

Appendix 2

Runnymede Borough Council

Information prepared for Overview & Scrutiny Committee on Houses in Multiple Occupation and other data

24th November 2023

Contents

What is a house in multiple occupation (HMO)?.....	3
Mandatory HMO Licensing.....	3
Amenity standards in HMO's.....	4
The Private Sector Housing Team role in HMOs.....	4
HMO Management Regulations.....	5
HMO numbers.....	5
ONS 2021 census figures.....	6
Stock Condition Survey Statistics 2018.....	6
PSH HMO Complaint & Enforcement statistics.....	7
Selective Licensing	8
Additional Licesning.....	8
APPENDIX A – Map showing Licensed HMOs in Runnymede.....	10
APPENDIX B - Noise/waste complaints data.....	12

What is a house in multiple occupation (HMO)?

In simple terms: A house, which is occupied by three or more unrelated persons, who do not form a single household – a definition supported by Sections 254, 257 and 258 of the Housing Act 2004

In more depth: "HMO" means a House in Multiple Occupation as defined by sections 254 to 259 of the Housing Act 2004 and it applies to a wide range of housing types. A building or a part of a building constitutes an HMO if:

- a building or a part of a building, consists of one or more units of living accommodation not consisting of a self-contained flat or flats.
- the living accommodation is occupied by persons who do not form a single household - Households are defined as comprising families (including foster children, children being cared for) and current domestic employees, single persons, or co-habiting couples.
- two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.
- The building is converted into self-contained flats and more than one third of the flats are tenanted and the conversion does not comply with Building Regulations 1991 or subsequent Building Regulations.
- To be an HMO, the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Properties let to students undertaking a full-time course of further or higher education and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

HMOs provide a significant amount of accommodation in Runnymede. The Local Government Association recognise they play an important role in the housing market, offer accommodation that is typically cheaper than other private rental options and often house vulnerable tenants.

Mandatory HMO Licensing

The Council has operated mandatory HMO licensing since 2006, although initially this was restricted to 3 storey HMOs containing 5 or more tenants. The scope of mandatory licensing was extended on 1 October 2018 to cover certain HMOs occupied by five or more persons regardless of the number of storeys.

HMO licensing in Runnymede is both a reactive and a proactive service. Inspections of HMOs are integral to the licensing process both initially and with follow up inspections to check compliance with the licence conditions. The council also investigates service requests from HMO occupiers and neighbours as well as providing help and assistance to landlords. The council uses a variety of data sources (e.g. Sparreroom) to identify and investigate cases where HMOs are suspected of operating without a HMO licence

It is an offence to have control of or manage an HMO which is required to be licensed under Part 2 of the Housing Act 2004 but is not so licensed. A person that commits this offence is liable on summary conviction to an unlimited fine or civil penalty of up to £30,000.

Planning permission is not required to change the use of a family house into an HMO up to 6 persons but is required for large HMOs with 7 or more unrelated persons sharing. The Private Housing Team investigate all cases where HMOs are suspected of operating without HMO licence.

Licence conditions

Each HMO licence is granted with conditions. There are a number of conditions which must be included with every HMO licence granted, these include conditions relating to such matters as gas safety, electrical appliances, furniture, smoke alarms and details of the occupants. Since October 2018 all licences have also been required to include conditions regarding minimum room sizes and waste disposal. These are applied by all Councils across England and Wales and are often referred to as the 'mandatory conditions'.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 Schedule 3 sets out the prescribed standards (minimum standards) for HMOs.

Periodic Inspections (5-year inspections)

As part of the licensing scheme the Council must seek to remove or reduce category 1 or category 2 hazards from HMOs using Housing Act Part 1 powers and undertaking HHSRS assessments where required. Compliance with the scheme is also measured when undertaking such inspections or audits.

Amenity standards in HMO's

For all HMO's in Runnymede, the Private Sector Housing Team have developed an HMO standards guide to expand on prescribed legal standards and outline what the team considers to be appropriate and necessary facilities. The guide offers landlords, agents, and tenants a benchmark regarding the standards we would expect to see in HMOs.

The Private Sector Housing Team role in HMOs

All HMO's (both licensable and non-licensable) are required to meet certain standards relating to fire precautions, amenities, management standards and general housing conditions using the Housing Health and Safety Rating System (HHSRS) as set out in the Housing Act 2004.

We proactively inspect all HMOs under Part I of the Housing Act 2004, as they become known to us regardless of whether they are licensable or not. Up until September 2018 we had an Accreditation Scheme in conjunction with RHUL for student occupied HMO's. We carry out inspections under Part I of the Housing Act 2004 using the HHSRS which can apply to all dwellings. The HHSRS looks at the likelihood of an incident arising from the condition of the property and the likely harmful outcome.

There are 29 hazards we can assess which are grouped as follows:

- dampness, excess cold/heat.
- pollutants e.g., asbestos, carbon monoxide,
- lack of space, security or lighting, or excessive noise.
- poor hygiene, sanitation, water supply
- accidents – falls, electric shocks, fires, burns, scalds, collisions, explosions, structural collapse (all or part of the building falling down)

The assessment could show the presence of serious (category one) hazards and other less serious (category two) hazards. A category one hazard places a duty on us to take appropriate action to remove or reduce the risk and a category 2 Hazard gives us discretion to take appropriate action.

Where a hazard presents an imminent risk of serious harm, formal action will be taken, however the first step in most cases will be to informally address the deficiencies by writing to the landlord and advising them of the deficiency and what is required to address it. If the informal action fails, then there is a range of formal notices available to ensure that the works are completed within specified timescales.

If it is considered the most appropriate action, we can implement any of the following:

- Serve an improvement notice requiring remedial works (the most likely action).
- Make a prohibition order, which closes the whole or part of a dwelling or restricts the number of permitted occupants.
- Serve a hazard awareness notice.
- Take emergency remedial action.
- Make an emergency prohibition order.

Landlords, owners or managing agents face unlimited fines or a civil penalty of up to £30,000 for not complying with a statutory notice.

Within Runnymede so far in 2023 we have served two prohibition orders, one for severe overcrowding and lack of suitable means of escape in Staines and one for an unguarded drop where a fire escape had been removed in Addlestone.

If a property is in good repair, then it is likely to be free from significant hazards. The HHSRS is not a prescriptive standard; rather it is a method of assessing risk of harm occurring within a property.

HMO Management Regulations

The Management of Houses in Multiple Occupation (England) Regulations 2006) apply to **all** HMOs (whether or not they are licensable) and impose certain duties on managers and occupiers of such buildings.

If a manager, or occupier, fails to comply with any management regulation without a reasonable excuse they may be prosecuted and liable to an unlimited fine or civil penalty of up to £30,000.

HMO numbers

RBC currently have 432 licensed HMO's, i.e. those with 5 or more occupants. A map showing their distribution can be found in Appendix 1

RBC Council tax figures

There are 838 properties with Class N exemptions – Please note this figure will include non-HMO's with student occupants such as 1 or 2 bedroom flats or family homes where the adult occupiers are students.

ONS 2021 census figures

Runnymede

	Runnymede	National
Non HMO's	36385	26212226
Is a small HMO	456	135076
Is a large HMO	238	47476

A small HMO is shared by 3 or 4 unrelated tenants. A large HMO is shared by 5 or more unrelated tenants.

Stock Condition Survey Statistics 2018 – NB this data is modelled

The stock condition survey is procured approximately every 10 years. This work is undertaken by a contractor and the data is modelled by referring to a number of different data sources including Experion. The last survey was carried out in 2018 by the Building Research Establishment (BRE). The latest report modelled the following information.

There are 34,736 dwellings in Runnymede, 66% are owner occupied, 21% private rented and 13% social rented.

The estimated total of 1,410 HMOs in Runnymede (this figure would likely include lodgers in family homes)

2,300 dwellings in the private sector have category 1 Housing Health and Safety Rating System (HHSRS) hazards. This equates to 8% of properties.

Majority of Cat 1 hazards are in owner occupied houses.

Table 4: Estimates of the numbers and percentage of dwellings meeting the key indicator criteria assessed by the Housing Stock Models and Housing Stock Condition Database by tenure for Runnymede

Indicator		Private sector stock				Social stock	
		Owner occupied		Private rented			
		No.	%	No.	%	No.	%
No. of dwellings		22,809	-	7,259	-	4,668	-
HHSRS category 1 hazards	All hazards	1,779	8%	521	7%	128	3%
	Excess cold	772	3%	203	3%	57	1%
	Fall hazards	927	4%	261	4%	58	1%
Disrepair		712	3%	283	4%	97	2%
Fuel poverty (10%)		1,892	8%	620	9%	367	8%
Fuel poverty (Low Income High Costs)		1,629	7%	896	12%	376	8%
Low income households		2,082	9%	1,381	19%	3,147	67%

N.B. the information on hazards refers to the number of dwellings with a hazard of the stated type. Because of this there is likely to be some overlap – for example, some dwellings are likely to have excess cold and fall hazards but this dwelling would only be represented once under 'all hazards'. The number of dwellings under 'all hazards' can therefore be less than the sum of the excess cold plus fall hazards.

The highest concentrations of all HHSRS hazards in the private sector are found in the wards of Chertsey St. Ann's, Englefield Green East and Chertsey Meads

The total cost of mitigating category 1 hazards in Runnymede's private sector stock is estimated to be £7.8 million – with £6.1 million in the owner-occupied sector, and £1.7 million in the private rented sector.

Table 9: Estimated costs to mitigate all category 1 hazards in private sector stock, split into tenure

Tenure	No. of hazards	Total cost (£)
Private Sector	2,826	7,841,991
Owner occupied	2,198	6,118,768
Private rented	627	1,723,224

PSH HMO Complaint & Enforcement statistics

Table 10: Formal enforcement actions

All notices									to date
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Hazard Awareness	13	22	5	3	2	1	6	2	
Improvement Notice	23	13	2	6	2	12	11	6	
Prohibition Notice	4	5	1	1	0	1	2	1	
Non- HMO									
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Hazard Awareness	6	11	1	3	2	0	3	2	
Improvement Notice	10	3	2	4	2	8	6	4	
Prohibition Notice	3	0	0	1	0	1	0	0	
HMO's									
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Hazard Awareness	7	11	4	0	0	1	3	0	
Improvement Notice	13	10	0	2	0	4	5	2	
Prohibition Notice	1	5	1	0	0	0	2	1	

Table 11: - Complaints by third parties about issues relating to HMO's

	2017	2018	2019	2020	2021	2022	2023	Total
No of complaints	14	4	5	0	0	4	30	57

Table 12: - type of complaint

Overcrowding	2
Waste Issues	31
Gardens	25
Parking	1
Damaged fence	1
Damaged wall	1

Additional HMO licensing *(taken from Shelter)*

The Housing Act 2004 also provides for licensing to be extended by a local authority to include HMOs not covered by mandatory licensing. The local authority could extend licensing to include all HMOs in a specific area, or the whole district.

Additional licensing can be introduced where the local authority believes that a significant proportion of HMOs are poorly managed and giving rise to problems for residents or the general public. The use of additional licensing has to be consistent with the local authority's housing strategy and should be co-ordinated with the authority's approach on homelessness, empty properties and antisocial behaviour.

The local authority must consult those who are likely to be affected. This includes people who live, work or operate businesses in adjoining local authority areas where they will be affected.

Decisions to designate an area as subject to additional licensing must be approved by the Secretary of State, unless they fall under general approval. A general approval was issued in 2010 to enable local authorities to make such designations without the Government's approval, provided there is a minimum 10-week consultation period. A general listening and engagement exercise does not constitute consultation for this purpose. The 10-week period does not commence until the local authority produces a draft proposal identifying what is to be designated and its consequences.

Additional licensing can come into force no earlier than three months after the designation has been approved or it falls under the general approval. It lasts for as long as set out in the designation, up to a maximum of five years, and its operation must be reviewed from time to time. The local authority can revoke the designation at any time and must publish notice of this decision.

Selective Licensing

An authority may designate either the whole or a part of its district as subject to selective licensing of residential accommodation. One of the following conditions need to be applicable.

- low housing demand (or is likely to become such an area)
- a significant and persistent problem caused by anti-social behaviour
- poor housing conditions
- high levels of migration
- high level of deprivation
- high levels of crime

Before making a decision to introduce selective licensing the local authority must:

- consult with those who are likely to be affected, including those who live, work or operate businesses in adjoining local authority areas where they will be affected
- consider whether there are other effective methods of achieving the intended objective

The authority has a wide discretion as to how the consultation process of persons likely to be affected by the designation is carried out; the nature and extent of its duty to consult is to take 'reasonable steps to consult', rather than 'all steps' or 'all reasonable steps' to consult every person likely to be affected, as long as the consultation is widely publicised using a variety of channels of communication.

Approval by the Secretary of State

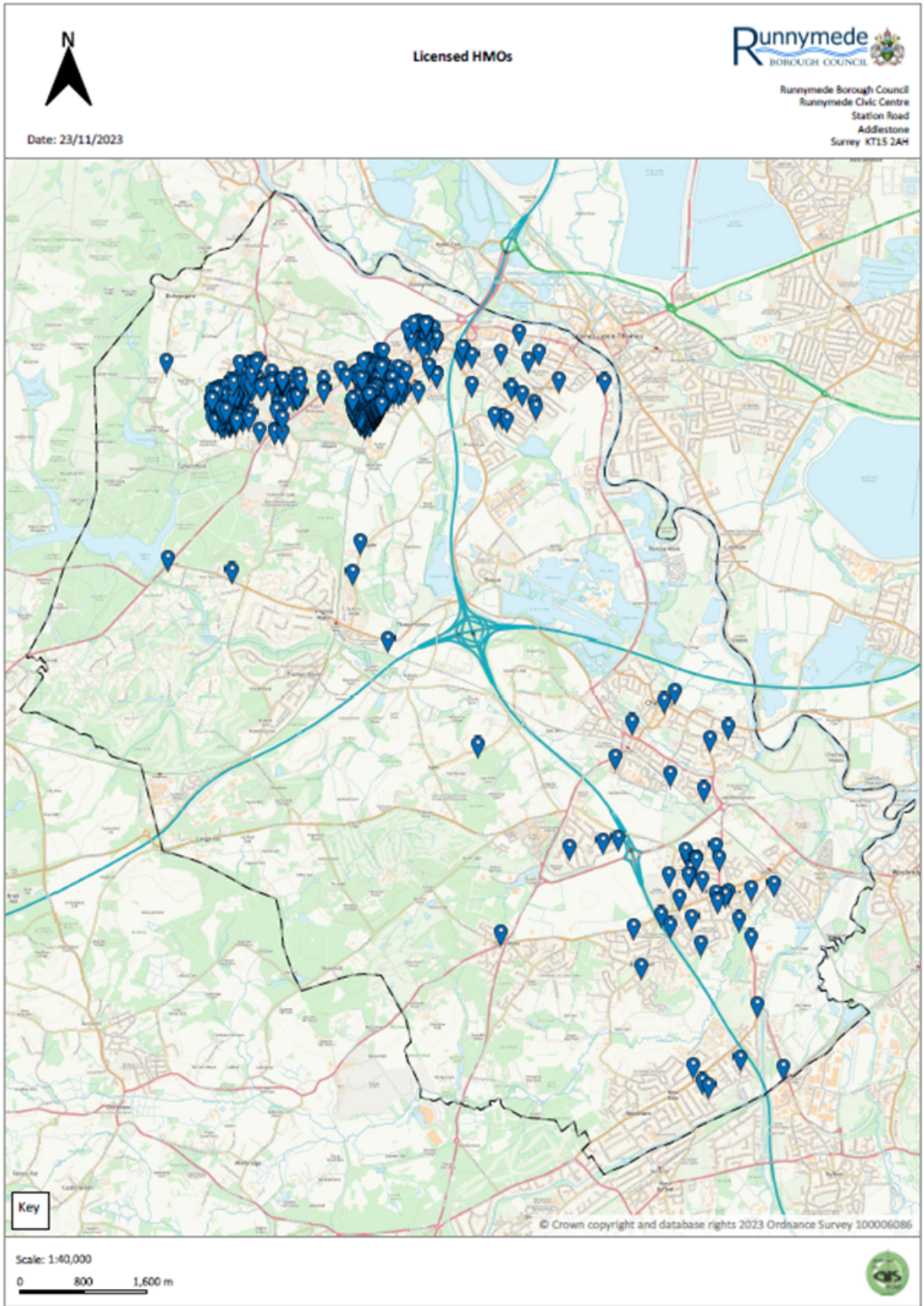
A decision to designate an area subject to selective licensing must be approved by the Secretary of State, unless they fall under general approval.

Local authorities are allowed to designate an area for selective licensing without the Secretary of State's approval, provided there is a minimum 10-week consultation period. A general listening and engagement exercise does not constitute consultation for this purpose. The 10-week period does not commence until the local authority produces a draft proposal identifying what is to be designated and its consequences.

Further information is available at the link below.

[Selective licensing in the private rented sector: a guide for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities)

APPENDIX A – Map showing Licensed HMOs in Runnymede



APPENDIX B - Noise/waste complaints data

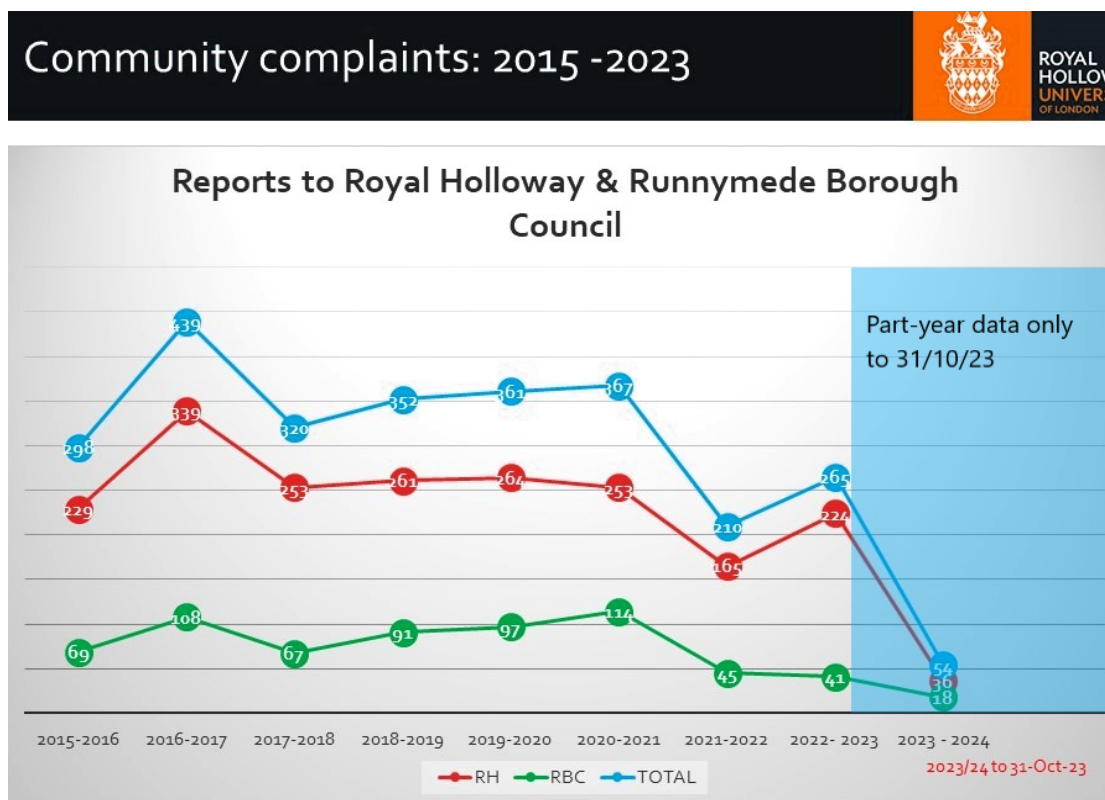
Further information was requested on noise and waste complaints, which is provided herein.

Noise Nuisance complaints captured exclusively by RHUL.

We asked RHUL to provide their noise data which is presented in RHUL Graph 1 below. Note where RBC figures are presented these were as reported by the RBC representative attending the RHUL Consultative group, who publish minutes online.

RHUL Graph 1 – noise complaints

RHUL provided the below graph, the x axis indicates the most recent data is part year only and we have further annotated to highlight this.



Request for the individual occurrences that constitute a noise nuisance investigation case

Each nuisance investigation case may have any number of reporters/complainants assigned to it from one or more different addresses. This is owing to the nature of noise nuisance investigations in respect of our obligations under the Environmental Protection Act 1990. Consequently we can provide data as stored in our case management database. The total number of complaint cases are shown in Noise Table 1 below, and of those complaints those cases with more than one complainant are shown in Noise Table 2

Noise Table 1 – noise complaints (number of cases), excludes non-domestic

	Total Noise complaints received	Noise complaints from licensed HMO premises	Detached	Semi detached	Terraced	End of terrace	Unknown	Unlicensed HMO
2017/18	367	24	2	15	4	2	1	2
2018/19	384	37	7	22	6	2		1
2019/20	379	51	4	30	8	8	1	6
2020/21	475	43	4	26	10	2	1	30
2021/22	469	40	8	18	10	4		15
2022/23	319	35	3	17	9	6		12

Noise Table 2 – noise complaints (cases with two or more complainants), excludes non-domestic, (parenthesis indicates, of the preceding number, how many are HMOs, except where indicated otherwise by an accompanying asterisk)

Ward	2 complainants		3 complainants		4 complainants		5 complainants	
	21/22	22/23	21/22	22/23	21/22	22/23	21/22	22/23
Egham Town	5 (3)	7 (5)	4 (2)	1 (1)	1	0	0	0
Englefield Green West	3 (2)	4 (4)	2 (1)	1 (1)	0	0	0	0
Chertsey St. Anns	0	0	0	0	0	0	0	0
Egham Hythe	1	0	1	0	0	0	0	0
Addlestone North	3	3	0	1	0	0	0	0
Addlestone South	1	1	0	0	0	0	0	0
Chertsey Riverside	1	2	0	0	0	0	0	0
New Haw	1	0	0	0	0	0	0	0
Longcross, Lyne and Chertsey	0	0	0	0	0	1	0	0
Ottershaw	3	2	0	0	0	0	0	0
Virginia Water	1	2	0	0	0	0	1	0
Thorpe	1	0	0	0	0	0	0	0
Englefield Green East	3 (1)	2 (2)	1 (1)	1 (1)	0	1 (1*)	0	1
Woodham & Rowtown	0	1	0	0	0	0	0	0
* Halls accomadation								

Request for 'Incorrect Presentation of Waste' complaints inc. those referred to or sent directly to the RBC Depot for action.

Environmental Health record 'Unsatisfactory storage or presentation of waste' complaints received, presented in waste table 1 below.

Waste table 1 – Unsatisfactory storage or presentation of waste complaints

Ward	2021/22	2022/23
Egham Town	22	27
Englefield Green West	4	15
Chertsey St. Anns	5	4
Egham Hythe	3	3
Addlestone North	3	4
Addlestone South	16	5
Chertsey Riverside	9	5
New Haw	7	3
Longcross, Lyne and Chertsey	1	1
Ottershaw	0	1
Virginia Water	2	2
Thorpe	2	1
Englefield Green East	3	8
Woodham & Rowtown	3	3

Request for 'Transient Noise' complaints to all signatories of the MOU

From 6th June RBC do not hold any other agencies data. We considered a request to add a code for transient noise and we added this from August this year. We are not able to action noise from those moving along the street, but log complaints where received. Six complaints have been logged between August 1st and 31st October 2023.