

**ARBORETUM, DUNKIRK AND LENTON AND RADFORD AND PARK AREA 4
COMMITTEE - 27 FEBRUARY 2013**

Title of paper:	CONSULTATION ON A PROPOSED SCHEME FOR THE ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMOs)	
Director(s)/ Corporate Director(s):	David Bishop, Corporate Director for Development	Wards affected: Berridge, Arboretum, Radford and Park, Dunkirk and Lenton
Report author(s) and contact details:	Graham de Max, Partnership and Policy Manager, Housing Strategy, Development Tel: 0115 8763538 Email: graham.demax@nottinghamcity.gov.uk	
Other colleagues who have provided input:	N/A	
Relevant Council Plan Strategic Priority: (you must mark X in the relevant boxes below)		
World Class Nottingham		
Work in Nottingham		
Safer Nottingham		X
Neighbourhood Nottingham		X
Family Nottingham		
Healthy Nottingham		
Leading Nottingham		
Summary of issues (including benefits to citizens/service users):		
<p>This report informs the Area Committee about the Council's proposals to consider a scheme of additional licensing in a defined part of the city. A proposed designation has been approved by the Executive Board and will be put out to public consultation. The proposed designation covers areas in each of the wards within Area 4.</p> <p>The Council believes that the additional licensing of HMOs, not already covered by the mandatory arrangements in the designated area, will lead to an improvement in the management of the types of properties concerned, improving standards and reducing problems for both the occupants of HMOs and residents living within their vicinity.</p>		
Recommendation(s):		
1	The Area Committee notes the proposal and encourages local citizens and businesses to participate in the consultation.	

1. BACKGROUND

- 1.1 At its meeting on 18 December 2012 the Executive Board of the City Council supported a proposal to pursue a designation for a scheme of additional licensing of HMOs for a defined area. It further agreed to consult on the proposal in line with the guidance provided by the Department of Communities and Local Government, *Approval Steps for Additional and Selective Licensing Schemes in England*.
- 1.2 The results of the consultation are to be brought back to a future meeting of Executive Board to consider whether the proposed designation should ultimately be adopted.

1.3 The report which was submitted to Executive Board is provided in full at Appendix 1. The report gives a complete background to the legal basis for additional licensing, the evidence which the Council believes supports the need for a scheme, the details of the proposed designation, and the methodology for assembling the evidence upon which it was based.

2. REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

2.1 As part of the consultation process it is important to engage with local democratic structures, and to offer local councillors, residents and stakeholders the opportunity to fully understand the proposal and comment on it.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 None.

4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

4.1 None in terms of the recommendation of this report; the financial implications of the scheme are contained within the report to Executive Board.

5. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

5.1 None in terms of the recommendation of this report; the risk management implications of the scheme are contained within the report to Executive Board.

6. EQUALITY IMPACT ASSESSMENT

6.1 Yes – Equality Impact Assessment attached within main report

7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

7.1 None.

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

8.1 Approval Steps for Additional and Selective Licensing Schemes in England. (CLG, 2010)

8.2 Report to Executive Board, 18 December 2012 (attached as appendix).

EXECUTIVE BOARD – 18th December 2012

Subject:	Proposed Designation for an Additional Licensing Scheme for Houses in Multiple Occupation		
Corporate Director(s)/ Director(s):	David Bishop, Corporate Director of Development		
Portfolio Holder(s):	Cllr Dave Liversidge, Portfolio Holder for Housing, Adults and Community Sector		
Report author and contact details:	Graham De Max, Partnerships Manager, Housing Strategy graham.demax@nottinghamcity.gov.uk 0115 8763538		
Key Decision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Reasons: Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings <input type="checkbox"/> of £1,000,000 or more taking account of the overall impact of the decision			Revenue <input type="checkbox"/> Capital <input type="checkbox"/>
Significant in terms of its effects on communities living or working in an area consisting of two or more wards in the City			<input checked="" type="checkbox"/> Yes No <input type="checkbox"/>
Relevant Council Plan Strategic Priority:		Wards affected:	
World Class Nottingham	<input type="checkbox"/>	Arboretum, Berridge, Bridge, Dales, Dunkirk and Lenton, Mapperley, Radford and Park, Sherwood, St. Ann's, Wollaton East and Lenton Abbey	
Work in Nottingham	<input type="checkbox"/>		
Safer Nottingham	<input checked="" type="checkbox"/>		
Neighbourhood Nottingham	<input checked="" type="checkbox"/>	Date of consultation with Portfolio Holder(s):	
Family Nottingham	<input type="checkbox"/>	26 November 2012	
Healthy Nottingham	<input checked="" type="checkbox"/>		
Leading Nottingham	<input type="checkbox"/>		
Summary of issues (including benefits to citizens/service users):			
<p>This report informs Executive Board of the data collection and analysis work that has been completed to inform a decision to be made on a proposed designation for an additional licensing scheme for houses in multiple occupation (HMOs). Should the proposed designation be approved by the Board a public consultation will take place.</p> <p>Use of the additional licensing powers will provide the following benefits:</p> <ul style="list-style-type: none"> • an opportunity to effectively influence higher standards of HMO accommodation and to ensure effective management through more extensive control; and • lead to higher levels of customer satisfaction with private rented sector accommodation within the City. <p>The report outlines the outcomes of an evidence gathering project surrounding the need for additional licensing within the City, and presents a proposed designation for consideration.</p>			
Recommendation(s):			
1 Councillors confirm that at this stage they propose to pursue a scheme of additional licensing as outlined in the report.			

2 That the draft designation contained in Appendix 1 be approved for consultation in accordance with the Communities and Local Government (CLG) guidance document *Approval steps for additional and selective licensing designations in England*.

3 The results of the consultation be brought back to a future meeting of the Executive Board to consider whether the proposed designation should ultimately be adopted

1 BACKGROUND

1.1 Currently mandatory HMO licensing, under the terms of part 2 of the Housing Act 2004, only applies to properties of three storeys or more with five or more occupiers occupying as two or more households. Councils may set up discretionary licensing schemes (either additional or selective licensing) for other types of HMO where certain legislative criteria are met (see below). Essentially, additional licensing schemes allow for a licence to be required for HMOs not covered by mandatory licensing; selective licensing is focused on areas of low demand housing suffering from decline.

1.2 The Executive Board meeting in May 2010 agreed the following recommendation:

“That work on the potential use of additional licensing powers for houses in multiple occupation under the Housing Act 2004, to determine whether it is necessary and appropriate to implement a scheme of additional licensing for all or parts of Nottingham, be carried out”.

1.3 Evidence gathering work has been carried out to establish if there are grounds for implementing a scheme of additional licensing in Nottingham and if so where. The evidence that has been gathered, which it is felt would justify the designation of an area for additional licensing, is shown on the map in Appendix 1. If an additional licensing scheme is ultimately adopted it is proposed that it should apply to all HMOs which are not covered by mandatory licensing subject to the exclusion of certain properties excluded by legislation and as mentioned in paragraph 1.4 below.

1.4 The CLG guidance document '*Approval steps for additional and selective licensing designations in England*' states that before making an additional HMO licensing designation for a particular type of HMO, or for a particular area, a local authority must:

- consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public;
- have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question. In Nottingham there are a number of premises which comply with the Codes, covering larger purpose built and converted student accommodation administered by ANUK. These are being complied with, and it is therefore felt unnecessary to include such properties in an additional licensing scheme. It is proposed therefore that in the event of a scheme of additional licensing being ultimately approved these properties would be excluded from the requirement to obtain a licence.
- consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question;

- consider that making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well);
- consult persons likely to be affected by the designation;
- ensure that the exercise of the power is consistent with their overall housing strategy; and
- seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others.

1.5 An evidence base to inform a designation was gathered using complaints data from the Environmental Health 'Flare' database and also from police records.

The area that has been chosen as a proposed designation to consult upon has been arrived at through analysis of complaints concerning:

- Bins on the street;
- Noise complaints;
- Housing disrepair and overcrowding;
- Refuse accumulations; and
- Land/buildings detrimental to the amenity.

Information has been gathered using the following data sources:

- Output areas (OA);
- All non-mandatory licensed HMOs;
- Non-mandatory licensed HMOs with one or more complaints 2008 – 2012;
- % of non-mandatory HMOs with one or more complaints against them;
- Types of HMOs with one or more complaints;
- Total HMOs in OA;
- Total properties in OA;
- Mandatory licensed HMOs; and
- Input from ward councillors.

1.6 To comply with the Housing Act 2004 and the CLG guidance, (both of which require that a *significant proportion* of the HMOs of the proposed description in the area are being managed sufficiently ineffectively,) the proposed designated areas are based around output areas containing at least 10 or more non-mandatory licensable HMOs where 20% or more of those HMOs have received at least one relevant complaint between 1st January 2008 – 1st October 2012.

Defining the designation based solely on historical complaints data could potentially omit adjoining areas which contain a large proportion of HMOs which are likely to give rise to similar problems from the scheme. This could result in a very anomalous designation from a public perception. The proposed designation for consultation is therefore further defined to include such areas and by reference to natural or physical boundaries, (such as arterial roads,) to arrive at a coherent, precisely definable basis for the designation. Officers are satisfied that the area included contains a significant proportion of the type of properties that cause or are likely to cause the problems set out in the CLG guidance due to ineffective management.

Based on this evidence the proposed designation is shown in Appendix 1.

1.7 The Council has operated a range of schemes and initiatives to improve property conditions and management of HMO properties for a number of years including:

- Good Landlord Scheme.
- HMO registration (a pre-cursor to HMO licensing).
- Student accreditation scheme (which developed into the accreditation service provided by UNIPOL. The East Midlands Landlord Accreditation Scheme (EMLAS) also works across the private rented sector to deliver landlord accreditation in the City.
- Established teams to deal with increasing issues around anti-social behaviour and environmental crime.
- Developed the Community Protection service, a joint service between NCC and Nottinghamshire Police. The service works in neighbourhoods across the city, dealing pro-actively and reactively with ASB, and engaging with communities on a local level.
- Creation of HMO Action zones in three areas with high concentrations of HMOs (Sneinton, Lenton and the Arboretum) dealing with mandatory HMO licensing, improving the external appearance of the area and housing conditions.
- Targeted work in Sneinton utilising Migrant Impact Fund (MIF) monies to improve housing conditions and access to relevant information, services and facilities for migrant workers in the area.
- Engaging and working with landlords and managing agents through an annual landlord's conference and bi-monthly Landlord Liaison Panel (LLP).
- Bond Scheme to encourage landlords to work with NCC's Housing Aid team to provide much needed accommodation.
- Appointment of Student Strategy Manager in 2005. This has led to more co-ordinated work across partner organisations in the city.

These initiatives and work with other partners has ensured on-going engagement with landlords and two-way communication between landlords and NCC continues to be maintained.

1.8 As detailed above a wide range of work with partner organisations has been undertaken. However, there are still problems with some landlords and properties which the Council believes can be addressed using additional licensing powers alongside existing initiatives and legislative provisions.

Driving up quality standards

One of the key strategic housing objectives of the City Council is to continue to improve the quality of PRS properties. Many properties provide decent accommodation and are well managed by landlords, but with regard to those that are not we believe that additional licensing could be a vital tool in driving up standards and tackling rogue landlords.

The City's Housing and Homelessness strategies

The proposed use of additional licensing powers will complement objectives set out in the city's housing strategy, *The Housing Nottingham Plan*. Within the strategy, direct reference is made to the use of powers where appropriate to help drive up standards in HMO accommodation and across the private rented sector in general. In addition, the City Council's 2008-13 Homelessness Strategy mentions the importance of using decent and affordable accommodation to address homelessness. Licensing is an

important tool in driving up standards in accommodation that can be used to help prevent homelessness.

Empty properties

When empty properties are brought back into use the Council would be able to use additional licensing as a useful tool along side other measures to ensure decent, well managed accommodation.

Regeneration

Interventions through additional licensing could assist in regenerating communities and neighbourhoods through improved management of properties by licence holders.

Anti-social behaviour

The Council works to reduce anti-social behaviour (ASB) across the City. Additional licensing is an additional tool that can be utilised to ensure landlords manage their properties and tenants in an appropriate manner. Where required colleagues in Community Protection would be able to identify and provide evidence of licence holders that are failing to comply with the HMO licence conditions.

Other aspects of the proposed scheme

- 1.9 Additional licensing designations can only be made for up to a maximum of 5 years and there is a statutory duty to review the designation scheme from time to time. At this stage it is proposed that this designation would run for a 5 year period to enable its implementation and effect to sufficiently stabilise to enable it to be effectively monitored and reviewed.

The existing standard licence conditions for mandatory licensing are detailed in Appendix 2. It is proposed that the same or similar conditions will be introduced in relation to additional licensing should the designation ultimately be approved. The proposed consultation will include information on fees and conditions, but advice will be given that the fee and conditions are both under review and may change.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The proposed designated area has been chosen as evidence has been gathered in accordance with the CLG guidance, which suggests that additional licensing of HMOs could be appropriate.
- 2.2 Ward councillors have been consulted on the proposed designation.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

Before adopting a scheme of additional licensing, local authorities are required to consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question. Although a number of initiatives have been put into place, for example, the Unipol/DASH Code (accreditation) and HMO Action Zones (Sneinton, Lenton and the Arboretum) none of these have provided an ultimate solution to stem HMO complaints, either individually or collectively. At this stage it is felt that the adoption of an additional scheme of licensing is necessary as it would ensure that HMOs are periodically inspected to ensure they meet all relevant standards and that their landlords demonstrate they are a 'fit and proper' person to provide accommodation. It is anticipated that this would result in a raising of HMO management standards.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

- 4.1 Budgetary provision of £60,000 was made within the previous report to Executive Board report to carry out the data collection and analysis and the consultation. This budget has been carried forward to enable the work to be carried out now.
- 4.2 Following consultation, if a decision is made that additional licensing is implemented additional resources will be required to establish and deliver this function. This will include costs for set up, marketing and communication and the staff resource for delivery. The licensing fee received would cover some staff costs but not all.
- 4.3 A full cost and resource assessment on the implementation of additional licensing is being undertaken and will be available in advance of the decision by Councillors on whether additional licensing is to be taken forward. This will be the subject of a further report to Executive Board when the results of the consultation are known.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

- 5.1 In order for the Board to ultimately approve a scheme of additional licensing Councillors must be satisfied of the matters outlined in paragraph 1.4 of the report. In particular section 56(2) of the Housing Act 2004 states:

“The authority must consider that a significant proportion of the HMOs of [the relevant] description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.”

- 5.2 The adoption of an additional licensing scheme could be a contentious matter and a similar proposal 2-3 years ago was challenged at an early stage by landlords who employed specialist lawyers. These proposals are likely to be the subject of close scrutiny and may carry a risk of challenge if ultimately adopted. If there is a successful challenge it could have significant financial and reputational consequences.
- 5.3 Councillors should satisfy themselves that the statutory tests outlined in paragraph 1.4 of the main report are met and that they are satisfied with the evidential basis of the Corporate Director's recommendations before proceeding to consultation. Any suggested amendments to the designated areas would need to be evidence based and justifiable in order to withstand potential legal challenge.

6 EQUALITY IMPACT ASSESSMENT (EIA)

6.1

- (a) not needed (report does not contain proposals for new or changing policies, services or functions, financial decisions or decisions about implementation of policies development outside the Council
- (b) No
- (c) Yes – Equality Impact Assessment

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

Complaints data from Flare database and police records (Sneinton area) – held electronically.

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- *Approval steps for additional and selective licensing designations in England.* (Communities and Local Government, 2010)
- The Housing Nottingham Plan: The three year plan of the Nottingham Housing Strategic Partnership 2013 -2015
- Homelessness Prevention Strategy for Nottingham City, 2008-2013

9 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

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Appendix 1

Nottingham City Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2013

Nottingham City Council in exercise of their powers under section 56 of the Housing Act 2004 ("the Act") hereby designates for additional licensing of Houses in Multiple Occupation ("HMOs") the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Nottingham City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2013.
2. This designation is made on [] and shall come into force on []
3. This designation shall cease to have effect on [**five years from the date the designation comes into force,**] or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the areas delineated and shaded pink on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to all HMOs within the area described in paragraph 4 unless -
 - (a) the building is of a description specified in Annex B (Buildings that are not HMOs for the purpose of the Act - other than Part 1)
 - (b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act
 - (c) the HMO is subject to a temporary exemption under section 62 of the Act;
 - (d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing) or
 - (e) the HMO is of a type which complies with an Approved Code of Practice granted approval by Communities and Local Government under the The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010 and which are administered by ANUK

EFFECT OF THE DESIGNATION

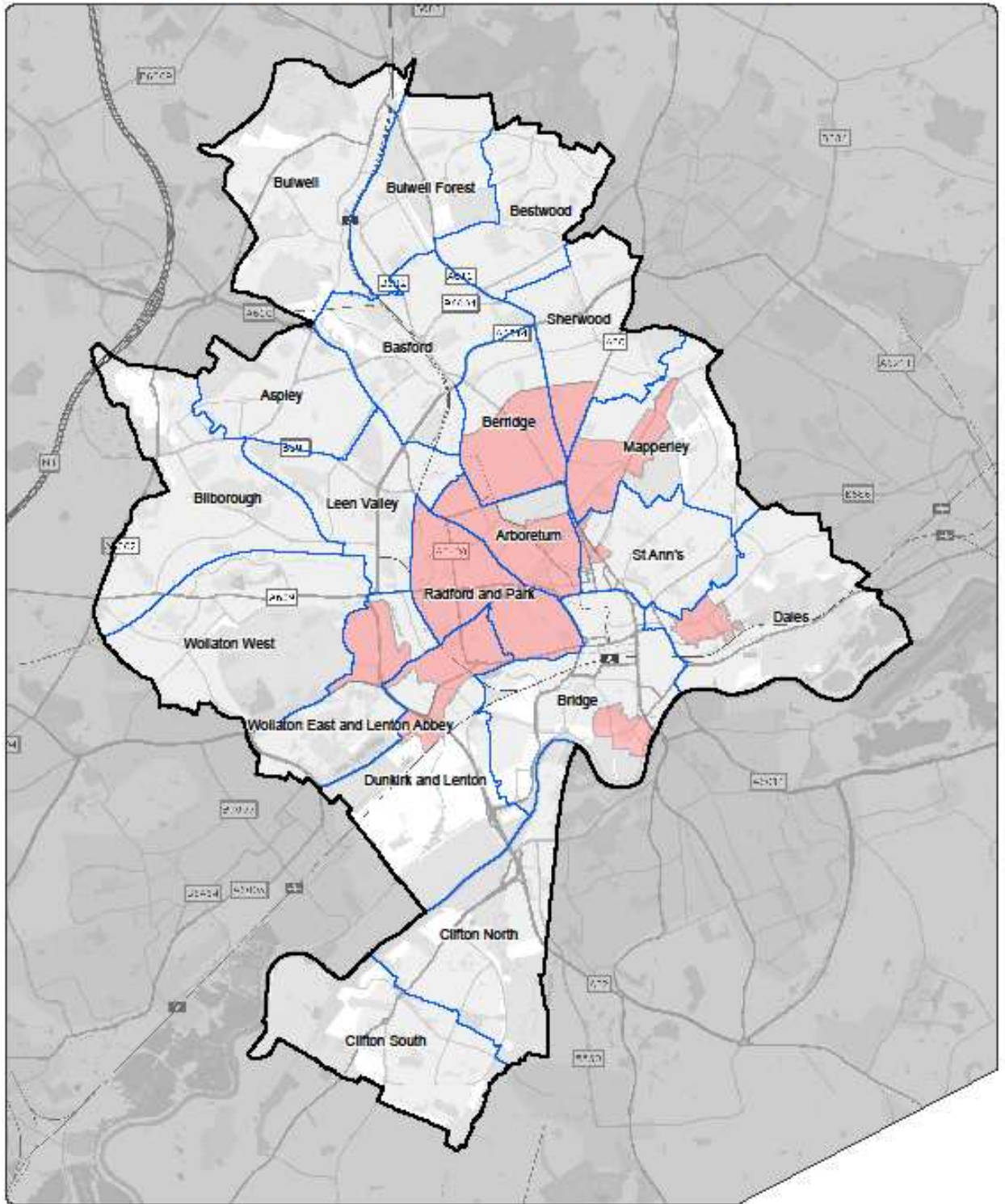
6. Subject to sub paragraphs 5(a) to (e) every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.
7. Nottingham City Council will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.

This Deed is given under the
Common Seal of NOTTINGHAM
CITY COUNCIL: }

Authorised Signatory

Date

Proposed Designation for Additional HMO Licensing



Key

-  Wards
-  Proposed Designation



Annex B – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act
Buildings controlled or managed by public bodies etc

1. A building where the person managing or having control of it is:

(a) a local housing authority

(b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

(c) a fire and rescue authority under the Fire and Rescue Services Act 2004

(d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990

(e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

(a) sections 87 to 87D of the Children Act 1989

(b) section 43 (4) of the Prison Act 1952

(c) section 34 of the Nationality, Immigration and Asylum Act 2002

(d) The Secure Training Centre Rules 19985

(e) The Prison Rules 19986

(f) The Young Offender Institute Rules 20007

Certain student lettings etc

5. A building –

(i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

(ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment and

(iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.

Religious communities

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

Buildings occupied by owners

7. A building which is only occupied by –

- (i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building
- (ii) and/or any member of the household¹⁸ of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by resident landlord etc

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons, not forming part of the owner's household.

Buildings occupied by two persons

9. Any building which is only occupied by two persons (forming two households)

Meaning of “building”

10. In this annex a “building” includes a part of a building.

Appendix 2

Licence conditions for licensable Houses in Multiple Occupation

A. Management Conditions

Gas safety

1. If gas is supplied to the house, the licence holder shall ensure that the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with.
2. In particular the licence holder shall ensure that an annual safety check is carried out by a Gas Safe registered engineer on each gas appliance/flue in the house.
3. The licence holder shall produce to the Council for its inspection, a gas safety certificate obtained within the last 12 months in respect of the house before [insert date] and annually thereafter for their inspection.

Safety of electrical appliances

4. The licence holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with.
5. The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times.
6. The licence holder shall ensure that all electrical appliances made available in the house by them are inspected visually for defects (e.g. frayed wiring, badly fitting plugs etc.) at the beginning of each occupancy, regularly thereafter and in any event every two years.
7. The licence holder shall ensure that earthed equipment (class 1) e.g. kettles and irons and the associated leads and plugs, made available by them are tested at the point of supply and at least every two years thereafter (more often if deemed necessary by a risk assessment undertaken by the licence holder). This test shall be undertaken by a person competent in the use of the testing equipment and who has the appropriate electrical knowledge and training (i.e. a competent electrician or competent other person in possession of a City and Guilds Certificate 2377).
8. The licence holder shall ensure that as soon as any electrical appliance is identified as being unsafe, it shall be removed from the house immediately.
9. The licence holder shall ensure that a record of visual inspections and tests is maintained.
10. The licence holder shall submit to the Council on demand the record of visual inspections and tests within 7 days of the Council's demand.
11. The licence holder shall supply to the Council on demand a declaration, as to the safety of electrical appliances, within 7 days of the Council's demand.

Furniture and Furnishings (Fire Safety)

12. The licence holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied by them, including chairs, sofas, children's furniture, beds, upholstered head boards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture are complied with.
13. The licence holder shall ensure that the furniture made available by them is kept in a safe condition at all times.
14. The licence holder shall supply to the Council on demand, a Declaration as to the safety of such furniture, within 7 days of the Council's demand.

Smoke Alarms / Fire Detection Systems

15. The licence holder shall ensure that at all times a suitable fire detection system designed in accordance with BS 5839-6:2004 (or any British Standard which subsequently replaces this) is installed in the house and is maintained in proper working order.
16. The licence holder shall ensure that the fire alarm system in the house is tested, inspected and serviced in accordance with BS 5839-1:2002 (for Grade A systems) or BS 5839-6:2004 (for all other grades of system), or any British Standards which subsequently replace these. In particular (where relevant) the following shall be carried out:

Grade A system

The system shall be inspected and serviced at periods not exceeding six months in accordance with the recommendations of Clause 45 of BS 5839-1:2002. Throughout the period of the licence and where relevant, inspection and servicing certificates in the format recommended by BS 5839-1:2002 (Annex G 6) shall be submitted to the Council within 14 days of its demand.

The above-mentioned checks shall be carried out by a competent person. A competent person in this respect includes NICEIC (National Inspection Council for Electrical Installation Contracting) enrolled contractors or ECA (Electrical Contractors Association) members who are familiar with all British Standards relating to automatic fire detection systems, regularly inspect fire detection systems, are qualified to inspect fire detection systems and whose work is subject to regular assessment.

Grade D system (mains wired interlinked smoke or heat alarms with battery backup)

Smoke alarms shall be cleaned periodically in accordance with supplier's instructions.

17. The licence holder shall supply to the Council on demand, a Declaration as to the condition and position of any smoke alarms /detectors in the property, within 7 days of the Council's demand.

Written Agreements

18. The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it.

19. The licence holder shall supply to the Council on demand a copy of the written statement, within 7 days of the Council's demand.

Management Regulations and Approved Codes of Practice

20. The licence holder shall comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 - or any Regulations which subsequently replace these - and any Approved Code of Practice issued under section 233 of the Housing Act 2004.

Safety of Electrical Installations

21. The licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order at all times.
22. The licence holder shall ensure that a periodic inspection of the electrical installation in the house is undertaken in accordance with BS 7671 (or any British Standard which subsequently replaces this) at intervals of no more than 5 years or lesser period if indicated on the previous periodic inspection report.
23. The licence holder shall supply to the Council on demand the latest periodic inspection report in the format recommended in Appendix 6 of BS 7671, within 7 days of the Council's demand.
24. The licence holder shall ensure that this report is issued by a competent person. A competent person in this respect includes NICEIC (National Inspection Council for Electrical Installation Contracting) enrolled contractors or ECA (Electrical Contractors Association) members who regularly inspect, and are qualified to inspect domestic electrical installation systems and whose work is subject to regular assessment.

General Public Health and Environmental Housing Standards etc

25. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
26. The licence holder shall ensure that gardens, yards, paths and drives are maintained such that their condition does not adversely affect the amenity of the neighbourhood. To that extent the licence holder shall ensure that gardens, yards paths and drives and other areas within the curtilage of the house are kept in a reasonably clean and tidy condition and free from rodent infestations at all times.
27. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the house. This shall include a closable bin(s) of suitable capacity as specified by the Council. Arrangements shall be immediately made for the proper collection and disposal of any rubbish additional to that within the dustbins and such rubbish shall where practicable be stored at the rear of and within the curtilage of the dwelling. The licence holder shall ensure that all refuse containers are returned within the curtilage of the property on the same day that they are emptied by the Council.

Landlord and Tenant Issues

28. The licence holder shall ensure that notification in writing is given to all occupants at the beginning of their occupancy of the arrangements in place to deal with emergency and other repairs.
29. The licence holder shall ensure that all relevant Landlord and Tenant legislation is complied with.
30. The licence holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behaviour by the occupants and all persons visiting the house.
31. The licence holder shall ensure that each occupier is made aware of any conditions imposed by the Council relating to the behaviour of occupants, and that compliance with any such conditions is made a condition of occupancy. Such conditions include those listed below.

Occupants shall:

- Not cause nuisance and annoyance to other occupants or to neighbouring residents.
 - Comply with arrangements made by the manager of the house for the storage and disposal of refuse.
 - Not use abusive or threatening behaviour.
32. Where reports, certificates, declarations or other documents are required to be produced or supplied to the Council, this shall mean sending by post or delivering by hand, a copy of the relevant report/certificate/ declaration to the Council's offices.

Equality Impact Assessment Form

Name and brief description of proposal / policy / service being assessed

The report informs Executive Board of the data collection and analysis work that has been completed to inform a decision to be made on a designation for an additional licensing scheme for houses in multiple occupation (HMOs). Should the designation be approved by the Board a public consultation will take place.

The use of the additional licensing powers will provide the following benefits:

- An opportunity to effectively influence higher standards of HMO accommodation and to ensure effective management through more extensive control; and
- Lead to higher levels of customer satisfaction with private rented sector accommodation within the city.

The report outlines the outcomes of an evidence gathering project, surrounding the need for additional licensing within the City and presents a proposed designation area for consideration.

Information used to analyse the effects on equality

There is no information that shows particular types of groups are represented in HMO properties.

	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This proposal is not deemed to have any adverse impacts on the groups identified. We do not have an evidence of groups in HMO's that would be adversely affected.</p> <p>It is a proposal that aims to improve housing management and reduce anti-social behaviour and will not target specific groups of the public.</p>	<p>There will be clear and concise communication about the proposal as part of the consultation exercise covering its remit and implication, aims and objectives.</p>
Men, women (including maternity/pregnancy impact), transgender people	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
People from different faith groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Older or younger people	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Other (e.g. marriage / civil Partnership, looked after children, cohesion/good relations, vulnerable children/ adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

Outcome(s) of equality impact assessment:

No major change needed Adjust the policy/proposal Adverse impact but continue Stop and remove the policy/proposal

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Arrangements for future monitoring of equality impact of this proposal / policy / service:

The Housing Strategic Partnership will monitor the equality impact of this strategy, with ongoing reporting provided by the Strategic Housing Service.

Approved by (manager signature):

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Date sent to equality team for publishing: Send document or link
to equalityanddiversityteam@nottinghamcity.gov.uk