

## How HMOs are managed in other University Towns

### EXECUTIVE SUMMARY

1. Most towns and cities – 17 from 20 surveyed – have brought in **Article 4 direction** controls on HMOs.
2. On licensing, 10 have introduced **additional licensing** of HMOs (4 of them of similar size to Leamington), and a further 3 have opted for selective licensing of ALL private sector landlords in a defined area (Coventry most recently).
3. Several are already successfully using **ASB enforcement** on waste, flytipping etc eg Rugby's process developed by Lorna Hudson, now working for WDC, often working closely with Police and University/Student Union.  
*(More are probably using ASB - gaps in data in table below reflect lack of time to complete research on this).*
4. Several Councils pursue a strategy of encouraging **well-located PBSA's** rather than HMOs, often working closely with the main University.
5. **Additional Licensing** researched by telephone in four authorities. Key findings are:
  - a. Experience has been very beneficial for tenants – small HMOs were too often in breach of minimum safety and health standards.
  - b. Landlord accreditation schemes did not work.
  - c. After launch period, additional licensing becomes cost-neutral – some upfront investment is needed
  - d. Important to engage properly with landlords – most then appreciate benefits
  - e. Best to set charges on a 'polluter pays' basis, with good landlords paying less and with less frequent renewals/inspections. Poor landlords can be licensed year by year.
  - f. To manage problems Councils use specific conditions on licences & management orders...prosecutions and withdrawal of licence are certainly applied as 'last resort' measures.
  - g. Planning enforcement generally prosecutes landlords who seriously flout the rules on conversions – and the HMO licensing authority is then able to use the conviction in the 'fit and proper person' test.

Town	Planning (Article 4)	Licensing (Additional)	Use of ASB notices ?	Other Enforcement ?	Other – Waste etc
Aberystwyth (Ceredigion)	No record found	Yes in 2014			
Bath (full report below)	Yes whole City	Yes from 2014			
Birmingham	Yes in 2014 but Selly Oak already 55% HMO	Currently in consultation			Major HMO landlord charges tenants £5 per waste bag he handles
Brighton & Hove	Yes in 2013	Yes in 2012			Excellent strategic approach Careful encouragements of PBSA's. See link 1 below

Canterbury	Yes in 2015	No record found			PBSA's have been encouraged and HMO pressure is said to be easing (local Councillor information)
Coventry	No record found	No but selective licensing of all landlords in an area			PBSA's have been encouraged and HMO pressure is said to be easing
Durham	In 2015 - 50% houses in centre already HMO	No but Uni now aim to increase on-campus accomm by 10%	Yes - by police. Also Designated Public Place Orders (DPPO) for noise and waste	Use of FPN's for littering & waste. Use of a 'points' system - persistent offenders put on training workshop	Close working between police and Uni...data-sharing protocol Waste & Recycling Champion - Uni pays End of year campaign
Exeter	Yes in 2011-13	Yes but limited		Use of FPN's and training workshops	Use of App for bin collections. Close work with Student's Union. Involve academic experts in designing campaigns on alcohol, waste etc
Leeds	Yes in 2012	Yes in 2009		Prosecutions and fines	Uses both selective and HMO licensing powers to protect vulnerable and raise standards. Voluntary accreditation scheme. <a href="#">See link 2 below</a>
Newcastle	Yes in 2011-13	No but selective licensing of all landlords in an area 2011 extended 2016			Major HMO landlord has 'no party' clause in rental contracts. Recycling for BHF charity through year & year-end. Uni invested in JV off-campus PBSA which regenerated Gateshead centre.

Northampton	Yes in 2011 & 2012	Yes in 2014			
Nottingham	Yes in 2012	Yes in 2014	Yes – same system as Rugby & Durham		Major HMO landlord has 'no party' clause in rental contracts
Oxford (full report below)	Yes in 2012	Yes in 2015 Higher fees/1 year licenses for non-compliant landlords	Yes - Community Response Team for Cat 3 ASB's – can issue FPN's		
Portsmouth (full report below)	Yes in 2011	Yes in 2013			50m radius policy See link 3 below
Preston	Yes in 2013	No record found		£5k max fine for breaching waste rules, inc state of garden/yards £50k for flytipping	Normal household waste volume is foc. Extra receptacles & disposal are HMO Manager responsibility & cost.
Rugby (full report below)	No - considering	No	Yes – enforces against both landlords and occupants	Council leads police on FPN policy/use and enforces against waste, garden & flytipping nuisances both HMO and other	Is concerned about on-street parking and County parking permit policy.
Sheffield	Yes in 2011	No but selective licensing of all landlords in an area 2014	ASB Closure Order S11B for up to 3 mths in extreme cases	Landlords' licence at risk if ASB not managed	Snug scheme Uni, Council, Student Union tests 'Fit & Proper', Council inspection 100% before going live on Student website. See link 4 below
Southampton (full report below)	Yes in 2011	Yes – considered using Interim & final Mgmt Orders (Housing Act 2004) but went for add'l		Council checks all new Uni accredited houses with StreetCred allies Fire, Police, residents and	Integrated neighbourhood nuisance service operated Excellent 2016 summary of impact and adjustments to Article 4 policy eg

		licensing		Council to visit, inform and identify problems	new 40m radius policy See link 5 below
York	Yes in 2012	No record found			

Many other authorities have of course brought in Article 4 planning policies and additional licensing – especially in London. These give a fair overview outside London, with those highlighted in grey perhaps being closest in size to Warwick/Leamington.

#### LINKS to

1. Brighton 2015 Housing Strategy [http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/1%20Housing%20Strategy%202015%20\(review%20draft\).pdf](http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/1%20Housing%20Strategy%202015%20(review%20draft).pdf)
2. Leeds Landlord Newsletter  
<http://www.leeds.gov.uk/docs/LLAS%20Spring%202015%20v1.pdf>  
Winter and Summer newsletters also on file
3. Portsmouth <https://www.portsmouth.gov.uk/ext/documents-external/pln-hmo-supplementary-planning-document-24jun13.pdf>
4. Sheffield <https://www.sheffield.gov.uk/in-your-area/housing-services/private-sector-housing/private-landlords.html>
5. Southampton [https://www.southampton.gov.uk/policies/Final-HMO-SPD\\_tcm63-383554.pdf](https://www.southampton.gov.uk/policies/Final-HMO-SPD_tcm63-383554.pdf)

#### ASB ENFORCEMENT - case study

Full telephone interview with Sean Lewis, Officer in **Rugby** performing similar role to Pete Cutts, and detailed email exchanges produced following more detailed information:

1. Has used Community Protection Notice system for about 3 years not just on HMOs. 90%+ success rate with formal warnings and notices against all concerned parties – occupants and landlords. Has significantly changed behaviours, especially HMO and other landlord behaviours.
2. Developed Fixed Penalty Notice policy and process, mainly for own use but also police, levying standard fines of £100 but also all costs of clearance, invoicing etc are charged and recovered. There have so far been zero court cases.
3. Flytipping is always a waste authority responsibility wherever it is found (alleyways, footpaths, roads, open ground etc). County responsibility is simply to deal with waste so cleared.
4. Communities have been encouraged to monitor the high-risk properties, usually HMOs and notify council of specific flytipping going on.
5. Landlords will usually respond fast to an informal warning from the Council to avoid risk of cost charges and fine. Increasingly landlords are being successfully encouraged to cooperate to clear major waste into shared skips eg at ends of terms/years.
6. Deals with regular difficulty of having indicative but not solid evidence against fly tipper/litterer by using a s108 notice under the environmental Protection Act, requiring the recipient to attend Council Offices and be questioned under caution. That often results in admission and agreement to pay standard £400 fine, sometimes just a stiff warning that changes behaviour. Occasionally there is non-attendance in which case they are prosecuted for failure to obey the notice, and are invariably fined by the Court for this offence NOT flytipping itself, and all Council costs are covered. That sends a strong message.

7. Fit and proper person test for landlords is not formal and written, but PSH and waste teams are in the same department and office, and log all appropriate records of breaches and behaviours in a shared database. They do not seek DBS checks at present.
8. Parking permits control on-street parking in central parts of Rugby but the Council is unhappy with the way an HMO conversion can multiply the number of permits granted. It is considering lobbying for the number for students to be limited to pre-conversion numbers only.
9. Public Spaces Protection Orders (PSPO's) are a very flexible tool for use in a wide range of suitable policies. Rugby mainly uses it to control alcohol consumption and similar behaviours in parks and town centre.

### **Additional Licensing – Notes from other Councils**

01865 252307 **Oxford** City Council

[https://www.oxford.gov.uk/info/20113/houses\\_in\\_multiple\\_occupation/905/hmo\\_additional\\_licensing\\_designations\\_2015](https://www.oxford.gov.uk/info/20113/houses_in_multiple_occupation/905/hmo_additional_licensing_designations_2015)

Catherine Coney [kconey@oxford.gov.uk](mailto:kconey@oxford.gov.uk)

Since 2012 – across whole of city as HMOs widespread. It is self-funding.

Started by doing annual licensing – re-inspection. Makes non-compliant landlords pay higher licensing fees – polluter pays – see attachment

Licenses can be for 5 years for compliant landlords – 1 year for non-compliant and re-inspection fee.

Most HMOs are 2-storey – poor standards coming up regularly

Has improved standards but is ongoing – no regrets. Lots of basic H&S safety stuff – lots of poor management standards. Prosecutes at least 10 each year. Still coming across many illegal non-licensed properties, five years on.

Lots of volume at beginning – admin is a problem to start with.....communicate upfront

Company with bespoke software is being considered – details to follow

Fit & Proper – self-declaration, no background checks, would be too slow and costly. If mandatory though would be good.

Article 4 planning – if found operating HMO illegally – enforcement notice from planning. If failed to do this and prosecuted then not fit and proper.

01225 396444 **Bath** <http://www.bathnes.gov.uk/services/housing/houses-multiple-occupation>

Jeremy Manners. Since 2014 [jeremy\\_manners@bathnes.gov.uk](mailto:jeremy_manners@bathnes.gov.uk) Happy for Officers to get in touch in the future.

Additional Licensing in 2.5 wards – Article 4 covers whole of Bath City. One-off cost to set system up but good results. Is cost-neutral ongoing.

Implementation – lots of work in order to meet legislative requirements and consultation phase – a year from start to finish. Evidence gathered was to prove significant no. of properties not being managed sufficiently well. Had evidence from complaints, from mandatory licensing, house conditions survey in 2012. Most of it was from own databases. Also some doorstep surveys including Ward Councillors. Accumulation of smaller issues. Fire incidents, complaints.

Also had to look at other options. Had accreditation scheme in place – but was not adequate, only good landlords decided to join. Engage with landlords/forums as early as possible. 90% of residents were supportive.

Successful in identifying property issues through 100% inspection upfront – many properties required some work, one third needed enforcement work. So lots of properties needed conditions put on licences eg 50% needed work on fire protection.

5 year licences, compliance audits 25% halfway risk-based. Worked well.

**Portsmouth** <https://www.portsmouth.gov.uk/ext/housing/shared-houses-additional-licensing-of-houses-in-multiple-occupation.aspx>

Licence Fees are at <https://www.portsmouth.gov.uk/ext/documents-external/hou-hmofees.pdf> 02392 688369 Michael Conway Additional Licensing restricted to 3 Post Codes. Fees are set as cost-neutral. Licence is for 5 years.

Also covers wholly tenanted s257 flats – ie those which are self-contained but do not conform with current Building regs

Must have good evidence – high density, ASB and safety. Implementation complicated, can be lengthy. Approved by Council. Then Appeal and consultation time. Database of complaints.

Residents supported – doorstep work needed. Landlords were lukewarm – some thought accredited scheme was adequate, better ones reasonably happy to be licensed in order to control rogues.

100% inspection upfront. Main concerns are overall management. Provides education for landlords. Also prosecute. Should require information regularly from HMOs on their understanding of management regulations just as check on how good the management is.

They do remove landlords who fail to comply. Issue management orders.

**Southampton** <https://www.southampton.gov.uk/housing/landlords/houses-multiple-occupation/licensing-houses-in-multiple-occupation/default.aspx> 02380833006 then 6 Sam Ings

Senior HMO Licensing Officer. [sam.ings@southampton.gov.uk](mailto:sam.ings@southampton.gov.uk)

Primary objective to ensure HMOs are safe – successful. Additional licensing from 1<sup>st</sup> July 2013 covers key areas only. Will extend scheme.

80% of properties failed on 100% initial inspection usually on safety issues.. Lots of other benefits such as using other tools for letting boards, rubbish accumulations – mix of officers work on team, eg surveyors and wardens. Use community payback – picking up bulk waste with people doing community service.

Other ASB issues dealt with in conjunction with other powers. Emphasis is on pressure from landlords by Council – place conditions on licence. Risk is prosecution and then withdrawal of approval. Has prosecuted 14 cases for failure to license and handful of other cases for other breaches. Fee structure is polluter pays – if people come forward without chasing by Council. Does reduced licence period for people who have poor management/breaches. New licensing regime will raise no from 700 to 2000 but leaving 5000.

Advice is to create a fee structure – review points. Should have had start-up capital to get things started soon enough – paid back out of fees in due course. Each licence only lasts for duration of scheme.

Landlords resistant at first but very helpful and now supportive as scheme has developed.

**Wycombe** <https://www.wycombe.gov.uk/uploads/public/documents/Housing/HMOs-protocol-for-licensing.pdf> have shorter licence cycles for properties/landlords where there are concerns

which ensures these properties are inspected on a more regular basis – providing greater assurances for the tenant as well as surrounding residents.

Quote from Wycombe - *private sector housing enforcement policy on HMOs, that the usual 5 year period for which an HMO licence is issued by that Council may be reduced where there are concerns about management arrangements, or 'if an application has been made for the renewal of a licence and the conditions of the existing licence have not been met at any relevant time during the period of the licence'.*

**'University and Community Matters'**

National Conference at Durham University 20<sup>th</sup> July 2016

The purpose of the conference was to share experiences, ideas and plans on the impact of universities on accommodation, community relations and the local economy.

It was generously hosted by the University and jointly organised with the National Association of Resident's Associations (NORA).

Almost 100 delegates attended from some 18 different University towns and cities across the country, representing residents, local authorities, students, law enforcement and of course the Universities themselves both individually and from their national grouping, Universities UK.

Our own District was well represented by two Council officers, a Councillor, a police officer and two members of Warwick University staff. As a forum for learning about best practice, different approaches to similar problems and where to find further information it was an exceptional event.

Graham Towl, Pro-Vice-Chancellor of Durham, chaired proceedings and ensured there was very widespread participation from the floor, after each of the 10 or so speakers had delivered their short addresses, covering issues from almost every angle.

Whether delegates left feeling buoyed up by the progress being made and solutions found or daunted by the scale of the challenges – and obstacles – was not clear. For me it was a mix of both.

Personally I was encouraged to find that Warwick seems to be ahead of other towns in some ways (for example the street marshal scheme), in the middle of the pack in most others perhaps (adoption of Article 4 planning controls on HMOs – licensing not yet extended to smaller HMOs) and lagging in others (dealing with HMO waste, enforcement methods).

Only a few Universities seem so far to have clear student accommodation strategies agreed with local communities, businesses and Councils – Northumbria is the most notable. It has been willing to invest directly in halls of residence not just to maintain but to increase the proportion of students 'on campus' and so ease the pressure on local housing. They have regenerated a central area, please residents, local businesses and council – and made a decent return.. Durham has possible plans to follow this example. We heard of no others with this degree of commitment. Neither wish to encourage private schemes (Purpose Built Student Accommodation – PBSA's) - but they are there and growing.

Other cities are not opposed to PBSA's and all are seeing growth but there were mixed views about what they do to rents and the student experience on the one hand, and their impact on easing pressures on HMOs/local communities on the other.

One area, Sheffield, has a particularly strong 3-way formal partnership between Council, Student Union and University, to check HMO quality on a two year 100% inspection cycle. The partnership called SNUG also includes community and landlord representation. Only SNUG-approved properties can be advertised on the student website and use the brand. Bath is also said to have an effective collaborative model.

There are other good ideas and practices which I am sure those of us who attended will be wanting to follow up over the coming months, especially perhaps through the Task & Finish

working group to review many HMO-related issues, recently set up by Warwick District Councillors.

Some of the most challenging may be how to incorporate PBSA beds in our planning policy (fortunately other Councils already do); how to ensure landlords as well as occupants meet their responsibilities on waste, recycling, property appearance and noise (again we heard of some good approaches elsewhere to draw on); and whether we should extend licensing to smaller HMOs (other areas have and claim clear community benefits).

Some are beyond our scope locally – for example whether Universities UK might wish to issue clear guidelines to its members on planning on-campus/PBSA accommodation. Another hot potato which was discussed is to what extent Councils are still compensated by government for the loss of Council Tax on all student HMOs and may be in the future.

I look forward to us making progress locally over the next 12 months and being able to share positive experiences once more in a year's time – perhaps somewhere more central next time, such as Warwick !

Colin Quinney  
Warwick District Councillor  
23.07.16

### **Some University Towns with successful collaborative 'end of year' waste collection Campaigns**

Newcastle – see Durham conference report  
Durham – see Durham conference report

Bangor - <https://www.bangor.ac.uk/news/university/bangor-students-tackle-waste-problems-8468>

Reading <https://www.reading.ac.uk/news-and-events/releases/PR635005.aspx>

Bath <http://www.bathchronicle.co.uk/students-urged-clear-gardens/story-11339913-detail/story.html>

Approaches differ but key common themes are:

- Collaboration between Students Union, Local Council, often with local Charity ...sometimes University itself, Neighbourhood group
- One/two week end of year campaign...sometimes end of other terms
- Large teams of volunteers
- Often a specialised van to pick up larger items
- Strong recycling and 'cleaner community' messages
- Striking sometimes humorous posters and leaflets



## Durham Conference – detailed notes for Task & Finish Group

This highlights some specific information at the Conference which may be relevant to our Task & Finish Group which is not covered or only briefly mentioned in the summary paper. Have taken the opportunity to add other relevant information (*in italics*).

### 1. Anti-Social Behaviour - Enforcement

Durham police have taken over enforcement action against Anti-Social Behaviour from University Security. CPO's do the work.

They use Designated Public Place Orders (DPPO's) and issue Community Protection Warnings (CPW) for a first offence and a CP Notice (CPN) for a second, offence. Sometimes use dispersal powers and very occasionally arrests.

A number of CPW's have been issued to discourage external waste

Fixed Penalty Tickets used to deter public nuisances, which includes littering.

CPW's are issued to houses but with named occupants so that subsequent Notices are valid.

Their philosophy is to insist on apologies from perpetrators and to give full feedback to victims and residents. Also to issue 'points' and 'encourage' persistent offenders to attend training workshops.

They work very closely with University and have a data-sharing protocol to avoid any DPI challenges and enable University disciplinary pressure also to be applied.

They also monitor bars to block irresponsible drink promotions and encouragement of Anti-Social behaviour – use FPN's, occasional licence revocations.

Results of this relatively new initiative have been extremely positive as word has spread and the number of CPN's required has halved.

Exeter have developed various programmes with the student's union based on experiments and psychological research which are producing results

- Carefully targeted and positive poster campaigns
- Streetwise fund to bring communities together – Good Neighbour Award
- Addaction – to tackle addictions including alcohol. Fines and workshops which are now carefully tailored with great success
- Pro-social communications include a specially developed app which among other important information has an instant link to bin collection days !!

Nottingham One landlord has a contractual clause in his leases banning parties

*Coincidentally Pete Cutts mentioned a very recent briefing by a lawyer who supports many Councils including Rugby along similar lines – combining these ASB powers with Council powers under s46 on HMOs and s215 on general external appearance, served principally on landlords. 80% success rate apparently. T&F should perhaps get briefing on what he and other Officers think is right way forward after Durham and lawyer inputs.*

### 2. Waste & Recycling

Several initiatives which may be of interest to WDC:

Exeter – see above

Newcastle Major ongoing campaigns backed by student union to encourage recycling for charity (British Heart Foundation bags, and skips). Big drive with volunteers for last two weeks of every year. 2 community student reps cover main HMO areas.

Durham Similar end of year campaign using purple bags and a Reuse campaign

Student Warden Champion funded for 3 years by Uni, works closely with police to control waste issues.

Birmingham One landlord charges occupants £5 for every bag of waste he is obliged to pick up (presumably this is in the lease).

### 3. HMO Article 4 Planning Policies

Most towns now have this in place but in all cases it seems to have been too late to prevent serious community imbalance.

Durham has a population of 40k plus 15k students of which around 10-12k live outside University accommodation. As a result about half of all dwellings in the city Centre are now HMOs. There are only 2 PBSA's in the city. Article 4 policy was only introduced here last year. A big effort is now being made by the University to involve residents' groups. Council was until recently unsympathetic but this has changed. Councillors were not helpful, either too remote (Unitary authority across whole County) or often employees of the University ! Durham Uni now wants to increase % of in-house accommodation by 10%.

Birmingham has the policy in place in Selly Oak but the Ward closest to the University, already with 55% HMOs, it is too late. Residents have started to employ a barrister to fight planning applications with a much improved success rate.

On the issue of how to adjust HMO policy which seeks to protect balanced communities, in order **to allow for PBSA's**, I was informed that it is possible to supplement the '10% of dwellings' in a given area approach by applying a '20% of population' test in parallel. An attempt was made in Durham, based on Manchester's policy but this seems to have failed formally so far. Manchester's is not too clear - but may have some clauses from which we may learn. Both are attached.

### 4. Additional Licensing

Several authorities have introduced additional licensing or are about to do so. Southampton's has been in for two years and they claim to see an improvement in their intelligence enabling policies to be enforced and in the quality of accommodation due to regular inspections by an HMO warden, paid for from the licensing revenue.

Attendees recommended Portsmouth as a good operator for the last three years so links are given in the box below:

*ADDITIONAL LICENSING - Portsmouth*

<https://www.portsmouth.gov.uk/ext/housing-and-council-tax/housing/shared-houses-additional-licensing-of-houses-in-multiple-occupation.aspx>

*We also perhaps need to understand more clearly the S257 HMO category -*

<https://www.portsmouth.gov.uk/ext/documents-external/hou-hmomanagementofsection-257.pdf>

*although this may not be a major issue in our area - pre-1992 conversion of flats.*

*Some very useful background on this and other matters is in*

<https://www.portsmouth.gov.uk/ext/documents-external/hou-hmolicensefaqs.pdf>

*Fees charged are*

<https://www.portsmouth.gov.uk/ext/documents-external/hou-hmofees.pdf>

*Landlord's national association view of Licensing - main concerns seem to be inconsistency and inadequate enforcement by Councils.(It also covers selective licensing of private rented accommodation which is outside the scope of this Group)*

<http://www.landlords.org.uk/sites/default/files/NLA%20Licensing%20Report.pdf>

*Background legislation and regulation links are*

<http://www.legislation.gov.uk/ukpga/2004/34/contents>

<http://www.legislation.gov.uk/uksi/2006/372/contents/made>