



Feasibility Study on the Introduction of an Additional Licensing Scheme in Warwick district

October 2022

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1. Introduction

There is a wide range of situations where people from different households share part or all of their living accommodation: bed and breakfast accommodation; hostels; resident landlords letting rooms; young professionals or students in house shares; houses converted into flats with shared amenities etc.

Such arrangements have always been, and will continue to be, an important part of the private sector housing market in the United Kingdom. They can meet the needs of families and individuals perfectly adequately for a period of time as a step on the road to self-contained accommodation. However it is also the case that some of the most vulnerable people are to be found in shared housing, alongside some of the worst housing conditions.

A House in Multiple Occupation (HMO) is a legal term defining a class of shared housing that is subject to statutory regulation. Since 2006, local authorities have had a mandatory duty to licence certain larger HMOs and a discretionary power to licence other HMOs that fall outside the mandatory regime ("Additional Licensing").

This study considers whether Warwick District Council (WDC) should adopt an additional licensing scheme. It begins by explaining the historical development of housing law to tackle unsatisfactory property conditions and the national regulatory system now in force for HMOs before turning to the more local context, with information about Warwick district and how the national regime is adapted and applied locally. A wide range of data about HMOs in the district is explored, including case studies and an appraisal of the advantages and disadvantages of additional licensing. This is all then brought together with an assessment of the potential for additional licensing in the district.

2. Legislative development of HMO controls

There is a long history of state intervention in shared housing to tackle unhealthy conditions such as poor sanitation, overcrowding and inadequate fire escape means, some of which date back to the middle of the 19th century when the industrialisation and rapid urbanisation of the country caused many of these problems to arise in the major cities.

It was the Housing Act 1961 that first used the term "Houses in multiple occupation", defining one as "*a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family*". From then on there has been an increasing focus on giving local authorities powers to regulate this type of accommodation to ensure satisfactory living standards for the occupiers and the surrounding community, with further measures in the Housing Acts of 1964, 1969 (which redefined HMO as "*a house which is occupied by persons who do not form a single household*") and 1980.

All of these provisions were later amended and consolidated in Part XI, Housing Act 1985. The 1985 Act scheme retained the 1969 definition of HMO and gave local authorities powers to: control overcrowding; set up registration schemes; execute works to ensure adequate facilities; apply management regulations; and, in extremis, make a control order to take over management of an HMO. This remained the principal legislative basis for action on HMOs (further amended in 1996) until a completely new regime was introduced by the Housing Act 2004.

3. Current legislative arrangements

The 2004 provisions were founded upon a new, clearer and more specific definition of HMO. They sought to address the issues associated with HMOs by:

- Introducing mandatory licensing for larger HMOs;
- Giving local authorities powers to require the licensing of other HMOs when there are problems (additional licensing);
- Requiring all HMOs to comply with prescribed management standards; and
- Giving local authorities new management powers to directly intervene if and when necessary on an individual basis.

The Act also gave local authorities a power to licence non-HMO private rented accommodation (known as “selective licensing”).

In 2018 the government extended the scope of mandatory licensing to bring some of the smaller HMOs within the ambit of the licensing regime and introduced some additional mandatory conditions to be included in licences.

3.1. Definition of HMO

HMO is defined in section 254, Housing Act 2004. A building or part of a building is an HMO if it satisfies one of three tests. In summary the tests are as follows.

A building or a part of a building meets the **standard test** if

- a) It consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- b) The living accommodation is occupied by persons who do not form a single household;
- c) The living accommodation is occupied by those persons as their only or main residence;
- d) Their occupation of the living accommodation constitutes the only use of that accommodation;
- e) Rents are payable in respect of at least one of those persons' occupation; and
- f) 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, i.e. a toilet, personal washing facilities or cooking facilities.

A building or a part of a building meets the **self-contained flat test** if it consists of a self-contained flat and satisfies conditions b) to f) of the standard test.

A building or a part of a building meets the **converted building test** if it is a converted building and satisfies conditions a) to e) of the standard test.

Where a building or part of a building fails any of the three tests by virtue of not meeting the sole use condition (paragraph d) above) but the occupation still constitutes a "significant use" of the accommodation, the local authority may declare it to be an HMO by following the statutory procedure laid down in section 255, Housing Act 2004.

Finally, certain converted blocks of flats are defined as HMOs by section 257, Housing Act 2004 and these are colloquially named after that section, i.e. Section 257 HMOs. This aspect of the definition of HMO is a curiosity in that there is no sharing of amenities: it applies to a building or part of a building that consists entirely of a conversion into self-contained flats. The two key points with section 257 HMOs are that the conversion did not, and still does not, comply with modern day Building Regulations and that less than two-thirds of the flats are owner-occupied. (Section 257 HMOs are excluded from mandatory licensing.)

Notwithstanding this definition, Schedule 14, Housing Act 2004 sets out a list of buildings that are not to be treated as HMOs. In brief these are buildings that are:

- Controlled and managed by public sector bodies;
- Subject to certain other defined regulatory schemes;
- Occupied by students, provided that it is managed by an educational institution;
- Occupied by religious communities;
- Occupied by owners with no more than two lodgers living with them; or
- Occupied by two people only.

3.2 Mandatory licensing

The most significant change brought about by the 2004 Act as regards HMOs was to require landlords of "large HMOs" (see below) to obtain a licence from the local housing authority in order to let the premises. "Large HMOs" were defined as buildings having three or more storeys and occupied by five or more persons living in two or more households.

In 2018 the government removed the requirement for the building to have three or more storeys so that mandatory licensing now applies to all HMOs occupied by five or more persons living in two or more households. However, purpose-built flats situated in a block of three or more self-contained flats were explicitly excluded from the extension of licensing by the regulations.

3.3 Licence conditions

The legislation provides that a licence to let an HMO must include certain mandatory conditions prescribed by the government in the 2004 Act and in subsequent regulations. The local housing authority is also given the discretion to set additional conditions as it considers appropriate for the management, use and occupation of the HMO and its condition and contents.

3.4 Additional licensing

Under the Housing Act 2004, local housing authorities have the power to introduce additional licensing to require that some or all HMOs that are not covered by the mandatory scheme must nevertheless be licensed in the whole, or a part, of the council's area.

Sections 56 and 57 of the Act set out the matters that the local authority must consider when deciding whether to introduce additional licensing.

- It must consider that a significant proportion of the HMOs to be licensed in the area are being managed ineffectively to such an extent as to give rise, or to be likely to give rise, to one or more particular problems either for the occupiers or for members of the public. In judging this, the authority must have regard to any information regarding the extent to which any codes of practice approved under section 233 of the Act have been complied with by persons managing HMOs in the area.
- It must consult people who are likely to be affected by the proposed additional licensing and must consider any representations that it receives.
- It must ensure that any exercise of the power is consistent with its overall housing strategy.
- It should treat additional licensing as part of a co-ordinated approach, in combination with other courses of action available to the authority and to other organisations, to dealing with homelessness, empty properties and antisocial behaviour affecting the private rented sector.
- It must have considered whether there are other courses of action that could provide an effective method of dealing with the problems in question, and concluded that additional licensing will significantly assist in dealing with the problems.

4. Warwick district in context

Warwick district covers an area of around 110 square miles in the southern half of the county of Warwickshire in the West Midlands and, at the time of the 2011 Census, was home to around 58,700 households (137,600 people). The area includes the towns of Kenilworth, Leamington Spa, Warwick and Whitnash, which together accommodate around 80% of the population while the remainder live in a number of small rural villages many of which are in the green belt. The district is bordered to the south and west by Stratford-on-Avon district, to the east by Rugby borough and to the north by Solihull and the city of Coventry.

The district had the largest population in Warwickshire and its population density of 4.9 people per hectare was above national and regional averages. The population grew over the ten years from 2001 to 2011 by over 9%, again higher than national and regional averages.

The age profile of the population was not overly different to the national profile but one significant factor was that the district had one of the highest rates of full-time students, accounting for 3% of all households compared to an average of 1.8% across England and Wales, putting WDC among the top 10% of districts nationally. This trend is driven by the proximity of both Warwick University and Coventry University to the north of the district. This, along with the attractiveness of the towns and the night-time economy of Royal Leamington Spa in particular, makes the district a destination of choice for many students when living off campus. Students are in turn an attractive demographic target for landlords of HMO accommodation.

Over time this trend has impacted upon the mix of housing in the district, along with other factors such as the shortage of affordable rented housing and high house prices. The 2011 Census showed that:

- 18.5% of the housing stock consisted of flats or maisonettes compared to 12.5% for Warwickshire as a whole;
- A further 4.6% of dwellings were flats in converted or shared houses, compared to 2.2% for Warwickshire;
- WDC had the highest proportion of one-bed (10%) and two-bed (28%) properties among the Warwickshire districts;
- At 18%, WDC had the highest rate of private renting in the county, a figure that was higher than both national and regional averages at that time and that had almost doubled from the figure of 9.4% at the 2001 Census ten years previously.

A new census was undertaken in 2021 but at the time of writing only “phase one” of the results has been published, which is the broad population data. This shows that the population of the district increased to 148,500, up 7.9% since 2011. This was a larger increase than that experienced nationally (6.6%) and regionally (6.2%) but was lower than the 9% growth of the previous decade. Locally, of the four authorities with which Warwick shares a border, only Solihull had lower growth: Rugby and Stratford-on-Avon both experienced growth of

more than 10% while Coventry's was close to 9%. Further data releases are scheduled for the autumn and winter of 2022 and will allow for comprehensive updating of the other key datasets with the most accurate and up-to-date information.

5. HMO regulation in Warwick district

At the present time HMOs are regulated in the district as follows, although it should be noted that halls of residence at both Warwickshire College and Warwick University are excluded from the definition of HMO and therefore are not included in the statistics in this study.

The extended mandatory licensing regime, as described above, is applied to those HMOs that require a licence. At the time of the extension in 2018, two new mandatory licence conditions were also prescribed by the government. WDC therefore took the opportunity to review and revise all of its licence conditions at that time following a period of public consultation. The current conditions are therefore recent, valid and up to date, having been modified in August 2022 to reflect new refuse collection arrangements and the requirement for Carbon Monoxide detection. For reference the WDC licence conditions effective from 1st August 2022 are attached as appendix one to this report.

While five year licences are the norm, WDC operates a policy that landlords can be given HMO licences for a shorter period of two years if the property and/or the landlord is subject to any of the following:

- An Improvement Notice for disrepair or health hazards;
- A Prohibition Notice for part of the property;
- A Civil Penalty for one or more of various housing offences;
- A Noise Abatement Notice served on tenants;
- A Community Protection Notice served for refuse issues;
- A breach of HMO licence conditions.

In addition, two development control/land-use planning rules are used:

- An "Article 4 Direction" came into effect on 1st April 2012. From that date onwards a planning application is required for the change of use of a building from a dwelling house to a small HMO (shared by between 3 and 6 unrelated people) in any of the Leamington Spa wards. In the absence of the Article 4 Direction this particular change of use of a building would be permitted development and would not need permission. Note that a conversion to a larger HMO for more than six unrelated people is not permitted development so would require planning permission regardless of the Article 4 Direction.
- WDC recently introduced a district-wide policy that HMO licence applications will not be processed until either: planning permission for the change of use to an HMO has been obtained for the property; a certificate of lawful HMO use has been granted; or WDC is satisfied that there is sufficient evidence of historic use as an HMO.

Non-licensable HMOs are dealt with in a more reactive manner as and when issues are brought to the attention of the council using the main legislative tools: the Housing Health and Safety Rating System (HHSRS); and prescribed HMO Management Regulations. Work schedules are issued to landlords with

prescribed timescales for completion. The process is ad hoc and depends upon landlords and/or tenants requesting advice or intervention.

The council has a corporate approach to all types of enforcement, which is to work with the occupiers and/or landlords as appropriate to secure compliance with legal requirements, with the "heavier hand" of legislative enforcement tools as a back-up option against those unwilling to engage. Other legislation around housing standards, environmental nuisance, fly-tipping, anti-social behaviour, building control etc. may be applied as appropriate to the issue at hand, sometimes in partnership with other statutory agencies such as the Fire Service, Trading Standards, Police etc.

6. Evidence base

6.1. Overall numbers and location

As at 28 June 2022, there were 1,409 confirmed HMOs in Warwick district, details of which are set out in Table 1.

Table 1 – Number and location of known HMOs

Location	Licensed	Non- licensable	Total
Leamington Spa	561	680	1241
Warwick	25	49	74
Kenilworth	14	47	61
Whitnash	2	22	24
Cubbington	0	3	3
Blackdown	0	2	2
Bishops Tachbrook	0	1	1
Radford Semele	0	1	1
Shrewley	1	0	1
Wasperton	1	0	1
Total	604 (43%)	805 (57%)	1409

It can be seen that of all known HMOs, 43% were licensed and 57% were non-licensable, i.e. those containing 3 or 4 occupiers (unless otherwise contained in a purpose built block of 3 or more flats). It should be borne in mind that the vast majority of unknown HMOs are likely to be non-licensable, not least because three and four person HMOs occupied other than by students are more difficult for the council to detect: there is no requirement upon either the landlord or the tenant to notify the council of a non-licensable HMO (other than through student exemptions to Council Tax) hence the data is not fully verified and relies on historic data collection. As a result, this is likely to be an under-estimate of the true number.

The geographic distribution of the 805 known non-licensed HMOs is heavily skewed towards Leamington Spa generally. This can be broken down further by postcode to show that the Leamington Spa South & Whitnash sector has the highest numbers.

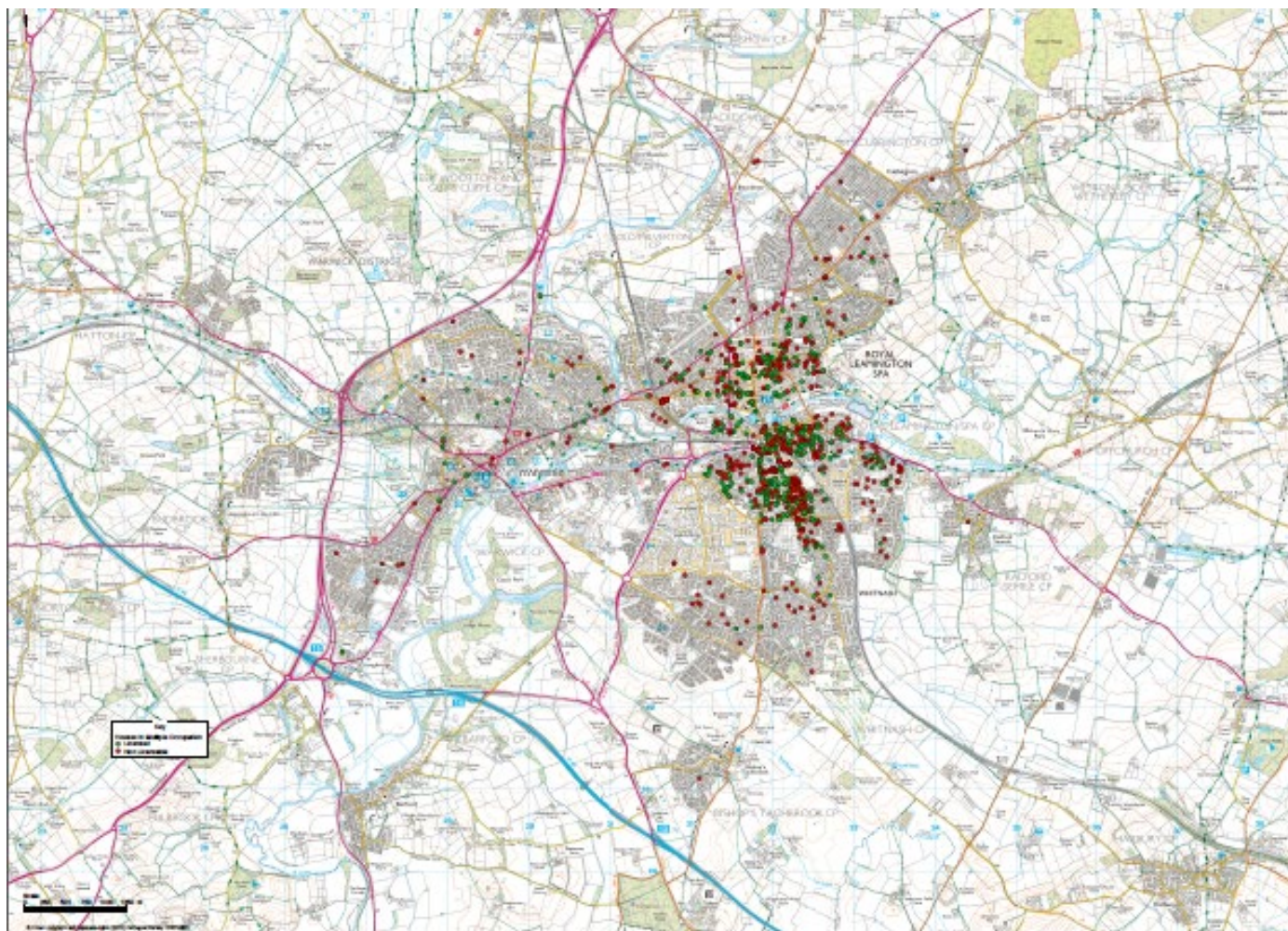
Table 2 - Location of known non-licensable HMOs

Postcode area	Number	%
CV31 (Leamington Spa South & Whitnash)	510	63
CV32 (Leamington Spa North)	198	25
CV34 (Warwick)	49	6
CV8 (Kenilworth)	47	6
Other	1	0
Total	805	100

Note that the four postcode areas, CV8, CV31, CV32 and CV34 correspond approximately, but not exactly, with Kenilworth, Leamington Spa South & Whitnash, Leamington Spa North and Warwick respectively. There will be some rural properties in each of the postcode areas above but the numbers are very small and do not skew the overall picture.

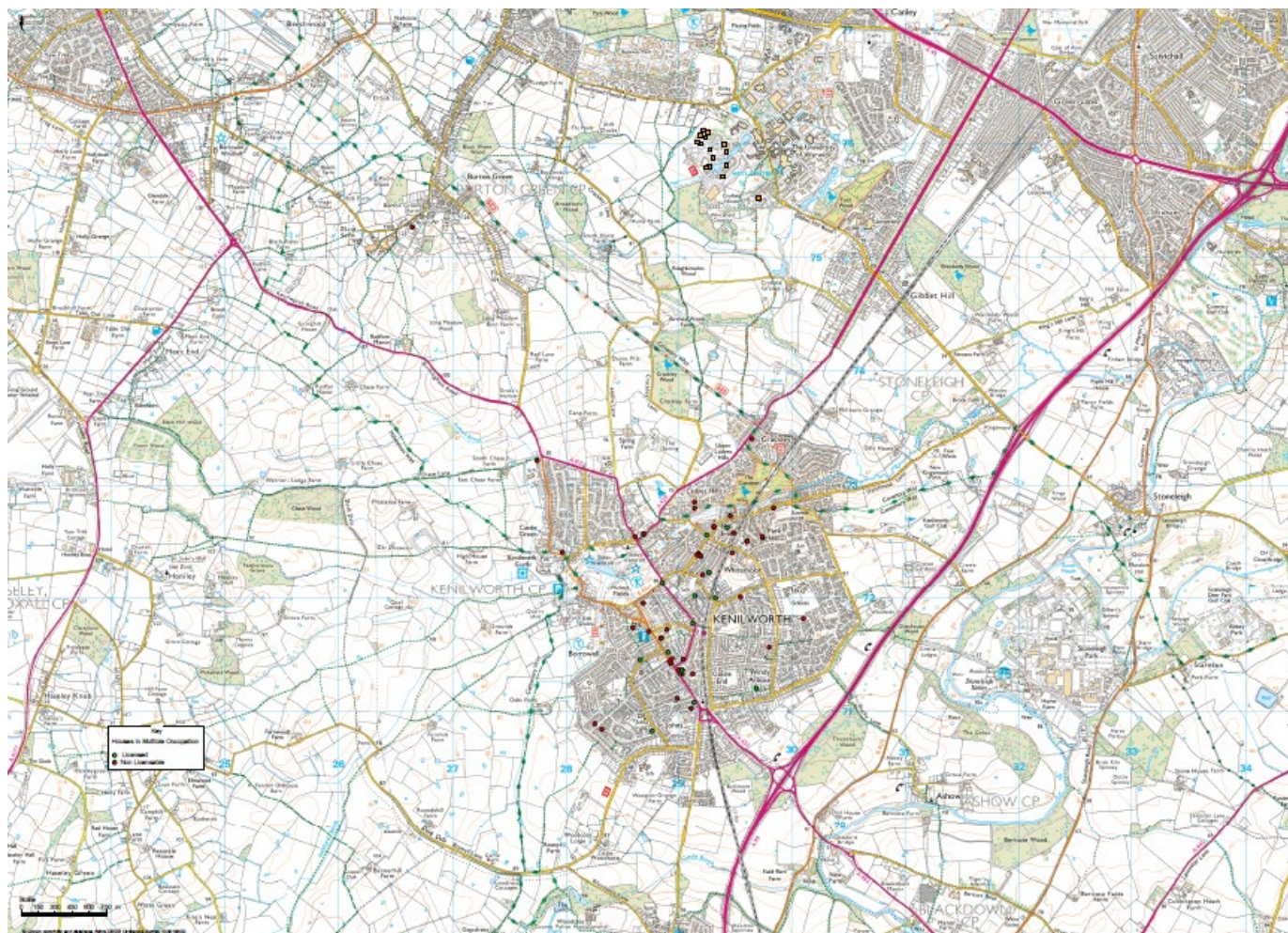
A visual representation of the situation in the district is shown on the following maps, where green circles represent licensable HMOs and red circles represent non-licensable HMOs. Greater detail can be seen on [WDC's website](#).

Map One – HMOs in Leamington Spa and Warwick



A larger JPG map can be downloaded from our website - [Leamington and Warwick map](#).

Map two – HMOs in Kenilworth



A larger JPG map can be downloaded from our website - [Kenilworth and University map](#).

6.2. Types of HMO

Table 3 shows the types of known HMO in the district.

Table 3 - Types of HMO in Warwick district

Type	Number	%
Student Shared House/Flat	1028	73
Bedsit	177	13
Other Shared House/Flat	166	12
Staff Accommodation	17	1
Owner/occupier with lodgers	8	1
Unknown	7	0
Building containing both self-contained and non self-contained flats	4	0
Hostel	2	0
Total	1,409	100

There are some interesting differences between licensed and non-licensable HMOs as Table 4 shows.

Table 4 – Types of HMO by licensable status

Type of HMO	Licensed (%)	Not licensable (%)
Bedsit	10	14
Other Shared House/Flat	4	18
Student Shared House/Flat	83	65
Owner Occupier with Lodgers	0	1
Hostel	0	0
Staff Accommodation	1	1
Building containing both self-contained and non self-contained flats	0	0
Unknown	0	1
TOTAL	98*	100

*Does not add up to 100 due to rounding

There are significantly higher proportions of other (non-student) shared houses/flats and more bedsits in the non-licensable HMO stock. This is likely to be a reflection of the fact that student shared houses tend to be for greater numbers of individuals and are therefore licensable.

6.3. Availability

To gain a snapshot of availability at a point in time, a search of spareroom.co.uk was undertaken for the four postcode areas, CV8, CV31, CV32 and CV34 on 9th August 2022. These areas correspond broadly, though not exactly, with Kenilworth, Leamington Spa South & Whitnash, Leamington Spa North and Warwick respectively. The results are shown in Table 5.

Table 5 – Types of accommodation advertised on Spareroom website

Type of accommodation	CV8	CV31	CV32	CV34	TOTAL
Single room in existing arrangement	6	19	13	13	51
Two rooms in existing arrangement	1	3			4
Three rooms in existing arrangement	1		1		2
Six rooms in existing arrangement				1	1
Two-bed flat share	1				1
Two-bed house share		1			1
Three-bed house share		1			1
Three bed student house share		1			1
Six-bed house share		1	1		2
Six-bed student house share			1		1
Total number of properties	9	26	16	14	65
Total number of bed-spaces	13	39	28	19	99

Note that “house share” means that the property is advertised as a single property for a group of the requisite number of occupiers whereas “existing arrangement” means that each of the rooms advertised is available separately to individuals who do not necessarily know each other.

It is noteworthy that the vast majority of properties advertised are single rooms in an existing arrangement (51 out of 65), with only very small numbers of other types of accommodation. These properties are largely targeted to the non-student market and this demonstrates the importance of HMOs for individuals seeking accommodation, for whom this is likely to be the only option when living in an expensive area like Warwick district.

Geographically there is a reasonable spread across the four postcode districts, in contrast to the overall geographic pattern for known HMOs which is heavily skewed towards Leamington Spa.

6.4. The 2018 extension of mandatory licensing

One source of available data, which, while not definitive, may offer a reasonable proxy for what might be expected to be found among non-licensable HMOs, can be taken from the extension of mandatory licensing in 2018. As noted earlier, there were 252 HMOs in WDC brought within the licensing regime at that time. Of these, just over half (127) were five bedroom HMOs, i.e. close in size to the three and four-bedroom properties that would be affected by additional licensing. An analysis has been undertaken of the issues found to be outstanding in those properties when the landlord applied for the licence.

The nature and location of the properties was as follows.

Table 6 – 2018 licensing extension five-bed HMO types by postcode

Category	CV31	CV32	CV34	CV8	Total
Bedsit	10	5		3	18
Other Shared House/Flat	2	1	2		5
Student Shared House/Flat	84	18		2	104
Total	96	24	2	5	127

Of the five-bedroom HMOs under extended licensing, 81% (104 out of 127) were student shared houses. Broadly speaking, CV31 and CV32 correspond to Leamington Spa, CV34 to Warwick and CV8 to Kenilworth so, as with much of the earlier data, the preponderance of affected HMOs was in Leamington Spa.

Properties were found to have a range of defects (see the category table below) and most had multiple defects as shown in Table 7.

Table 7 – Extended licensing defects profile

Count of defects	Number of properties	Percent
Zero	6	5
One	7	6
Two	18	14
Three	23	18
Four	28	22
Five	29	23
Six	13	10
Seven	3	2
TOTAL	127	100

As can be seen, some 75% of properties had three or more defects and only 5% had no defects at all. It is important to note that the above data was recorded at the time of the application for a licence, i.e. after the landlord had done whatever works they considered to be necessary to meet the requirements. It is therefore reasonable to assume that this is an under-estimate of the property conditions prior to the extension of licensing.

Turning now to the nature of the defects identified, these were as follows.

Table 8 – Extended licensing defect types by prevalence

Type	Number of occurrences	% of all properties	% of all defects
Fire-fighting equipment	86	68	18
Door upgrading	66	52	14
Thumb-turn locks	61	48	13
Management/Disrepair	60	47	13
Fire detection	53	42	11
Certification (documents missing or unsatisfactory)	39	31	8

Type	Number of occurrences	% of all properties	% of all defects
Escape windows	16	13	3
Room sizes	15	12	3
Bathroom/WC separation	15	12	3
Damp and/or Mould	15	12	3
Window restrictors	15	12	3
Fire separation works	10	8	2
Unsafe stairs/ Cat 1 hazard	8	6	2
Other ¹	9	6	2
TOTAL	468	N/A	98²

Note 1: "Other" includes three "Appliances/items in escape route", two "Natural light deficiency", and one each for "Numbers limited due to amenities", "Escape Route signage", "Trip hazards", and "No handrail to external stairs".

Note 2: Total does not sum to 100 due to rounding.

Of most concern in the above figures is that more than half of all defects were connected with fire-safety and this will be examined in more detail below. The other significant issue was property disrepair, while basic management failures in not having the correct documentation and/or certificates in place accounted for 8% of defects. Again it should be stressed that this is at the point of application for the licence.

Of the categories listed in the table above, the following are all fire-safety related: fire-fighting equipment (68% of properties); door upgrading (52%); thumb-turn locks (48%); fire detection (42%); escape windows (13%); and fire separation works (8%). Taken together these five categories accounted for 61% of all defects.

Only 12 out of 127 properties (9%) had no fire-safety issues at all, and the vast majority had multiple fire-safety defects as Table 9 shows.

Table 9 – Extended licensing fire safety profile

Number of fire safety defects	Number of properties
0	12
1	21
2	35
3	38
4	18
5	3
Total	127

6.5. Planning applications and enforcement

Over the last five full financial years, 2017-18 to 2021-22, there were 81 planning applications made in connection with HMOs, an average of 16 per year.

The vast majority of applications were in Leamington Spa (77) with three in Kenilworth and one in Warwick. This is not surprising given that the Article 4 Direction only applies in parts of Leamington so that most conversions to HMOs are permitted development in the rest of the district.

The Leamington applications were split fairly evenly between the CV31 and CV32 postcodes, with 41 and 36 respectively.

Overall three-quarters of the applications were granted, 59 in total, and 21 were refused with one withdrawn.

As at October 2022, there were 74 non-licensable HMOs which did not have planning permission and were under investigation by the Planning Enforcement Team. If additional licensing is introduced then should the HMO still exist at the time of being required to apply for a licence it will be subject to the HMO Licensing and Planning Permission Policy referred to in section five above. Some of these HMOs may cease to operate as HMOs and some may apply for permission, of which a proportion will be successful if they meet the H6 policy.

There were also seven licensed HMOs which were under investigation by the Planning Enforcement Team.

6.6. Property standards of non-licensable HMOs

In the absence of licensing it is inevitable that data about the condition of non-licensable HMOs will be patchy, incomplete and based largely upon reactive work. To date, inspection of non-licensable HMOs has only occurred through: service requests from tenants typically complaining about conditions; service requests from landlords seeking to ensure compliance; and an accreditation scheme which ran approximately from 2004 to 2014. However experience has shown that most non-licensable HMOs will be deficient in some aspects of meeting the HMO Management Regulations and/or fire safety standards. Some can be expected to contain Housing Health & Safety Rating System (HHSRS) hazards such as overcrowding, excess cold etc.

This section provides more evidence about these issues using operational statistics on service requests received by the various teams that deal with them. In the data that follows it is possible that the pandemic may have affected the numbers for 2020/21 and 2021/22.

It should also be stressed again that, in the absence of additional licensing, the data on non-licensable HMOs is inevitably and unavoidably an under-estimate because it only include those HMOs known to WDC. It should also be noted that, in order to produce these statistics it has been necessary to link databases held in two separate IT systems, one of which is external. Inevitably there is a degree of inconsistency between the fields held in each system and unfortunately this means that it has not been possible to obtain complete coverage of all of the data. The statistics in this sub-section are the best available but can be assumed

to be an under-estimate of the true scale of HMO-related service requests in each of the three service areas.

6.6.1 Environmental Protection service requests

Over the five years from 2017/18 to 2021/22, WDC has dealt with 368 service requests associated with known HMOs, an average of 74 per year. The breakdown by year and licensable status is shown in Table 10.

Table 10 – Environmental Protection service requests by year and licensable status

Year	Licensable	Non-licensable	Total
2017/18	40	33	73
2018/19	50	22	72
2019/20	35	33	68
2020/21	37	24	61
2021/22	64	30	94
TOTAL	226 (61%)	142 (39%)	368

As regards geographic distribution of the HMO-related requests over this period, 331 were in the wards of Royal Leamington Spa, principally Clarendon, Brunswick and Willes. The full details are as follows.

Table 11 – Environmental Protection service requests by ward and licensable status

Ward	Licensable	Non-licensable	Total
Leamington Clarendon	72	50	122
Leamington Brunswick	57	42	99
Leamington Willes	68	24	92
Leamington Milverton	10	8	18
Whitnash	5	8	13
Warwick All Saints and Woodloes	3	5	8
Kenilworth Park Hill	6	0	6
Warwick Aylesford	0	4	4
Warwick Saltisford	2	0	2
Kenilworth St Johns	2	0	2
Leamington Lillington	0	1	1
Warwick Myton and Heathcote	1	0	1
TOTAL	226	142	368

The types of HMO from which the reports came were principally “Student Shared House/Flat”, “Bedsit” and “Other Shared House/Flat” as Table 12 shows.

Table 12 – Environmental Protection service requests by HMO type and licensable status

Request by type	Licensable	Not Licensable	Total
Student Shared House/Flat	189	84	273
Bedsit	24	34	58
Other Shared House/Flat	10	14	24
Staff Accommodation	2	3	5
Unknown	0	4	4
Owner/Occupier with Lodgers	0	2	2
Hostel	1	0	1
Buildings containing both self-contained and non self-contained flats	0	1	1
Total	226	142	368

As regards the nature of the reports, over two-thirds were noise-related with pets and domestic rubbish accumulations being the other two significant categories.

Table 13 – Environmental Protection service requests by request type and licensable status

Service request	Licensable	Non-licensable	Total
Noise	169	81	250
Mice, rats and other pests	25	35	60
Accumulations - domestic	21	13	34
Air	3	5	8
Dog control	2	4	6
Drainage	4	2	6
Licensing Act application - public nuisance	1	2	3
Radiation - light nuisance (domestic)	1	0	1
TOTAL	226	142	368

It is noticeable in the above analysis that there is no appreciable difference between the licensed HMOs and the unlicensed HMOs in terms of the most significant locations, types of HMO and nature of complaint.

6.6.2 Private Sector Housing service requests

Over the five years from 2017/18 to 2021/22, WDC has dealt with 152 private sector housing service requests associated with known HMOs. Slightly more of the reports came from licensable (53%) as opposed to non-licensable HMOs. The breakdown by year is shown in Table 14.

Table 14 – Private Sector Housing service requests by year and licensable status

Year	Licensable	Non-licensable	Total
2017/18	30	30	60
2018/19	19	11	30

Year	Licensable	Non-licensable	Total
2019/20	7	11	18
2020/21	15	12	27
2021/22	10	7	17
TOTAL	81 (53%)	71 (47%)	152

As regards geographic distribution of the HMO-related complaints over this period, 124 were in the wards of Royal Leamington Spa, principally Brunswick, Willes and Clarendon. The full details are as follows.

Table 15 – Private Sector Housing service requests by ward and licensable status

Ward	Licensable	Non-licensable	Total
Leamington Brunswick	23	22	45
Leamington Willes	26	17	43
Leamington Clarendon	22	7	29
Warwick All Saints and Woodloes	2	6	8
Whitnash	1	5	6
Kenilworth Park Hill	1	4	5
Leamington Milverton	2	2	4
Leamington Lillington	2	1	3
Kenilworth St Johns	1	1	2
Warwick Myton and Heathcote	0	2	2
Bishops Tachbrook	0	1	1
Kenilworth Abbey and Arden	1	0	1
Radford Semele	0	1	1
Warwick Aylesford	0	1	1
Warwick Saltisford	0	1	1
TOTAL	81	71	152

The types of HMO from which the requests came were principally "Student Shared House/Flat", "Bedsit" and "Other Shared House/Flat" as Table 16 shows.

Table 16 – Private Sector Housing service requests by HMO type and licensable status

HMO type	Licensable	Non-Licensable	Total
Student Shared House/Flat	58	31	89
Bedsit	18	23	41
Other Shared House/Flat	2	12	14
Staff Accommodation	1	2	3
Hostel	2	0	2
Owner/Occupier with Lodgers	0	2	2
Unknown	0	1	1
Total	81	71	152

As regards the nature of the requests, more than one-third were related to property conditions, with general enquiries, refuse issues and licence enquiries also showing significant numbers.

Table 17 – Private Sector Housing service requests by request type and licensable status

Request type	Licensable	Non-licensable	Total
HMO - HHSRS/conditions complaint	35	23	58
HMO - General Enquiry/Advice	17	26	43
HMO – refuse/curtilage issues	10	9	19
HMO - Licence Enquiry	7	9	16
Student Housing Enforcement	5	2	7
Landlord & Tenant Advice	4	0	4
Overcrowding	1	2	3
Harassment	2	0	2
TOTAL	81	71	152

Again, as with environmental reports, despite some slight variation in rankings, there is little difference between the licensed HMOs and the unlicensed HMOs in terms of the most significant locations, types of HMO and nature of complaint.

6.6.3 Waste & Fly-tipping

Over the five years from 2017/18 to 2021/22, WDC has dealt with 504 waste enquiries associated with known HMOs, an average of 101 per year. The breakdown by year and licensable status is shown in Table 18.

Table 18 – Waste and fly tipping service requests by year and licensable status

Year	Licensable	Non-licensable	Total
2017/18	80	40	120
2018/19	115	44	159
2019/20	78	44	122
2020/21	40	15	55
2021/22	37	11	48
TOTAL	350 (69%)	154 (31%)	504

As regards geographic distribution of the HMO-related enquiries over this period, 470 were in the wards of Royal Leamington Spa, principally Willes, Clarendon and Brunswick. The full details are as follows.

Table 19 – Waste and fly tipping service requests by ward and licensable status

Ward	Licensable	Non-licensable	Total
Leamington Willes	160	61	221
Leamington Clarendon	94	26	120
Leamington Brunswick	79	39	118
Warwick Myton and Heathcote	3	7	10
Leamington Milverton	3	4	7

Kenilworth Park Hill	0	6	6
Kenilworth St Johns	3	2	5
Whitnash	2	3	5
Leamington Lillington	1	3	4
Warwick All Saints and Woodloes	2	1	3
Kenilworth Abbey and Arden	1	1	2
Warwick Saltisford	1	1	2
Warwick Aylesford	1	0	1
TOTAL	350	154	504

The types of HMO from which the reports came were principally "Student Shared House/Flat", "Bedsit" and "Other Shared House/Flat" as Table 20 shows.

Table 20 – Waste and fly tipping service requests by HMO type and licensable status

Service request type	Licensable	Non Licensable	Total
Student Shared House/Flat	312	97	409
Bedsit	21	34	55
Other Shared House/Flat	16	22	38
Staff Accommodation	1	1	2
Total	350	154	504

The nature of the requests are shown in the following table, the four most significant being general enquiries, accumulations of waste on property, collection issues and fly-tipping. It should be noted that with fly-tipping the data is based upon the location of the fly-tipping incident, which may not be the same as the address of the culprit.

Table 21 – Waste and fly tipping service requests by request type and licensable status

Waste and fly tipping service request	Licensable	Non-licensable	Total
General Enquiry	108	70	178
Accumulation of waste on property	121	36	157
Collection Issues	47	20	67
Fly Tipping	42	22	64
Additional Refuse Capacity Request	22	2	24
Complaint Investigation	9	3	12
Not all waste collected	1	1	2
TOTAL	350	154	504

Once again there are some differences in rankings but no difference between the licensed HMOs and the unlicensed HMOs in terms of the most significant locations, types of HMO and nature of complaint.

6.7. Case studies

The following two case studies show just some of the housing conditions that have been found to exist in non-licensable HMOs, through reactive work in dealing with incoming complaints. Further examples have been included in appendix two.

Case Study 1 – Leamington Brunswick ward

The PSH team investigated a complaint regarding a flood at a four-bed HMO. As well as several repair and maintenance issues, the gas boiler was found to be defective resulting in no central heating or hot water supply. When one of the tenants tried to turn the boiler back on, it caused a serious water leak which resulted in flooding and serious damage to the ceiling and floor of the living room and kitchen. An Improvement Notice was issued on the landlord requiring the boiler to be suitably repaired or replaced.

One of the bedrooms was found to be below the legal minimum of 6.51 sq. m for a single adult. A Prohibition Order was issued in respect of the small bedroom to prevent re-occupation.



Penetrating damp to lounge ceiling



Penetrating damp to kitchen wall and ceiling



Bedroom with floor area 6.2 sq. m

Case Study 2 – Leamington Clarendon ward

A routine inspection identified a four-storey HMO occupied by four individuals above a retail premises. There were potentially five bedrooms but only four were being let out.

The accommodation was in very poor condition. The roof was leaking into one of the bedrooms and rainwater was being collected in a bucket. There was penetrating damp affecting the communal bathroom. The door to the kitchen had been removed, other doors were not fire-rated and there was no working smoke detection in the building.

The landlord was prosecuted for failing to comply with an Improvement Notice and HMO Management Regulations, resulting in a fine of £27,000 including costs. The HMO has since been brought up to standard, managed and licensed by a professional letting agent.



Leaking roof around roof-light in bedroom



Damp and insanitary wall tiling



Defective smoke detector

7. Advantages and disadvantages of additional licensing

In considering the advantages and disadvantages of additional licensing it is worth outlining the benefits that mandatory licensing has achieved since its introduction in 2006 (and extension in 2018) because these benefits could be expected to apply again should additional licensing be adopted.

Mandatory licensing has ensured that the larger HMOs have:

- Been brought up to standard for fire safety;
- Been subject to regular fire safety, gas safety & electrical inspection and certification;
- Had sufficient cooking and washing facilities;
- Had prescribed maximum occupancies;
- Been subject to detailed licence conditions concerning management including anti-social behaviour; and
- Received periodic planned inspection.

There are four key groups of stakeholders that are affected by additional licensing and may be expected to have some intelligence on the pros and cons: local authorities; private landlords; and tenants and residents. It is useful to consider the experiences of other councils that have considered and/or introduced additional licensing and this is covered in section 7.1. The perspectives of local landlords, tenants and residents will ultimately be ascertained through a formal consultation exercise should the council decide to pursue the project. However some information is already available as to the views of local private landlords and this is set out in section 7.2.

7.1. Local authority perspectives

[Recent government research](#) into enforcement in the private rented sector found that "Local authorities were in favour of all forms of private rented sector licensing schemes because of the associated powers to inspect and enforce, and the setting of clear standards. Mandatory licensing had prompted greater focus on historically problematic private rented markets and, as a result, was unanimously thought by case study participants to have helped improve standards and conditions. However, issues with landlord compliance and local authority capacity to monitor compliance means that further efforts may be needed to fully maximise the impact of licensing on private rented sector conditions and standards."

A number of councils have already introduced additional licensing and a literature review of four such authorities has been undertaken to assess the range of benefits that were expected from its introduction.

Coventry City Council identified five benefits:

- A consistent approach to all Coventry HMOs;
- Appreciation of property values;

- Links with landlords;
- A recognised group of landlords; and
- Pro-active involvement eliminates reactive work.

Salford City Council suggested the following:

- A reduction in the negative impacts for tenants of HMOs
- Reduction in the negative impacts from HMOs that will benefit the whole community
- A wider understanding from HMO landlords and agents of expected management standards
- The better protection of the health, safety and welfare of tenants through improved safety standards within the HMO
- Improved management and improved conditions of privately rented accommodation will provide quality and choice for residents
- Licensing will require absentee or unprofessional landlords to employ a professional property management approach to actively manage their properties and ensure suitable arrangements are in place to deal with any problems that arise
- Good private landlords would also benefit from not having to compete with poorly managed properties that do not meet the required standards
- As with mandatory licensing, additional licensing will bring a significant number of properties to the Council's attention that would otherwise have gone undetected.

In considering the matter, Walsall MBC noted that additional licensing can contribute to:

- "protecting the health, safety and well-being of tenants and communities;
- neighbourhood improvement and the prevention and control of anti-social behaviour;
- easier identification of rogue landlords and enabling action to be taken to respond to their behaviour;
- addressing problems linked to landlords who can easily take their HMOs outside of current scheme definitions – e.g. some landlords illegally evicting tenants to bring the occupation of their rented properties to below the current mandatory HMO occupancy level of 5 people."

For Worcester City Council the benefits to be gained were:

- Improvements to accommodation;
- Improvements to health and safety;
- Sustainable improvements to the areas within the city;
- Better value for money;
- Consistent approach to safety and property conditions for tenants; and
- A level playing field for landlords.

The WDC HMO Task and Finish Group in 2016/17 undertook a survey of four councils that had introduced additional licensing and summarised the findings as:

- a. Experience has been very beneficial for tenants – small HMOs were too often in breach of minimum safety and health standards.
- b. Landlord accreditation schemes did not work.
- c. After launch period, additional licensing becomes cost-neutral – some upfront investment is needed.
- d. Important to engage properly with landlords – most then appreciate benefits
- e. Best to set charges on a 'polluter pays' basis, with good landlords paying less and with less frequent renewals/inspections. Poor landlords can be licensed year by year.
- f. To manage problems Councils use specific conditions on licences & management orders...prosecutions and withdrawal of licence are certainly applied as 'last resort' measures.
- g. Planning enforcement generally prosecutes landlords who seriously flout the rules on conversions – and the HMO licensing authority is then able to use the conviction in the 'fit and proper person' test.

7.2 Private landlord perspectives

The HMO Task and Finish Group also surveyed local private landlords, asking among other things about the landlords' perspective on the pros and cons of licensing. The responses were:

Perspectives on benefits:

- "Awareness that the property has reached Warwick District Council's requirements for HMO Licensing approval. It helps to improve housing standards in the private rented sector."
- "I currently do not need a licence for my student properties. I have 4 students in each of my properties over two floors. I can't think of any benefits of having a licence other than a further income stream for a cash strapped Council. It appears to me that local authorities often extend schemes to raise funding to counter austerity cutbacks and for local political window-dressing."
- "Keeps on top of landlords managing standards, and keeps on top of safety in properties."
- "Being in the clear as to letting arrangements/standards/compliance reassurance for tenants."

Perspectives on negatives:

- "None."
- "1. The licence standard would be much lower than the standards that I apply to my HMOs, so why do I need a licence? Extending schemes of this

kind will see responsible landlords paying for expensive licences, while the criminals will continue to operate under the radar.

2. Complex regulatory systems are pushing up rents and preventing more investment in the private rented sector at a time when it needs to expand to help tackle the housing crisis. It would increase my rents by at least an additional £20 per month to include fees and my administration charges. As a long distance landlord who manages my own properties, for example, I would travel a round journey of around 360 miles to open a property for the Council to view. Though I am happy for the Council to view my student properties in Leamington.

3. Criminal landlords often continue to operate as local authorities fail to use their enforcement powers. Let's get the existing legislation working to route out poor quality landlords. Councils already have enforcement powers to take action against those who act illegally and bring the whole sector into disrepute, but are failing to use them, with only 827 prosecutions against landlords over the last five years.

4. Yet more paperwork. Already introduced recently - right to rent booklet, immigration checks, higher taxes etc.

5. The licensing scheme is not fully supported by recognised landlord associations. For example, the RLA objects to local authority proposals for discretionary licensing – particularly with regard to the fee levels imposed and are speaking out against schemes across the country.

6. Local authorities already have the powers needed to effectively monitor landlords through council tax documentation. 96% of councils ask for landlords' data on these forms."

- "Sometimes less important areas are focussed on and still don't cover some fundamental common issues, such as damp & condensation."
- "Costs."

8. Assessment of the potential for additional licensing

This section of the report will take each of the matters set out in the legislation (and summarised in section 3.4 above) to which the council must have regard in deciding whether to introduce additional licensing.

8.1 Are a significant proportion of the HMOs to be licensed in the area being managed ineffectively to such an extent as to give rise, or to be likely to give rise, to one or more particular problems either for the occupiers or for members of the public?

This is a difficult question to answer comprehensively because it is a “Catch 22” situation: the introduction of licensing requires consideration of data that can only be fully collected and analysed if all of the properties are known about, which will only happen once licensing is introduced.

In the absence of full intelligence on the location of all currently non-licensable HMOs a number of proxy-data sources have been presented above to create a picture of the likely current situation. This analysis has been based upon data about currently licensed HMOs, known non-licensable HMOs, findings from the extension of licensing in 2018 and case studies of actual HMOs found during reactive work in dealing with operational complaints. This is now summarised in this sub-section.

Warwick district has one of the highest rates in the country of full-time students as a proportion of households and this has influenced the constitution of the housing stock with high proportions of: flats and maisonettes; converted and shared houses; one and two bedroom accommodation; and private renting.

Overall, as at 28 June 2022, there were 1,409 confirmed HMOs in the district, of which more than half (805 or 57%) were non-licensable. Consistent data to make precise historic trend comparisons is not available. This number may be an under-estimate of the true figure because by definition it cannot include unknown non-licensable HMOs. This could be balanced to an extent by some properties recorded as non-licensable HMOs having reverted to non-HMO use without WDC having been made aware of the fact: small HMOs are liable to falling back to single household properties because their size is well suited to occupation by couples or small families.

Geographically the known HMOs, licensed and non-licensable, are predominantly in Leamington Spa, with smaller, but still significant, numbers in the other towns: Warwick, Kenilworth and Whitnash.

As regards types of HMOs, there are three main categories: “Student Shared House/Flat” (73%), “Other Shared House/Flat” (12%) and “Bedsits” (13%). The profile for non-licensable HMOs differs significantly from licensed, with higher proportions of other (non-student) shared houses/flats and bedsits. This is likely to be a reflection of the fact that student shared houses/flats tend to be for greater numbers of individuals and are therefore licensable.

A snapshot at a point in time of properties being advertised online on the Spareroom website showed that the vast majority of properties advertised were single rooms in an existing arrangement (51 out of 65), with only very small numbers of other types of accommodation. The Spareroom platform is predominantly for people advertising spare rooms and bedsits for professionals and is more suited to non-student accommodation. Geographically there was a reasonable spread across the four postcode districts, but this is in marked contrast to the overall geographic pattern for known HMOs (licensed and non-licensable) which is much more heavily skewed towards Leamington Spa.

Planning applications in connection with HMOs averaged 16 per year over the last five financial years with activity predominantly in Leamington Spa, although the latter point is inevitable because of the Article 4 Direction for parts of the town. As at October 2022, there were 74 non-licensable HMOs which do not have planning permission, and seven licensed HMOs, all of which were under investigation by the Planning Enforcement Team.

The additional HMOs brought into licensing by the 2018 extension were broadly similar to the established pattern of already licensed HMOs in terms of geography and type of HMO. Of those containing five persons, some 75% of properties had three or more defects while only 5% had no defects. It is important to note that this data was recorded at the time of the application for a licence, i.e. after the landlord had done whatever works they considered were necessary to meet the requirements. It is therefore reasonable to assume that this is an under-estimate of the property conditions prior to the extension of licensing.

Furthermore, over two-thirds of all defects (68%) were connected with fire-safety issues and only 12 out of 127 properties (9%) had no fire-safety issues at all. Other significant issues were property disrepair (13%), while basic management failures in not having the correct documentation and/or certificates in place accounted for 8% of defects. Again it should be stressed that this is at the point of application for the licence.

Available data shows that the Environmental Protection Team received an average of 74 service requests per year over the last five years connected with known HMOs, 39% of which were non-licensable HMOs. The highest proportion by some distance was connected with student shared houses/flats (74%), although bedsits (16%) and other shared houses/flats (7%) were also significant in the data. The vast majority of requests came from the three Leamington Spa wards of Clarendon, Brunswick and Willes (85% in total). As regards the nature of the requests, over two-thirds related to noise issues with pests such as mice and rats and domestic rubbish accumulations being the second and third most prevalent.

Available data shows that the Private Sector Housing Team received an average of 30 service requests per year over the last five years connected with known HMOs, 47% of which were non-licensable HMOs. The highest proportion by some distance was connected with student shared houses/flats (59%), although

bedsits (27%) and other shared houses/flats (9%) were also significant in the data. The vast majority of requests came from the three Leamington Spa wards of Clarendon, Brunswick and Willes (77% in total). As regards the nature of the requests, 38% were related to HHSRS/property condition issues with 28% being about general HMO advice, 13% being refuse/curtilage issues and 11% being licence enquiries.

Available data shows that there was an average of 101 service requests per year over the last five years on waste and fly-tipping issues connected with known HMOs, 31% of which were non-licensable HMOs. The highest proportion by some distance again was connected with student shared houses (81%), although bedsits (11%) and other shared houses (8%) were also significant in the data. The vast majority of requests came from the three Leamington Spa wards of Clarendon, Brunswick and Willes (91% in total). As regards the nature of the requests, the most frequent were general enquiries (35%), followed by accumulation of waste on property (31%), collection issues and fly-tipping (13% each).

While all of the above data relates specifically to known HMOs it is important to appreciate that most, if not all of the various issues also impact upon the wider community surrounding the properties where the issues occur and, in fact, it is often residents of the wider community and members of the public who actually contact WDC to make the service request. Furthermore, it should be stressed again that the service request data, while the best available is known to understate the full position due to data collation issues.

One of the most notable aspects of the service requests data from the three relevant service areas is that, despite some differences in ranks, the overall picture was virtually the same for both licensed and known non-licensable HMOs in terms of location, type of HMO involved and nature of service request. The clear inferences to be made from this are first, that non-licensable HMOs actually give rise to the same sorts of problems as licensed HMOs, and second, that the same profile of issues, types of properties and locations can be expected to be prevalent among the unknown non-licensable HMOs.

8.2 Is exercise of the power consistent with the council's overall housing strategy?

In June 2022, the Department for Levelling Up, Housing and Communities published a white paper, "[A fairer private rented sector](#)", which stated in the foreword that "No one should be condemned to live in properties that are inadequately heated, unsafe, or unhealthy." It went on to say that "The reality today is that far too many renters are living in damp, dangerous, cold homes, powerless to put things right, and with the threat of sudden eviction hanging over them." The paper sets out the government's intention of tackling these issues with a mission to "halve the number of poor-quality homes by 2030" through an ambition that:

1. All tenants should have access to a good quality, safe and secure home.

2. All tenants should be able to treat their house as their home and be empowered to challenge poor practice.
3. All landlords should have information on how to comply with their responsibilities and be able to repossess their properties when necessary.
4. Landlords and tenants should be supported by a system that enables effective resolution of issues.
5. Local councils should have strong and effective enforcement tools to crack down on poor practice.

The white paper does not include any specific measures regarding licensing of HMOs but it is clear that licensing could help with addressing a number of the issues raised in the above list. The paper does have a proposal to introduce a new digital "Property Portal" for the private rented sector, with which landlords would be legally required to register their property.

As a key statement of government policy on the private rented sector, the paper is something to which the council should have regard in developing its own policies in this area. However, in point of fact, the Council's strategic approach to housing over many years has had an objective to tackle unsatisfactory housing conditions in all tenures so that our current policy direction is already very much in alignment with the above ambition.

WDC describes its corporate purpose as "to make our district a great place for everyone; whether they live, work or visit here" and its corporate strategy key aims are that:

"In the Warwick District of 2026:

- everyone will feel safe going about their daily lives
- everyone will be able to enjoy a healthy lifestyle and sense of well being
- everyone will have their housing needs met
- there will be a strong, diverse economy which provides jobs for all"

The introduction of additional licensing of HMOs would assist in achieving these aims because meeting housing needs is not just about providing homes. It is also about ensuring that those homes are well managed and maintained, safe, secure, warm and affordable so as to contribute to the health and well-being of the occupier and the wider neighbourhood.

8.3 Would additional licensing be part of a co-ordinated approach to dealing with homelessness, empty properties and antisocial behaviour affecting the private rented sector?

In 2017 the council carried out a review of all of its enforcement activities, led by the Deputy Chief Executive and Monitoring Officer, to ensure a consistent, co-ordinated and corporate approach within and between departments to tackling issues affecting communities in the district.

A further review was undertaken and a new policy adopted by WDC in August 2022. The policy defines its approach as follows:

“The general principle will always hinge around negotiation, advice guidance, education and support to ensure maximum benefit from minimum resource input, aiming to avoid imposing unnecessary regulatory burdens. Enforcement procedures will always follow statutory requirements and guidance. Whilst court proceedings including prosecution will normally be directed towards those who deliberately fail to comply there will also be occasions where proceedings are deemed to be appropriate in certain other circumstances”.

The policy contains a list of regulatory services to which it applies including the following, which are of relevance to HMO management:

- Anti-social behaviour;
- Environmental protection;
- Licensing;
- Planning enforcement;
- Private sector housing (which includes responsibility for empty properties);
- Waste enforcement.

Implementation and monitoring of the enforcement policy ensures therefore that there is a single corporate approach to empty properties, anti-social behaviour and licensing, mandatory and additional if introduced.

Homelessness is different in that it is not an enforcement issue. In 2021 WDC adopted a new Homelessness and Rough Sleeping Strategy 2021-26, the overall aim of which is to shift the focus towards a much greater use of universal prevention measures while retaining directed prevention and crisis resolution for those who slip through the net. At the same time the strategy seeks to assist those sleeping rough to come in off the streets and rebuild their lives.

The approach to homelessness is therefore very much aligned with the approach to enforcement, albeit in a very different context. It concentrates first and foremost upon prevention, working with, helping and advising customers in order to seek satisfactory outcomes wherever possible while retaining the statutory process as a last resort for those for whom homelessness cannot be prevented.

8.4 Consideration of other courses of action to deal with the problems associated with HMOs

If the council chooses not to introduce additional licensing then there is a range of other, less comprehensive, approaches that could be adopted.

The first option would be to continue with the present, entirely reactive system whereby non-licensable HMOs only come to the attention of officers when either a tenant contacts the council with a complaint or the landlord proactively

contacts the council for advice. As has been seen from the data on HMOs affected by the extension of licensing in 2018 this leaves a great many defects in properties that go undetected with all the attendant risks and safety concerns as a result.

Other options for a more pro-active regime without requiring licensing are set out in the following table along with the advantages and disadvantages of each system.

Alternatives	Disadvantages	Advantages
A more proactive inspection regime that seeks out non-licensable HMOs	<p>Very resource intensive, with a lot of unproductive work.</p> <p>Limited capacity of existing staff to undertake inspections.</p> <p>Fewer enforcement powers because licence conditions will not apply.</p> <p>Not comprehensive.</p> <p>Difficult to identify 'non-student' HMOs.</p> <p>HMOs will not necessarily receive monitoring inspections and requests for safety certificates throughout their existence.</p>	<p>Will cover more properties than the current system.</p> <p>Will improve standards for tenants of properties found.</p>
Targeted enforcement	<p>Focuses only on those known to have issues in the past.</p> <p>Will not uncover HMOs previously unknown.</p> <p>Resource intensive and relies on local knowledge.</p> <p>Encourages a culture of 'do nothing until told to by the Council'.</p> <p>Could lead to landlords feeling singled out or discriminated against.</p>	<p>Enables known landlords/HMOs with questionable management to be dealt with.</p>

Alternatives	Disadvantages	Advantages
Accreditation	<p>Only 'good' landlords tend to seek accreditation.</p> <p>Can be resource intensive to operate and divert resources away from the worst HMOs.</p> <p>Schemes are limited in their scope and lack enforcement capability.</p> <p>Schemes only tend to work if there are no fees associated with them.</p>	<p>An effective way of encouraging landlords to set high standards.</p> <p>Popular with landlords if no fees and enables them to have a market advantage.</p>
Multi-agency approach	<p>Resource intensive and relies upon all agencies being aligned in their priorities.</p> <p>Likely to only focus on a relatively small number of properties.</p>	<p>Can be effective in dealing with a range of issues at the same time.</p> <p>Useful for dealing with the most serious offences e.g. person trafficking, drug dealing etc.</p>
Landlord training	<p>Requires landlord voluntary engagement.</p> <p>No enforcement powers available.</p> <p>Does not always lead to improved property standards.</p> <p>Already available through other agencies but take-up is relatively low.</p>	<p>Improves knowledge where a landlord is engaged with the authority.</p> <p>Promotes confidence amongst tenants.</p>
Private sector leasing scheme	<p>Requires landlord voluntary engagement and does not improve management standards of landlords who chose not to join the scheme.</p> <p>No enforcement powers available.</p> <p>Likely to be relatively low uptake as landlords self-manage or appoint professional letting agents to manage.</p>	<p>Contributes to homelessness prevention as could be used for allocation to those in housing need.</p>

Alternatives	Disadvantages	Advantages
Targeted use of Special Interim Management Orders	<p>Resource intensive.</p> <p>Does not present a long-term solution to poor management of private rented properties.</p> <p>Does not tackle poor management techniques.</p> <p>Reactive.</p> <p>An intervention of last resort that can only be used on specific properties where detailed evidence supports the action.</p>	<p>Removes landlord responsibilities and gives it to a responsible nominated agent.</p> <p>Improves standards for tenants and the local community.</p>
The Property Portal (see section 8.2 above)	<p>Requires primary legislation by central government</p> <p>No timescale indicated for its introduction</p> <p>Registration schemes tend to be regarded as "light touch" regulation.</p>	<p>Legal obligation for landlords to register their property on an accessible database.</p> <p>Other advantages are unclear until greater detail is announced as to how the portal will work.</p>

8.5 Consultation

If the council decides that it wishes to consider additional licensing then a full public consultation will be undertaken and the outcome will be reported to Cabinet for consideration before a final decision on implementation.

9. Conclusions and next steps

9.1 Will additional licensing significantly assist in dealing with the problems?

It is clear from the datasets summarised in section 8.1 above that the known non-licensable HMOs alone do generate a lot of requests across the Council, from refuse and noise to the condition and management of HMOs. It can also be inferred that unknown non-licensable HMOs are also generating similar types of requests although these are not necessarily being recorded as HMO-related. Many of these issues will have been raised because there are problems which have not been addressed by the landlords, and there will be a link to the absence of any previous inspections or enforcement because of the limits on the Council's powers without licensing controls.

It is to be expected that getting such properties licensed would address many of the issues which cause the requests to be made in a systematic way which is obviously a positive and desirable outcome. It would also improve the physical conditions of the sector to ensure better health, safety and welfare for occupiers, both of the HMOs and of the surrounding communities. Further, it would strengthen the link between Licensing and Planning since all licence applications would be required to satisfy the need for authorised HMO use before licensing can proceed.

The application of Specific HMO licence conditions on management, preventative action and providing information to occupiers on, for example information on putting bins out and tenancy conditions about avoiding nuisance will ensure greater control over the wider environmental issues.

9.2 Coverage of any proposed scheme

As regards geographic coverage, while it is clear from the data that the majority of known HMO-related issues are currently generated in Leamington Spa it is important not to lose sight of the fact that unknown non-licensable HMOs may be more widely distributed. The Spareroom data is relevant in this respect, as it showed a much more even spread across the towns of the district than the data on known HMOs. To introduce additional licensing in Leamington Spa alone would potentially therefore miss more HMOs than one might expect when looking at the "known" data alone. It could also create a number of problems, such as inconsistency of service to tenants and residents across the district and encouraging growth of HMO numbers in other parts of the district to avoid the licensing regime.

Officers are therefore currently minded to recommend consultation upon a whole-district scheme if members consider that they wish to move forward with proposals on additional licensing.

Specific consideration needs to be given to Section 257 HMOs (as described in section 3.1 above) and whether these should be included in any scheme. As was

mentioned earlier these properties are a curiosity within the overall definition of HMOs and the full extent of them is not known at this time. Historically, there has been some proactive work in bringing some of these properties up to modern fire safety standards, whilst others upgrade over time without the Council's intervention when refurbishment programmes are undertaken.

Without further information being to hand to confirm that these buildings present a particular problem, it is suggested that they should not be included within any proposed additional licensing scheme at this time.

Purpose-built flats situated in a block of three or more self-contained flats also require specific consideration. As mentioned in section 3.2 of this study, the government specifically excluded such properties from the extension of mandatory licensing in 2018.

There are 116 of these flats currently included in the non-licensable HMOs in this study that are regarded as purpose-built student accommodation. Officers are minded to consult on excluding these properties from additional licensing for a number of reasons:

- The council should have regard to the fact that, as recently as 2018, the government did not consider that this type of property should be subject to licensing;
- The properties are in quite large blocks and therefore highly visible and do not “slip under the radar” like some smaller HMOs;
- Most of the blocks were constructed in the last 20 years and are therefore built to modern standards;
- In officers’ experience, fewer complaints are received about these blocks than are received for other non-licensable HMOs.

9.3 Next steps

If the Council is minded to go forward with proposals for additional licensing then an indicative timetable for the next steps in the process is as follows.

Activity	Dates
Cabinet report to consider feasibility report	7 December 2022
Public Consultation Exercise	9 January-20 March 2023
Analysis of public consultation results	21 March – 7 April 2023
Further Cabinet report to determine whether to proceed and, if so, to confirm scheme arrangements	July 2023
Recruitment process	July – October 2023
Formal designation of the scheme	July 2023
Additional licensing comes into effect	October 2023

APPENDIX ONE

WARWICK DISTRICT COUNCIL, HOUSING ACT 2004,

HMO LICENCE CONDITIONS

Note: The terms 'licence holder' 'manager' and 'managing agent' are used throughout this schedule. The use of each of these terms in any condition does not imply that none of the others also have legal liability for compliance.

1. Licence Holder and Manager Notifications

1.1 The licence holder, and where appropriate the nominated managing agent/s, must inform Warwick District Council, ('the Council') within 21 days, of any relevant changes in their circumstances including: -

- a) Changes of address of the licence holder and/or managing agent.
- b) Change of ownership, and or, managing agent of the licensed property.
- c) Change of mortgagee
- d) Any substantial changes to the structure or layout of the property

1.2 The licence holder/manager must inform the Council by telephone or email to PSHousing@warwickdc.gov.uk within 24 hours of them becoming aware of the occurrence of a fire within the HMO, or on the next business day. A 'fire' includes any unintended source of ignition inside an HMO, whether or not it involves calling the Fire Service.

1.3 The licence holder must, on request, provide a written statement to the Council setting out the names of persons occupying the property together with the rooms which they occupy, within 7 days of the Council's request.

1.4 The licence holder must provide copies of up to date certification* on request for the gas and mains wiring installation, portable electrical appliances, fire alarm system, emergency lighting, fire extinguishers/blankets, if installed. All of which must have been obtained within the last 12 months, with the exception of the electrical installation which must be within the last 5 years.

* Such certification will only be accepted if it has been issued by a competent person, who can demonstrate their competence through qualification or otherwise. Self-certification of alarm systems which do not have a control panel may be acceptable.

Note: If you hold and/or process your tenants' personal data you must be registered with the Information Commissioner's Office (ICO) and pay the relevant fee under current data protection laws.

1.5 The licence holder must check with the Planning Department to determine whether any works which are proposed will require planning consent or approval under the Building Regulations.

2. Fit and Proper Person

2.1 The licence holder/manager must inform the Council, within 21 days for any of the following: -

- a) Conviction for offences involving Fraud, Dishonesty, Violence, Drugs, Sexual Offences Act (Schedule 3)
- b) Conviction for unlawful discrimination on grounds of age, sex, race, disability, religion, marriage and civil partnerships, gender reassignment, sexual orientation and pregnancy and maternity in connection with a business.
- c) Conviction for a prosecution taken by any Local Authority under any housing or landlord and tenant legislation
- d) Cases where any Local Authority has carried out works in default
- e) Cases where a Management Order under Housing Act 2004 has been made by any Local Authority
- f) Cases where an HMO licence has been refused by any Local Authority, or licence conditions breached.
- g) Cases where a Fixed Penalty Final Notice has been issued by any Local Authority under Housing & Planning Act 2016

NOTE: The Database of Rogue Landlord & Property Agents under Housing & Planning Act 2016 will be checked before an HMO licence is issued.

3. Property details

3.1 WC's

The following shared toilet provision is required:

Persons	W.C.'s
1-4	1 permitted within the bathroom
5	1 Separate from the bathroom
6-10	2 permitted within the bathroom
11-15	3 permitted within the bathroom
16-20	4 permitted within the bathroom
21-25	5 permitted within the bathroom
26-30	6 permitted within the bathroom

3.2 Each WC compartment must: -

- a) have adequate ventilation and artificial lighting,

- b) be provided with a wash hand basin (with hot and cold water supplies), and adequate drainage and have sufficient splashback tiling or otherwise impervious finish.
- c) have a smooth impervious floor covering, and be of adequate size/layout, with facilities fit for the purpose

Note: Persons having access to en-suite facilities will not be counted for the purposes of these ratios. Also a WC must not be more than two floors distant from any occupier. Outside toilets are disregarded for the purposes of this standard.

3.3 Bathrooms

The following shared bathroom provision is required:

Persons	Bath or Shower Room
1-5	1
6-10	2
11-15	3
16-20	4
21-25	5
26-30	6

Note: Persons with en-suite facilities will be disregarded for the purpose of this ratio.

3.4 A bath/shower (with hot/cold water and waste drainage) must be provided in a suitable room, not more than two floors distant from any occupier. A bath or shower room may contain a WC where there are 5 persons sharing, provided there is also a separate WC.

3.5 Each bath or shower room must: -

- a) have adequate ventilation, electric lighting and fixed heating.
- b) have a smooth impervious floor covering
- c) have sufficient splash back tiling or otherwise impervious finish to each
- d) bath or shower area.
- e) be of an adequate size/layout with facilities fit for the purpose.
- f) have suitable shower screen/curtain if shower fitted over bath

3.6 Shower units to be fitted with thermostatic temperature controls to prevent scalding.

3.7 Wash Hand Basins

The following provision is required: 1 communal wash hand basin per 5 persons, excluding any basins fitted in bedrooms. Each basin to be provided with suitable

supplies of hot and cold water, and have sufficient splashback tiling or otherwise impervious finish.

3.8 Kitchens

Where kitchen facilities are provided within bedrooms, or bedsitting rooms

they must have the following: -

- a suitably sized sink and draining board with constant supplies of hot and cold water,
- a fixed impervious worktop, measuring not less than 1.0m x 0.6m, with tiled or otherwise impervious splash back.
- a dry food storage cupboard of 0.18 cubic metres (6.4 cubic feet) wall/base unit (sink units are discounted)
- storage cupboard for crockery and a drawer/container for utensils
- a refrigerator (minimum gross capacity 66 litres or 2.3 cubic feet)
- a 2 ring cooker with oven and grill
- a minimum of two 13 amp twin electric sockets in the food preparation area adjacent to the worktop.
- adequate space, layout, ventilation, artificial lighting, and a suitable impervious floor covering. All facilities must be fit for the purpose.
- A fire blanket

3.9 Where kitchens are shared they should not be more than one floor distant from any user (unless a dining area is provided), and have the following

facilities (for every 6 persons): -

- a suitably sized sink and draining board with constant supplies of hot and cold water with tiled or other impervious splashback. (Where there are 7 persons sharing, a dishwasher may be installed in lieu of an additional sink/drainage).
- a fixed impervious worktop, not less than 1.5m x 0.6m with tiled or other impervious splash back.
- dry food storage cupboards of 0.18 cubic metres (6.4 cubic feet) per person wall/base unit or larder (sink units are discounted)
- refrigerator (minimum gross capacity 150 litres or 5.3 cubic feet)
- freezer (minimum gross capacity 120 litres or 4.2 cubic feet)
- 4 ring cooker with oven and grill. Where there are 7 people sharing, an additional 2 ring cooker, (with grill/oven) may be provided in lieu of an additional 4 ring cooker.
- a minimum of four 13 amp electric sockets in the food preparation area adjacent to the worktop, in addition to those provided for major appliances (fridge, microwave, washing machine etc.)
- a fire blanket

- adequate space, layout, ventilation, artificial lighting, and a suitable impervious floor covering. All facilities must be fit for the purpose.

3.10 Heating, Lighting and Ventilation

There must be an effective fixed heating system. It must be safely installed, maintained and be appropriate to the design, layout and construction, such that the whole of the HMO can be adequately and efficiently heated. The occupiers of the HMO must have full access and control over the heating system to ensure they are able to maintain adequate heating as appropriate.

3.11 Written instructions should be made available to occupiers to ensure they are acquainted with the safe operation of any appliances e.g. boilers, immersion heaters, thermostats, cookers, wash machines, tumble driers.

3.12 All habitable (bedrooms, living & dining rooms) rooms: -

- a) must be equipped with adequate means of fixed space heating.
- b) must be provided with adequate natural/artificial lighting (this should be unobstructed window(s) having a glazed area of not less than 10% of the room's floor area and suitable electric light point(s)).
- c) must be provided with adequate natural ventilation. Generally, this should be window(s) having a combined opening area of not less than 5% of the room's floor area.

3.13 Halls, stairs, landings, accessible cellars and external steps and walkways must be provided with adequate artificial lighting.

3.14 Thermal Insulation

Loft spaces must be insulated with a minimum 250mm of insulating material. All water tanks and pipework liable to freezing must be suitably lagged.

3.15 All hot water cylinders must be suitably lagged with an appropriate insulating jacket or factory-fitted insulating material.

3.16 All external doors and windows must be suitably draught proofed.

3.17 Shared house HMOs (not let under separate contracts) must meet Energy Performance Certificate minimum rating of 'E', unless otherwise exempted and registered under Minimum Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

4. Management of the Property

Note: When conditions for remedial actions are set, whether that be when a licence is granted, renewed, or as a consequence of an interim inspection, a maximum time limit for compliance will be set and confirmation of completion will be required.

Note: Serious Category 1 Health and Safety breaches, persistent breaches of other licence conditions, and failure to take remedial action within agreed timescales, may result in enforcement action and financial penalties up to a maximum of £30,000 under the Housing & Planning Act 2016.

4.1 Fire Precautions

Fire alarm systems, including smoke/heat alarms, must be installed and maintained in good order, and checked at intervals of not more than 12 months by a suitably qualified electrician in accordance with BS5839-1:2017, BS5839-6:2013, and LACORS guidance. The licence holder must supply to the Council, on demand, a declaration as to the condition and positioning of such alarms. Grade D type fire alarms (without control panels) can be checked and certified by the licence holder/manager. Licence holders will be responsible for undertaking their own checks at regular intervals.

4.2 All means of escape must be maintained in good order, and kept free from obstruction. This includes staircases, passageways, corridors, halls, lobbies, entrances, paths and yards (internal and external).

4.3 The integrity of all floors, walls, ceilings and doors must be maintained to give the necessary fire resistance required, in accordance with LACORS guidance

4.4 Fire resisting doors must be maintained, in accordance with LACORS guidance, with three 100mm steel hinges, and where appropriate smoke/heat activated seals and self-closing devices.

4.5 Emergency lighting (if applicable) must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified electrician in accordance with BS5266-1:2016 and LACORS guidance. Licence holders will be responsible for undertaking their own checks at regular intervals.

4.6 All fire-fighting equipment must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified service engineer in accordance with BS5306-3:2017. Licence holders will be responsible for undertaking their own checks at regular intervals.

4.7 All letting rooms or kitchens that contain cooking facilities must be provided with a suitable fire blanket which complies with BS 6575. The blanket(s) to be provided in a wall-mounted quick release container, which should be positioned at approximately 1.5m from floor level in an unobstructed location remote from any cooker.

4.8 Bedroom doors and other doors on means of escape routes which have locks must be thumb turn locks which do not require the use of a key from within.

4.9 The licence holder/manager must bring to the attention of residents at the beginning of their occupation, information regarding any fire precautions installed in the HMO and instructions for escape in the event of a fire, including instructions for operation and testing of fire alarms, emergency lighting and firefighting equipment. Instructions for panel systems must be displayed adjacent to the panel. A log book must be kept for recording faults, repairs and testing of fire alarm and emergency lighting.

4.10 The licence holder must keep furniture (supplied by them to the occupier) in a safe and reasonable condition and supply to the Council, on demand, a declaration as to the safety of such furniture, to confirm compliance with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

4.11 The licence holder must produce a written fire risk assessment and review at regular intervals. A copy must be made available to the Council on request.

4.12 Gas Installation and Appliances

Where a gas supply is installed, the licence holder must supply to the Council on demand a copy of a gas safety certificate obtained within the last 12 months and covering each appliance supplied by the landlord. The certificate must be issued by a member of Gas Safe Register who is competent to examine gas appliances. A copy of this certificate must be given to the occupiers and copies of certificates must be retained for 2 years.

4.13 Carbon Monoxide Alarms

A Carbon Monoxide alarm must be installed in any room used as living accommodation with a fixed combustion appliance other than a gas cooker. Alarms need to comply with BS50291 and positioned in accordance with manufacturer's instructions. Generally, they should be wall-mounted at head height approximately 1-3 metres from the combustion appliance.

4.14 Each Carbon monoxide alarm must be tested on the first day of any new tenancy to ensure they are in full working order and where following a report by a tenant or their nominated representative that an alarm is not in working order during the tenancy the alarm must be repaired or replaced.

4.15 Electrical Installation and Appliances

The licence holder must supply to the Council on demand, a copy of an Electrical Installation Condition Report (EICR) for the mains wiring installation, carried out by a competent electrician within the last 5 years in accordance with the

BS7671:2008 as amended. A copy of this must be made available for the occupiers.

4.16 The licence holder must undertake a full visual examination of the electric wiring installation and portable electric appliances at the end of the each occupier's tenancy period. Any defects identified must be suitably remedied by a competent person.

4.17 The licence holder must keep all electrical appliances (supplied by him to the occupier) in a safe condition, and supply to the Council on demand, a

PAT (portable appliance test) certificate issued by a competent person in accordance with the current IET Code of Practice. A copy to be made available for the occupiers. Frequency of testing must be in accordance with IET Code of Practice. The licence holder must retain receipts for appliances which are purchased as new and supply copies on request to the Council.

4.18 Portable electrical appliances left by previous occupiers will assume responsibility of the licence holder, and must be permanently removed or PAT tested.

4.19 Supply of Services

The licence holder must not unreasonably cause or permit the supply of gas, electricity, water, that is used by any occupier to be interrupted.

4.20 Security

The licence holder must ensure that external doors, ground floor/basement and other easily accessible windows are fitted with suitable security locks. Doors forming the final exit from a means of escape route must be fitted with locks that can be opened internally without the use of a key. Windows requiring restrictors due to low sill hazards, must be capable of being over-ridden, if specifically required as a means of escape. Occupiers must be provided with sufficient keys to operate all window locks.

4.21 Anti-Social Behaviour (ASB)

A written statement of the terms and conditions of the tenancy/licence agreement must be provided to all occupiers at the start of their occupation. The tenancy agreement/licence must include a clause about not causing nuisance and anti-social behaviour and include provisions for bringing the tenancy/licence to an end for anti-social behaviour, through the proper legal process.

4.22 Copies of tenancy/licence agreements must be made available to the Council, within seven days of the request.

4.23 On request, the licence holder/manager must demonstrate to the satisfaction of the Council that they have properly managed the property and have taken all reasonable and practicable steps when dealing with complaints of anti-social behaviour made against the occupants. Examples of action which should be taken by the licence holder include issuing warnings, both verbal and in writing and in the event that anti-social behaviour persists, the licence holder/manager must be prepared to take appropriate legal action to regain vacant possession as soon as possible.

Note: Anti-Social Behaviour, includes noise nuisance including the playing of loud music at any time of the day but particularly between 11.00pm and 8.00am. Anti-social behaviour also includes, but is not limited to, violence and criminal behaviour, domestic abuse, the supply and use of controlled drugs and intimidation or racial harassment. (A racist incident is any incident which is perceived to be racist by the victim or any other person).

4.24 Repair and Maintenance etc. of Common Parts, Fixtures, Fittings and Appliances

The licence holder/manager must ensure that all common parts of the HMO are:

- a) maintained in good and clean repair (including where appropriate decorative repair).
- b) maintained in a safe working condition, and
- c) kept clear from obstruction

In particular: -

- i. all handrails and banisters to be kept in good repair, additional handrails or banisters required for the safety of the occupiers must be provided.
- ii. stair coverings must be securely fixed and in good repair
- iii. all windows and other means of ventilation within the common parts must be kept in good repair
- iv. common parts must have adequate light fittings, and be maintained including replacing bulbs
- v. fixtures, fittings and appliances (including all sanitary ware and installations for cooking/storing food) which is in common use by 2 or more households must be maintained in good, safe repair and in clean working order (other than those which the tenant is entitled to remove/outside the control of the manager).
- vi. outbuildings, yards and forecourts must be in a clean safe condition and all gardens must be kept tidy.
- vii. boundary walls, fences, gates and railings must be maintained in a safe condition so as not to constitute a hazard to occupiers or visitors.

4.25 The property together with any associated external space and outbuildings must be regularly inspected by the licence holder/manager and any necessary works to frontage and external décor must be carried out within a reasonable timescale, having due regard to the severity of each defect.

4.26 Living Accommodation

The licence holder/manager must ensure that the living accommodation and furniture supplied to the occupier are in a clean condition at the beginning of a person's occupation.

4.27 The licence holder/manager must ensure that the internal structure, windows, other means of ventilation, fixtures, fittings, also appliances supplied to the occupier, are maintained in good repair and in clean working order. It is acknowledged that the occupier/s must act in a tenant-like manner and treat the property in accordance with the signed tenancy agreement/licence.

4.28 Water Supply and Drainage

The water supply and drainage system must be maintained in good order. Any tank, cistern, or similar receptacle for water storage must be kept in a good, clean working condition. The water supply must be potable, of sufficient pressure, and suitably protected from contamination. Water fittings and pipes liable to frost damage must be suitably protected.

4.29 Overcrowding and Privacy

Bedrooms, sitting rooms, and bed sitting rooms must be of an adequate floor area for the number of occupants in accordance with the following: -

Occupancy Type	Floor Area (m²)
Single bedroom (child under 10*)	4.64 (note 5)
Single bedroom (child 10+ /adult)	6.51
Single bedroom with cooking facility	10.0
Single bedsitting Room	10.0
Single bedsitting Room with cooking facility	13.0
Double bedroom	11.0 (note 7)
Double bedroom with cooking facility	15.0
Double bed sitting room	15.0
Double bed sitting room with cooking facility	20.0

Note 1: Where the ceiling height is less than 1.52m (5ft) e.g. in a converted attic room, the floor area with headroom less than 1.52m will be disregarded.

Note 2: Children under 12 months are discounted for the purposes of the space standards set out above.

Note 3: Communal sitting rooms will be expected to be minimum of floor area 1.9 sq.M.(20.5 sq. Ft) per person. There is no requirement for a separate dining area, however if the communal room is a combined kitchen/sitting or kitchen/dining room, consideration will be given to the proportion of practicable useable space. No communal room must be accessed through a bedroom.

Note 4: Where there is judged to be inadequate communal space for sitting/dining purposes, sleeping rooms will be regarded as **bedsitting rooms** and the appropriate space standards will be applied.

Note 5: Only when let together with a sleeping room of at least 6.51 m².

Note 6: Measurements will include all floor space including floor to ceiling fitted wardrobes/walk in cupboards and bays but will exclude chimney breasts.

Note 7: National minimum 10.22sq. m. WDC adopted standard is 11 sq. m.

This licence specifies an occupancy limit for each sleeping room in addition to a maximum occupancy for the HMO as a whole. It is an offence to exceed permitted bedroom occupancy levels and an offence to exceed maximum permitted occupancy as a whole for the HMO.

4.30 No persons over the age of ten (10) years, and of opposite sexes, must be allowed to share the same room, unless they are living as husband and wife, partners, or co-habiting.

4.31 The occupancy levels must not exceed the maximum stated in the licence, but the licence can be varied, with written approval (service of variation order) by the Council. The licence holder must apply before increasing the number of occupiers. Planning permission may also be required.

4.32 Reasonable sound and fire insulation must be afforded between bedrooms, also bedrooms and living rooms. Glazing and doors providing secondary access must be suitably insulated or replaced with fixed plastered studwork where appropriate.

4.33 Waste Storage & Disposal

The licence holder is responsible for providing a suitable location for the provision of refuse containers for the HMO.

4.34 The licence holder must provide suitable and sufficient waste containers for the storage of domestic waste and recyclable materials in accordance with the Council's requirements. This must include separate refuse containers for non-recyclable waste, recyclable waste and food waste.

4.35 The scale of provision of containers will be in accordance with the following table, and it will be the licence holder's duty to ensure containers are provided and maintained at their expense throughout the term of the licence, irrespective of any reasonable loss or damage which may arise.

No. of occupants	Refuse containers required	Recycling containers required	Food waste containers required
	3 weekly collections	2 weekly collections	1 weekly collections
1-3	1 x 180 litre grey bin	1 x 240 litre blue lidded bin	1 x 7 litre food caddy (internal use) and 1 x 23 litre food waste bin (external use)
4-5	2 x 180 litre grey bins (or equivalent)	2 x 240 litre blue lidded bins	1 x 7 litre food caddy (internal use) and 2 x 23 litre food waste bins (external use)
6-8	2 x 240 litre grey bins (or equivalent)	2 x 240 litre blue lidded bins	1 x 7 litre food caddy (internal use) and 2 x 23 litre food waste bins (external use)
9+	Allow 60 litres PP, please contact Contract Services to discuss appropriate type of bins	Allow 60 litres PP, please contact Contract Services to discuss appropriate type of bins	1 x 7 litre food caddy (internal use) and 2 x 23 litre food waste bins (external use)

4.36 Where the HMO is on a fortnightly refuse sack collection, it will be the HMO occupiers' responsibility to purchase sacks. Where external space permits, the licence holder must provide a suitable bin store in which to store sacks pending collection. Bin stores to be of sufficient capacity, capable of being readily cleaned and provided with close fitting lids.

4.37 In HMO's where external provision for storage of refuse is inadequate, the licence holder must ensure that satisfactory internal storage is provided, which does not compromise the 'means of escape' in the event of a fire.

4.38 Where garden waste is generated, the licence holder must make adequate arrangements for its collection and disposal, whether through the Council's chargeable garden waste service or otherwise.

4.39 Information setting out the arrangements for the storage and collection of waste and recycling must be clearly displayed in a conspicuous position within the property. This must include information regarding designated 'collection days'.

4.40 The licence holder must ensure that refuse and litter must not be allowed to accumulate within the curtilage of the HMO except where properly stored pending disposal and will be responsible for making regular and frequent checks to ensure that refuse and litter is properly managed. This to also include the return of bins from the public highway to the curtilage of the HMO after waste collection.

4.41 The licence holder must make such further arrangements for the final disposal of refuse and litter from the HMO as may be necessary, including in default of previous/existing occupants, having regard to any service for such collection provided by the Council.

4.42 Information for Occupiers

The licence holder/manager must ensure that their contact details, i.e.: - name, address, telephone number is conspicuously displayed in a common part, such as the hallway. The HMO licence must also be displayed in the hall or other communal area.

4.43 The licence holder must ensure that occupiers are given clear advice on what to do in the event of an emergency e.g. fire, and have access to contact details.

4.44 The licence holder must maintain comprehensive buildings insurance and property owners' liability insurance in accordance with any approved standards. They should also advise the tenants of their responsibility to insure their own possessions.

4.45 The licence holder must provide occupiers with a copy of any instruction manuals necessary to enable them to operate central heating boilers, cookers and gas fires.

4.46 Except in an emergency, the licence holder/manager must give the occupiers 24 hours written notice of their intention to enter the property. They may be required to demonstrate that they have reasonable cause to do so.

4.47 In HMOs where the rooms are let on individual tenancy agreements, landlords may access the common parts of the HMO (but not any living areas

within the HMO's including lounge, dining room, kitchen and bathroom) for legitimate purposes without giving notice to the tenants.

Note: Even for communal non-living areas it is good practice to still give 24 hours' notice, unless it is an emergency.

4.48 Training Courses

The licence holder/manager should, if so required by the Council, attend appropriate training course or demonstrate competence in relation to any applicable Code of Practice under Section 233 Housing Act 2004.

APPENDIX TWO

ADDITIONAL CASE STUDIES

Additional Case Study 1 – Leamington Clarendon ward

Officers were called to investigate a blocked WC at a 4-storey property which was found to be a 4-bedroom non-licensable HMO being managed by a professional letting agent.

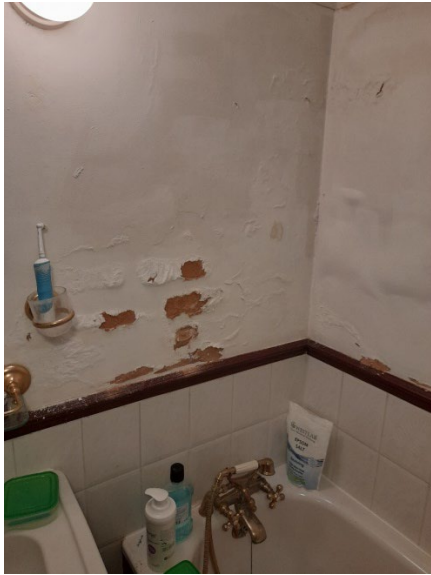
Inspection confirmed that a chronic drainage defect affecting the full height of the rear elevation had resulted in penetrating damp to rooms at basement, ground, first and second floor level.

None of the doors were fire resisting and the basement ceiling was lath & plaster construction with service penetration holes presenting a fire risk. The fire alarm system was found to be inadequate for the size of the property.

Officers worked with the letting agent to undertake a full schedule of works to bring the HMO up to an acceptable standard.



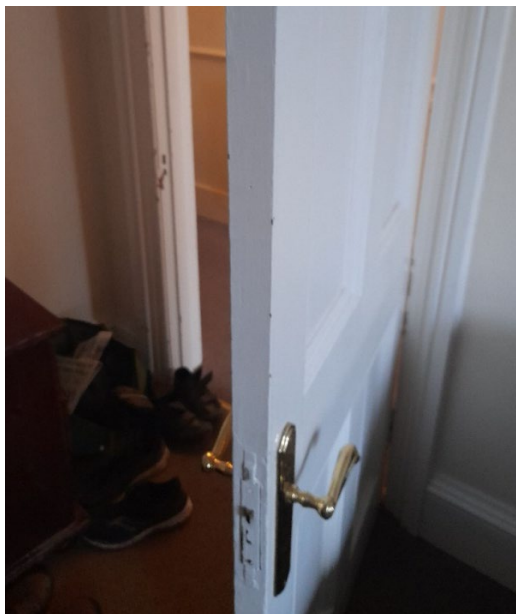
Penetrating damp from defective guttering



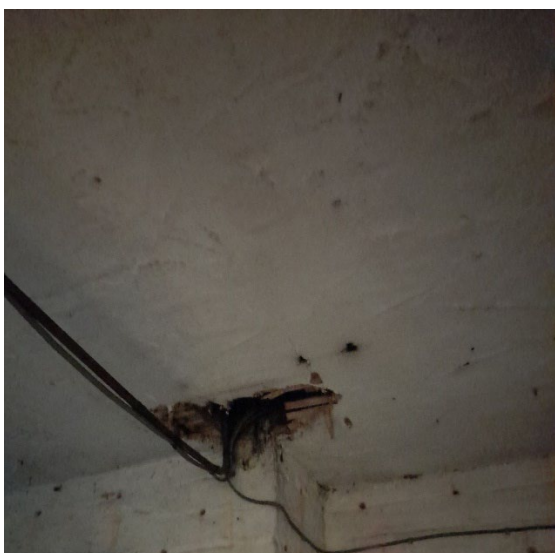
Penetrating damp to bathroom



Penetrating damp to bedroom



Non-fire rated panelled door



Service penetration hole in lath & plaster ceiling

Additional Case Study 2 – Warwick All Saints & Woodloes ward

An anonymous complaint of damp and disrepair prompted an inspection of a TWO-storey HMO located above commercial property.

Inspection identified a large accumulation of combustible material in the cellar, steep staircases lacking handrails and balustrades, poorly positioned cooker and unhygienic surfaces and a leaking shower causing penetrating damp. The landlord acknowledged the defects and brought in a contractor to deal with the issues promptly.



Accumulation of combustible material in cellar



Open sided staircase



Hazardous location of cooker



Damp penetration from leaking shower

Additional Case Study 3 – Leamington Clarendon ward

A fire safety complaint was received from one of the ex-tenants of bedsit-type accommodation above a hot food take-away.

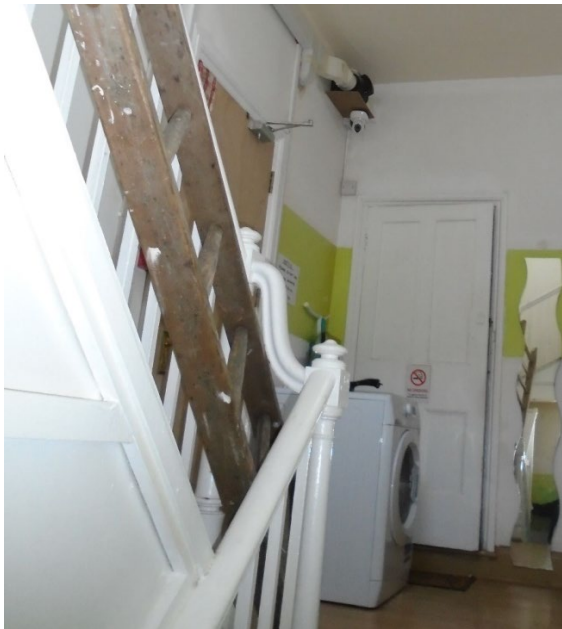
The property was found to contain four bedsitting rooms accessed off a lobby area shared with a take-away food business. The bedsits were of poor quality and contained antiquated cooking and washing facilities. Some of the central heating radiators were not operational.

There was a washing machine located on the escape route at first floor level which presented a fire risk and some fire doors required upgrading and repair.

Warwickshire Fire & Rescue Service has enforcement responsibility for the building and has secured improvements. At the same time the occupancy has reduced, and the property is no longer in multiple-occupation.



Poor quality furnishings



Washing machine located on escape route



Cramped kitchen facilities

Additional Case Study 4 – Leamington Clarendon ward

The Council Tax team received a tip off that rooms were being used for sleeping accommodation above a hot food take-away.

A joint inspection was undertaken with officers from Warwickshire Fire & Rescue. The upper floor was found to contain rooms being used as sleeping accommodation by members of staff. The bedrooms did not have sufficient means of escape in case of fire as they led directly into the commercial part of the building.

A Prohibition Order was issued, and the occupiers were removed from the upper floor level. The property is no longer an HMO.

References

1. Housing Act 1961
2. Housing Act 1964
3. Housing Act 1969
4. Housing Act 1980
5. Housing Act 1985
6. Housing Act 1996
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8. The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015
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11. The Management of Houses in Multiple Occupation (England) Regulations 2006
12. Warwick District Council, Housing Act 2004, HMO licence
13. Census 2011
14. Census 2021 phase 1
15. Warwick District Council's Enforcement Policy 2022
16. Local Authority Enforcement in the Private Rented Sector: headline report, DLUHC, June 2022
17. A Fairer Private Rented Sector, DLUHC, June 2022
18. Homelessness and Rough Sleeping Strategy 2021-26, WDC, 2021

The text of the Acts of Parliament and regulations set out above can be accessed via [the government website](#)

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