



**Meeting: Housing Committee**

**Date: 21 January 2019**

**Wards Affected:**

**Report Title: HMO Licensing – Briefing**

**Is the decision a key decision? No**

**When does the decision need to be implemented?**

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## **Mandatory Licensing of Houses in Multiple occupation (HMO)**

### **1. Brief overview of the requirements of the new legislation**

The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, and the Housing Act 2004 all collate to set out the new requirements for mandatory licensing of certain HMOs (post October 2018). These new regulations alter the pre-existing scheme (pre October 2018) in 4 distinct ways;

- The number of stories requirement (previously 3 or more) is now removed.
- Some small purpose built blocks can now be licenced where a certain criteria is met.
- Mandatory national minimum sleeping room sizes are now in place.
- Waste disposal provision requirements are now in place.

### **2. Numbers;**

How many applications we have had relating to the new licence criteria	22
How many intentions to refuse have we sent out	2
What is the value of these applications (total)	£24,745

### **3. The condition of the properties that have applied and if works are required?**

The requirements when applying for a HMO license are set out in The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. It is on this basis that licences are issued. Licensed properties are required to be inspected to clarify compliance with the above regulations within the term of the licence (usually 5 years). Licences we have issued are ranked for risk based upon size, layout, sharing ratios and background knowledge. Inspections will be undertaken in order of the risk in the new year.

### **4. What proactive measures that are being undertaken to ensure we ensure compliance across the sector. E.g how are we tracking down landlords?**

In the absence of a national, mandatory registration scheme for landlords (England is the only country in the UK without one), we only have access to information offered to us by landlords during engagement with Torbay Council.

In order to overcome this issue we have utilised and cross referenced a range of data sources such as; Census, Electoral roll, Revenue and Benefits, Energy Efficiency Data, Rental Deposit and Torbay Council database.

We have been collating a target list for the last 12 months (of properties which will be licensable post October 18). This list is also influenced by frontline colleagues reporting their suspicions to us.

We have undertaken a range of actions to ensure that both landlords and tenants can access clear information regarding HMO licensing and can take further action where appropriate;

- Website update
  - Clear and accurate information regarding the new licensing law and links to relevant information.
  - Guidance for licence applications to help landlord's complete applications fully and efficiently.
  - Examples of types of property requiring a licence so that landlords can better understand the regulations.
  - New licence fees.
  - Enforcement options for the Local Authority.
- Directly emailed all letting agents/estate agents setting out the new licensing legislation and requirements. We also instructed to inform their clients.
- Wrote an article for Devon Landlords Association newsletter setting out the new licensing legislation and requirements.
- Wrote a section for the food newsletter around B&B's and hotels that may be subject to mandatory licensing.
- Directly contacted providers of accommodation via sparerooms/AirB&B etc as and when there was a chance that the advertised property could be licensable.
- Utilised social media including 'My Day' to get key messages out.

### **3. Recommendation(s) / Proposed Decision**

That members note the new regulations and the Council's progress in implementation in order to ensure a high quality, safe and effective private rented sector.

## Appendix 1 – HMO Waste Guidance

### Background Documents

<https://www.torbay.gov.uk/housing/advice-for-landlords/hmo/>

The following guidance document facilitates access to all relevant regulations; [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/767310/HMOs and residential property licensing reforms guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767310/HMOs_and_residential_property_licensing_reforms_guidance.pdf)

Please also find attached our guidance sheet which we use to supplement the waste collection condition.

## Appendix 1

### **Waste guidance**

1. The Licence holder shall comply with the Council's scheme which relates to the storage and disposal of household waste. The licence holder shall ensure so far as is reasonably practicable that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, or the occupiers fail to do so the licence holder adhere to these provisions themselves.
2. The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating:

  - a) which day refuse collections will take place;
  - b) what type of bins to use for household and recycling waste;
  - c) details of the Council's bulky waste collection service;
  - d) details of the Council's missed bin collection service;
  - e) the occupiers responsibility to put recycling boxes, food bin and wheeled bin or seagull proof bag at the boundary of the property so easily accessible from the highway by 6am on the collection day
  - f) that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected within 48 hours and/or disposed of as soon as is reasonably practicable and ensure that such rubbish, where possible, is stored within the boundary of the property until collection/disposal. Occupiers should ensure the receptacle is kept locked at all times to prevent access by seagulls and/or vermin and members of the public to potentially unsafe waste.
3. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is provided at the house. This shall include a closable bin(s) kept in good working order and of suitable capacity as specified by the Council.
4. The licence holder shall ensure that commercial and/or trade rubbish/waste is not disposed of in the domestic household bins. Any trade rubbish/waste shall be disposed of as soon as is reasonably practicable and ensure that such rubbish/waste, where practicable, is stored within the boundary of the property. The licence holder shall make adequate arrangements for the collection and disposal of commercial waste and must use a licenced waste carrier.
5. Residents will need to separate their food waste and recycling from their residual waste. For further details of how waste should be separated please see [www.torbay.gov.uk/recycling/what-goes-in-my-bin](http://www.torbay.gov.uk/recycling/what-goes-in-my-bin)
6. Torbay Council will supply one set of waste and recycling containers per council tax account as per the Environmental Protection Act 1990, and provide a comprehensive and frequent waste collection for these containers.