

Dear Members

Cabinet

A virtual meeting of the Cabinet will be held using Zoom **on Tuesday 4 May 2021 at 6.30pm** to deal with the business as set out on the agenda.

To watch the meeting, please follow the instructions below:-

- 1 Log on to Zoom at:- <https://zoom.us/join>
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- 3 Enter Password **828275** when prompted

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Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.



Head of Law and Administration

CABINET - 4 MAY 2021

Chair - Councillor P M M Farrington

A G E N D A

- 1 Minutes of 8 April 2021 as published in Digest No 275 on 9 April 2021
- 2 Apologies
- 3 Councillors' Question Time (if any)
- 4 Proposals of the Cabinet Members (as follows):-

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(a) COMMUNITY AND HEALTH PORTFOLIO

- (i) Housing: Private Rented Sector Access 3 - 53

Membership

Chair - Councillor P M M Farrington

P M M Farrington	- Leader
R M Smith	- Deputy Leader and Resources Portfolio
J M Pert	- Community and Health Portfolio
J K Price	- Environment Portfolio
F Beatty	- Economic Development and Planning Portfolio
C V Trowbridge	- Leisure Portfolio

ITEM NO 4(a)(i)

ITEM NO 4(a)(i)

Contact Officer:	Glen Newton
Telephone No:	01785 619556
Ward Interest:	N/A
Report Track:	Cabinet 04/05/2021
Key Decision:	Yes

**SUBMISSION BY COUNCILLOR J M PERT
COMMUNITY AND HEALTH PORTFOLIO**

CABINET

4 MAY 2021

Housing: Private Rented Sector Access

1 Purpose of Report

- 1.1 To increase access to private rented accommodation in Stafford, by providing a review of the existing Deposit Guarantee Scheme; how this is working and opportunities to improve our current offer.

2 Proposal of Cabinet Member

- 2.1 To approve the implementation of a Private Rented Sector Access Policy which includes the offer of cash deposits to private landlords and their agents.
- 2.2 To delegate authority to the Cabinet Member and Head of Development to set an appropriate annual cap for expenditure on cash deposits, within existing revenue budget limits and taking into account reductions in historic liabilities.

3 Key Issues and Reasons for Recommendation

- 3.1 SBC's Housing Options team is not able to access private rented housing for homelessness prevention and relief proportionately to the available stock holding in this sector.
- This is putting pressure on the stock availability from registered providers of social housing.
 - It is creating longer waiting times for Housing Options clients, which results in higher than necessary bed and breakfast and temporary accommodation costs.

3.2 The solutions are not timely for clients in urgent need

- There are significant barriers for households with complex needs who cannot access social housing at all and have to wait in unsatisfactory accommodation whilst protracted and sometimes failed negotiations with landlords take place.
- This waiting can have an adverse effect on the client's health and wellbeing, including mental wellbeing and make rehousing more difficult.

3.3 The existing Deposit Guarantee Scheme is not attractive to private landlords and there is low take up of the scheme.

- It does not cover rent arrears, which is a significant risk to landlords generally and particularly in the present climate
- There is a conflict of interest in the local authority both securing the liability for DGS and deciding the outcome of claims.

3.4 Landlord views include:

- Universal credit claimants are risky, there is no direct pay option for the housing benefit element and alternative payment arrangements are within the client's control to end at any time.
- Clients such as those referred by Housing Options can often have complex support needs or a history of evictions.
- Rent Guarantee Insurance and Landlord Insurance is often inaccessible for clients who are not in work, so landlords cannot protect themselves.

3.5 The COVID19 pandemic has brought additional pressures on many households nationwide. A cohort of 'hidden homeless' were initially brought to the forefront of homeless service provision during the first lockdown; sofa surfers or those staying with family and friends in insecure accommodation who are at risk of rough sleeping. High levels of demand for rehousing due to relationship breakdown have continued throughout the past 12 months. In the near future, when the ban on evictions is fully lifted, a significant increase in homeless presentations is anticipated as a result of rent arrears, both from circumstances prior to the pandemic, but also stemming from COVID related impacts such as job losses and reduced working hours. This demonstrates the need for increased access to accommodation in the Borough, and privately rented accommodation in particular.

3.6 We intend to make best use of annual homelessness funding to provide sustainable accommodation options that align with our objectives in the Homelessness and Rough Sleeper Strategy. This includes a commitment to, and investment, in increasing private rented sector access.

4 Relationship to Corporate Business Objectives

- 4.1 Objective 2: To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.

5 Report Detail

- 5.1 The private rented sector is an important housing option for many people in Stafford and “plays an increasingly important role in meeting housing need and preventing and relieving homelessness” (Homelessness Strategy).

Private rented sector accommodation accounts for 10% of the housing market in Stafford, with privately owned and social housing accounting for 76% and 14% respectively.

“There are increasing waiting times for certain sizes of property from registered providers, especially one bedroom self-contained flats” (Homelessness Strategy), meaning the private rented sector is the fastest housing solution for many people, especially young, single men as they do not meet the statutory test of homelessness for priority need.

In the year 2019-2020, Stafford Borough Council’s Housing Options team assisted 59 people to access accommodation in the private sector, 28 were for Homelessness Prevention¹ and 31 were Homelessness Relief.² This compares to 161 people who were housed in Social Housing and 55 in Supported Housing.

- 5.2 A key impact of underutilisation of private sector housing for people who require relief from homelessness is the time spent in emergency housing like temporary accommodation and bed and breakfast and the adverse effect this can have on their behaviour and mental wellbeing. For the Borough Council, the impact is seen in the cost of providing such accommodation.

The average time spent on our waiting list is 7 months for households seeking a one-bedroom property. If a single person household does not access the private rented sector and instead waits for a one bedroom property with a social housing provider, the risk is that this could cost the authority £10,000 to house that one individual in temporary accommodation (£48.00 per night for B&B over 7 months (approx. 210 nights = £10,080). We supported 81 people in this type of accommodation in the year 2019-20.

Time spent in emergency accommodation is increased due to challenges in accessing accommodation, particularly in the private rented sector. The total funding required to commence a tenancy in Stafford is on average around £1300 up front.

¹ Homelessness prevention is about helping those at risk of homelessness to avoid their situation turning into a homelessness crisis..

² Homelessness relief is action taken to help resolve homelessness.

The Homelessness Prevention Fund currently covers holding deposits and rent in advance, around half of the money a tenant needs to set up a tenancy; the remainder is out of reach for many households.

- 5.3 Stafford Borough Council currently offers a **Rent Deposit Guarantee Scheme** (DGS) to private landlords. The scheme helps people on low income to secure private rented accommodation by offering landlords a written guarantee in place of a cash deposit. SBC will pay for damage to the property, caused by the tenant, up to the value of the deposit at the end of the tenancy, should it be required. The DGS does not cover against rent arrears.

SBC determine the result of any claims against the DGS, assessing the damage and making a judgement of whether this is fair wear and tear or whether it is excessive damage, this is a conflict of interest.

The potential for arrears is far greater than the average damages claims, so understandably a bigger concern for landlords. The majority of private sector tenancies are entered into for a minimum fixed term of 6 months. Landlords are unable to evict tenants during this time ³, therefore it is possible for tenants to build up 5 months of arrears, as the first month's rent would have been paid in advance in order for the tenant to secure the property. Using the average rent price of £595 per calendar month, the risk to landlords during a fixed term 6-month tenancy, is a potential £2,975.

Landlords and agents within the borough are cautious when it comes to letting properties to Universal Credit claimants. This is mainly due to the issue of direct pay. Landlords were comforted by the direct pay that Housing Benefit offered and do not trust UC claimants to make rent payments themselves. Landlords can apply for an Alternative Payment Arrangement (APA) in order for rent payments to be made directly to them from Universal Credit, however, the tenant has to have 2 months rent arrears before this can be done. At any point, the tenant can cancel the APA if they want to start paying their own rent. During the Covid-19 pandemic, the number of UC claimants has grown and the lack of direct pay options present a greater risk to landlords.

Due to the Covid-19 pandemic, court hearings have been stayed and evictions put on hold from 27 March 2020 until 31 May 2021 and the lasting impact is such that court orders are now expected to be delayed for up to 12-18 months. Landlords are potentially exposed to arrears up to £10,115.

To increase access to private rented accommodation and to support both homeless and settled households with choice of tenure, SBC needs to support both tenants and landlords to reduce barriers and manage the risks associated with these placements.

- 5.4 **The key decision recommended is to offer cash deposits via a government backed tenancy deposit scheme.**

³ Section 21 of the Housing Act 1988

A policy for operating the scheme is attached as an APPENDIX.

This recommendation is made based on the need to increase access into the private rented sector. The intention is for the Housing Options Team to place more households, for homelessness prevention and relief, into private sector tenancies each year. A further advantage would be for this scheme to achieve 'spend to save' and health and wellbeing outcomes. Where tangible expenditure in relation to this scheme would be increased in comparison to the existing DGS approach, savings would be made on temporary accommodation and B&B costs for those utilising the scheme. The number of nights stay in TA/B&B for households in need of homelessness relief would be reduced by around 50% which in many cases will preserve wellness or lessen the impact on mental wellbeing for the client.

In year 1, Homelessness Prevention Grant funding has been earmarked for this scheme with £30,000 set aside for Private Rented Sector Access.

The existing outstanding DGS liability is £65,724 and was reduced by £15,725 by active management over a period of one year. This work will continue, to proactively reduce the Council's historic liability by regularly reviewing tenancies and removing securities for those that have ended without claim. These existing guarantees will still be open to claims from landlords until tenancies end or the guarantee period lapses. Expenditure on claims is on average £3,000 per year for the council and this will continue until the historic liability is zero.

On the basis that average rent per month in Stafford is £595 per month and our target for supporting people into private rented housing is 25 placements per year, cash deposits will incur £14,875 spending p.a. A stretch target of 30 placements, reflecting the aspiration to increase access to private rented housing, will incur £17,850 spending of which £8,533 is likely to be recovered. Overall, this scheme will increase spending from £3000 per year to £20,850. However, £8,533 will be recovered, savings of £14,000 are anticipated in temporary accommodation and all liabilities will be managed and reduced by £15,000 each year.

5.5 Proposed performance indicators

If the approach is agreed and the policy approved and implemented, we would measure success of the scheme by the following suggested indicators:

- The private sector access policy is live by 1 June 2021.
- 75% of clients supported by the Housing Solutions Officer secure accommodation in PRS during the period 1 April 2021 to 31 March 2022.
- 30 households are supported into private sector accommodation through the use of cash deposits issued into a deposit protection scheme during the period 1 April 2021 to 31 March 2022.
- Spend on cash deposits does not exceed £30,000 in the period 1 April 2021 to 31 March 2022.
- The number of landlords and agents with whom SBC has a working relationship is increased.
- The target number of nights' stay in TA or B&B for those supported by cash deposits does not exceed 20 nights, on average, across all cases.

6	Implications
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6.1 Financial	<p>Homelessness Prevention Grant funding has been earmarked for this scheme with £30,000 set aside for Private Rented Sector Access.</p> <table border="1"> <thead> <tr> <th data-bbox="683 412 1023 488">Ongoing costs: old scheme</th><th data-bbox="1032 412 1382 488">New costs: new scheme</th></tr> </thead> <tbody> <tr> <td data-bbox="683 490 1023 633">Existing DGS liability: £65,724 fixed, no further guarantees added</td><td data-bbox="1032 490 1382 633">New expenditure on cash deposits paid into deposit scheme: £17,850</td></tr> <tr> <td data-bbox="683 636 1023 1111"> Of the existing £65,724 liability: In line with historic performance of the scheme, 58% is likely to be subject to a claim, where 78% of the deposit value is paid to the landlord for damage only: £3,000 p.a. spent and not recoverable </td><td data-bbox="1032 636 1382 1111"> Of this £30,000: 58% is likely to be subject to a claim, where 90% of the deposit value is paid to the landlord for damage/arrears: £9,317 spent and not recoverable </td></tr> <tr> <td data-bbox="683 1113 1023 1368">REDUCING liability by ca. £15k p.a. until £0 (5 years)</td><td data-bbox="1032 1113 1382 1368">REDUCING ongoing liability by recovering unclaimed deposits when tenancies end £8,533 of the £17,850 deposits are recoverable</td></tr> <tr> <td data-bbox="683 1370 1023 1809"></td><td data-bbox="1032 1370 1382 1809">Savings to be made on Temporary Accommodation/B&B costs are estimated at £14,400 per year in respect of applicants to this scheme, however this may not be seen in the overall TA budget due to changing demand for emergency housing.</td></tr> </tbody> </table>	Ongoing costs: old scheme	New costs: new scheme	Existing DGS liability: £65,724 fixed, no further guarantees added	New expenditure on cash deposits paid into deposit scheme: £17,850	Of the existing £65,724 liability: In line with historic performance of the scheme, 58% is likely to be subject to a claim, where 78% of the deposit value is paid to the landlord for damage only: £3,000 p.a. spent and not recoverable	Of this £30,000: 58% is likely to be subject to a claim, where 90% of the deposit value is paid to the landlord for damage/arrears: £9,317 spent and not recoverable	REDUCING liability by ca. £15k p.a. until £0 (5 years)	REDUCING ongoing liability by recovering unclaimed deposits when tenancies end £8,533 of the £17,850 deposits are recoverable		Savings to be made on Temporary Accommodation/B&B costs are estimated at £14,400 per year in respect of applicants to this scheme, however this may not be seen in the overall TA budget due to changing demand for emergency housing.
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Legal	<p>The Housing Act 2004 made it compulsory for private landlords granting Assured Shorthold Tenancies to protect deposits in an “authorised scheme”, the Tenancy Deposit Scheme (TDS). Sections 212-215 provide that any deposit received by a landlord must be protected in accordance with the TDS, and that the landlord must also give prescribed information to the tenant (and to anyone who has paid the deposit on the tenant’s behalf) within 30 days of receiving the deposit. The prescribed information is set out in Statutory Instrument No. 2007/797.</p> <p>Provision should be made in the Tenancy Agreement for the deposit to be returned to SBC at the end of the tenancy. The TDS has a free dispute resolution scheme if there is any disagreement between the landlord and tenant as to whether all or some of the deposit monies are to be returned.</p> <p>Under s.213(10) of the Act, anyone who has paid the deposit on behalf of the tenant is a “relevant person” and is therefore afforded the same rights as the tenant with regards to the TDS.</p> <p>The repayment agreement made between SBC and the tenant will be legally enforceable as a contract, and therefore the tenant can be sued in the event the landlord is successful in keeping the deposit once the tenancy has ended.</p>
Human Resources	Nil
Human Rights Act	Nil
Data Protection	GDPR process for placing the deposit in DPS; requirement for landlord and tenant authorisation to share info with 3 rd party.
Risk Management	<p>Mitigation of risk around successful claims by using repayment agreement.</p> <p>Policy to stipulate minimum legal standards for the property being secured.</p>

<p>6.2 Community Impact Assessment Recommendations</p>	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p> <p>The Homelessness and Rough Sleeper Strategy recognises that homelessness has a wide-reaching impact on individuals with protected characteristics. A priority within the Strategy focuses on engagement with individuals, both in accessing the service and quality of service provided. Increasing Private Sector Access is a key workstream in delivering the Strategy objectives and this policy requires the same engagement practices. The Options Team and Housing Solutions Officer complete person-centred holistic housing and support assessments that address the specific needs of those with protected characteristics. Relevant signposting and referrals are made in partnership with core agencies within the Borough, including but not limited to mental health services, adult safeguarding and children's services. The assessments will also inform the offers of accommodation provided to ensure they are suitable for the needs of the individual household.</p> <p>Partnership working extends to local community groups to help identify those households who are least likely to access core services, due to age, physical or mental disability or other, in order to promote access to services and upstream homeless prevention.</p>
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Previous Consideration - Nil

Background Papers -

Homelessness Funding Briefing report 05/02/2021 Hayley Smith
 NB There is a file available from the Housing and Health department with full background information on the existing DGS from 1999-2020 and the work of the Housing Solutions Officer 2019 - 2021.

PRIVATE SECTOR ACCESS POLICY

The scheme aims to assist people in housing need and on low incomes, and households facing homelessness, to secure accommodation in the private sector. Eligible applicants are provided with a cash deposit, equivalent to no more than five week's rent. The payment will be secured in a government approved tenancy deposit scheme.

Eligible applicants

All referrals to the scheme are made through the Housing Options Team.

All applicants to the scheme will have a full assessment of their housing situation including income, affordability, housing requirements, household need etc. Assistance will be provided where it is deemed necessary and this will be to secure a tenancy which meets housing need and is sustainably affordable to the client.

To qualify, the applicant will need to meet the following criteria:

- Be on a low income. An income and expenditure form must be completed and assessed; the client must have no additional savings. If the client has unnecessary expenditure as identified by their form, they must engage with Citizen's Advice Bureau for budgeting/debt advice or a similar service in order to be accepted. **(APPENDIX A)**
- Normally be resident within Stafford Borough (or considered to have a strong local connection, as per our [Allocation Policy 2020](#), relevant section included at **APPENDIX B**)
- Have no housing related debts to Stafford Borough Council (a check will be made with the relevant departments)
- Identified as having a housing need **(APPENDIX C)**
- Be able to live independently or have a relevant care/support package in place.
- Have no other available resources, such as savings.
- Have no other properties such as holiday homes or empty homes. Unless their other property is being rented by somebody else who is in a long-term tenancy.
- If a client has any issues around Anti-Social Behaviour, they must be engaging with support from a relevant service. (Housing Solutions Officer/Tenancy Support Officers included)

Under exceptional circumstances these criteria can be flexible with the agreement of the Housing Options Team Leader.

Eligibility of Landlords

It is recognised that in supplying cash deposits to help those in housing need, the Borough Council will also be supporting the businesses of local landlords. To safeguard all parties, there are also requirements of landlords, to ensure that the accommodation secured via this policy achieves the statutory standards of fitness and repair. The Housing Solutions Officer or a similarly appointed officer of the Council will conduct visits to properties for let via this scheme, to ensure that the accommodation is fit for human habitation.

Landlords must:

- Provide a copy of the most recent gas safety certificate, where applicable.
- Provide a copy of an Electrical Installation Condition Report.
- Have an up to date Energy Performance Certificate with a rating of at least a D.
- Ensure their property complies with the Housing Health and Safety Rating System.
- Houses in Multiple Occupation must comply with the HMO Standards Policy of Stafford Borough Council and where applicable hold the relevant licenses. ([HMO Policy and Amenities.pdf \(staffordbc.gov.uk\)](#))
- Charge rent at no more than 10% above Local Housing Allowance rate.
- Maintain the fitted aspects of the property such as kitchen cabinets, bathroom suite, carpets, flooring, wallpaper, plaster on the walls, garden paths, fencing, radiators or electric heating and ensure they are in a reasonable condition.
- Allow tenants peaceful enjoyment of their home, meaning allowing them to decorate, providing it is done professionally and to a high standard.
- Landlords, or their agents, must not undertake behaviour that would constitute harassment in accordance with the Protection from Eviction Act 1997, towards their tenants or their visitors.
- Carry out essential maintenance within a reasonable time. If there are delays to necessary maintenance, landlords must keep their tenants informed and where possible make alternative arrangements. Such as, if a boiler repair is required and there are delays, it would be reasonable to expect the landlord to provide an electric heater until such time that the boiler is repaired.
- Appoint/be a suitably qualified contractor to carry out boiler repairs and gas safety checks.

Landlords with a poor record of management or whose properties do not meet these minimum standards will be excluded from the scheme until such time that appropriate standards are being achieved. We will utilise our own records, including those in the council's FLARE system to review this. Examples of poor management include but are not limited to a history of illegal evictions; unresolved complaints relating to essential maintenance work; legal action taken against the landlord by SBC or evidence of tenant harassment.

Operation of the Scheme

The Private Sector Access Scheme will pay a cash deposit to landlords on behalf of the successful applicant. The deposit amount will be limited to the equivalent of five week's rent¹. The deposit will be placed in a government backed [tenancy deposit scheme](#). (**APPENDIX D**)

A written and photographic inventory will be prepared and provided by the landlord detailing items covered by the deposit and signed by the landlord and the tenant. The landlord will be required to use the Council's standard inventory template (**APPENDIX E and APPENDIX F**) and can add any further details should they choose to enhance this if their property has additional features. The landlord must also prepare an assured shorthold tenancy agreement.

¹ This is in line with the deposit cap introduced by government as part of the Tenant Fees Bill on 1st June 2019 [Tenant Fees Act - GOV.UK \(www.gov.uk\)](#)

The prospective tenant will sign an agreement with SBC which states that they will pay back, in full, any amount deducted from the deposit, should the landlord make a successful claim.

The landlord must notify SBC when the tenancy is due to end and we will request a forwarding address and updated contact information from the tenant for our records. The landlord will carry out an inspection of the property and effects. If there is any damage to the property or there are any rent arrears, the landlord will need to liaise directly with the tenancy deposit scheme where the deposit is being protected.

Where a claim is agreed by the scheme and paid, the remaining deposit is returned to SBC and the client is contacted to arrange repayment of the remaining deposit balance.

If there is no damage to the property and there are no rent arrears, or the landlord makes an unsuccessful claim, the full deposit value will be returned to SBC and the client's record updated.

Monitoring the Scheme

Key indicators of the effectiveness of the scheme will be the number of applicants assisted and the service achieving its aims of increasing access into the private rented sector. Careful management of the Council's ongoing liability and support to tenants and landlords to limit the volume and value of claims made against deposits will be key to ensuring that the scheme is sustainable long term.

Monitoring is conducted by the Housing Solutions officer through the information collected on 'Locata' which is the system used by the Housing Options team to store client information. Previous participants of the scheme will only be re-admitted if there were no deductions from their deposit and it was returned in full to the Council. Participants whose deposits were claimed in part or in full can also be re-admitted if their previous accounts have been cleared.

Procedure

	Procedure	Record or Document	Officer Responsible
1.	A person who is eligible for assistance is referred by Housing Options Officer	Interview to establish eligibility and assess housing need. Application form to be given and completed if required	Housing Options Officer
2.	Relevant checks to be completed in line with criteria i.e. debts/former debts to SBC and Anti-Social Behaviour	Note to be made on Locata of debts (if any).	Housing Options Officer
3.	If suitable, referral to the Cash Deposit Scheme.	Email to Housing Solutions Officer	Housing Options Officer
4.	If accommodation already sourced check suitability of accommodation identified.	HHSRS guidance.	Housing Solutions Officer
5.	If all checks are satisfactory, a letter to client confirming eligibility for the scheme and copy of policy document to landlord.	Record acceptance onto Locata Letter of acceptance Letter to Landlord	Housing Solutions Officer
6.	Once property sourced contact landlord to arrange property inspection. Confirmation of rent required by landlord, amount of deposit required and confirm Local Housing Allowance.	Call to landlord Confirm LHA. Complete property inspection. If issue with property – advise landlord and prospective tenant. Confirmation of EICR, Gas Safety Certificate and EPC (where required)	Housing Solutions Officer
7.	OR Refusal onto Scheme.	Letter to applicant advising of refusal onto Scheme. Advise to contact SBC for further housing options Update Locata with refusal decision and reason	Housing Solutions Officer

8.	Landlord signs an agreement with SBC stating they agree to protect the deposit with a tenancy deposit service and include SBC as a second tenant so that they will be sent a link to the account and can request the deposit to be refunded to the council at the end of the tenancy. If they do not protect the deposit or record SBC on the deposit paperwork and online, SBC can claim the deposit back from the landlord in full.	Landlord agreement.	Housing Solutions Officer
9.	Tenant signs loan agreement with SBC. The document will state that the tenant only needs to pay the council back if there is a claim made against the deposit.	Loan agreement document. Update Locata.	Housing Solutions Officer.
10.	Full written and photographic inventory. Allow 7 day review period by tenant following occupation to advise of any subsequent changes to the inventory.	Possible joint visit to property by SBC, landlord and prospective tenant.	Housing Solutions Officer
11.	Invoice for deposit amount to be sent to senior officer for authorisation and then passed on to Financial Services to make payments. Where required, a letter of undertaking to be sent to landlord explaining that the deposit has been authorised and will be paid within 10 working days.	Invoice from Landlord Letter to Landlord.	
12.	If all in agreement – sign up for property	Tenancy agreement Inventory Prescribed Information for Deposit Protection Service Update Locata	Tenant and Landlord. Housing Officer can attend if required/requested.
13.	Deposit Protected – the landlord must protect the deposit with one of the government approved tenancy deposit services and must provide SBC with a copy of the Prescribed Information, as proof that the tenancy is protected. SBC needs to be added to the deposit as a second tenant so that we are kept updated of any claims.	Copies kept on file Update Locata	Landlord Housing Solutions Officer

14.	Tenant or landlord makes contact to say that he or she is leaving/serving notice or to make us aware of any issues with the tenancy. Arrange interview and check inventory before termination	Letter of notice Complete pre exit interview and complete post inspection If landlord has served notice a round table meeting may be considered to see if tenancy can continue by addressing any issues with all parties to prevent homelessness.	Housing Solutions Officer/ Housing Options Team
15.	For relevant applicants, a tenancy-related support plan will be agreed between the tenant, landlord and council regarding support during the tenancy.	Recorded on Locata if advice given	Housing Options Team
16.	If a tenant hands in their notice or their landlord serves them with a notice, they must inform SBC immediately so we can arrange a timely visit to the property. The landlord wishes to claim against the Deposit, must send all evidence to their chosen government approved tenancy deposit protection service and inform SBC immediately of any claim.	Landlord must inform SBC of the claim via email/letter as well as sending evidence to the deposit service.	Housing Solutions Officer
17.	Joint visit of property with landlord and tenant in order to explore other options to prevent a claim, attempt to get tenant to rectify any problems before they leave so that they don't have a debt to SBC.	Inventory. Pictures.	Housing Solutions Officer
18.	If there is a successful claim, inform Financial Services and ask them to raise a debt against the client. The landlord will be required to provide SBC with a forwarding address for the tenant so that they can be raised as a debtor.	Forwarding Address Proof of claim. Email sent to Financial Services	Housing Solutions Officer Financial Services Department
19.	Outcome of the any claim recorded on Locata.	Journal note on Locata.	Housing Solutions Officer

20.	Payments from the client will be monitored by the Housing Solutions Officer and Finance and recorded on the Cash Deposit Scheme Spending spreadsheet. If payments are missed, Housing Solutions Officer will contact client to remind them of agreement and that no further financial assistance will be offered to the client if they do not keep up with payments.	Cash Deposit Scheme Spending spreadsheet.	Housing Options Team Leader Housing Solutions Officer
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APPENDIX A: Income and Expenditure Form

[illegible]

APPENDIX B: Local Connection criteria

- (a) In order to demonstrate a local connection, one of the following must be satisfied:
- (b) Lived in the Borough for the last two years at the point of application;
- (c) Lived in the Borough for at least three out of the last five years;
- (d) Is currently subject to a Homeless Duty (in accordance with Part 7 of the Housing Act 1996) and have lived in the Borough for the last six out of 12 months.
- (e) Has been employed in the Borough for the last two years;
- (f) A care leaver under the age of 21 and normally living in a different area of Staffordshire County, and has done for at least two years, including some time before they turned 16.
- (g) Has a firm offer of permanent employment in the Borough, where failure to move into the Borough would result in that employment not being accepted. See Right to move criteria below in exemptions to the local connection rules for details of how a firm offer of employment will be assessed;
- (h) Receives support from close family members who have lived in the Borough for at least three years;
- (i) Has close family members in the Borough who they need to provide essential care for, or receive essential care from; or
- (j) Other specific circumstances that the local authority would wish to consider under a local connection criteria.

APPENDIX C: Housing Need criteria:

Someone is determined to be in Housing Need if:

- (a) They are homeless or are at risk of homelessness within 56 days.
- (b) They are being released from prison or youth detention accommodation and do not have a property to go back to.
- (c) They are care leavers.
- (d) They are victims of domestic abuse.
- (e) They are leaving the armed forces and do not have a property to go back to.
- (f) They are leaving hospital and do not have a property to go back to.
- (g) They have been asked to leave their accommodation by family and friends.
- (h) They have been served with a valid eviction notice.
- (i) Their current property is not suitable for their needs, requires adaptations they do not have permission for, is overcrowded, is uninhabitable or has been condemned.
- (j) They have an offer of employment and need to move in order to take up the job.
- (k) They are fleeing harassment.
- (l) They are at risk of physical, mental or emotional distress in their current property.

APPENDIX D: Government backed tenancy deposit schemes

At the time of writing, in England and Wales a deposit can be registered with:

[Deposit Protection Service](#), [My Deposits](#), [Tenancy Deposit Scheme](#)

APPENDIX E: House Inventory Template

INVENTORY:

The following is a schedule of condition for the above property and denotes the current condition of all rooms and items within. Any damage or disrepair within the property will be listed below.

Explanation of conditions:

Brand New – denotes this item was brand new before the tenancy commenced.

Excellent Condition – denotes this item has no visible marks or damage but is not brand new.

Good Condition – denotes this item has few visible marks but is not damaged and is fully functional without hindrance.

Fair Condition – denotes this item has visible wear and tear, signs of age and use, may be heavily marked and has minor damage but is still functional.

Poor Condition – denotes this item is heavily marked or damaged beyond wear and tear and/or is not fit for use.

Room: Hallway, Stairs and Landing

#	Item	Description	Notes
	Door External		
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Radiator		
	Other		

Room: Kitchen

#	Item	Description	Notes
	Door External		
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Cabinets		
	Worktops		
	Sink		
	Oven		
	Hob		
	Extractor		
	Miscellaneous		

Notes:

<u>Room</u>	<u>Item</u>	<u>Description</u>

Room: Living Room

#	Item	Description	Notes
	Door External		
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Radiator		
	Miscellaneous		

Room: Bathroom

#	Item	Description	Notes
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Sink		
	Toilet		
	Bath		
	Shower		
	Extractor		
	Miscellaneous		

Notes:

<u>Room</u>	<u>Item</u>	<u>Description</u>

Room: Bedroom

#	Item	Description	Notes
	Door Internal		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Radiator		
	Other		

Miscellaneous:

#	Item	Description	Notes
	Electric Meter		
	Gas Meter		
	Water Meter		
	Smoke Alarms	There is one located on each habitable floor and is in working order	
	Gas Safety	I have seen a copy the most recent gas safety certificate dated	
	How to Rent	I have received the most recent copy of the How to Rent booklet.	
	EPC	I have received an up to date copy of the EPC.	
	EICR	I have seen a copy of the EICR dated	
	Wheelie Bins	Located	
	Boiler	Make: Located:	
	Stop Tap	Located:	

Notes:

<u>Room</u>	<u>Item</u>	<u>Description</u>

TENANT:

Print Name:

Signed:

Date:

LANDLORD:

Print Name;

Signed:

Date:

COUNCIL:

Print Name:

Position:

Signed:

Date:

APPENDIX F: HMO Inventory Template

INVENTORY:

The following is a schedule of condition for the above property and denotes the current condition of the room being let and any damage or disrepair located within.

Stafford Borough council will not take responsibility for any damage to any communal areas unless provided with evidence from the landlord(s) that it was caused by the recipient of our Deposit Guarantee Scheme.

Explanation of conditions:

Brand New – denotes this item was brand new before the tenancy commenced.

Excellent Condition – denotes this item has no visible marks or damage but is not brand new.

Good Condition – denotes this item has few visible marks but is not damaged and is fully functional without hindrance.

Fair Condition – denotes this item has visible wear and tear, signs of age and use, may be heavily marked and has minor damage but is still functional.

Poor Condition – denotes this item is heavily marked or damaged beyond wear and tear and/or is not fit for use.

Room:

#	Item	Description	Notes
	Door		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Sink		
	Miscellaneous		

En-Suite:

#	Item	Description	Notes
	Door		
	Walls		
	Floor		
	Ceiling		
	Skirting		
	Window(s)		
	Light Fixture(s)		
	Sockets		
	Switches		
	Sink		
	Toilet		
	Bath/Shower		
	Extractor		
	Miscellaneous		

Miscellaneous:

#	Item	Description	Notes
	Smoke Alarms	There is one located in the room and is in working order.	
	Gas Safety	I have seen a copy the most recent gas safety certificate dated	
	EICR	I have seen a copy of the EICR dated	
	Wheelie Bins	Located	
	Boiler	Make: Located:	
	Stop Tap	Located:	

Notes:

<u>Room</u>	<u>Item</u>	<u>Description</u>

TENANT:

Print Name:

Signed:

Date:

LANDLORD:

Print Name;

Signed:

Date:

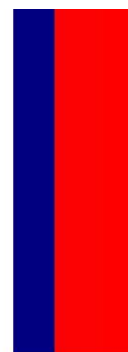
COUNCIL:

Print Name:

Position:

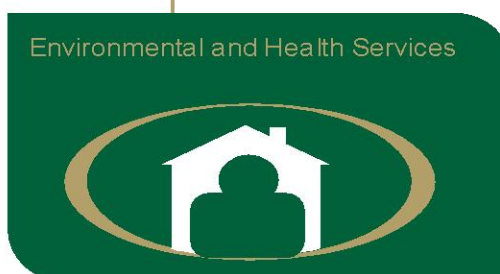
Signed:

Date:



STAFFORD BOROUGH COUNCIL

**HOUSE IN MULTIPLE OCCUPATION
POLICY**



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Section 1.

Summary of the Policy

This policy outlines Stafford Borough Council's intention to raise the standard and quality of shared accommodation in the private rented sector.

The Houses in Multiple Occupation (HMO) Policy links with the Corporate Plan, Housing Strategy and Private Sector Housing Renewal Policies.

Good partnership working with other service areas of the Council and with external partners as well as co-operation with private landlords and tenants is vital to ensure the success of the Policy.

The Government supports local authority action to improve the quality of private rented housing. The Housing Act 2004 introduced a number of provisions relating to HMO's, for example, the Housing Health and Safety Rating System (HHSRS), the licensing of high risk HMO's and the power to take over the management of properties.

In 2007 the number of HMO's in Stafford Borough was approximately 600. The majority of these are student shared houses but the Council is aware that there are a number of high risk three storey HMO's of which 18 have been licensed.

The objectives of this policy will be achieved by engaging in a positive dialogue with private landlords and tenants, and using the following policy tools:

- Licensing
- Inspections
- Information and advice
- Working in partnership
- North Staffordshire Landlords' Accreditation Scheme
- Enforcement
- Landlords Forum

This Policy contains an action plan that sets out specific and measurable targets for the achievement of the strategic objectives and the person/s responsible for taking the appropriate action.

Section 2.

Introduction.

Poor and unsuitable housing can have a detrimental effect on the Health and Safety and the well being of occupants particularly those in vulnerable groups. Houses in multiple occupation (HMO's) present a higher risk to Health & Safety of the occupants than other homes, particularly with regard to injury from fire. The Government has therefore widened the definition of what it regards as a HMO and introduced a Mandatory Licensing Scheme for certain types of HMO. It has also introduced standards specific to these properties over and above those expected of normal rented dwelling.

A summary of relevant legislation can be found in Appendix 1

2.1 What is a HMO?

According to the Housing Act 2004 a building is an HMO if it meets one of the following tests:

- **The Standard Test** - any building in which two or more householders share basic amenities.
- **The Self Contained Test** - any flat in which two or more households share basic amenities.
- **The Converted Building Test** – a converted buildings with one or more units that are not self-contained.
- **Certain converted blocks of flats** - any converted buildings comprising self contained flats that do not meet the 1991 Building Regulations Standards and more than one third of flats are occupied on short tenancies.

The full definition of a House in Multiple Occupation can be found in Appendix 2

2.2 Risks associated with HMO's

Houses in multiple occupation have certain increased risks associated with them:

- **Fire risk** – because of the nature of their occupancy, HMO's pose a significantly higher fire risk than properties occupied by single households. This is due to the greater number of occupants, and that it is common for individual occupants not to know the whereabouts or actions of the other occupants. The risk also increases when there are more floors in a building, as the distance any occupant must travel to escape fire is greater.
- **Overcrowding** – all HMO's have to be fit for use by the number of occupants without compromising the health and safety of those occupants. The Housing Health and Safety Rating System considers the availability of, and need for personal space, and the psychological effects lack of space may have on the residents.
- **Shared facilities** – there is a need for the adequate provision of kitchens and bathrooms for the number of occupants without causing general inconvenience.

2.3 Aims and objectives of the policy

The Housing Standards Team will:

- Work with landlords, tenants and other interested parties to ensure that all HMO's in the Borough are up to standard
- Seek to identify all HMO's within the Borough and use negotiation as well as statutory powers bring them up to the required standard
- Maintain a programme of planned inspections of all HMO's, dealing with approximately 200 a year. This will include the re-visiting of previously improved HMO's on a programmed basis
- Make details of our policy available to landlords and tenants and provide guidance notes explaining their rights and obligations
- Ensure that multiple household landlord and tenant issues form an integral part of the work of our Private Sector Landlords' Forum
- Continue to identify and license all three storey HMO's with five or more tenants

Work with partners such as Stafford Borough Council's Council Tax Service, Staffordshire University Accommodation Officer, Staffordshire Fire & Rescue Service, Trading Standards, the Health and Safety Executive etc. to ensure that the interests of tenants are fully protected.

Section 3.

Strategic Framework

This policy and its key components have been developed to reflect national, regional and local housing strategies and policies.

3.1 National Context

National Government views the private rented sector as a useful resource and envisages that it will have a larger role in meeting housing demand in the future. It wants to see a strong, well- managed private rented sector offering flexibility and choice to meet the diverse needs of people across the country.

3.1.1 Housing Act 2004

This legislation introduced:-

- **The Housing Health and Safety Rating System** – The Housing Act 2004 brought in a new system for inspecting and assessing housing conditions. This replaced the long-standing Fitness Standard and assesses the impact of 29 different hazards on the occupiers (or potential occupiers) of the premises. This national system covers all the hazards associated with HMO's (including fire, smoke, falls etc). The result of this rating provides a "score" for each hazard which can trigger potential action by the Council.
- **New provisions to deal with mandatory HMO licensing** – this applies to high risk HMOs – those of three storeys with five or more occupants. Landlords of a high risk HMO's need to obtain a licence from the local authority and failure to have one is a criminal offence subject to a maximum fine of £20,000. Each local authority has a duty to inspect all licensed properties to ensure any serious hazards are identified and dealt with within five years of the property being licensed.
- **Additional HMO licensing** – a discretionary power that Councils may decide to apply to a particular type of HMO, e.g. two storey properties occupied by three or more students.
- **Selective HMO licensing** – of privately rented accommodation in order to help address either low-demand housing or anti-social behaviour.
- **The Management of Houses in Multi Occupation (England) Regulations 2006** which set out the management standards for all HMO's
- **Provisions for local authorities – to make Management Orders** (Interim and Final) in respect of certain premises in order to enforce the above, but also to deal with empty dwellings with the use of Empty Dwelling management Orders.
- **Various other provisions** – including tenancy deposit schemes to ensure good practice in deposit handling and to assist with dispute resolution.

3.1.2 The Communities Plan – “A Decent Home for All”

“Sustainable Communities: Homes for All” – is the Government’s Communities Plan published in January 2005. Revitalising the private rented sector is on the government’s agenda and local authorities are encouraged to tackle rogue landlords so that tenants can live in good quality and safe accommodation.

In order to promote a strong and well-managed private rented sector the Government in the plan states that it: will –

“implement provisions in the Housing Act 2004 for licensing of ‘Houses in Multiple Occupation’ – such as bed-sits and student accommodation, and will give local authorities the power to license homes in some other circumstances – for example in areas of low housing demand. Under licensing arrangements, landlords will need to meet minimum standards of management and demonstrate that they pass a “fit and proper person test”

3.2 Regional Context

The West Midlands Regional Housing Strategy 2005 stresses the importance of everyone in the region living in a decent home that meets their needs, at a price they can afford and in sustainable locations. The Government Office for the West Midlands, recognises the importance of the private rented sector in meeting a wide range of needs, such as temporary accommodation and accommodation for people in the intermediate tenure

3.3 Local Context

3.3.1 Council’s Corporate Plan

The future priorities for the Borough are contained in the Corporate Plan 2007 – 2013. This Policy will contribute to meeting the priorities outlined in the Corporate Plan. In particular;-

• **Priority Three “Health and wellbeing”**, has three objectives specific to housing:

- 3(a) Promote healthy living across the Borough.
- 3(c) Ensure an adequate supply of housing which meets the identified housing needs and decent homes standard.
- 3(d) Ensure affordable housing.

This includes access to a range of good quality homes. Houses in multiple occupation, when safe, well managed and in good condition provide a type of housing which cannot easily be replaced. It traditionally provides housing for the young and vulnerable groups and consequently should be closely controlled to avoid unsatisfactory housing.

3.3.2 The Housing Strategy 2008-2013.

The strategic priorities relevant to this policy are;-

- **Improve the physical condition of the housing stock across all tenures.**
Efficiently managed HMO's can help meet some of the need for affordable housing and can contribute towards the creation of inclusive and sustainable communities. Ensuring that HMO's meet the Decent Homes Standard will contribute towards improving the physical condition of the housing stock in the private rented sector.
- **Partnership working.**
By working effectively with partners where the need is justified the Housing Group will continue to underpin and provide added value to the delivery of the housing work associated with HMO's.

3.3.3 The HMO policy links with the Private Sector Renewal policy.

- **Accredited Landlord Grant.**
Subject to budgetary constraints, grant aid may be available to a maximum value of £2000.00 to assist in the carrying out of certain works required. A landlord must be a member of a recognised accreditation scheme. However, the scheme of works should be agreed with the council before starting such works, otherwise this opportunity may be lost. It should be noted that there are conditions attached to this type of grant requiring the applicant to remain the owner and let the property for a period of five years.

Section 4

A profile of HMO's in the Borough of Stafford

The private rented sector in England comprises approximately 10% of the national housing stock. Within the Borough of Stafford there are 54,500 dwellings of which approximately 8.3%[#] are in the private rented sector. Using data obtained from the reports of field officers, tenants, members of the Landlord Accreditation Scheme, Registered Social Landlords, the numbers, of HMO's at 1st April 2007 was approximately 600. This figure is made up of 18 high risk, three storey properties with the remaining lower risk two storey houses, the majority of which are student shared houses.

[#] Source – Housing Strategy 2008 –2013 Homes for our Community.

Section 5

Delivering the Policy

The Council's approach to dealing with HMOs has been one of positive intervention. Officers have encouraged and explored all opportunities of support – offering information on legislative requirements, advice on the standards to achieve and maintain, and only resorting to enforcement action where absolutely necessary.

All the current policy tools that are key to achieving the policy aim and objectives are listed below:

5.1 Licensing

The owners of HMO's subject to mandatory licensing will be encouraged to apply for licenses and each application will be determined within 6 weeks of a properly completed application being received.

The landlords of all properties subject to licensing are required to provide the Council with evidence that they are "fit and proper" to manage the HMO. Full details of the mandatory licensing procedures are detailed at Appendix 3. If necessary and appropriate the Council will take enforcement action where HMO owners evade licensing or breach licensing conditions (see below).

The Housing Act 2004 gives the Council power to extend licensing to properties in areas of housing stress where anti-social behaviour is a problem. This is no history of major problems in the Borough. Should a problem be revealed, additional and/or selective licensing may be considered.

5.2 Inspections

Each licensed HMO will be inspected at least once every five years to ensure that it meets the property and tenancy management standards set by the Council for obtaining a licence. By March 2009 we will have inspected all 18 licensable HMO's. Further inspections will be carried out if complaints are received and relevant actions will be considered based on the outcome of the inspection. With regard to non-licensable HMO's we will have inspected them within 3 years with a target of about 200 per year.

As well as inspecting new HMO's it is necessary to have re-inspections to ensure that all HMO's are kept up to standard. Our policy is that once an HMO is brought up to standard we shall not vary the standard without good reason. We will however, regularly inspect such HMO's to ensure that the agreed standards are maintained

5.3 Risk Register

The Council maintains a register of Licenced HMO's. The information held on the register contains details on the type of property, the name of the owner and dates of any inspections etc. In addition to the requirement to keep a register of Licensable HMO's, the Council also maintains a risk related database of smaller non Licensable HMO's.

It is essential to maintain a good knowledge of the location of HMO's in the Borough. Information is obtained from field officers, tenants, members of the Landlord Accreditation Scheme, Registered Social Landlords and Staffordshire University as well as Council Tax records. We will continue to carry out street surveys to identify any new HMO's. This has initially focused on the areas already known to contain a high proportion of HMO's.

5.4 Information, advice and published standards

We believe that in the majority of cases, adequate information and advice on property and management standards communicated to HMO landlords in a clear and timely manner, contribute towards ensuring adequate conditions in HMO's. This also ensures a safe and comfortable environment for tenants without having to resort to formal action.

We have adopted **amenity and space standards** which are applicable to all categories and sizes of HMO whether or not they require licensing. These categories of HMO includes bed-sits or flats, shared houses, small scale lodging houses, hostels, guest houses and B & B establishments for the homeless.

The Council's amenity and space standards meet or exceed those required under Section 8 of the Licensing & Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006. In relation to amenity standards which apply to HMOs for the purpose of Section 65 of the Act, i.e. they only apply to licensable HMOs (see Appendix 4 Section 2). As there is no power for Local Housing Authorities (LHAs) to regulate the provision of kitchen, bathroom or WC facilities in non-licensable HMOs, except on a risk assessment basis via the HHSRS (see 5.10 below), the Council have adopted the standards recommended by the Chartered Institute of Environmental Health (CIEH) which have also been adopted by other neighbouring authorities. These standards include for the provision of space and amenity standards. However, the CIEH have advised that they are currently updating the standards and we will monitor any changes and amend accordingly where appropriate. We will consult with neighbouring authorities on any changes and continue to work in partnership to ensure uniformity and consistency of the standards across Staffordshire.

- The Council, in common with neighbouring North Staffordshire authorities has adopted the **fire safety standards** of the regional Home Stamp publication "A Guide to Fire Protection in Multi Occupied Residential Properties". Home Stamp is a consortium of West Midlands local authorities and representatives from the Police and Fire Service and private landlords. This is a comprehensive guide which can be viewed in full by visiting the Council's website at www.staffordbc.gov.uk.

- The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties with regard to **management standards** for all HMO's. A person managing an HMO has to provide information to occupiers, take safety measures, maintain water supply and drainage, supply and maintains gas and electricity, maintain common parts, fixtures, fittings and appliances, maintain living accommodation and provide waste disposal facilities. The Regulations also impose duties on occupiers of an HMO for the purpose of ensuring that the person managing it can effectively carry out the duties imposed on them by these Regulations.
- We maintain a comprehensive section on our **website** for issues relating to the private rented sector. This site is constantly updated with changes in legislation, topical issues and direct links to more specialist sites.

5.5 Working in Partnership

- **Internally.**
Effective liaison and information exchange is important. The Housing Standards Team is working with other services across the Council to collate information to co-ordinate action on HMOs in particular Council Tax and Planning Enforcement.
- **With neighbouring Authorities.**
It is also our policy to work in partnership with neighbouring authorities to ensure consistent and fair standards are adopted. This partnership working can be demonstrated in the delivery of the North Staffordshire Landlord Accreditation Scheme (see below), amenity and fire safety standards (Homestamp) and by the publication of material such as the 'Licensing Guide for Landlords in Staffordshire'.
- **Other partners.**
We are currently working alongside neighbouring Authorities and Staffordshire Fire Authority to develop a joint protocol to deliver the requirements of the Housing Act 2004 and also the Regulatory Reform (Fire Safety) Order 2005. The protocol will establish the principles and joint working arrangements between the agencies to deliver the objective of improved fire safety.

5.6 North Staffs Landlord Accreditation Scheme

This scheme was set up and is run jointly with adjoining North Staffordshire Authorities and the North Staffs Landlords Association. The main aim of the scheme is to accredit those landlords who by meeting certain specified standards provide good quality homes for private sector tenants. Private landlords are accredited for meeting their obligations and are expected to abide by the ANUK Landlord Development Manual which has been adopted as the code of standards for the scheme.

Training on housing and HMO legislation has been carried out and we consulted prior to the introduction of licensing including the setting of fees. The scheme currently has over 500 members with 100 of these members operating within the Borough. Further information on the scheme can be found at www.landlordaccreditation.co.uk

5.7 Landlord Forum

The purpose of the Forum is to bring together all agencies and Landlords, Managing Agents etc. individuals to address issues relating to the private rented sector. The Forum meets on twice a year.

5.8 Enforcement

We have a policy of always seeking to work with landlords to achieve a satisfactory standard of accommodation. It is hoped that most substandard HMO's can be improved via discussion and negotiation with the landlords without the need to resort to more formal action. However in the event of there being a situation where there is an immanent danger to tenants, appropriate action will be taken.

If, following an initial inspection, an HMO is found to be substandard, discussions will take place with the landlord about what needs to be done to bring it up to standard.

An Environmental Health Officer (EHO) will then follow up with an informal letter enclosing a list of works necessary to meet the standard required.

This informal approach will continue as long as reasonable progress was being made. However, if it becomes clear that progress is not being made, formal enforcement action will be started by the service of a legal notice under the relevant legislation to ensure that the work required is carried out.

Such notices can require:

- 1 Works to improve fire precautions and fire detection, and/or
- 2 Works to provide extra facilities, and/or
- 3 Works to put right items of disrepair

The EHO uses their professional judgement and follows all agreed guidelines when deciding what works are necessary.

When specifying works to improve the means of escape in case of fire, guidance is taken from the LACORS National Guide to Fire Safety.

All notices give a time limit within which the works required are to be carried out. Failure to comply can lead to court action and/or the works being carried out by the Council with the costs being recovered from the HMO manager/owner.

Section 6

Resources

Staff

The key resource available to deliver the policy is a well trained and effective workforce. We currently have two Environmental Health Officer's who spend part of their time on HMO work. The overall responsibility for overseeing the implementation of this policy lies with the Principal Environmental Health Officer.

Section 7

Monitoring

We will monitor the quality of the service provided in relation to HMO's to ensure that the delivery of the targets identified in the Action plan (See Appendix ?) are met.

Section 8

Review

This policy will be reviewed when it becomes necessary, usually annually.

Section 9

Enquiries

A copy of the Policy can be obtained upon request from the address below or by visiting Stafford Borough Council's website at; www.staffordbc.gov.uk

Stafford Borough Council
Civic Centre
Riverside
Stafford
ST16 3AQ

Telephone: 01785 619000
Fax: 01785 619319
Email: ehadmin@staffordbc.gov.uk

Part 2 of the Housing Act 2004 deals with the licensing of certain houses in multiple occupation and gives a new definition for houses in multiple occupation.

- Section 55 This provides for HMO of more than 2 storeys with 5 or more occupants to be licensed.
- Section 56 Allows an authority to designate part or all of its district for additional licensing of a type of HMO which is poorly managed and gives rise to problems to occupants or neighbours.
- Section 57 Deals with how such a designation should be made.
- Section 58 Deals with confirmation of the designation by a National Authority.
- Section 59 Deals with the publication of the designation.
- Section 60 Deals with the duration, review and revocation of designations.
- Section 61 Deals with the requirement of HMO to be licensed.
- Section 62 Where an HMO should be licensed but the owner is taking steps to securing that the HMO no longer needs to be licensed the authority can grant a Temporary Exemption Notice.
- Section 63 Details the manner in which an application must be made and allows a fee to be charged.
- Section 64 Allows an authority to refuse an application, approve an application and impose conditions or approvals.
- Section 65 Gives tests as to the suitability of an HMO for licensing.
- Section 66 Gives tests as to the suitability of an owner or agent.
- Section 67 Details which conditions may be made and those which must be made.
- Section 68 Details the general requirements and duration of licences.
- Section 69 Allows the variation of licences.
- Section 70 Deals with the revocation of licenses.
- Section 71 Deals with procedures for appeals against licence decision.
- Section 72 Deals with offences in relation to licenses.
- Section 73 Deals with rent repayment orders.
- Section 74 Gives further provision about rent repayment orders.
- Section 75 Details other consequences of operating unlicensed HMO and restrictions on terminating tenancies.
- Section 76 Deals with transitional arrangements relating to introduction and termination of licensing.
- Section 77 Defines the term HMO.
- Section 78 Details the meaning of other expressions used in Part 2.

Part 3 of the Act describes selective licensing of houses and is dealt with elsewhere.

Meaning of House in Multiple Occupation

The meaning of house in multiple occupation is redefined in sections 254-260 of the Housing Act 2004.

'House in Multiple Occupation' means a building, or part of a building (e.g., a flat):

- which is occupied by more than one household and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulation and at least one third of the flats are occupied under short tenancies. *

And is 'occupied' by more than one household:

- as their only or main residence, or,
- as a refuge by persons escaping domestic violence, or,
- during term time by students, or
- for some other purpose that is prescribed in regulations.

And the households comprise:

- families (including single persons and co-habiting couples (whether or not of the opposite sex), or,
- Any other relationship that may be prescribed by regulations, such as domestic staff
- or fostering or carer arrangements.

Guidance from LACORS (11.10.07) recommends that no building comprising entirely of self contained flats will need to be licensed, but it is possible that the flats within those buildings may need a licence.

A self contained flat may need to be licensed if it is itself multi-occupied by 5 or more people and is in a building of 3 or more storeys.

AMENITY STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

ADVICE NOTE (B)

Note: *Additional requirements apply to Licensed HMO's.*

This advice note is to assist owners and landlords understand the requirements placed upon them, and the basic standards that must be achieved within their properties when it is let as a House in Multiple Occupation. This particular advice note refers to the following type of premises:-

Houses Occupied on a Shared Basis

These would normally be occupied by members of a defined social group, e.g. students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space.

The anticipated duration of the occupancy will often be finite and occupiers may spend periods of it (e.g. vacations) away. Numbers of occupiers above six are probably more suggestive of Category A accommodation. This standard is not intended to apply to purpose-built student accommodation.

1 Space Standards

Notwithstanding any limit imposed by a Direction under Section 354 of the Housing Act 1985 as to the number of individuals accommodated in the property, the minimum floor area requirements are as follows:-

1.1 Space Standards

One person units of accommodation:-

Each bedroom/study	10m ² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 6.5m ²
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Two person units of accommodation:-

Each bedroom/study	15m ² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 11m ²
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Common rooms:-

i)	Kitchens shall be of suitable size. The following is a guide:-	Used by 1 - 3 persons	5m ²
		Used by 4 persons	6m ²
		Used by 5 persons	7m ²
		Used by 6 persons	9m ²

Note: The above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure

that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the kitchen for the number of users.

ii)	Dining/kitchen	Used by 1 - 3 persons Used by 4 - 6 persons	10m ² 11.5m ²
iii)	Living rooms and dining rooms	Used by 1 - 3 persons Used by 4 - 6 persons	8.5m ² 11m ²

1.2 Stability

The house and every part of it shall be structurally stable.

1.3 Repair

The house shall be free from serious disrepair and otherwise be in a reasonable state of repair having regard to its age, character and the locality in which it is situated.

1.4 Dampness

The house shall be free from dampness prejudicial to the health of the occupants.

1.5 Natural and Artificial Lighting

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window and/or door(s), the glazed area to be equivalent to at least 1/10th of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used for human habitation should, in addition to the requirement in the first paragraph, have sufficient natural lighting for their purpose.

All staircases, landings, passages, kitchens, bathrooms and water closets are to be provided, where practicable, with a window. Windows to bathrooms and water closets are to be glazed with obscure glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. All lighting to common parts to be provided, maintained and paid for by the landlord or their agent. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

1.6 Ventilation

All habitable rooms, kitchens, bathrooms, and water closet compartments shall be a minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three quarters of the area of the room, measured on a plane 1.5m above the floor. Any floor area above which the ceiling height is less than 1.53m shall additionally be disregarded.

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area.

All kitchens, bathrooms and water closet compartments shall be ventilated directly to the external air, either by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room, or by suitably sited mechanical ventilation providing a minimum of three air changes per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun.

For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient.

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas heating appliance.

Suitable and sufficient permanent means of ventilation shall be provided in all kitchens, dining/kitchens, bathrooms, water closet compartments and other rooms containing cooking or washing facilities.

1.7 Space Heating

All habitable rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 18°C when the outside temperature is -1°C. This provision should be efficient, safely designed and be so sited and guarded as to minimise the risks to health and safety.

All such appliances shall be maintained annually by a competent person.

1.8 Water Supply

Each shared kitchen should be provided with an adequate supply of hot and cold running water suitable for drinking and food preparation purposes. Cold water should normally be supplied from the rising main.

The supply is to be sited over a sink.

A turn-off valve should be provided for each branch in the rising main.

Any down service pipe from any water storage tank in an upper storey or roof space should be provided with an accessible stopcock.

The water supply shall be protected where necessary from frost damage.

1.9 Facilities for the Storage, Preparation and Cooking of Food and the Disposal of Waste Water

Each occupancy shall have constant access to a shared kitchen no more than one floor distant from the large majority of users and, in any event, no more than two floor distant from any user. Where in the case of any occupancy this is not practicable, that occupancy shall have its own kitchen facilities within the unit of accommodation. Dining facilities for shared kitchen users shall be provided within a dining/kitchen room or in a separate dining room adjacent to the kitchen.

No kitchen shall be required to be used by more than five persons.

The facilities shall comprise:-

Cooking	A gas or electric cooker with a minimum of four burners/hobs, an oven and a grill. Alternatively, a microwave oven may be substituted for one or two of the burners/hobs respectively.
Storage	<p>Each separate occupancy shall be provided with dry goods storage space and refrigerator space either within the kitchen, or in an adjacent and readily accessible position. The scale of such provision shall be a minimum of 0.08m³ dry goods storage space and 0.075m³ refrigerator space per occupancy, although occupancies comprising of more than one individual will require some additional space.</p> <p>The space in a sink unit below the sink will not be accepted for the above purposes.</p>
Preparation	<p>A worktop or table of smooth and impervious material of minimum size 500 x 1000mm plus a further 500 x 500mm per person.</p> <p>Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position.</p>
Sink	<p>A metal or ceramic sink and drainer in good condition and of minimum dimensions 500 x 1000mm set on a stable base with a constant supply of hot and (potable) cold water. Where practicable a two-course tiles splash-back shall be provided. The sink(s) shall be connected to the drainage system via a suitable trap.</p> <p>A wash-hand basin shall not be used in place of a sink.</p> <p>Adequate provision for the storage of kitchen utensils shall be provided in the kitchen, in addition to the space provided for food storage.</p>

1.10 Drainage and Sanitary Conveniences

One water closet shall be provided and maintained for every five persons or lesser number. Every such water closet shall be in a separate room within the building and, where shared by two or more households, be entered from a common passageway or hallway and shall not be more than one floor distant from any individual letting. Each WC compartment shall also be provided with a suitable wash-hand basin supplied with both constant hot and cold water.

External WCs shall be ignored.

The house shall be provided with an effective system, both above and below ground, for the drainage of foul waste and surface water.

1.11 Personal Washing Facilities

Preferably, each bedroom/study should be provided with a suitable wash-hand basin together with its own supplies of hot and cold running water. Where this is not practicable, and the room is on the same floor as a bathroom, provision of a wash-hand basin within the bathroom shall be accepted provided it need not be shared by more than three persons.

If a sink is provided in a single bedroom/study a separate wash-hand basin will not be required.

A readily accessible bath of minimum dimensions 1700mm x 760mm in a bathroom, or a shower of minimum dimensions 800mm x 800mm in a suitable shower room, together with adequate drying and changing space where practicable, shall be provided not more than one floor distant from any user on a ratio of one bath or shower to five persons. A two-course tiled splash-back to the bath is to be provided. The bath/ shower room shall be accessible at all times. Any shower cubicle provided should have fully tiled walls or be complete self-standing cubicles.

The hot and cold water supplies shall be adequate, constant, and available at all times.

Amenities intended to be shared by two or more households are to be accessible from a common area.

The walls and floor of any bathroom or shower room should be reasonably smooth and non-absorbent and capable of being readily cleansed.

1.12 Means of Escape and Other Fire Precautions

The property shall be provided with an adequate means of escape from fire, together with other fire precautions including, so far as necessary, a detection and a warning system to the satisfaction of the local authority.

1.13 Management

A proper standard of management should be observed in the house, in particular to ensure the repair, maintenance, cleansing and good order of:-

- all means of water supply and drainage in the house;
- all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions;
- kitchens, bathrooms and WCs in common use;
- sinks and wash basins in common use;
- common staircases, corridors and passageways; and
- outbuildings, yards and gardens in common use

and to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions.

Enforcement Powers

The enforcement of standards in houses in multiple occupation is carried out under the following legislation.

The Management of Houses in Multiple Occupation (England) Regulations 2006

This introduces a duty on managers to take safety measures, to maintain water supply and drainage, to maintain gas and electricity supplies, to maintain common parts, fixtures, fittings and appliances to maintain living accommodation and to provide waste disposal facilities.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

Schedule 3 prescribes standards for deciding the suitability of a house in multiple occupation by a particular maximum number of households. This is amended by the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

Housing Act 1985 Part X

This sets basic standards for overcrowding.

Housing Act 2004 Part 1

This introduces the Housing Health and Safety Rating System which is amended for Houses in Multiple Occupation. The system introduces the concept of hazards, i.e., features of any property which could materially affect the health and safety of occupants or visitors. It imposes a more general duty on landlords.

Housing Act 2004 Part 4

This introduces Interim and Final Management Orders.

An Interim Order allows an Authority to take over management of a house in multiple occupation which should be, and is not, licensed or where they have revoked the licence but the revocation is not yet in force. An Interim Order can last a maximum of 12 months.

A Final Order allows an Authority, on the expiration of an Interim Order, if it considers it necessary to carry on management to protect the health, safety or welfare of the occupants.