

Appendix 1

A summary of the questions and answers provided

Q1. Should mandatory HMO licensing (a) cover all relevant HMOs regardless of their number of storeys or (b) should only apply to buildings of two storeys?

Mandatory HMO licensing should cover all HMO's with 5 occupants or more, this will generate income for Local Authorities to resource regular inspections which will raise standards and provide consistency. The regulations available for licensed HMOs will ensure that the numbers and types of facilities available to tenants, such as the number bathrooms and kitchen facilities will be standardised and will be more easily enforceable.

Q2. *Local authority respondents only:* How many additional HMOs in your area would be covered by extending the scope of mandatory licensing to:

(a) Include two storey buildings occupied by at least 5 persons?

The Local Authorities can only provide the total number of HMOs that we are aware of (i.e. HMOs with at least 2 households and 3 occupants). We cannot provide a breakdown according to the number of occupants / storeys.

This information can be sourced from the BRE but at a cost of £3000.

Total number of HMOs in the district is 503.

(b) two and single storey buildings occupied by at least 5 persons?

(As above).

Q3. Is five people in at least two separate households the correct threshold? If no, please state what you think the threshold should be with reasons.

Yes.

Q4. Should poorly converted blocks of flats be brought within the scope of mandatory licensing?

Yes – As Section 257 HMO's are normally higher risk for fire safety and are often badly converted. Without licensing these properties are infrequently inspected.

Q5. *Local authority respondents only:* How many additional properties in your local authority area would be affected if poorly converted blocks of flats were subject to mandatory licensing? (Please provide a numerical estimate)

Most of the flats in Skelmersdale are purpose built but there will be a small number of Section 257 flats in Ormskirk. Whilst we have no firm information, there are likely to be <50 such properties in West Lancashire.

Q6. *Should mandatory licensing be extended to include all flats in multiple occupation above and below business premises?*

Yes – if the government wish to license 2 storey houses in multiple occupation with 5 or more occupants then it would seem reasonable to require any flats in multiple occupation which are above the ground floor and with 5 or more occupants to also be licensed.

Q7. *Local authority respondents only:* How many flats in your local authority area would be affected if flats in multiple occupation occupied by at least five persons were subject to mandatory licensing? (Please provide a numerical estimate)

We have no data but would estimate <10.

Q8. *Local authority respondents only:* Under the current regime how many HMO decisions are appealed against to the First Tier Tribunal in your local authority area per year?

We have had no appeals to the First Tier Tribunal.

Q9. *Do you think extending the scope of mandatory licensing will result in more appeals being made in your local authority area? If yes, how many do you estimate?*

Yes, by a very significant number – Section 257 HMO's are the most likely to be subject to appeal for the reasons provided under Q23.

Q10. *How many non-licensable HMOs in your area have been subject to enforcement action for hazardous conditions? (Please provide a numerical estimate.)*

Two.

Q11. How does this compare with licensed HMOs?

Twice as many.

Q12. How many non-licensable HMOs in your area have experienced fires? (Please provide a numerical estimate.)

One.

Q13. How does this compare with licensed HMOs?

There have been non in licensed properties.

Q14. What are the most significant problems routinely encountered in non-licensable HMOs?

Overcrowding, damp and mould a lack of fire safety and inadequate bathroom/ kitchen facilities.

Q15. What remedies (if any) are required to address those problems and how much do they cost?

Reduce the number of occupants, improve background ventilation and heating, install fire detection and improve the means of escape e.g. provision of thumb turn locks, fire escape windows, improvements to fire doors.

The most significant cost to the landlord is loss of rental income. We do not have any average costs.

Q16. Should there be minimum national room sizes for sleeping accommodation in HMOs?

Minimum room size standards for sleeping accommodation would be a start but this would not resolve the issue of overcrowding in HMOs. More importantly there should be national room size standards for bedsits where the occupant has to use their sleeping accommodation for other function e.g. as a lounge/study or for dining. Consistent standards will prevent appeals and would be welcome by all legitimate landlords.

Q17. Do you agree the standard should be in line with section 326 of the Housing Act 1985?

Yes – for sleeping accommodation.

Q18. Do you agree with the proposed removal of the exemption for family members from selective licensing?

West Lancashire does not operate any selective licensing schemes so has no comments.

Q19. Is the information required to be given in common with all applications for a licence necessary and relevant? If not please state which are not and give your reasons.

Yes – application forms have already been altered for re licensing to remove the need to provide the same information twice.

Q20. Should further or different information be required on an application for a licence?

No.

Q 21. Could any information that is required be given in a simpler way? If yes, how?

No.

Q22. Should personal information be removed from subsequent licensing applications for other properties where that information is identical to that provided in the first application?

NO – This information is essential information and removing it would lead to mistakes and confusion and would leave the Local Authority having to search systems to find the applicants details.

Under our current administration systems an applicant can complete their application form(s) electronically – our application form can be provided as a word document - they can input any information which they may need to repeat and save as a template document for multiple applications.

Q23. Is there anything else you want to tell us about these proposals (as set out in parts 1, 2 or 3 of this paper)?

In relation to Section 257 HMO's :

To make the licensing of these types of properties straight forward, all converted blocks of flats without the relevant Building Standards should fall under mandatory licensing (i.e. without the requirement for more than a 1/3rd of occupiers being tenants). This can be justified as many of these blocks need upgrading despite tenure and it should be the Freeholder(s) responsibility to apply for the licensed and arrange for any necessary works to the common areas of the property. This would avoid conflict between leaseholders when a block becomes licensable due to an increase in the number of tenanted flats.

Alternatively licensing of these types or HMOs could be restricted to those properties where the freehold and all leaseholds are under the control of one company or landlord.

In relation to enforcement of HMO regulations in Section 257 HMOs:

Currently enforcement can be problematic due to the following:

The number of relevant persons i.e. leaseholder(s) Freeholder(s) mortgage companies /or other lenders.

A lack of regulations, leaving Local Authorities having to serve Improvement Notices under HHSRS assessments (Housing Health and Safety Rating System), which are subject to argument and can lead to appeal.

If licensing is introduced this should be used to simplify enforcement.