

Briefing for:	Cllr Z Brabazon
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Title:	Additional HMO Licensing (Haringay Ward)
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Purpose of briefing:	Update on Progress
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Lead Officer:	Steve Russell
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Date:	June 2012
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Background

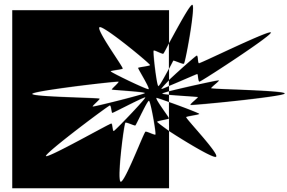
The scheme became operative on the 1st October 2011 and requires the owners of certain types of HMO to make a licence application. The main types of HMO requiring a licence is as follows:

- All HMO properties where there is sharing of facilities.
- All flats in multiple occupation
- All self contained flats or studio's, which are all in same ownership and fail to meet the 1991 building regulations.

The purpose of the licence and the Housing Health and Safety Rating System inspection is to control the following:

- Occupancy numbers.
- Fire Standards
- Amenity standards for both kitchens/bathrooms
- Management standards
- Repair/Safety requirements.

Failure to meet any of these standards will be an offence that can be enforced.



Haringey Council

Team

There are six (6) officers dealing with HMO enforcement for housing purposes for the whole borough. The key objectives of the officers are:

- High risk HMO properties outside of licensing.
- Mandatory HMO
- Re-licensing of mandatory HMO properties
- Additional HMO licensing.

The team has to prioritise its work programme as it cannot deal with all HMO's referred. Enforcement of HMO's is complex, resource intensive, especially where there is no co-operation or officers are challenged. The need to target the worst cases or licensable properties is essential

High Risk HMO's

The team has no option but to take on a number of High Risk HMO's which fall outside of licensing due to the danger to which the tenants are exposed or the nuisance that the occupants are causing. These cases are usually complex and may well lead on to prosecution. Officers are currently dealing with around 15 cases.

Mandatory

Whilst undertaking the survey for the additional licensing area a number of mandatory HMO was discovered. We also find a number of other mandatory cases through other means. We are in the process of dealing with all applications received and other cases which need further investigation. In 2011-12 a total of 63 Mandatory HMO Licences were received generating an income of £ 62,400. Since the new financial year started in April 2012 we have received a further 10 Mandatory Licence applications. All but 2 of these cases have been allocated. The income for this financial year from the Mandatory licence scheme stands at 10, 440.00.

Re-Licensing

We have to re-licence mandatory HMO's. From October 2011 to March 31st 2012 we were responsible for relicensing 79 HMOs which generated an income of £92,138.00. This financial year a total of approximately 85 Licences will need to be renewed. 12 licence renewal applications have already been received amounting to an income of £12,736.00. This is a mandatory process and in many cases the circumstances have changed which means that additional works have been required or that breaches have been found requiring enforcement action. It is important that landlords realise that conditions and standards will be checked and action taken should they fail to meet them.

Additional HMO

We have had limited resources to totally dedicate to this area and we have had to consume this within the existing resources. The key areas that we have initially identified is as follows:-

- Initial Letters and Landlord Forum.
- Portfolio Owners.
- Turnpike Lane has been specifically targeted recently to identify potential licensable properties.
- Green Lanes/ Grand Parade will be a proactive project for the future

Initial Letters/Landlords Forum

In preparation towards the declaration of the Additional Licensing scheme in the Harringay Ward, a desk top study was undertaken to identify potential properties that would fall within the licensing definition. Existing Environmental Health records, planning enforcement data, and Enforcement complaints were all used to identify potential addresses. Work was then undertaken to identify the correct ownership contact details for the properties and application packs were sent out. The other properties are being inspected proactively to verify that they are licensable HMO before further correspondence with warnings attached are sent out. The Harringay Landlord Forum has also been used as a platform to educate and consult landlords on the proposals and declared area. Workshops have also been held at this event.

Portfolio Owners

We have sent 76 letters relating to 178 properties and have copied in 101 interested parties including the directors of the companies at their home addresses. We have received 16 applications and expecting 52 others from cooperative conversations that we have had. It is likely that we will have to take enforcement action against the others. These owners are likely to have properties in other areas where licensing may be extended to.

Turnpike Lane

We have started to look in detail at this road. We door knocked at all properties in Turnpike Lane from number 1 - 127 properties. The results from the survey are listed in a table below and give you some idea of the findings and follow up work that needs to be done.

Green Lanes

This is going to be the main area for HMO's. We are looking to target this area from April 2013 for a two year period as the re-licensing of properties should be less from that period and it is envisaged that further recruitment to the HMO Licensing Team will allow officers to be specifically targeted to work in an area/road.

Applications received to date

In total through all the work done in the additional area we have currently received 78 fully completed application forms of which 9 have received their licences with conditions attached, amounting to an income of £58,222.00. All cases have been allocated to officers are currently being processed.

Example Additional Licensing cases which have been problematic

Lothair Rd south

2 storeys 257 HMO, 7 studio bedsits

Previous history of anti social behaviour prior to the introduction of additional licensing. Have been pursuing landlord/agent for licensing application for the past 6 months. Including gathering information from housing benefit & Council tax research. The officer has organised a joint inspection with the police and is now gathering evidence for a possible prosecution.

Willoughby Road

3 storey 2 flat 257 HMO

Landlord is Refusing to licence. Tenant is sub letting property Complaints by neighbours about tenants throwing food onto roof top. Officer has contacted the L/L and agents. Refusal to license by owners. Officer gathering evidence to prosecute and failure to license the property. The agents have however, now emptied out the property and it is now vacant.

Warham Rd

Warham Rd is a two storey HMO with 6 bedrooms and a dining, living room, and shared kitchen facilities. Each bedroom has ensuite shower / toilet. The property was first brought to this services attention in **early June 2011** - complaint from the public regarding overcrowding, neighbour dispute nuisance, drainage problems. **In June 2011** A Planning enforcement notice was served on the property (Planning Act 1990 as amended) for breach of planning control (the property is in a restricted Conversion Area, the area is subject of an excessive number of flat conversions and material change of use to an HMO). The Landlords appealed the Notice, but the appeal was dismissed by the Planning Inspectorate. The councils involvement in the property continued with the introduction of the Additional (HMO) licensing scheme of such 2 storey HMO's. An Additional (HMO) application was made by the landlord in **October 2011** and the property was inspected. The property was found to be in good decorative order with fire precaution (integrated fire alarms, fire doors, protected escape route were present). It is proposed by this service that due to the limited amenities, and undersized bedrooms that occupancy be limited. The Landlord had also submitted plans with the licensing application to convert the property to an 8 bedroom HMO with ensuites and additional kitchen facility. This proposed alteration is unacceptable in the restricted conversion area where Planning had stipulated the maximum number of occupants residing at the property is 6. The landlord is currently carrying out works as condition of the Licence, and Planning have been updated.

Example HMO cases which are non licensable which have been problematic

Cavell Road is a 3 storey HMO but only has 3 people living there. The officer has had to serve an overcrowding notice and improvement notice. The property was identified through complaints about a lack of heating and hot water.

Tynemouth Terrace was a 3 storey HMO but the landlord moved the tenant out of the second floor loft conversion and sealed up the entrance. The officer has now just served a consultation notice for some low-risk cat 2 hazards. A complaint was received by the tenants residing at the property. The officer visited the property and sent a management Regulation Letter as well as carrying out an inspection under Housing Act 2004.

St Anns Road is a 2 storey property with 5 rooms. It was overcrowded so the officer has served a overcrowding notice and an improvement notice asking for fire safety related works to be undertaken.

Officer is currently inspecting a property in Green Lanes which is a sec 257 HMO containing 3 flats. There is a falls between levels issue and entry by intruders. There is a flat roof which can be accessed at second floor level from the communal staircase enclosure. The door has no lock and the flat roof is unguarded. The officer needs to return to the property to gain access to a further flat before enforcement notices can be served..

This is just an example of cases to show how complex the issues are that officers are having to deal with.

Copy of letter sent to portfolio landlords.

Community Housing Services
Housing Improvement Team (Private Sector)
1st Floor, Apex House, 820 Seven Sisters Road, London N15 5PQ
Tel: 020 8489 5521 Fax: 020 8489 4292
www.haringey.gov.uk



Deputy Director of Community Housing Phil Harris

Haringey Council

[]

Date: []

Our ref: UE/SCHS/HIT(PS)/SAR

Tel: 020 8489 5521

Email: marta.hardy@haringey.gov.uk
ian.gardner@haringey.gov.uk

Dear [],

Housing Act 2004 **Licensing of Houses in Multiple Occupation**

I am sure you are aware that the Housing Act 2004 introduced the mandatory licensing of certain larger houses in multiple occupation (HMO).

The Act also gave local authorities the power to introduce additional HMO licensing schemes, requiring the licensing of HMOs which fall outside of the mandatory licensing criteria.

In June 2011 Haringey Council designated such a scheme in the Harringay area of the borough, requiring the licensing of HMOs occupied by three or more people who are not from the same family, and regardless of the number of stories of the building, i.e. can apply to a flat as well as a house.

The additional licensing requirement also applies to certain properties converted into self-contained flats/units, where some or all of them are rented out, again regardless of the number of stories of the building, and if the conversion cannot be shown to meet the standards of the 1991 Building Regulations.

This scheme came into operation on 1 October 2011 from which date it has been an offence to manage or control a licensable HMO within the designated area unless an application for a licence (or an exemption) has been submitted to the Council.

We are writing to you as our records indicate that you may own, be the managing agent of, or have a relevant interest in, the following properties which are situated within the area, appear to require licensing, but for which no licence (or exemption) applications have been received:-

[insert addresses]

You are advised to visit our website at www.haringey.gov.uk/hmo-licensing and www.haringey.gov.uk/additional-hmo-licensing where you will find more information on licensing and the properties which meet the licensing criteria, together with the various documents which make up the HMO licensing application pack.

If you do not have a relevant interest in any of the above properties, if you do not believe they require licensing, or if you need assistance in deciding whether or not a property requires a licence, please contact the HMO licensing team immediately via one of the e-mail addresses or the telephone number above. Otherwise, I would urge you to submit the necessary applications.

You may wish to note the range of consequences that may arise from failure to apply for a licence in respect of a licensable HMO or failure to comply with licence conditions. These include:

- The person having control or managing an unlicensed HMO is committing a criminal offence and is liable upon conviction to a fine of up to £20,000.
- Failure to licence an HMO may be subject to action under the Proceeds of Crime Act 2002 to confiscate any financial gains which are made during the period of a breach of licensing requirements.
- A person convicted of an offence of failing to licence an HMO, or failure to comply with the conditions of a licence, once granted, may no longer be deemed to be a 'fit and proper' person to hold a licence. This would apply to all such properties that person has an interest in and not just the property to which any conviction relates.
- The Council may seek to recover up to 12 months of any housing benefit paid during the period the property was not licensed. This is recoverable from the landlord irrespective of whether it was paid to them directly.
- A tenant (or former tenant) may apply for a rent repayment order against the landlord for the recovery of up to 12 months worth of rent.
- You cannot lawfully serve Section 21 possession notices on assured shorthold tenants of a licensable HMO until an application for a licence (or an exemption) has been submitted.
- In certain circumstances, such as where unlawful eviction is threatened to avoid licensing requirements, the Council may take control of the management of the property.

I am sure you will agree that the above consequences are potentially far reaching. Please be assured that our preferred approach is one of guidance and support for responsible landlords and I apologise if setting out the above consequences in this letter appears threatening.

Responsible landlords can benefit from reduced fees for early applications (those made **by 31 March 2012**), good quality plans, and membership of the London Landlord Accreditation Scheme.

The Council is serious in its intent to address unsatisfactory housing evident in the Harringay area, such housing often being occupied by some of our most vulnerable residents, and to address the nuisance and detriment that poorly managed HMOs often cause to neighbouring residents. The Council has therefore committed additional resources to this area to identify and take action in respect of unlicensed HMOs.

If, in addition to the properties identified above, there are others you have an interest in that require a licence then you are strongly advised to ensure an application is submitted. If, in the future, we discover unlicensed licensable HMOs for which you are responsible we will not hesitate to initiate legal proceedings, and where appropriate bring to bear the full range of consequences referred to above.

Yours faithfully,