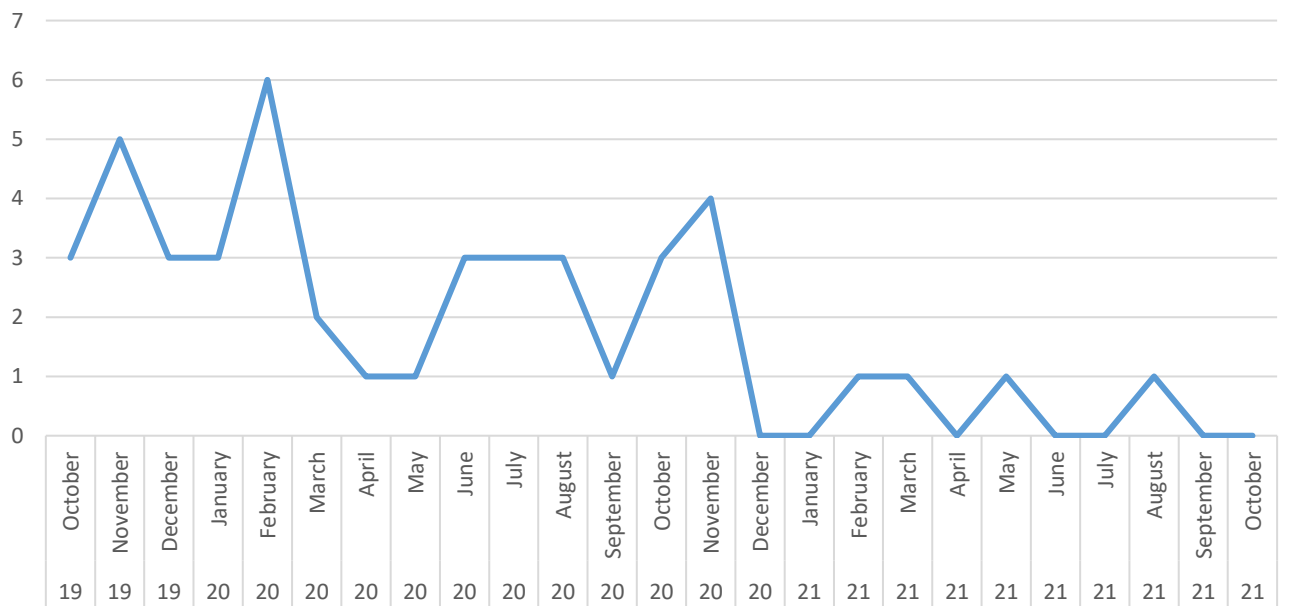
The below data shows complaints of waste accumulations received and investigated during the last two years (October 2019 - October 2021):

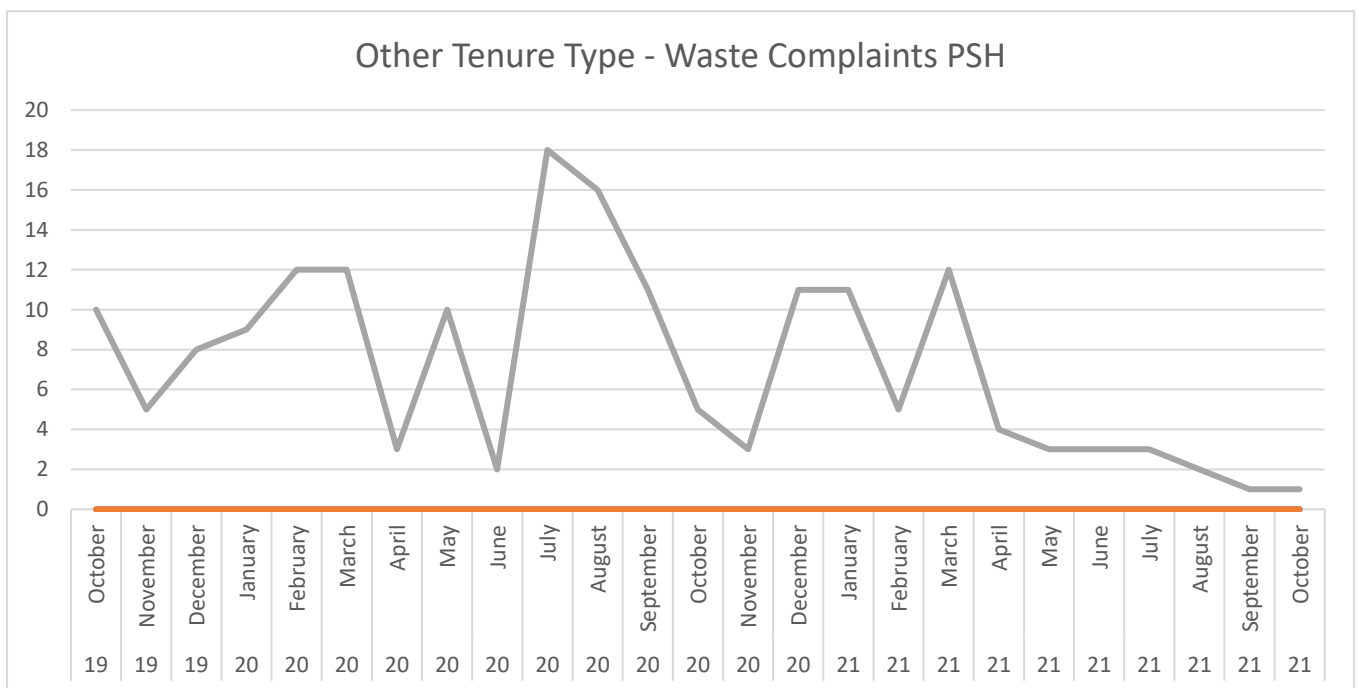
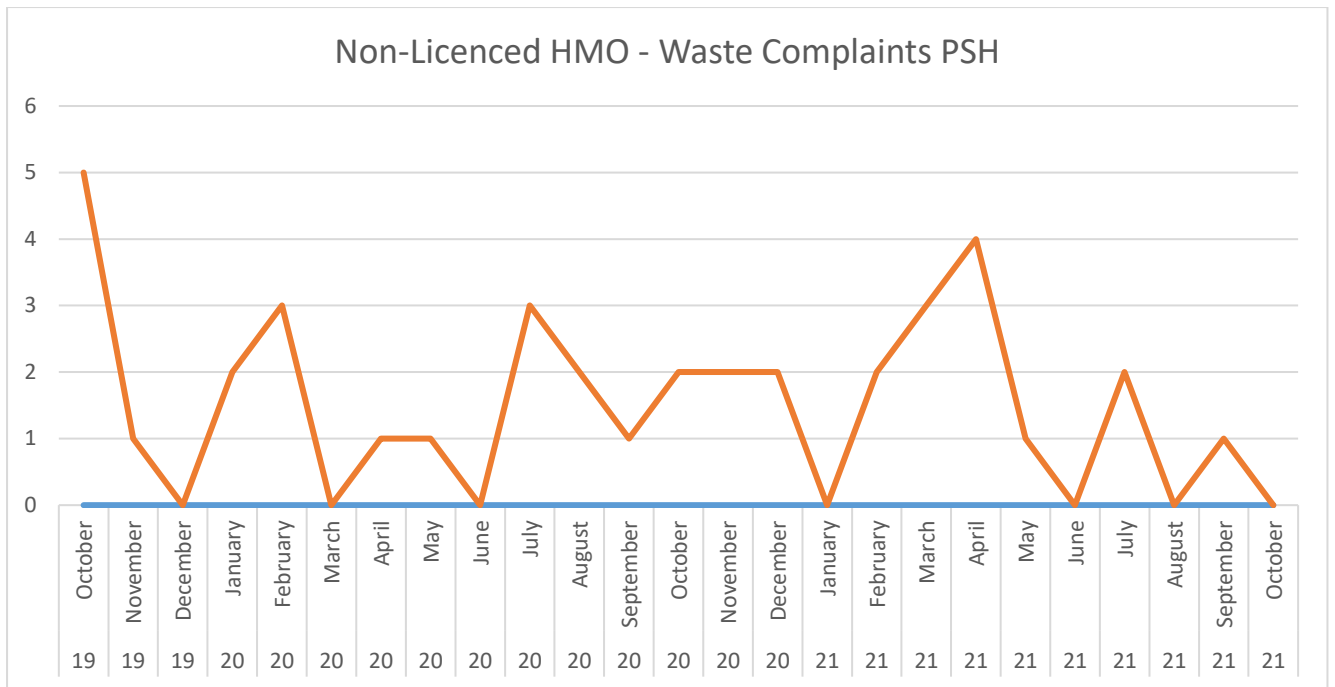
Waste Accumulation Complaints Received to PSH by Tenure Type



- The below graphs show waste complaint demand received to PSH from 2019 - 2021, split into Licenced HMOs, Unlicensed HMOs and other PSH:

Licenced HMO - Waste Complaints PSH





The above data shows that of the complaints received by the Councils Private Sector Housing team, 32% are regarding HMOs. When considered that HMOs account for 25% of the PRS, the volume of complaints received against HMOs suggests they are accountable for a higher proportion of issues surrounding waste accumulations.

In this data licenced HMOs receive a higher proportion of complaints, despite only accounting for approximately 20% of HMOs in Portsmouth. This is likely due to the size of some of the licenced HMOs in Portsmouth, which are typically occupied by more people than most other dwellings. It is likely that properties with more occupants

will generate more waste, and are more likely to receive a complaint from a neighbour regarding this. Some waste issues may be seen seasonally, for example when students move property and leave behind unwanted household items.

What could Additional Licensing do to resolve this?

Waste:

Some evidence can be seen that compliance with waste storage and disposal is poor among HMOs. License conditions request:

The licence holder must comply with any waste management scheme, introduced by the local housing authority in respect of the storage and disposal of the household waste from the property pending collection.

This condition is a mandatory under Housing Act 2004 and is also reflected in Management of Houses in Multiple Occupation (England) Regulations 2006. The council's Waste Department allow the following allocations:

Amount of bedrooms in HMO	Size of refuse bin needed	Size of recycling bin needed
3	180 litre	240 Litre
4 to 5	240 litre	240 Litre
6 to 7	360 litre	360 Litre
8 to 10	360 litre + 140 litre	360 Litre
10 to 12	360 litre + 240 litre	360 Litre + 240 litre
12+	2 x 360 litre	2 x 360 litre

Waste complaints are typically dealt with informally with very few formal notices served under Civil Penalty Notices, Prevention of Damage by Pests Act or breach of Management Regulations. These powers are available to the council and could be used against HMOs regardless of licence status.

The council's Safe Clean and Tidy team are best placed to receive and respond to complaints of forecourt waste accumulations. Data from the council's Community Wardens suggests that enforcement action is rare and nearly all complaints are resolved informally.

Of the waste issues identified and responded to, the majority are found by council staff and responded to without involvement from the local neighbourhood. The perceived impact of waste issues, contributed to by HMOs, is difficult to measure in this report

due to the comparative low volume of public complaints received and the proactive nature of identifying these issues.

Since June 2021 the Community Wardens have included HMOs in their proactive patrols, prior to this the council's Private Sector Housing team responded to these complaints. Engagement from the Community Wardens has meant that more waste issues are dealt with prior to a complaint being received from a neighbour. Since June 2021 they have responded to 80 forecourt waste accumulations, not specific to HMOs, all of which were resolved without the need to issue an enforcement notice.

Additional licensing may have an influence on the compliance with waste provisions under licence conditions, although current data suggests that few HMOs are given a special condition on the licence when inspected due to failure to adhere with the council's waste provisions. Similarly, formal enforcement action is very low against HMOs with waste accumulation issues, evidencing that strict punitive measures are rarely required when tackling waste issues.

Noise:

Current license conditions which relate to noise nuisance are:

The licence holder will work pro-actively and responsibly with all enforcement agencies in response to anti-social behaviour caused by tenants within the curtilage of the property and take all reasonable steps to prevent anti-social behaviour from within the boundaries of the property.

This licence condition related to Section 67 of the Housing Act 2004, which says:

"(1)A licence may include such conditions as the local housing authority consider appropriate for regulating all or any of the following—

*(a)the management, use and occupation of the house concerned, and
(b)its condition and contents.*

(2)Those conditions may, in particular, include (so far as appropriate in the circumstances)

(b)conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;"

The licence holder and, where appropriate, their nominated managing agent are required to undertake a detailed investigation of any complaints which have been made either directly to them, or via the Local Housing Authority, regarding their tenants and keep a written record.

Antisocial behaviour (ASB) is defined in The Crime and Disorder Act (1998) 'Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant).' Noise nuisance can be considered a type of ASB however this is not always the case. The council, through its Regulatory Services department, investigates reports of noise nuisance and can take enforcement action where needed.

If notified of the complaint, private sector housing will notify the landlord or agent of the alleged noise nuisance and request this be managed. If the nuisance is substantiated and the landlord believes this to be a breach of tenancy condition they may choose to take eviction action. If the property is a licensed HMO, the council will ask to see evidence that the licence holder is actively engaging in resolving the nuisance.

At present the council's Landlord and Tenant Support Officer will engage with all landlords and agents in Portsmouth regarding reports received to private sector housing of ASB, include noise nuisance. This service is not restricted to licenced HMOs. The purpose of this is to work with tenants and landlords to resolve complaints of ASB which have an impact on neighbours. Since introducing this role in April 2021 and working in this way, private sector housing have dealt with 9 complaints concerning ASB or noise.

Whilst HMO licensing does not play a lead role in managing ASB or noise nuisance, Officers are able to work collaboratively with other agencies, such as Regulatory Services, Community Wardens and Police, to help resolve these. However, this will only take place when the nuisance is deemed serious enough to warrant enforcement action by these services. Data regarding noise nuisance showed that no Noise Abatement Notices were issued against HMO tenants in 2021 despite there being a high number of noise complaints. The councils regulatory services team therefore did not deem these to meet the threshold for formal noise abatement notices.

A designation of Additional Licensing will likely have little impact on the management of noise nuisance, as this is a function of the council's Regulatory Services team. License conditions only go so far as to requests landlords and agents engage with the council in resolving these complaints, and are only likely to apply when the noise is of a threshold to warrant formal action, which did not apply to any noise complaints related to HMOs in the city in the last year. The council do not have powers to select who can occupy a licensed HMO nor instruct a landlord to take eviction action against bad tenants.

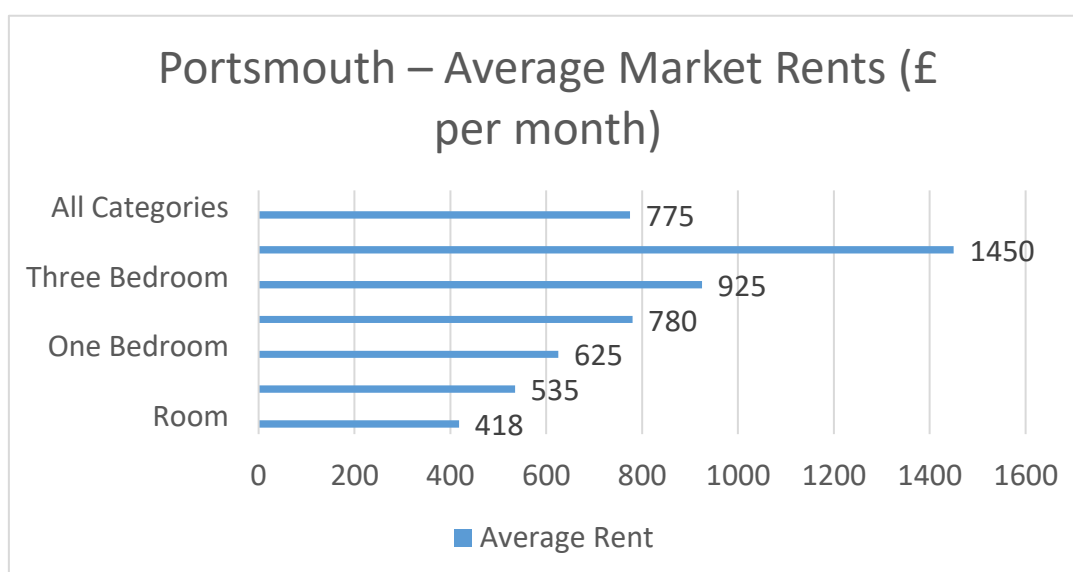
[Living conditions for HMO tenants](#)

HMOs provide an essential accommodation option for a variety of people and are required for a variety of reasons. Typically, the following groups of people may live in a HMO:

- Students (including further education, undergraduates, postgraduates, overseas and language schools)
- Unemployed people - either single or couples/ families
- People who move to an area for work, seasonal or transient/contract workers
- Residents in hostels/refugees
- People with special social needs- with live in carers or social workers
- Migrant workers
- Older house sharers who cannot afford to buy or rent their own property
- Lodgers
- People on bail/ fleeing domestic violence/refugees

- Newly homeless people/people who are being re-habilitated back into the community
- Local Housing Allowance (housing benefits) claimants
- Staff supplied with accommodation as part of their job, for example hotel, restaurant or hospitality workers
- Trainee and recently qualified medical staff
- Young professionals and recent graduates
- Young non-professionals

The following table shows the average market rents in Portsmouth.



Source: Valuation Office Agency – (Lettings Information Database, Office for National Statistics.) Median monthly private rental price in England, by local authorities and bedroom category, 1 April 2020 to 31 March 2021

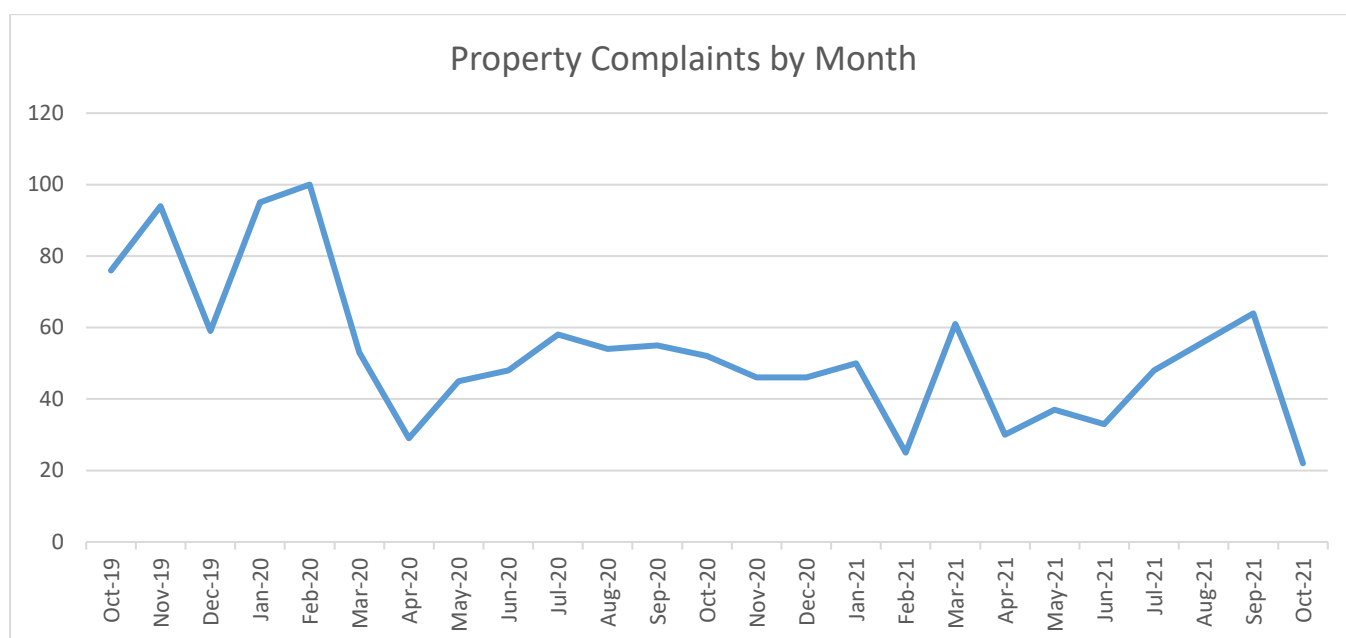
HMOs are the cheapest rental option in the PRS and those living in them are often on the lowest incomes. National studies have shown that tenants on a low income and living in poor conditions are unlikely to report disrepair issues to the local authority due to fear of retaliatory eviction, the financial strain this could cause in potential rent increases or having to find alternative accommodation, and the sense that they cannot afford better conditions elsewhere. This reluctance to report poor living conditions in the lowest income properties means that the true extent of disrepair in non-licensable HMOs is unknown.

[Disrepair complaints](#)

Complaints received by the councils Private Sector Housing team can range significantly, however common complaints received concern property standards, disrepair, improper management and security of properties. Those approaching Private Sector Housing are always asked whether the landlord or person responsible for the property has been made aware of the issues first, to allow them to resolve the problem before needing the City Council to intervene.

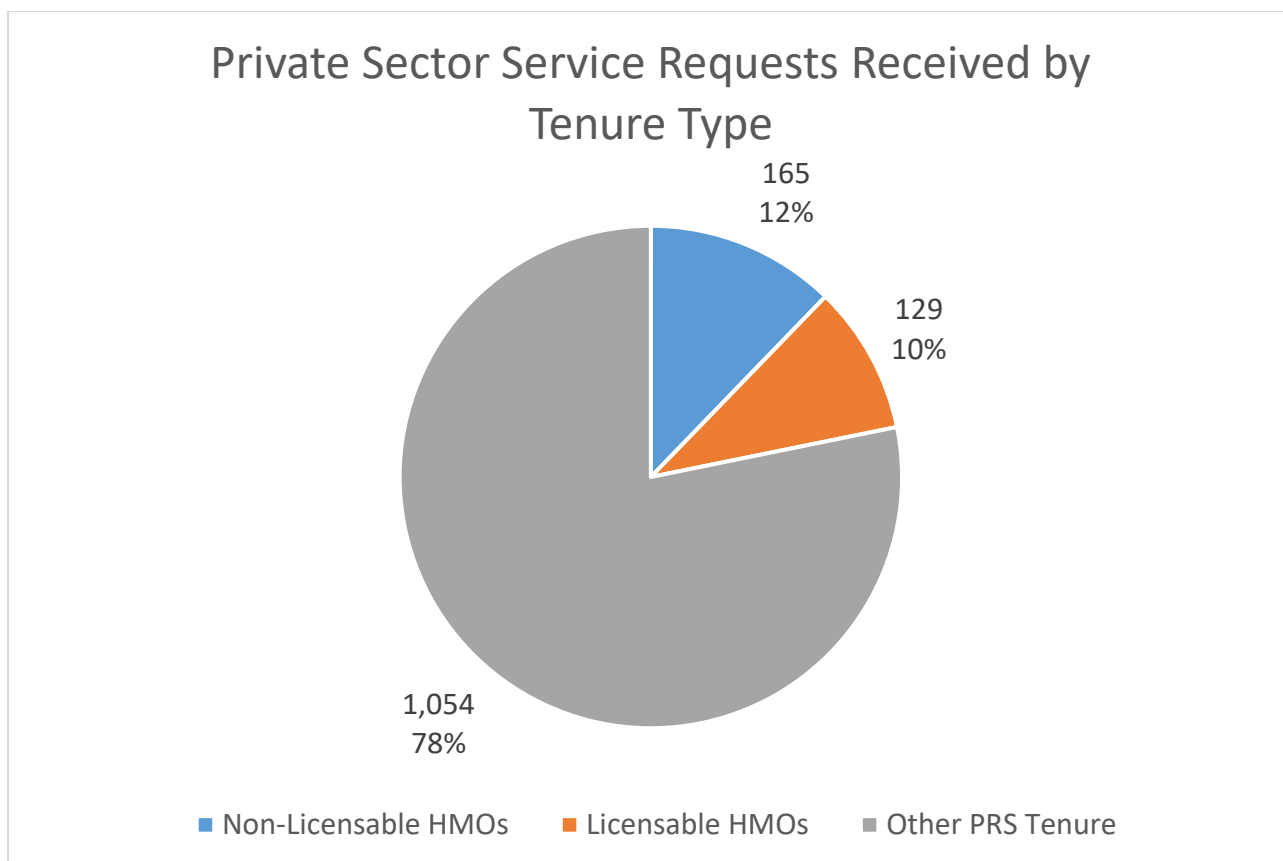
Within the last two years the Private Sector Housing team has received 1346 complaints, 22% of which relate to HMOs. This is roughly in line with the proportion of HMOs in the PRS. However, similarly to the limitations of some of the other data sets presented, this only captures issues which have been reported to the City Council.

- This data is mostly made up of complaints regarding properties in the Private Rented Sector, however in some cases may include owner-occupier properties, such as drainage complaints. Private Sector Housing do not collect data on whether these complaints are owner-occupied or privately rented, as these cases are dealt with in the same way. We have however been able to cross-reference the complaints data with data on estimated HMOs in the city to identify which of them appear to relate to HMOs.
- The graph below shows the complaints received to PSH from 2018 - 2021 regarding all property types:



This shows little variation in the number of service requests made to PSH, with an average of 53.4 received per month. Some seasonal variation can be seen, with more complaints received in the winter months likely due to increased risk of damp and mould within these colder months. Reduced demand over winter 2020/2021 was likely impacted by the COVID 19 pandemic. A general reduction in volume of complaints can be seen between 2019 and 2021.

The chart below gives a breakdown of service requests received by tenure type:



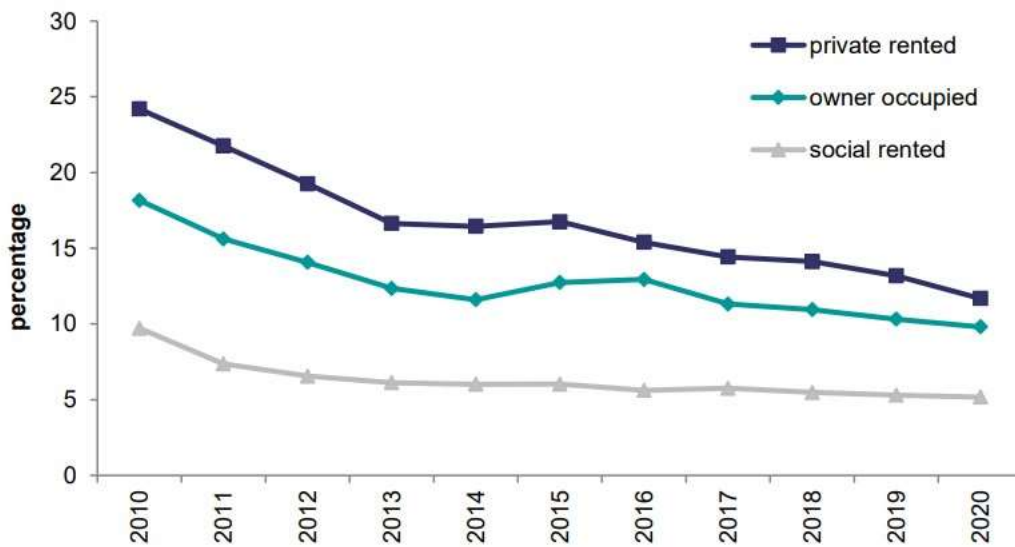
When considered that licenced HMOs account for a smaller share of HMOs in total, this data suggests that more property complaints are received regarding licenced HMOs than those non-licenced. Complaints received regarding HMOs are generally less, by proportion of their share of the private rented sector, when compared with other private sector housing.

The reasons for this increase in demand from licenced properties may be due to those tenants being more aware of PSH services through licensing, and so are more likely to contact the Council to request support with an issue in their home.

Hazards Identified in HMOs

National data from the English Housing Survey 2020-21 indicates that approximately 12% of properties in the private rental sector have Category 1 hazards.

English Housing Survey 2020-21
Homes with Category 1 Hazards, by tenure, 2010 to 2020



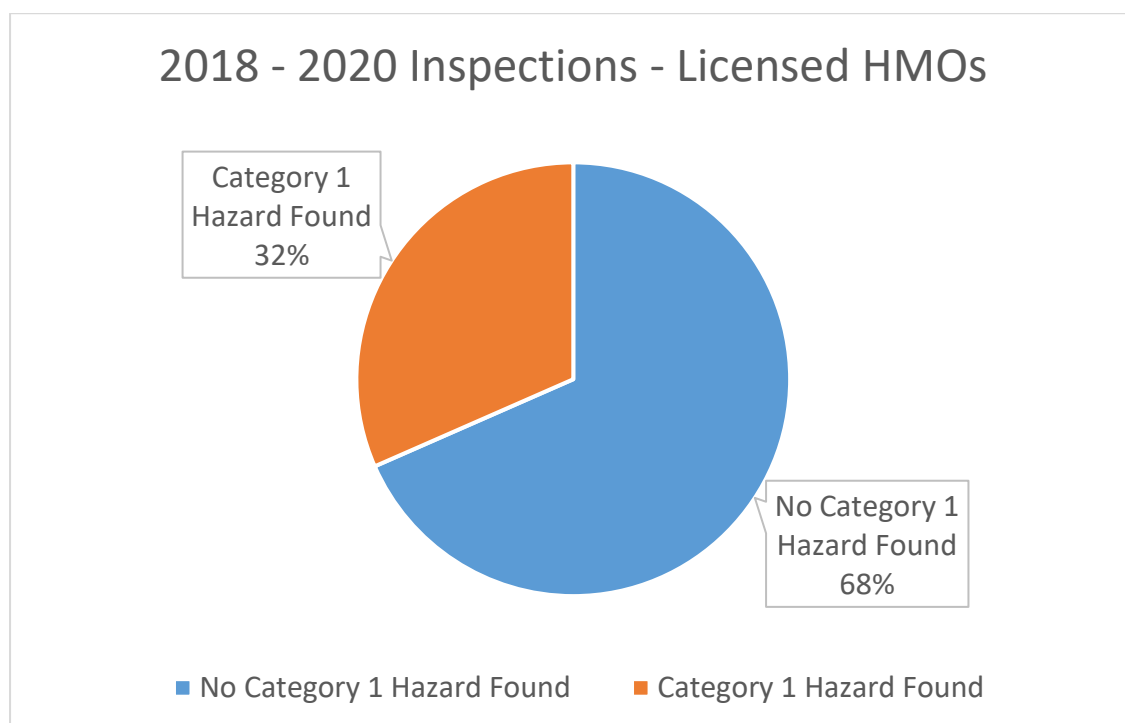
Notes:

- 1) 2020 figures are estimated based on 2018 and 2019 figures
- 2) Underlying data are presented in Annex Table 2.4

Sources:

- 2010-2019: English Housing Survey, dwelling sample
- 2020: English Housing Survey, modelled data including vacant dwellings

Findings from the councils Private Sector Housing teams inspections for mandatory licensed HMO, based on inspections taken place between 2018 and 2020, suggested that a significantly higher percentage of Category 1 hazards have been identified in licensed HMOs in the city:



This data suggests a higher proportion of hazards are likely to exist in HMOs in the city compared with other PRS properties. Currently only 20% of the estimated number of HMOs in the city are licensed. Given the economics of scale, significant hazards are likely to be identified in the other 80% of HMOs in the city not currently licensed, particularly as a large majority of these non-licensed HMOs will have had no inspection by the council before.

Enforcement

Civil Penalties and Prosecutions

Under section 249A Housing Act 2004 the council are able to issue civil penalties in relation to housing offenses committed. The main parts of this section, which apply to HMOs, include penalties under section "(b) section 72 (licensing of HMOs)" which applies to breach of license condition and operating an unlicensed HMO and section "(e) section 234 (management regulations in respect of HMOs)" which relates to the required satisfactory standards of management of HMOs. Management regulations of HMOs apply to all HMOs, regardless if these are licensable or not.

Since 2019 the council have served 11 civil penalties in relation to offenses under Part 2 of the Housing Act 2004. Four of these have been served due to the operation of an unlicensed HMO, with seven served due to a breach of licence conditions. The council's Private Sector Housing team have not criminally prosecuted any landlord since 2017. Civil penalties are widely considered a more consistent and appropriate sanction for housing offenses.

This suggests that enforcement action against HMOs by the council is low, proportionately against the number of HMOs in the city. Where suitable, the council will work informally with landlords and managers to resolve any issues identified in a property. Where a property is licensed a special condition may be placed on a license to resolve a property or management issue.

Energy Performance Data

Energy performance in homes is rated via an Energy Performance Certificate. These indicate how energy efficient a building is and give it a rating from A (very efficient) to G (inefficient). This will suggest how costly it will be to heat and light a property, including what the carbon emissions are likely to be. EPC's also include information on how improvements could be made to improve efficiency.

Data received from the Energy Performance of Buildings Data England and Wales provides information regarding properties Energy Performance Certificate (EPC). The data is limited due to the legal requirement to complete an EPC only being introduced in 1st October 2008, meaning some properties which were let before this date may not have an EPC. Any properties let after 1st October 2008 must have an EPC. From 1st

April 2020 the Minimum Energy Efficiency Standards (MEES) regulations introduced a minimum EPC rating of "E" on all privately rented properties. Some HMOs may not have a current EPC due to the following exception:

An EPC is not required for an individual room when rented out, as it is not a building or a building unit designed or altered for separate use. The whole building will require an EPC if sold or rented out.

Current EPC data for Portsmouth indicates that 82% of private rented properties hold a band "D" or above EPC rating, with 13% indicated to have a band "E" rating and 5% indicated to hold a rating lower than "E". Data from the Building Research Establishment (BRE) indicates that HMOs are comparable with this although overall less efficient, with 65% indicated to be band "D" or above EPC rating, with 30% indicated to be a band "E" and 5% indicated to be lower than a band "E". Both of these are in line with the national EPC average rating, which is band "D".

This data suggests that HMOs are generally at or above the minimum energy efficiency requirements (band "E"), although may not have the same requirement to adhere to this regulation unless the property is sold or rented as single use.

Landlord compliance

Based on national data, it is estimated that there are 11,000 landlords operating in Portsmouth. We know from research included in the City Councils Private Rental Sector Strategy, approved in January 2021, that the vast majority of landlords rent their properties on a small scale and are not a landlord as a main profession.

A survey of landlords conducted as part of the PRS strategy found that 57% of landlords in Portsmouth own just 1 or 2 properties and have invested in them for what they describe as a "pension-plan". 18% of landlords describe themselves as becoming landlords through circumstance, perhaps through inheritance or merging of two families, sometimes referred to as "accidental" landlords. A further 18% of landlords described themselves as a "one man band" business. Only 5% of landlords who responded to the survey identified themselves as running on a large scale commercial basis.

It is likely therefore that a significant number of landlords in the city, including those letting HMOs, may not be abreast of all current legislative requirements and how to manage their properties accordingly.

This is reflected in the data held by the City Council in relation to compliance of landlord for the existing mandatory Licensing scheme.

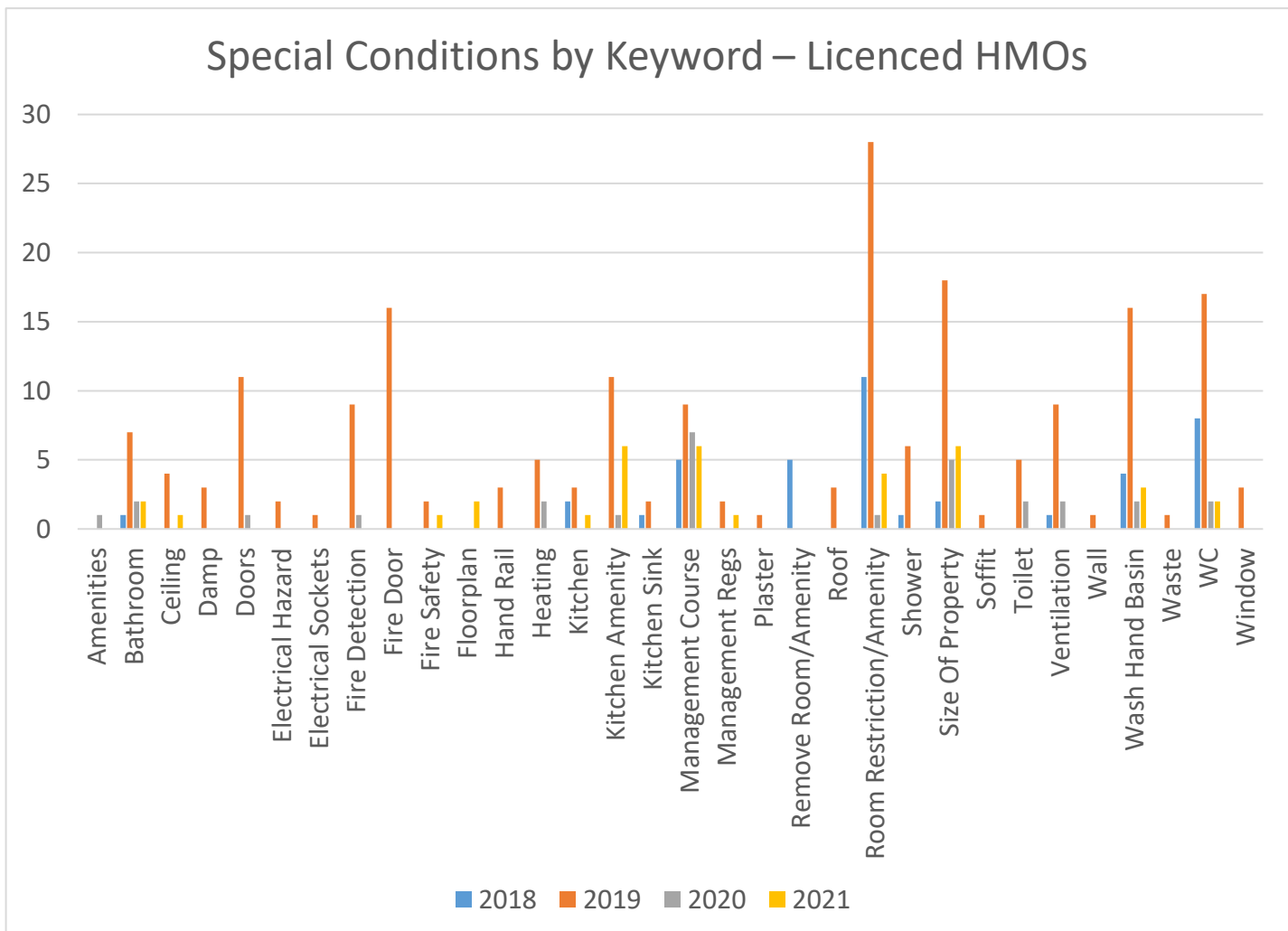
HMO licenses are issued with a number of conditions attached to them. These conditions include the need for Landlords to provide certification such as gas safety certificates to the council on annual basis. Since 2018 the Private Sector Housing team have had to issue 1397 formal written letters to landlords to chase up late certification. These relate to 929 separate HMOs out the 1226 which are currently licensed, and

relates 653 separate landlords, indicating that their management and compliance is poor.

Furthermore, where a property or its management do not meet the required criteria at the time a HMO license is applied for, the PSH team can impose special conditions onto the licence. An example of this would be to add a condition to provide additional amenities or facilities, or to restrict the number of occupants where it is over-occupied for size and layout of the property.

Since 2018, 306 special conditions have been applied to Licenced HMOs, relating to 188 properties out of a total 1226 Licenced HMOs. This indicates that 15% of HMOs currently licensed were deficient in amenities, or over-occupied, which would not have been identified if they had not been licensed.

The below graph demonstrates volume and types of special conditions applied to Licenced HMOs based on keywords from October 2018 to October 2021:



The above graph indicates that the majority of special conditions applied to licenced properties relate to room restrictions, lack of amenities or size of the property. Typically

these special conditions will be applied based on the need to restrict the use of a room regarding how many occupants the licenced HMO can adequately house based on its size or amenities.

From June 2019 to December 2020, 11 Civil Penalties were issued by the PSH team in relation to licensable HMOs, largely due to failure to apply for a HMO license where it was required or due to breach of license conditions.

Issues experienced by the council regarding compliance could be summarised as: frequently providing late certification often after reminders have been issued and some properties not being wholly suitable when the application is made. Based on the levels of enforcement taken in relation to these, it can be seen that typically this informal approach is suitable when addressing issues of non-compliance. It is seen that in most occasions conditions of licenses are met, negating the need to escalate towards more punitive action. Typically, special conditions placed onto licenses are adhered with once in place with very few civil penalties are issued against breach of license conditions.

Similarly, low rates of penalties against unlicensed HMOs may suggest that where a license is required for a HMO landlords and managers are generally aware of this and submit applications.

[Small HMO landlords known to the council:](#)

The council operated an Additional Licensing scheme from 2013 until 2018. In 2017 the council had 1221 registered licence holders under Additional Licensing. As of December 2021 the council has 621 licence holders through its Mandatory Licensing scheme. Of the 1221 registered licence holders in 2017, 226 still hold licences with the council in 2021 under its Mandatory Licensing scheme. This suggests that 37% of licence holders from the Additional Licensing scheme in 2017 still hold a licence with the council.

The above is based on 2017 data and is limited in that the council have no way of knowing how many HMO properties from Additional Licensing in 2017 have been bought and sold since the scheme ended in 2018.

The scheme, which ended in 2018, was contained to the PO1, PO4 and PO5 postcode areas and does not reflect a city wide designation, although did focus on the areas of highest HMO density.

[Conclusion](#)

Evidence within this document suggests that the reported impact HMOs have on Portsmouth residents are mainly seen in noise nuisance and waste issues. The data shown indicates that HMOs contribute towards both of these issues disproportionately when compared with other tenure types.

This is perhaps unsurprising when considered HMOs are properties made up of more than one household (three or more), resulting in a less cohesive living situation when

compared with a family. The consequence of this can be more waste being generated in these properties.

It has also been observed by the council that some students, who typically reside in HMOs for short periods of time, have contributed to known issues regarding waste accumulations outside and near to HMOs. This has been typically observed by the council when students vacate a property at the end of term, creating demand for the council's waste department to address this issue.

Waste issues impact on the communities near HMOs in that they damage the image and reputation of those streets and can bring pest issues through harbourage in soft furnishings.

Similarly, noise complaints are described in this report as being disproportionately high from HMOs. As with waste, this is perhaps unsurprising when considered the multiple household nature of HMOs, resulting in more adults sharing the property space. A difference in lifestyle, between those occupying HMOs and those living in single or family households, when in close proximity can also lead to noise disturbance being experienced by neighbours.

Other information gathered in this report finds little evidence regarding issues of crime and antisocial behaviour. Some correlation can be made between areas of highly concentrated HMOs and burglaries, however this data is limited to simply highlight that a burglary is more likely to occur in these areas. Areas of HMOs do not seem to correlate with other criminal behaviour or police reported antisocial behaviour.

Complaints data received to Private Sector Housing does indicate that non-licensable HMOs present some concern regarding their standards of repair or condition. As highlighted in this document, this may be due to a reluctance from HMO tenants to report issues with their homes, due to concerns of eviction or other repercussions. One of the aims of the public survey regarding HMOs was to provide a safe and anonymous space for HMO tenants to voice these concerns if applicable. See Appendix 4 - Public Survey Results.

Most notably though, the council have found through the current mandatory licensing scheme that 32% of HMOs inspected have had Category 1 hazards, far higher than the national PRS average of 12% having Category 1 Hazards, indicating that HMOs in the city have significantly poorer property conditions. The mandatory licensing scheme has also found that 15% of licensed HMOs have been deficient in amenity standards or over-occupied and have therefore required special license conditions. Around half of licensed landlords have required chasing to comply with their license conditions. This indicates that HMO landlords may not be managing their property affectively.

Currently only 20% of the estimated 6,000 HMOs in the city are licensed. Given the economics of scale it is likely that a significant proportion of those currently unlicensed will have Category 1 hazards, or landlords who are not managing their properties effectively.