

# **Additional Licensing and Article 4 Direction Consultation Document**

**Houses in Multiple Occupation  
in parts of Doncaster**

October 2017

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We may be able to provide this consultation in Slovak, Polish or Czech. Please email [AdditionalLicensing@doncaster.gov.uk](mailto:AdditionalLicensing@doncaster.gov.uk) with your name, address, language required and phone number to request this by Monday 22<sup>nd</sup> January 2018. A decision will be taken, in line with DMBC policies, if this is possible and if so the most cost effective way to provide this to you. Please try to seek assistance from other members of the community in the first instance as it may not be possible to provide a translation service.

Je možné, že budeme môcť ponúknuť túto konzultáciu v slovenskom jazyku. V prípade, že chcete o túto službu požiadať, urobte tak prosím, zaslaním e-mailu na adresu [AdditionalLicensing@doncaster.gov.uk](mailto:AdditionalLicensing@doncaster.gov.uk) so svojím menom, adresou, požadovaným jazykom a telefónnym číslom najneskôr do nedele 22.01.18. Rozhodnutie bude prijaté v súlade s postupmi DMBC o tom, či to bude možné, ak áno, aký je najúspornejší spôsob zabezpečenia tohto pre vás. Prosím, v prvom rade skúste požiadať o pomoc iných členov komunity, pretože je možné, že nebudeme môcť poskytnúť službu prekladateľa.

Niniejsza konsultacja może zostać udostępniona w języku polskim. Aby otrzymać dokument, należy wysłać wiadomość e-mail na adres: [AdditionalLicensing@doncaster.gov.uk](mailto:AdditionalLicensing@doncaster.gov.uk) i podać swoje imię, nazwisko, adres, wymagany język i nr tel. w terminie do 22 Stycznia 2018 r. Zgodnie z politykami DMBC zostanie podjęta decyzja, czy istnieje możliwość zapewnienia tłumaczenia z uwzględnieniem jego kosztów. Ponieważ tłumaczenie nie zawsze może być zapewnione, w pierwszej instancji zaleca się zasięgnąć wsparcia od innych członków społeczności.

Možná budeme schopni poskytnout tuto konzultaci v *českém jazyce*. Prosím, napište email na [AdditionalLicensing@doncaster.gov.uk](mailto:AdditionalLicensing@doncaster.gov.uk) s Vaším jménem, adresou, požadovaným jazykem a telefonním číslem a zažádejte do neděle 22.01.18. Pokud je to možné a pokud je to nákladově nejvýhodnější efektivní způsob jak Vám toto poskytovat, rozhodnutí bude přijato v souladu se zásadami DMBC. Jelikož nemusí být možné poskytnout překladatelské služby prosím, zkuste nejprve požádat o pomoc od ostatních členů společnosti.

## 1. Background

Housing is important. It is the foundation upon which we build our lives. The quality of housing, how much it costs and where people live is a major influence on people's quality of life, well-being, health and their opportunity to work, study and access sport, leisure and cultural activities. Good quality housing is essential for economic growth and engagement, educational attainment, public health, and community cohesion.

It is important that the local housing market contain a wide variety of housing units, catering for the need of all groups of resident ranging from large privately owned residents, to small private rented units catering for the low cost single person market. Houses in Multiple Occupation (HMOs) usually cater for the low cost end of the rental market and are properties which are occupied by persons who share one or more basic facilities such as a kitchen, bathroom, WC or other facilities. The main types of HMOs are bedsits and shared houses, but the HMO definition also includes some self-contained flats where the conversion does not comply with the appropriate building regulations.

Doncaster Council is aware of nearly 1000 properties being used as HMOs, but the real number is likely to be substantially higher. Of these HMOs 80% are located in the central wards, with the largest clusters being in Wheatley Hills & Intake ward, Town ward and Hexthorpe and Balby North ward.

Presently the Housing Act 2004 requires HMOs that are 3 or more storeys with 5 or more people to apply for a HMO license. Planning permission is also required for owners to change their property into larger HMOs, occupied by over 6 unrelated residents. Currently less than 15% of the HMOs the Enforcement Team are aware of in Doncaster are of a sufficient size to fall under planning or licensing requirements. As a result, anyone can buy a small house in Doncaster and without asking for advice or take appropriate steps to make it suitable, start renting out rooms and making people share facilities.

The HMO stock in Doncaster are typically older dwellings (pre 1919) compared to the overall private sector stock and is often prone to structural problems and poor energy efficiency. As a result, the Enforcement Team finds that a large proportion of the small non-licensable HMOs they visit are either:

- Too small for safe occupation,
- have insufficient facilities,
- are overcrowded,
- have inadequate fire precautions, and/or
- present a serious health and safety hazard to the occupiers,
- cause concerns with anti-social behaviour or impact on the amenities to surrounding properties.

In the last 5 years, the Enforcement Team has seen a substantial increase in concerns raised by residents in respect of over occupation, overcrowding and anti-social behaviour resulting from cramped housing conditions. Many such

complaints relate to Houses in Multiple Occupation. It is a belief amongst officers working in this area that national change to Housing benefits, an influx of property investors from outside the region, changes in migration patterns and properties used by Gangmasters have substantially increased problems with overcrowding in Doncaster. This sector of the privately rented market houses a high proportion of very vulnerable tenants, who by their very nature have limited knowledge of their own rights to safe accommodation; making it a high priority for the Enforcement Team to take proactive action to ensure their safety.

This document will serve a number of purposes; firstly, it will be a comprehensive document that the consultation will be based upon. It will inform and reveal the research that has taken place to gather the required evidence that will shape and justify the proposal as being an appropriate response to the problem of ASB within HMOs in central Doncaster. It will highlight the benefits of Additional Licensing and Article 4 Direction to ensure the proposal can be seen to have a balanced perspective. The document will then put this proposal into its legislative context before going on to present the licence conditions proposed to address the problems confirmed by the evidence. The proposed timeline, management arrangements and exit strategy will also be covered as will the fees. Finally, this document will explain the consultation process, what happens next and what we want you to do to inform our thinking.

## **2. Public Sector Equality Duty (PSED) Due Regard Statement**

The PSED was created by the Equality Act 2010 and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and places a duty on public bodies and others carrying out public functions. The aim of the PSED is to embed equality considerations into the day to day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer.

The Equality duty covers the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race,
- Religion or belief and
- Sex
- Sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination. The PSED consists of a general duty, with three main aims (set out in section 149 of the Equality Act 2010 and outlined below); and specific duties. The specific duties are designed to help public bodies meet the general duty.

A **Due Regard Statement** (DRS) is the tool for capturing the evidence to demonstrate that due regard has been shown when the council plans and delivers its functions. A Due Regard Statement must be completed for all programmes, projects and changes to service delivery.

- A DRS should be initiated at the beginning of the programme, project or change to inform project planning
- The DRS runs adjacent to the programme, project or change and is reviewed and completed at the relevant points
- Any reports produced need to reference “Due Regard” in the main body of the report and the DRS should be attached as an appendix
- The DRS cannot be fully completed until the programme, project or change is delivered.

At Doncaster Council, promoting equality of opportunity, eliminating discrimination and building cohesive and inclusive communities is about making life better for our residents, service users, customers and employees.

These proposals are aimed at private sector landlords irrespective of their personal, including any protected, characteristics. Similarly, the improved standards of property and tenancy management with the intention of reducing ASB, through compliance with licence conditions, apply to all properties and tenants in the designated areas irrespective of their personal, including any protected characteristics. In the same way the requirement to apply for Planning Permission if an Article 4 Direction is introduced would apply equally to all groups. Furthermore, one licence condition specifically highlights the requirement to not discriminate against any person, including tenants and residents, with protected characteristics under the Act.

One potential gap identified in the delivery of these proposals is linked to language barriers during consultation and implementation for those residents and landlords who do not speak English as a first language. This has been considered and guidance in different languages of how to access the information in this document in another language is available in the front of this document. The translations provided are based on information gained of minority languages existing in the local primary schools. During consultation events officers will also have access to telephone translation to ensure any questions can be made and answered in any language.

### **3. Community impact from Houses in Multiple Occupation**

#### **3.1 Available data**

To assess the impact on communities in Doncaster from HMOs, information has been gathered based on the Office of National Statistics Data Set of Tenure (2011), the Doncaster Corporate Gazetteer in addition to the number of complaints received and interventions undertaken in respect to anti-social behaviour, nuisance or housing disrepair by the Council's Enforcement Team. It is worth noting that the Enforcement Team is not the only partner agency dealing with ASB in these types of properties and further interventions would have been taken by NRT, SYP and Communities Area Teams. However, this data is not easily retrievable for the purpose of this assessment.

#### **3.2 Cumulative impact of HMOs by area**

The Enforcement Team is aware of nearly 1000 properties being used as HMOs in Doncaster, but the real number is likely to be substantially higher. Of such HMOs, 83 % are located in the central wards, with the largest clusters being in Wheatley Hills & Intake ward (32% of HMOs), Hexthorpe and Balby North Ward (29% of HMOs) and Town (17% of HMOs). Currently less than 18% of the HMOs are of a sufficient size to fall under planning or licensing requirement.

HMOs are a relatively small part of the local housing stock and borough wide in Doncaster it is estimated that only 0.7% of domestic properties have been converted to HMOs. However, as can be seen in Table 1 and 2, this small part of the housing sector is causing a disproportionate amount of complaints and interventions by the Enforcement Team. To put the problem into context, in the past 5 years the Enforcement Team has taken 2196 complaints/interventions in relation to HMOs, which related to 559 different HMO addresses. This translates to 57% of the known HMOs attracting complaints and/or requiring formal intervention during the last 5 years. The comparative figure for other (non-HMO) domestic properties in the same time period is 9.4%. When these figures are broken down by area, it is clear that the impact posed by HMOs is even greater in some areas. As seen in Table 1, in Hexthorpe 98% of all HMOs attracted complaints/intervention in this period, in Balby North (excluding Hexthorpe) this figure was 85%, Balby South 44%, Wheatley Hills and Intake 52% and in Town ward 54%. This demonstrates that the problem with poor tenancy management in HMOs is widespread and not just the result of a few particularly poor properties or landlords.

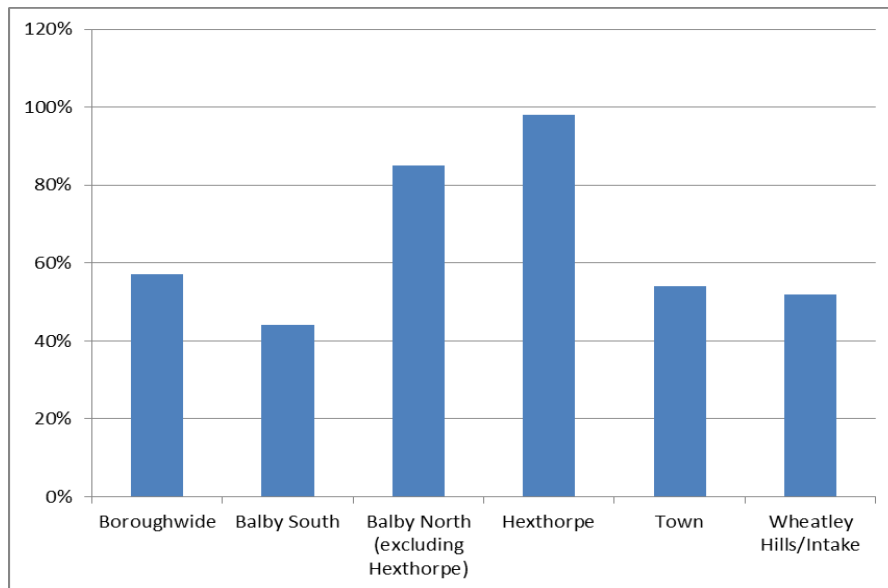


Table 1; The table show the proportion of HMOs that attracted complaints/intervention by the Enforcement Team in the last 5 years.

Area	Total No of known HMOs	No of unlicensed HMOs	No Currently Licenced HMOs (percentage licenced)	No of HMOs addresses attracting Complaints (in last 5 year 2012-2017)	Percentage of known HMOs attracting complaints in this area	Total No of complaints re HMOs (in last 5 year 2012-2017)
Borough wide	987	805	182 (18%)	559	57%	2196
Balby South	54	47	7 (13%)	24	44%	92
Balby North (excluding Hexthorpe)	236	194	42 (18%)	201	85%	768
Hexthorpe	47	45	2 (4%)	46	98%	261
Town	163	64	99 (61%)	88	54%	229
Wheatley Hills and Intake	316	296	20 (6%)	163	52%	538
Total for other wards in Doncaster	171	159	12 (7%)	37	22%	308

Table 2; The table shows the area profile of complaints received in respect to HMOs by the Enforcement Team in the period 2012 - 2017.



When studying the type of complaints/interventions recorded in respect to HMOs, it is clear that the main impact reported by the local community is mismanagement of waste including fly tipping and refuse accumulations, housing standards, noise nuisance and poor tenancy management such as harassment, illegal eviction and overcrowding. A full breakdown of HMO complaint/intervention by type can be seen in Table 3.

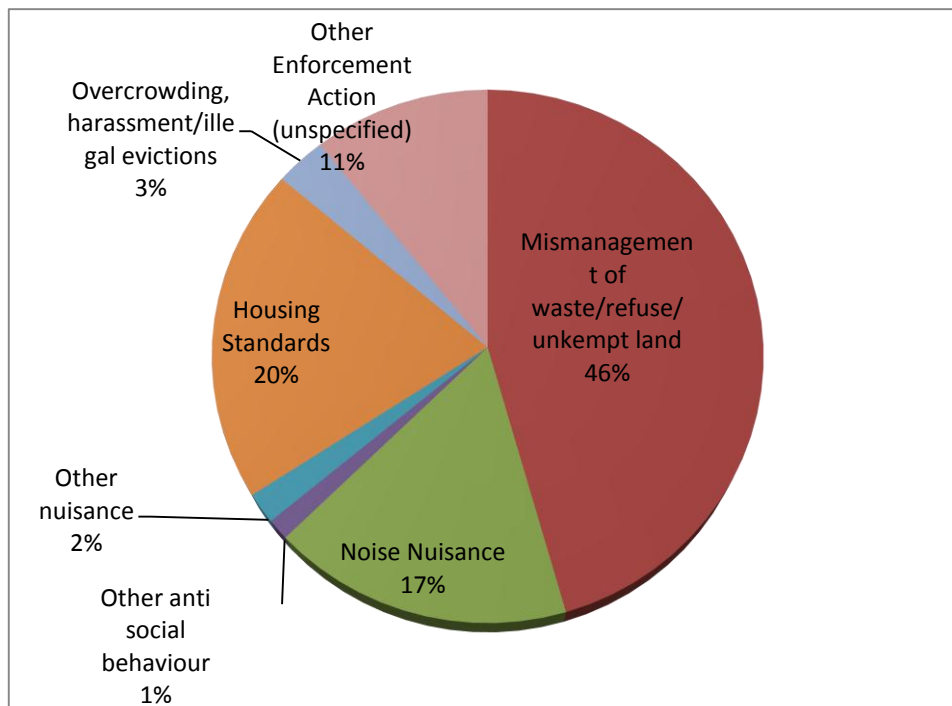
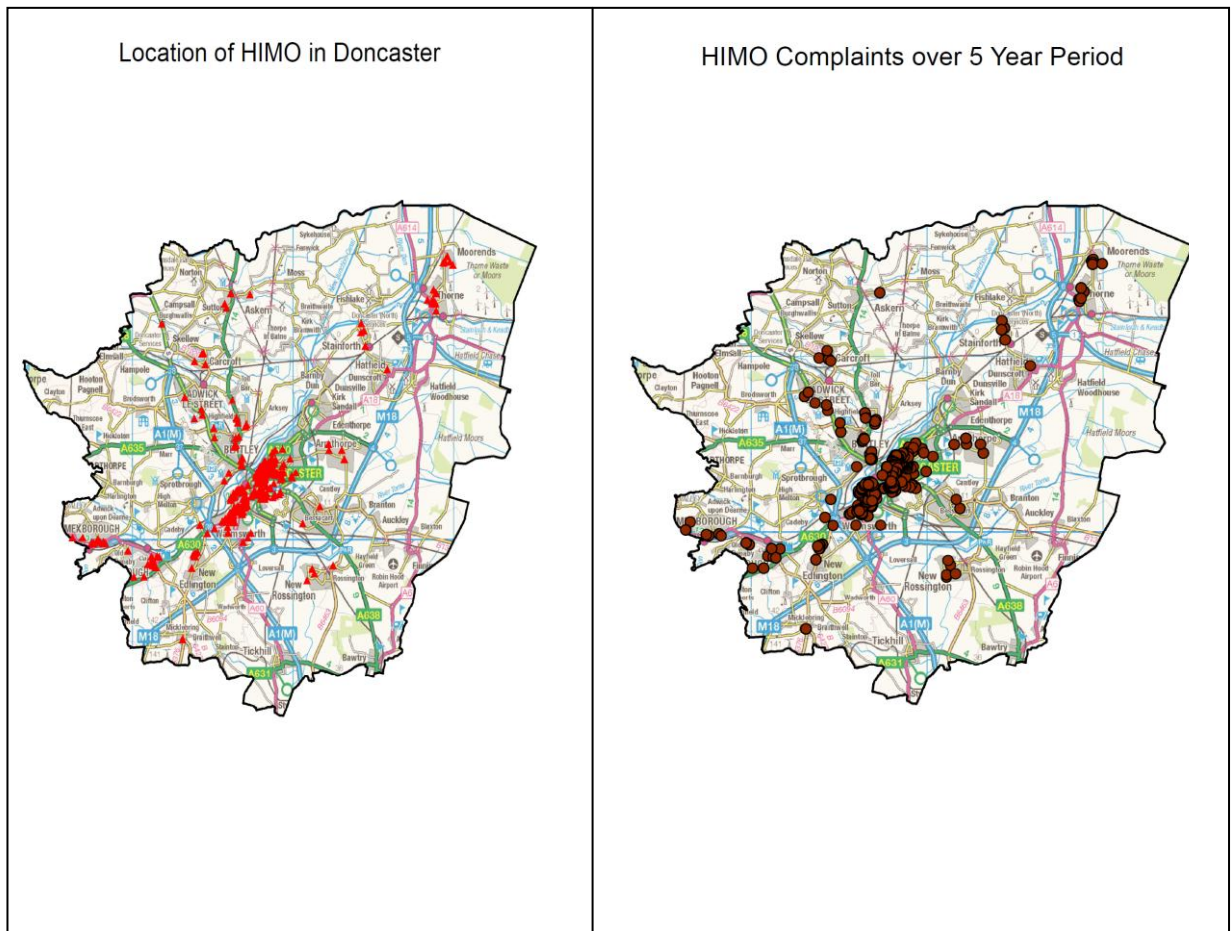


Table 3; This chart shows types of complaints/interventions in respect to HMOs by the Enforcement Team in the period 2011 - 2016.

#### 4. Geographic distribution of ASB from HMOs and proposed scheme area

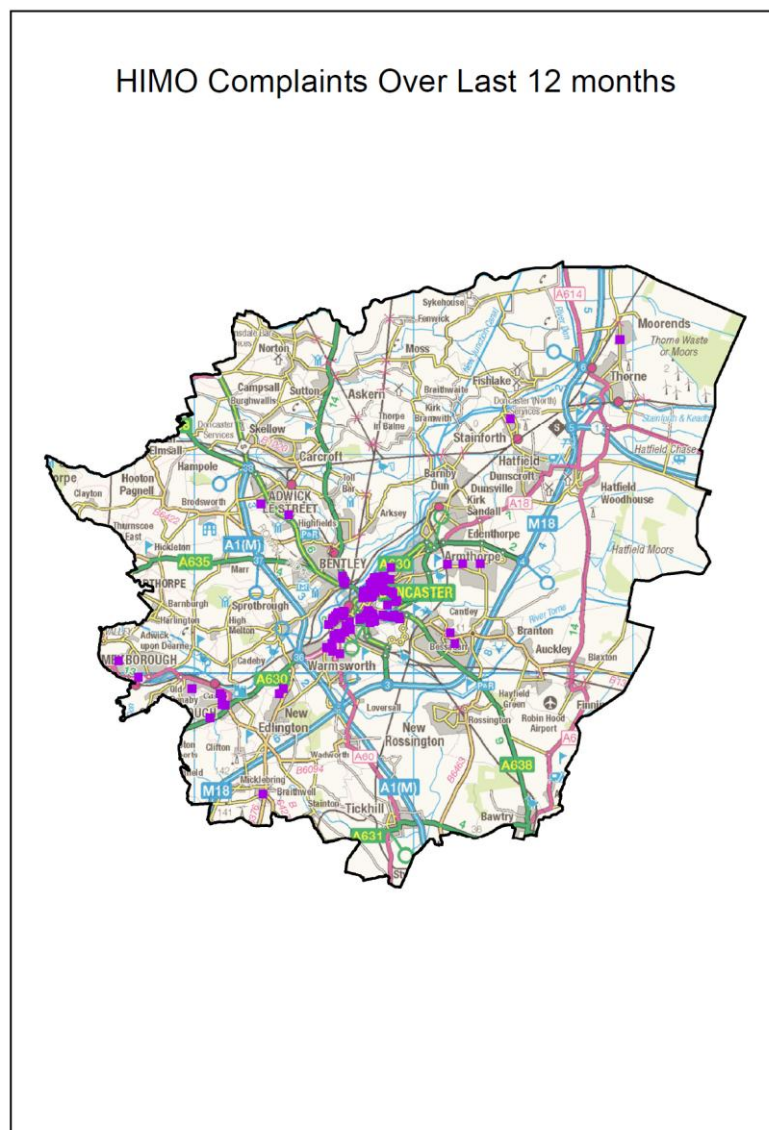
The proportion of HMOs in Doncaster is not evenly distributed across the Borough and there is a large concentration of these properties in the central area as can be seen on Map 1 below. The geographic concentration of HMOs is closely mirrored by the location of complaints received by the Enforcement Team in the past 5 years regarding ASB from such properties, as can be seen on Map 2.



Map 1: The map shows the location of all HMOs known to Doncaster Council

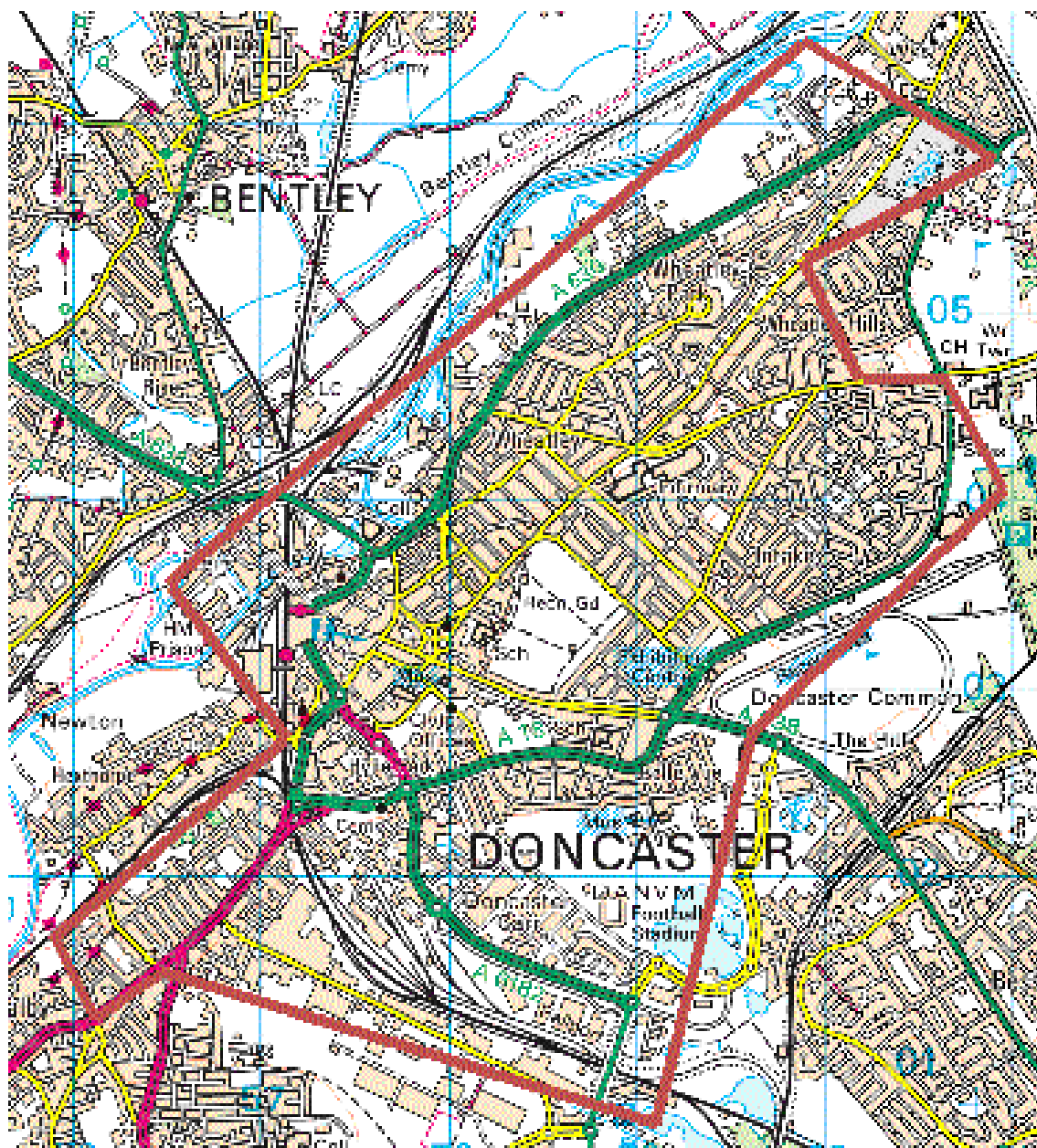
Map 2: The map shows any HMO that has generated a complaint regarding Anti-Social Behaviour in the past 5 years.

Over the past 3 years the Enforcement Team has attempted to tackle these problems in partnership with other Enforcement Agencies by releasing a more detailed HMO guidance document to encourage good standards of conversions, investigation of all complaints, carrying out targeted unannounced visits and taking robust enforcement action against both landlords and tenants where standards fall short of the legal minimum. This has achieved some reduction in complaints in the outer lying areas of Doncaster, but has not been effective in reducing the number of complaints received in areas where HMO concentrations are high, such as the central part of Doncaster. The distribution of HMO complaints received in the last 12-months can be seen on Map 3 below.



*Map 3: The map shows any HMO that has generated a complaint regarding Anti Social Behaviour in last 12-months, demonstrating the continuing cluster of complaints in the three most central wards.*

Based on the clusters of excessive ASB complaints demonstrated for HMOs, it is proposed that Additional Licensing as well as an Article 4 Direction restricting permitted development rights are introduced in parts of the three most central wards, Wheatley Hills & Intake ward, Town ward and Hexthorpe and Balby North Ward. The Additional Licensing Area is designed to exclude Hexthorpe which currently already have a Selective Licensing Scheme in force covering all properties including HMOs. However, the proposal is for the Article 4 direction to also cover the Hexthorpe area. Consideration has also been made to provide some protection from dispersal of the problems into bordering areas. It is proposed that both schemes covers all types HMOs not currently licensable, as long they are occupied by 4 or more people.



*Map 4: The map shows the extent of the proposed Additional Licensing Scheme. The Article 4 Direction would include is proposed to include all of this area as well as Hexthorpe.*

## **6. Legislative context**

### **6.1 Additional Licensing**

The Housing Act 2004 allows for an Authority to introduce a requirement to licence a specific category, or all HMOs, not already covered by mandatory licensing. The requirements that have to be met before a licensing scheme can be approved are detailed under Section 55-78 of the Housing Act 2004.

Before introducing such a scheme authorities must;

- a. consider that a significant proportion of the HMOs meeting the category description within the designated area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public, e.g. anti-social behaviour,
- b. Consider whether there are any other courses of action available to them that might provide an effective method of dealing with the problem or problems in question,
- c. Consider that making the designation will significantly assist them to deal with the problem or problems,
- d. Consult with those likely to be affected by the designation,
- e. Ensure that the making of a scheme is consistent with the Local Authority's overall housing strategy, and
- f. Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards to combining licensing with other actions taken by them or others.

Until 1<sup>st</sup> April 2015, consent from the Secretary of State was required before an additional scheme could be established. However, a general consent is currently in force on the condition that Local Authorities take all reasonable steps to consult persons likely to be affected. The consultation period must run for a minimum of 10 weeks and any schemes introduced remain in force for a maximum of five years and must be kept under review.

Additional Licensing places obligations on the landlords to act proactively and ensure their properties meet a set standard prior to occupation and throughout the term of the license.

In November 2015, the Department for Communities and Local Government published a technical discussion paper titled Extending Mandatory Licensing of Houses in Multiple Occupation. The paper supports the view that failure to effectively manage HMOs properly can adversely affect the health and safety of tenants within the building and can have a wider impact on the local community in which the HMO is located. The paper also sets out a number of

proposals for potentially extending the scope of mandatory licensing of HMOs. The current consultation indicates that legislation may be introduced to extend the number of properties that requires a Mandatory HMO Licensing by reducing the current licensing threshold of over 5 occupier and at least 3 storey dwelling, to a reduced threshold of either over 5 occupiers and two storey dwelling or over 5 occupiers in any property irrespective of number of size of dwelling. If legislation is passed to implement these proposals it would not remove the right of Local Authorities to introduce Additional Licensing Schemes where evidence supports this.

The Central 3 wards of Doncaster has a large concentration of small Victorian terraces with a traditional “two up two down” layout, which has over time had small rear extensions added to house a modern bathroom and kitchen. When these properties are converted into small HMOs the natural layout would be 4 bedsitting rooms with a shared kitchen and bathroom. Based on complaints received by the Enforcement Team, it is the conversion of these very small terraces into HMOs that currently causing the greatest concerns to residents of Doncaster and regularly attracts complaints regarding ASB including noise, waste and overcrowding. If legislation is passed to implement the recent government proposals, these properties would still be unlikely to fall under Mandatory Licensing as they would only house up to 4 individuals and it is therefore believed that an Additional Licensing Scheme is required to fully tackle the problem in this part of the housing market, even if an extension of Mandatory Licensing is implemented.

Under this proposal all private rented sector landlords, letting a HMO with 4 or more occupiers in the designated area, would have to apply for a licence for each property they rent out but certain exemptions apply (see Appendix 2 for the exemptions that apply). Where no exemptions apply landlords will need to apply for a licence within 3 months of the introduction of a scheme or face prosecution with an unlimited fine or a Civil Penalty. Each privately rented property must have a licence with a named landlord or managing agent responsible for meeting and maintaining certain conditions (see appendix 3 for the conditions that apply) some of which are mandatory under the Act. Landlords may also be required to re-pay all the rent monies received whilst the property is un-licensed.

The Council’s Enforcement Team will ensure compliance against the conditions through a programme of inspections and will take a zero tolerance approach to non-compliance and unlicensed premises. Prosecution for breaching a condition is punishable with an unlimited fine or a Civil Penalty. They will also be assessing the physical condition of a property and will follow up any issues arising outside of the Additional Licensing scheme in the same way as they do now. In this way there will be a clear distinction between compliance work on the licensing scheme conditions and other Enforcement activity.

It is proposed that the scheme will be delivered in partnership with one or more approved co-regulation partner, in a similar way to the Hexthorpe Selective Licensing Scheme.

There is currently only one approved co-regulation partner in Doncaster, the Home Safe Scheme. Any other landlord group or organisation that wish to be considered to operate an approved scheme are invited to contact the Enforcement Team by email [Nuisance.Team@doncaster.gov.uk](mailto:Nuisance.Team@doncaster.gov.uk) for further details of the strict criteria required to gain approval.

If the scheme becomes operative following the consultation then licence applications will need to be submitted within 3 months. If licences are refused the applicant will have 28 days to successfully re-apply or action will be taken for not holding a licence should they continue to rent out the property.

## **6.2 Article 4 Direction**

The Town and Country Planning (Use Classes) Order 1987 (as amended) describes a HMO (Class C4) as a small shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as kitchen or bathroom. Currently Planning Permission is not required for owners/landlords to change their properties from a dwelling-house (Use Class C3) to a small House in Multiple Occupation (HMO) (Use Class C4). (Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 provides for this.)

An Article 4 Direction is a local determination to allow local authorities to withdraw permitted development rights for specific development works or changes of use, under the Town and Country Planning Act 1990. In this case it would be the withdrawal of the permitted development rights that allow houses to be converted into HMOs when they are to be occupied by 6 or fewer people. A4Ds are made when the character of an area of acknowledged importance would be threatened.

This means a planning application would be required for all HMO changes of use (without needing to pay a planning application fee) for what would otherwise have been permitted development. In this case, it would be that permission is needed to establish a small HMO (3-6 unrelated persons sharing occupation) whereas without the Article 4 Direction this would not be necessary. It is important to note that requiring an application to be submitted does not mean that all would be refused. It does however allow the Council to assess each case against national and local planning policies; assessing the benefits and any harm or impact before making a decision. It also allows local residents to be informed as to what is proposed in their area. During the planning process considerations will be made regarding impact on the amenities and environment of surrounding residential and business properties. Applications can be refused if it is considered there is an impact or conditions could be imposed to mitigate this, such as sound insulation and good layout.

A4Ds need to state the geographical area they apply to (which could range from a few houses to the whole borough) and have very clear and specific



planning purposes (which could be to protect the local amenity of the area) stating the effect of the direction.

The problems associated with high concentrations of HMOs have been recognised nationally, by residents and organisations, the press and the Government (Evidence Gathering – HMO and Possible Planning Resources carried out by Ecotec for the Government in 2008). The justification for introducing an A4D should include impacts such as noise and anti-social behaviour, imbalanced and unsustainable communities, negative impacts on the physical environment, pressures upon parking, growth in private rented sector at the expense of owner-occupation, increased crime, pressure on local facilities, restricting of retail, commercial services to suit the lifestyles of predominant population.

### 6.3 Review of current legislation available to tackle ASB in HMOs

There are numerous pieces of legislation available to a Local Authority and the Police in respect to anti-social behaviour and housing condition in small HMOs. Many of these powers are designed to take action against the occupier of a property or the perpetrator of ASB, but there are also some situations when enforcement can be taken against property owners. Although most of these powers have been used or attempted to be used in the proposed area, the Council and Police have in the past found many of these powers either too bureaucratic, too time-consuming to process (with minimum periods for gathering evidence) or the burden of proof is too excessive for the legislation to be effective to provide a long term solution for these properties. Unless enforcement agencies can establish, beyond reasonable doubt, the owner, occupier or perpetrator of an offence, enforcement is not possible under any of the powers available. There is evidence that widespread poor practices in the private rented sector for small HMOs in the proposed area are causing barriers for effective enforcement.

The table below details the common types of complaints DMBC receives in respect to small HMOs, the legislation currently available and any limitation of such legislation:

Type of Complaint	Legislation	Limitation
Too many HMOs on a street is changing the character of the area	Currently no powers for Local Authorities to control this unless introducing Article 4 direction	
An increase in HMOs reduce the	Currently no powers for Local Authorities to control this.	Recent overcrowding cases indicate that the social housing stock of larger (4-5 bed) properties



availability of much needed larger family homes		in the central wards of Doncaster is very limited, making larger families are reliant on private rented accommodation. These are increasingly getting in very short supply as the trend by landlords is to turn such houses into small HMOs.
Domestic Noise-common complaint in small HMOs due to increase in occupancy and former bedrooms are converted into bedsits	<p>Environmental Protection Act 1990 gives power to serve noise abatement notice on perpetrator</p> <p>No legislation in place to require sound insulation of properties to mitigate change of use, as planning permission is not required.</p>	The legislation requires enforcement agencies to deal with individual occupier that creates the noise. Often hard to establish where noise is generated inside a HMO. If occupancy change, which is common in this type of housing, any investigation has to restart. This is very frustrating for complainants that may suffer regular noise issues from different occupiers with limited legal remedies available.
Anti-Social Behaviour	<p>Anti-Social Behaviour Crime and Policing Act 2014.</p> <p>Community Protection Notices</p> <p>ASB closures</p>	<p>Frequent changes in occupancy (in some cases as often as weekly) prevent Enforcement Agencies from effectively being able to use the legal powers available to deal with ASB, such as CPNs.</p> <p>ASB closure powers require a high level of evidence. In the past when the Authority considered this option, the landlord took short term action to prevent behaviour, removing the necessity of the order. However, the problem later returned within 6-12 months, making the process start from the beginning again.</p>
Overcrowding	<p>Housing Act 2004</p> <p>Housing Act 1996</p>	Overcrowding inspections in smaller HMOs have identified that many properties are seriously over occupied and this contributes to ASB, noise and waste problems. Current legislation requires authority to investigate, assess and serve notice. The landlord only commits an offence if not complying with such notice. This is slow and time consuming. Indications is also that some

		landlord feel they can over occupy a property and try to “get away with it” as long as possible as overcrowding is currently not a direct offence in non-licensable properties.
<b>Fly tipping and domestic waste</b>	Environmental Protection Act 1990 The Management of Houses in Multiple Occupation (England) Regulations 2006	<p>Smaller HMOs often suffers greatly from a widespread problem with waste being left to accumulate in gardens, excess domestic waste, and misuse of domestic bins and fly tipping. Fly tipping legislation dictates we address such issues with the perpetrator, which is often hard to establish due to rapidly changing occupancy.</p> <p>HMO management Regs requires owner to provide adequate waste facilities and can be used to improve problem.</p> <p>Due to the large scale problem with waste at these properties it would be useful to deal with waste issues proactively through licensing conditions, rather than the current process to only respond to complaints.</p>
<b>Housing Standards and Fire Safety</b>	Housing Act 2004 (HHSRS) The Management of Houses in Multiple Occupation (England) Regulations 2006	Good powers available to deal with Housing Conditions inside properties if we receive complaints. However, the complaints we receive are rarely from occupiers, but instead from surrounding residents feeling the property has too large impact on their local areas. At times our complainants are frustrated and feel that all DMBC do is improve the conditions inside the properties for the benefit of the occupiers, when they feel the property should not be allowed to be used as a small HMO in the first place due to local impact.

## **7. How can Article 4 Direction or Additional Licencing reduce the impact from HMOs on communities?**

As demonstrated by the data in Table 3, it is clear that the main problem posed by HMOs in Doncaster is anti-social behaviour such as fly tipping, refuse, noise and other nuisance, causing an impact on the local communities. These problems are very similar to the issues highlighted in Hexthorpe, which led to the introduction of Selective Licensing. Although there is good legislation in place regarding Housing Standards and also legislation available in respect to anti-social behaviour by individuals, none of these fully address the issue where poor tenancy management by landlords form a part of the problem.

Additional Licencing and Article 4 Direction could address this problem by;

1. Article 4 Direction is the only power available to the Local Planning Authority to allow us to consider the impact of each further HMO conversion. A planning application will be required to be submitted to consider the impact of each site. The considerations of such applications include the impact on local communities of large number of conversions in any set area. In addition, conditions on any such approval could introduce requirements to improve the fabric of the buildings (e.g. sound insulation or adequate space to place waste receptacles) if required to mitigate impact on amenities for local residents.
2. Additional licencing would give the Council the resources and tools to proactively visit these properties and ensure they do not become a problem to the community, rather than the current reactive approach of responding to complaints and resolve issues in HMOs once the problem is already a fact.
3. Additional Licensing would require all landlords to declare ownership/ license holder, details of tenants on request, carry out pre-tenancy checks and utilise written tenancy agreements, making a more stable privately rented sector in the area that would allow enforcement agencies to effectively utilise the legal powers already in existence to deal with perpetrators of ASB.
4. Licensing conditions would introduce clear and explicit standards to ensure the accommodation is adequately managed, that good tenancy management principles are adhered to and that the landlords take all action available to them to prevent an impact on the neighbourhood from anti-social behaviour.
5. Regular inspections of these properties and determination of maximum occupancy as part of the Licensing Process would greatly assist in preventing overcrowding.

Licensing these properties would not impose additional requirements in respect to Housing Standards or Fire Safety, as good legislation and guidance already exists in this area. However, when properties are inspected for licensing purposes other issues can also be flagged up and any property currently not complying with existing legislation can be addressed.

The expected benefits of this are clear, to landlords, tenants, neighbouring residents and the wider community, the Council and other agencies. These can be summarised as follows:

<b>Benefits to Landlords</b> <ul style="list-style-type: none"> <li>• Reduction in ASB</li> <li>• Level playing field/no undercutting</li> <li>• Receive advice and support</li> <li>• Shorter voids/reduced turnover</li> <li>• Improved reputation</li> <li>• Eventual increased rental income</li> </ul>	<b>Benefits to tenants</b> <ul style="list-style-type: none"> <li>• Reduction in ASB</li> <li>• Better tenancy management</li> <li>• Empowerment</li> <li>• Better support</li> <li>• More cohesive community</li> <li>• More sustainable community</li> </ul>
<b>Benefits to residents/wider community</b> <ul style="list-style-type: none"> <li>• Reduction in ASB</li> <li>• More cohesive community</li> <li>• More sustainable community</li> <li>• Values increase</li> </ul>	<b>Benefits to DMBC/other agencies</b> <ul style="list-style-type: none"> <li>• Reduction in ASB</li> <li>• More co-ordinated support activity</li> <li>• Ensures landlord's engagement</li> <li>• Less reactive resource costs</li> <li>• Meets commitments to customers</li> </ul>

It is not expected that landlords will suddenly become responsible for their tenants behaviour but that they will become more responsible for their own behaviour in how they manage their tenants. The expectation thereafter is that due to better tenancy management the behaviour of tenants will improve. Where it does not despite the best efforts of the landlords working with the appropriate agencies and being able to prove such, tenants will be held responsible and the appropriate sanctions taken.

By introducing another scheme based on co-regulation principles using locally approved partners, the Council want to ensure both the Council's, the community's and local landlords' interests are considered. Additional benefits delivered through co-regulations are expected to be:

- Make Licensing more landlord friendly by making it fit with the reality of today's buy to let market and allow monthly membership payments rather than a large upfront fee.
- Build a scheme which addresses irresponsible tenants as well as landlords, by sharing adverse tenancy outcomes in a regulated manner to reduce the ability of tenants with proven ASB moving between properties.

- Give landlords in the area a voice and allow them to be a recognised stakeholder with whom the Council communicates regarding matters that concern the area or landlords in general.
- Give smaller and more inexperienced landlords a local support organisation who they can trust and who can provide them with the information, guidance and support they need to run a profitable business in a responsible manner.
- Engage and educate landlords to be competent to manage their properties well, including regular effective self-assessment of compliance.
- Reduce the amount of visits the Local Authority makes to private rented properties in the area by giving landlords the option to in the first instance resolve complaints regarding their properties themselves with support, assistance and closely audited by the landlord scheme.

## **8. Timeline and Management**

Consultation will begin on 23<sup>rd</sup> October 2017 and run until 22<sup>nd</sup> January 2018, a period of 12 weeks. Throughout the consultation period officers from the Council will be available to clarify any issues arising from this consultation document. Queries should be submitted by email to [AdditionalLicensing@doncaster.gov.uk](mailto:AdditionalLicensing@doncaster.gov.uk) and a record of queries raised and the response given will be made publically available on the Council's website and updated at regular intervals based on the number of new queries received. The intention of this is to get better informed responses by the consultation closing date. All responses will be considered and a decision will be taken whether to implement an additional licensing scheme as proposed, whether to enter formal consultation and notification of an Article 4 direction, implement an amended scheme following the consultation or abandon the idea completely.

If a scheme is approved for implementation there will be yearly reviews of the scheme's effectiveness in addressing the problem and a final review with a suggested exit strategy of what should follow.

Any licensing scheme will be operated by the Council's Enforcement Team in much the same way as other HMO Licences.

## 9. Fees, discounts and penalties

The legislation is quite clear that if any landowner is required to seek planning consent due to an Article 4 Direction, there would be no planning application fee.

In comparison, the Local Authority has the right to charge fees for any Additional Licences issues, but such fees only cover the costs of running the scheme. They cannot be used for example to fund prosecution of landlords failing to obtain a licence and they cannot be used to prosecute for anything outside of the licence conditions.

To fund the scheme, the approximate recoverable cost of a licence for a property with up to 5 bedrooms will be £800 for Council applicants and £250 for co-regulation applications. The fee for Council applicants would cover time to process application, fit and proper person check, propose conditions, issue license, full verification check prior to licence, annual checks of certificates and licensing compliance visits during the licensing period as well as investigation of any complaints. The fee for Co-regulation applicants can be substantially reduced based on the co-regulator undertaking all verification checks, licence compliance visits and act as first contact for complaints. This will ensure the scheme is close to self-funded, but will not make a profit for the Local Authority.

Any application made by a landlord fully compliant with an Approved Partner Accreditation Scheme will be charged £250. This fee will be collected by the Approved Accreditation Scheme on application and forwarded by the scheme to the Local Authority. Please note that individual monthly fee structure and additional fees to inspections will apply payable directly to the approved partner scheme.

**Discount - £15.00** will be deducted from any 2<sup>nd</sup> and subsequent applications from the same applicant.

**Penalties** – Applications that are prompted, i.e. after 3 months, will have an additional **£50.00** added to the fee to cover searches to determine ownership and contact. Prosecutions will start after 6 months.

We feel this is set fairly to reflect the time needed to run a meaningful scheme and compares well with other schemes across the country.

## 10. Conclusion

There is clear evidence that HMOs are causing a disproportionate amount of complaints and interventions in the central part of Doncaster. The large number of conversion also removes much needed larger family housing and

causes imbalanced and unsustainable communities, negative impacts on the physical environment and pressures upon parking.

Following previous initiatives to address this issue and comparing the limited success of these initiatives to the greater success achieved in the Hexthorpe Selective Licensing Area, there is an increasing belief between the people dealing with the aftermath of this (the Council's Enforcement, Communities Teams and Community Safety Team along with Ward Councillors and other agencies such as the Police) that the lack of engagement by private sector landlords is a large contributing factor. This proposal is an attempt to address those concerns whilst acknowledging that not all landlords are failing in their responsibilities in this regard.

Essentially this proposal is about improving tenancy management in the private rented sector for the greater good of the wider community and if implemented will improve these areas for everybody, landlords included.

## **11. What to do next**

Every property, landlord (where known), solicitor and managing agent in or in near proximity to the proposed areas have been sent a letter announcing the start of the consultation, why we are consulting on this, where to find this full consultation document on the Council's website and how to complete an online survey. We will also be consulting with landlords associations, the Church of England, the Citizens Advice Bureau, Registered Social Landlords, Tenants and Residents Associations, Community Groups, Elected Members, the Police, Fire Service and colleagues across the Council affected by this proposal such as Communities Team, Enforcement team and Community Safety Team. Responses should be received by 22<sup>nd</sup> January 2018.

If you require any points of clarification to inform your response please email these to [AdditionalLicensing@doncaster.gov.uk](mailto:AdditionalLicensing@doncaster.gov.uk). These will be checked on a regular basis and the website will be updated throughout the consultation period to share queries and answers.

There will be 3 information days for residents and 3 days dedicated to advice for landlords. At these events you can come and ask questions to inform your responses to the online questionnaire. Dates for these events will be available in consultation letters and on the web page. Further information is also available on [www.doncaster.gov.uk/additionallicensing](http://www.doncaster.gov.uk/additionallicensing). At the end of the consultation period every response will be considered and a recommendation will be made to Doncaster Council's Cabinet to either approve a fit-for-purpose scheme based on this proposal incorporating appropriate responses or abandon the idea.

## Appendix -1 Proposed Additional Licensing Conditions

This Annex contains all the conditions of the licence and has three parts.	
<b>Annex 1: Standard Conditions</b> Sets out the minimum standards and obligations.	
<b>Annex 2: Specific Conditions:</b> Sets out any additional conditions where it is not clear from the information provided, or following a licensing inspection, where it has been determined that the house does not meet the minimum standards for licensing and further facilities/works are required to address the deficiency.	
<b>Annex 3: Guidance Notes</b>	
<b>ANNEX 1 STANDARD CONDITIONS</b>	
<b>Condition No:</b>	<b>Condition:</b>
<b>1</b>	If gas is supplied to the house, to produce to the Council ("the Council") annually for inspection a copy of the gas safety certificate obtained in respect of the house within the last 12 months.
<b>2</b>	To keep the electrical appliances and furniture in a safe condition, and to supply to the Council on demand, a declaration as to the safety of such appliances and furniture.
<b>3</b>	To ensure that smoke alarms are installed in the house, to keep them in proper working order and to supply to the Council on demand, a declaration by the licence holder as to the condition and positioning of the fire detection system
<b>4</b>	To supply to the occupiers of the house a written statement of the terms upon which the house is occupied. <i>Guidance: Compliance with the condition may be achieved by providing written tenancy agreements and to hold copies of any such written documentation for inspection by the Council on request.</i>
<b>LICENCE HOLDERS OBLIGATIONS</b>	
<b>5</b>	Display at all times it is in force, a copy of the licence certificate in a prominent position inside the house where all occupiers will be able to view the said documents. Ensure a copy of the licence conditions are made available to each occupier at the start of their occupation and at any other time on request by any occupier.



<b>6</b>	To ensure that the occupiers of the house are given clear advice on the action to be taken in the event of an emergency and that the occupiers are provided with contact details for such emergency.
<b>7</b>	To notify the Council within 1 month of any changes in circumstances relating to the property that may affect the validity and/or terms of the licence (for example, these include changes to the ownership or management of the property and events that may affect the fit and proper status of the licence holder or manager).
<b>8</b>	To notify the Council before making any material changes to the layout including the provision of facilities, fire precautions or mode of occupation of the house (other than identified as specific works in these conditions or so as to comply with the general conditions of this licence).
<p style="text-align: center;"><b>FIRE DETECTION WITHIN CATEGORY A &amp; A2 HMOS</b> (as appropriate the section that does not apply for this particular HMO)</p>	
<b>9</b>	<p>Bedsit HMO of one or two storeys with <b>individual cooking facilities within bedsits</b>.</p> <p>A mixed system:</p> <ul style="list-style-type: none"> <li>• Grade D: LD2 coverage in the common areas and heat detectors in bedsits (interlinked)</li> <li>• Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked)</li> </ul> <p>Bedsit HMO of one or two storeys with <b>shared cooking facilities outside bedsits</b>.</p> <ul style="list-style-type: none"> <li>• Grade D: LD2 coverage including detection to the kitchen, lounge and any cellar containing a risk (interlinked).</li> <li>• Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked).</li> </ul> <p>Alternative fire control systems are available, such as sprinkler or mist systems, however if you wish to install such a system, please consult with the Housing Standards Team <u>prior</u> to installation.</p>
<p style="text-align: center;"><b>FIRE DETECTION WITH CATEGORY B HMOS</b> (as appropriate the section on fire that does not apply for this particular HMO)</p>	
<b>9</b>	<p>You are required to ensure that the property is equipped with a suitable Fire Detection System, meeting the minimum requirements of BS 5839 Part 6 and that such system is kept in repair and proper working order.</p> <p>Shared house HMO of up to two storeys (<b>shared cooking facilities</b>)</p>

	<ul style="list-style-type: none"> <li>• Grade D: LD2 coverage including detection to the kitchen, lounge and any cellar containing a risk (interlinked).</li> <li>• Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked)</li> </ul> <p>Alternative fire control systems are available, such as sprinkler or mist systems, however if you wish to install such a system, please consult with the Housing Standards Team <u>prior</u> to installation.</p>
<b>FIRE GENERAL</b>	
<b>10</b>	<p>You are required to ensure that the property is provided with:</p> <ul style="list-style-type: none"> <li>• Protected means of escape – walls, floors, ceilings and door sets should be of such construction as to provide 30 minutes fire resistance.</li> <li>• In high risk areas, e.g. walls, floors or ceilings separating commercial and residential areas, 60 minutes fire resistance is required.</li> <li>• Where locks are provided on doors, they must have the ability to be opened from the inside without the need for a key.</li> <li>• Routes of escape to be kept free from obstructions and flammable materials.</li> <li>• Fire blanket to be provided and fitted in each kitchen facility. The location of the fire blanket should not be directly opposite or above the oven or rings/hot plates.</li> <li>• A lighting system that covers the whole means of escape route.</li> </ul> <p><b>Unoccupied Basements</b> Provide 30 minute fire separation between the basement and that part of the ground floor which comprises the route of escape, including the staircase, soffit and spandrel with a self-closing FD30S door fitted at the head of the basement stairs</p> <p><b>Occupied Basements</b> Provide a 30 minute fire separation between the ground floor and the basement including the staircase soffit and spandrel with a self-closing FD30S door fitted at the head of the basement stairs: <b>AND:</b> Provide appropriate means of escape from all habitable basement rooms.</p> <p><b>Very Large Occupied Basements</b> Provide 30 minute fire separation between the ground floor, the route of escape, and the basement including the staircase soffit and spandrel with two FD30S doors (one at the top and one at the bottom of the basement staircase): <b>AND:</b> Provide appropriate means of escape from all habitable basement</p>

	rooms.								
<b>WASHING AND SANITARY FACILITIES</b>									
<b>11</b>	<p>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 you are required to provide;</p> <table> <tr> <td>1-4 persons</td><td>At least 1 bathroom and 1 WC with WHB (the bathroom and WC may be combined)</td></tr> <tr> <td>5 persons</td><td>1 bathroom, <b>AND</b> 1 separate WC with WHB (this can be contained within a second bathroom)</td></tr> <tr> <td>6-10 persons</td><td>2 bathrooms, <b>AND</b> 2 separate WCs with WHBs (one of the WCs contained within one of the bathrooms)</td></tr> <tr> <td>11-15 persons</td><td>2 bathrooms, <b>AND</b> 3 separate WCs with WHBs (but 2 of the WCs contained within 2 of the bathrooms).</td></tr> </table>	1-4 persons	At least 1 bathroom and 1 WC with WHB (the bathroom and WC may be combined)	5 persons	1 bathroom, <b>AND</b> 1 separate WC with WHB (this can be contained within a second bathroom)	6-10 persons	2 bathrooms, <b>AND</b> 2 separate WCs with WHBs (one of the WCs contained within one of the bathrooms)	11-15 persons	2 bathrooms, <b>AND</b> 3 separate WCs with WHBs (but 2 of the WCs contained within 2 of the bathrooms).
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<b>WASHING AND SANITARY FACILITIES GENERAL:</b>									
<b>12</b>	<p>All baths, showers, WCs and WHBs must be fit for purpose.</p> <p>All baths and wash hand basins in an HMO must be equipped with taps or controls providing an adequate supply of constant cold and hot water and be properly connected to the drainage system via a trapped waste outlet.</p> <p>All showers must be provided with constant supplies of hot and cold water or hot water at a suitably controlled temperature and be properly connected to the drainage system via a trapped waste outlet.</p> <p>All WCs must be provided with an adequate cold water supply and be properly connected to the drainage system via a trapped waste outlet.</p> <p>All bathrooms must be suitably and adequately heated and ventilated.</p> <p>The walls and floor coverings of any bathroom or WC must be reasonably smooth and impervious and capable of being readily cleansed.</p> <p>Lights must be operated by pull cord switches <u>within</u> bathrooms and WCs</p> <p>All bathrooms and WCs must be of an adequate size and layout and within the living accommodation; or within reasonable proximity and no more than one floor away from the sleeping accommodation in the</p>								

	<p>case of a <b>Category A HMO</b> and not more than two floors distant from the sleeping accommodation in relation to a <b>Category B HMO</b></p> <p>Amenities shared by two or more households must be accessible from a common area.</p>
<b>KITCHEN FACILITIES</b>	
<b>13</b>	<p><b>Shared Kitchen Facilities (As appropriate depending on Cat A/A2 or Cat B HMO)</b></p> <p>Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food, to provide the following;</p> <p>A kitchen suitably located in relation to the living accommodation and of such layout and size and equipped with such facilities so as to adequately enable those sharing facilities to store, prepare and cook food.</p> <p>Equipment listed below which must be fit for purpose and supplied in sufficient quantity for the numbers of those sharing the facilities-</p> <ul style="list-style-type: none"> <li>• One sink of minimum dimensions 500mm by 600mm with draining board provided with an adequate supply of safe potable cold and constant hot water and adequate waste drainage for every five sharing occupiers. Where more than 5 persons occupy a house, the provision of a double-bowled sink &amp; single drainer, or a dishwasher (in addition to a sink) may be treated as meeting this standard up to <b>7 persons for a Cat A/A2 HMO / 9 persons for a Cat B HMO (delete as appropriate)</b></li> <li>• A cooker comprising of four rings or hot plates, an oven and grill for every five sharing occupiers. Where the shared facilities are available for up to <b>7 persons for a Cat A/A2 HMO/ 9 persons for a Cat B HMO (delete as appropriate)</b> the standard may be met by providing a microwave in addition or a cooker with 6 rings and more than one oven;</li> <li>• Provide electrical sockets located above a useable worktop space (in addition to any sockets required for major appliances) to the following ratio:  For a Cat B HMO; At least 4 sockets (2 doubles) per 5 persons plus an additional double socket for each additional household sharing the kitchen up to a maximum requirement of 4 doubles.   For a Cat A/A2 HMO; At least 4 sockets (2 doubles) per 3 persons, with additional double for each extra person therefore.</li> <li>• Worktops for the preparation of food minimum dimensions of which must be 500mm x 1500mm per 5 persons with an additional 250mm for every additional person sharing the</li> </ul>

	<p>kitchen to a maximum requirement of 2000mm;</p> <ul style="list-style-type: none"> <li>• 1 standard 500mm wide base or wall unit plus 0.15m<sup>3</sup> refrigerated storage space per person. Adequate freezer space is also required;</li> <li>• Appropriate extractor fan to be provided which is capable of achieving 3 air changes an hour;</li> <li>• Adequate internal storage for bins;</li> <li>• Appropriate fire blanket to be provided and fitted to a fixed surface NOT directly over or opposite the cooker or hob/hotplates;</li> </ul> <p><b>Individual kitchen facilities (If applicable)</b></p> <p>Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, to provide that unit with all of the following facilities/equipment:</p> <ul style="list-style-type: none"> <li>• One sink of minimum dimensions 500mm by 600mm with draining board provided with an adequate supply of safe and potable cold and constant hot water and adequate waste drainage for every five sharing occupiers.</li> <li>• A cooker comprising of two rings or hot plates, (four rings or hotplates if provided for two people), an oven and grill per person. A microwave may be provided instead of the additional two rings or hotplates for two people;</li> <li>• Electrical sockets located above a useable worktop space (in addition to any sockets required for major appliances): 3 electrical sockets;</li> <li>• Worktop or table space with a smooth impervious surface (500mm x 1000mm) for the preparation of food;</li> <li>• 1 standard 500mm wide base or wall unit plus 0.15m<sup>3</sup> refrigerated storage space per person. Adequate freezer space is also required;</li> <li>• Adequate internal storage for bins;</li> <li>• Appropriate fire blanket to be provided and fitted to a fixed surface NOT directly over or opposite the cooker or hob/hotplates;</li> </ul>
<b>HEATING</b>	
<b>14</b>	<p>Fixed heating is to be provided throughout the property which is capable of efficiently maintaining an indoor temperature of 21°C in all habitable rooms and bathrooms and 18°C in all functioning space (hallways, corridors and passages) when the outside temperature is -1°C. The provision of insulation can assist in meeting this standard.</p> <p>Wherever practical, heaters (excluding radiators) shall be fixed in such</p>

	<p>a position so as to direct heat towards the centre of the room.</p> <p>The heating system must be capable of use at all times and be fully temperature controllable by the occupiers of the HMO, both within their exclusive use rooms and communal spaces. If central heating is on a timed supply, where tenants do not have access to the main controls, then supplementary heating must be installed in each unit of accommodation. Where this supplementary heating is provided, it must be from a fixed appliance capable of thermostatically controlled instant heat, connected to a suitable flue and terminal outlet, or dedicated fixed spur socket.</p> <p>The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG or Bottled Gas heaters) will not be acceptable under any circumstances, whether provided by the landlord or the tenant.</p>
<b>ELECTRIC SOCKETS</b>	
<b>15</b>	<p>Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as follows:</p> <ul style="list-style-type: none"> <li>• Living rooms – 4 single sockets or equivalent.</li> <li>• Bedrooms – 4 single sockets or equivalent.</li> <li>• Bedrooms containing living space – 6 sockets or equivalent.</li> </ul> <p>Category A bedsits containing kitchen facilities – 3 sockets in suitable locations away from the kitchen and in addition to those require as part of the kitchen facilities (see section 5).</p> <p>The above number of required sockets is in addition to any which are permanently in use, such as for refrigerators, cookers or water heaters.</p> <p>Electric cookers must be provided with a dedicated cooker point outlet suitable to the rating of the cooker, and fixed electric space or water heating appliances must also be provided with separate dedicated electric points.</p>
<b>LIGHTING</b>	
<b>16</b>	<p>All rooms, passageways, staircases cellars in use shall be adequately lit with suitable switching, including two-way switching to stairs and passageways etc, as necessary.</p>

REFUSE	
17	<p>Provide refuse and recycling bins or containers in sufficient numbers and type for the needs of the house and compatible with the requirements of the refuse collection service.</p> <p>All refuse containers shall be located on hard-standings with suitable access for cleansing the area and removing of containers, located away from habitable rooms and where reasonably practicable at the rear of the house unless a proper housing is provided at the front.</p> <p>Where reasonably practicable such containers shall be positioned so that bins do not obscure natural light from windows below bin height</p>
ANTI-SOCIAL BEHAVIOUR	
18	<p>The Licence Holder must take all reasonable and all practicable steps for preventing and dealing effectively with anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.</p> <p><b>The Licence holder must:</b></p> <ul style="list-style-type: none"> <li>i) Obtain valid pre-let references in relation to persons who wish to occupy the house, in order to make an informed decision regarding their occupancy of the property. References should include details of previous housing history and tenancy conduct, including behaviour of that of the proposed occupier and household and credit references in isolation are not adequate. Evidence of these references and checks must be made available to the council upon request.</li> <li>ii) Provide upon request to the Local Authority information regarding the full names and dates of birth of each occupant.</li> <li>iii) Respond to reference requests from other landlords within a reasonable timescale and provide an honest and accurate reference relating to existing or past tenants.</li> <li>iv) Ensure that any future written statement of the terms and conditions on which the house is occupied contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors. The Licence Holder must ensure that all occupants are aware of the existence of this clause by advising them upon taking up residence.  <b>Note:</b> A written leaflet with the necessary information to comply with the above condition can be provided free of charge on request from the authority.</li> <li>v) Undertake an incremental process of investigation of any</li> </ul>

	<p>complaints which have been made either directly to them, or via the Local Authority, regarding their occupiers. For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes or is likely to cause harassment, alarm, distress, nuisance or annoyance to other occupants of the house, to anyone who visits the house, including communal areas, or to persons residing in, visiting or working in the locality of the house. This process is to include:</p> <ul style="list-style-type: none"> <li>a) Inform the tenant within 7 days of a complaint being received, in writing, of the allegations of ASB made against them and the consequences of its continuation,</li> <li>b) Monitor the allegations following receipt of a complaint of ASB and take all reasonable steps to establish if the ASB is continuing,</li> <li>c) Keep written notes of all meetings, telephone conversations and investigation activities regarding ASB and provide the authority with a copy within 7 days on demand,</li> <li>d) If after 14 days of the tenant receiving the letter required in a) the anti-social behaviour continues, the licence holder, or managing agent, must take appropriate formal steps to enforce the terms of the tenancy agreement or to terminate it, including legal proceedings against the tenant if necessary, and</li> <li>e) Where an obligation under d) has occurred, the licence holder will provide to the authority a written plan setting out the proposed steps and estimated timescales for taking those steps in order to resolve the anti-social behaviour.</li> </ul> <p>vi) Engage with the Council, the police or any other agency involved with investigation of anti-social behaviour relating to the property or tenants of the property. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy to the antisocial behaviour.</p> <p>vii) Ensure that the occupants of the house are aware of the services available to them and how they can report nuisance and anti-social behaviour to the authority.</p>
<b>TRAINING</b>	
<b>19</b>	The Licence Holder or Manager, (if different to the licence holder) must on request of the Council, attend a training course approved by the Council within a specified time frame and produce on demand written evidence of such attendance.



## ANNEX 2 SPECIFIC CONDITIONS

These conditions relate to your property specifically and have been set to address the lack of facilities or equipment in relation to the minimum standards for this particular category of HMO.

Where a specific time frame for compliance has not been detailed within the conditions, then full compliance with all the conditions should be reached 6 months from the commencement date of this licence.

### OCCUPANCY LEVEL

Based on the application the Council consider this property to be suitable as a Category A/Category A2/Category B HMO.

The Licence Holder must ensure the property is continued to be occupied as a Category A/Category A2/Category B HMO throughout the duration of this licence and in accordance with the following restrictions;

Room Location/Number	Maximum No. of Persons	Maximum No. of Households
Kitchen	0	0
Dining Room	0	0
Living Room	0	0

**Please note:** At the time of granting the HMO licence the property has not been inspected to determine compliance with standards of amenity and safety adopted by the Council or HHSRS. Such inspections will take place in due course following notification to the Licence holder, owner, and occupiers, after which any improvements found to be necessary will be advised in writing.

## ANNEX 3 GUIDANCE NOTES

**This section is intended to provide helpful reminders and information which may be useful to the licence holder in order to comply with the conditions in Annex 1 and 2.**

Definitions of the Categories of HMO

### **Category A – Bedsit**

*These are premises comprising of multiple units of accommodation that are rented as individual lettings, usually landlord selected tenants, with exclusive use of certain rooms, usually a single room which includes sleeping and living space. Occupiers will usually share personal washing, WC and cooking facilities, but do not usually have a communal living room. The rental agreement would be to an individual or household and will usually detail the parts of the HMO they may occupy.*

*Examples of Bedsit type HMOs:*

- *Single room for exclusive use by the occupant sharing some/all personal washing, WC and cooking facilities.*
- *Multi-room letting for exclusive use of the occupant sharing some/all personal washing, WC and cooking facilities.*
- *Non self-contained flat – single or multi room letting for exclusive use by the occupant sharing some/all personal washing, WC and cooking facilities.*

*Please note the presence of a shared communal living room does not make a HMO a shared house.*

### **Category A2 – bedsit occupied in a hostel style.**

*Properties which are occupied in a hostel style are still required to provide certain facilities and meet minimum room sizes. A HMO falls into the category of hostel style if it provides temporary accommodation to people with no other permanent place of residence or provides accommodation to people in conjunction with treatment or an application process such as rehabilitation or asylum seeking. This category of HMO may also include residential properties provided to workers as part of a short term contracts of employment in the area. In such cases it is expected that the work/accommodation is for a predetermined period of time which is substantially shorter than what could be catered for through an assured short hold tenancy. It would also be expected that workers in Category A2 houses have family links and permanent accommodation elsewhere, where they often return for weekends or holidays, making it unlikely they become long term residents of the area.*

*Please note the provision of short term tenancies or a high turnover of occupants does not make a HMO a hostel style. If you believe your HMO to be occupied in a hostel style.*

### **Category B – Shared houses**

*This type of HMO is rented to a group of people on one contract (group/joint contract) typically a group of students or professionals who have collectively opted to live together as a preformed group for a predetermined period of time. Occupiers can still have exclusive use of a bedroom and would share personal washing, WC and cooking facilities.*

	<p><i>There must be a communal living/dining room which is shared by all occupants. Shared houses are usually smaller HMOs and it is unlikely that sharing arrangements by larger groups would be able to demonstrate the communal living environment and close personal links between tenants expected for this category of properties.</i></p> <p><i>Please note that the presence of locks of bedroom doors within a shared house may result in the requirement for a higher specification of fire detection.</i></p>
Definitions of single house hold	<p><b>Single household</b></p> <p>Section 258 of the Housing Act 2004 details the criteria for persons not forming a single household in relation to HMOs under s254. Persons are to be regarded as not forming a single household unless:</p> <ul style="list-style-type: none"> <li>• they are all members of the same family, or</li> </ul> <p>their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority</p> <p>A person is a member of the same family as another person if:</p> <ul style="list-style-type: none"> <li>• those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);</li> <li>• one of them is a relative of the other; or</li> </ul> <p>one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple</p> <p>A “couple” means two persons who are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);</p> <p>“Relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;</p> <p>A relationship of the half-blood shall be treated as a relationship of the whole blood; and the stepchild of a person shall be treated as his child.</p>
Additional Legislative Requirements The Licence Holder should be aware of	<p><b><i>Management of Houses in Multiple Occupation (England) Regulations 2006, (as amended)</i></b></p> <p>To ensure that the licence holder is aware of and complies with the conditions imposed by The Management of Houses in Multiple Occupation (England) Regulations 2006, (or where superseded under any replacement regulations). In particular:</p> <p><b><i>Regulation 3:</i></b> To ensure the licence holders name, address and telephone number (or that of the manager of the house) is made available to each household in the HMO and also clearly displayed in the common parts of the house. A copy of the licence shall also be displayed in a prominent position in the HMO.</p> <p><b><i>Regulation 10:</i></b> It is recommended that you make all occupiers aware of their obligations under these regulations. This includes:</p> <p>(a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;</p>

	<p>(b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;</p> <p>(c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;</p> <p>(d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;</p> <p>(e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and</p> <p>(f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.</p> <p><b><i>The Food Safety and Hygiene (England) Regulations 2013.</i></b></p> <p>Where the landlord provides a catering service any facilities are required to also comply with In addition, some self-catering facilities will need to be provided and the level of facilities required will be determined.</p>
Additional advice regarding Fire Precautions	<p>Any reference in Annex 1 regarding suitable Fire Detection System, must meet the minimum requirements of BS 5839 Part 6: 2013.</p> <p>Any reference in Annex 1 regarding suitable emergency lighting, must meet the requirements of BS 5266 Part 1, 2011 to cover the whole means of escape route.</p> <p>To supply to the Council, on demand, a declaration by the licence holder, as to the condition and positioning of the BS 5839 Part 6: 2013 Grade A, Category LD2 Automatic Fire Detection System.</p> <p>At the completion of any installation, you should ensure you gain detailed information of the installation from your installer to enable you to supply to the Council, on demand, a declaration, as to the condition and positioning of any Automatic Fire Detection System.</p> <p>Alternative fire control systems to what is listed in Annex 1 are available, such as sprinkler or mist systems. However if you wish to install such a system, please contact the Enforcement Team <u>prior</u> to installation as you would be <u>required</u> to apply for a variation to the condition of your licence.</p>
Fire Risk Assessment	<p>As a licensed property it is a requirement of the Regulatory Reform Fire Safety Order 2005 to carry out a Fire Risk Assessment. Further advice and guidance on this can be found at <a href="http://www.firesafe.org.uk/houses-in-multiple-occupation/">http://www.firesafe.org.uk/houses-in-multiple-occupation/</a> or <a href="http://www.syfire.gov.uk/business-advice/fire-risk-assessments/">http://www.syfire.gov.uk/business-advice/fire-risk-assessments/</a></p> <p><a href="#">David</a> Swann is sending you a contact list for the Doncaster</p>
Refuse	<p>Waste containers shall be provided to contain all the waste generated at the premises, prior to its off-site disposal.</p> <p>The Council will issue one, 240 litre wheeled bin per HMO/self-contained flat. The minimum recommended provision to meet the conditions in Annex 1, is 120 litres of waste capacity per resident per fortnight. If the Council provided bins are insufficient to the occupancy number you must increase waste capacity.-The Council will provide sufficient bins (if required), boxes and bags to facilitate recycling from the premises. For information about recycling collection services, including details of</p>

	<p>materials accepted please visit our website <a href="http://www.doncaster.gov.uk/recycling">www.doncaster.gov.uk/recycling</a> or telephone 01302 736000.</p> <p>If you do not have an appropriate refuse collection service in place or require further capacity, both the Council and private contractors can provide containers and an appropriate refuse collection service. The Council provide waste and recycling collection services across the borough and understand that all properties are not the same; to this end the council would look to provide a tailored service to suit your needs. Please visit <a href="http://www.doncaster.gov.uk/commercial">www.doncaster.gov.uk/commercial</a> or contact the Council on 01302 736000 and ask for information on a trade waste.</p> <p>Properties must be provided with adequate waste storage to meet the need of residents and there should be suitable access and egress if required. Further information can be found in the Waste Storage and Collection Guidance for New Developments. The landlord is responsible for placing container(s) on his/her premises as not to cause a nuisance. Containers must <u>not</u> be stored on the highway. A suitable hard standing with suitable access for cleansing of the area and removal of containers shall be provided. Container storage should be located in an area away from window openings and habitable rooms and, wherever practicable, at the rear of the premises.</p> <p>The Council will only empty waste within the bin (with the lid closed). It is the Council's policy not to clear side waste; this will be the responsibility of the residents and/or Landlord/Managers. If side waste hinders the emptying of bins the Council reserves the right not to empty the bins until such time as access is available.</p> <p>If a bin becomes contaminated it will not be emptied by our contractor until the contamination has been dealt with. It is the residents and/or Landlord/Managers responsibility. If persistent contamination occurs the Council reserves the right to remove provisions as it sees fit.</p> <p>Doncaster Council classifies waste from your unoccupied rented properties as 'generated as a result of your business' which means that you have a responsibility for ensuring that all waste is disposed of properly and legally. Demolition and construction waste is always classified as industrial waste.</p> <p>Tenants are householders and may dispose of their waste at household waste recycling centres, recycling bring sites or kerbside collections.</p>
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