

14. Review of Mandatory Houses in Multiple Occupation Licensing Scheme

The Private Housing Team Leader:

- a) Presented a report which reviewed the Council's scheme for the mandatory licensing of Houses in Multiple Occupation.
- b) Reported that new legislation came into force on 1 October 2018 which extended the criteria for the types of Houses in Multiple Occupation that would need a licence and imposed minimum room sizes and new mandatory conditions to be applied to all licences.
- c) Reported that the adoption of amenity and space standards for the district clarified the Council's expectations for the standard of shared housing in Lincoln, helping landlords to know what they needed to provide and supporting officers to respond to challenge.
- d) Reported that it was estimated that the number of Houses in Multiple Occupation requiring a licence as a result of the new requirements would increase from 300 to 900 properties.
- e) Presented the Council's revised Mandatory Licensing of Houses in Multiple Occupation as set out in Appendix A of the report, effective from 1 October 2018, and highlighted the following key changes:
 - a number of definitions within the licence had changed, which were clarified in appendices attached to the scheme;
 - a new Houses in Multiple Occupation online portal was in the process of being configured which would enable applications for licences to be submitted electronically. The scheme had therefore been amended to reflect this;
 - the licence fee had been updated to reflect changes to the Trusted Landlord Scheme;
 - the variation fee included in Appendix 5 would be removed from the scheme. This was in response to case law which had been published subsequent to the writing and publication of the report for this meeting;
 - in terms of renewals, legislation prescribed and restricted what documents the Council could require applicants to submit for an application to be valid. The revised scheme specified these requirements;
 - the revised scheme defined 'appropriate people' to hold a licence, in that they needed to prove that they had the necessary financial resources and had authority to act in respect of any property associated with the application;

- a number of amendments to Appendix 10 in relation to satisfactory management arrangements. This outlined what the Council expected of landlords, with high-profile prosecutions having already been executed regarding landlords, ensuring that the Council continued to be robust through its processes and ensuring that they were complied with. Evidence could also be collated electronically as part of the online portal to assist with this;
 - adopted standards had been incorporated into the scheme to reflect new minimum requirements, but this also included guidance from a discretionary perspective in addition to those that were mandatory. Lincoln had a large number of Houses in Multiple Occupancy so it was important to push standards, with these revisions set out in Appendices 11 and 12 relevant to all Houses in Multiple Occupancy in the city, which were consistent with neighbouring areas;
 - further clarity was provided in relation to fire safety and fire doors in particular;
 - further clarity was provided in respect of conditions associated with smoke alarms and carbon monoxide alarms;
 - further clarity was provided regarding the requirement of landlords to ensure compliance with the Council's waste disposal scheme, particularly in relation to bins being left on streets after they had been emptied which was consistently the subject of a number of complaints;
 - in terms of inspections, the same procedure under the Trusted Landlord Scheme would be followed. Where a landlord had already been accredited they would be passported without the need for an initial inspection, although they would still be inspected during the length of the licence. The system used to process applications had a risk assessment element associated with it which would indicate where inspections were required dependent on what was included as part of an application. Taking into account the estimated 900 properties that needed to be inspected upon being granted licences, this would assist in prioritising those initial inspections;
 - the inclusion of provision in Appendix 16 of the scheme to limit the length of a licence between one and three years for those landlords where problems had been experienced previously.
- f) Highlighted that the proposed new scheme not only implemented the legislative changes but also made best use of the Council's discretionary powers to set good standards of amenities and room sizes and use licence conditions to uphold good property management practices. This reflected the Council's Vision 2020 priorities to improve the standard of private sector housing in the city and tackle rogue landlords.

g) Invited members' questions and comments.

The Chair made reference to the Council's recent landmark £400,000 fine which he said would hopefully act as a significant deterrent to other rogue landlords in the city.

Members were pleased to see the introduction of minimum standards, particularly in relation to room sizes for bedrooms and communal living space such as kitchens.

In response to a question regarding the number of landlords currently signed up to the Trusted Landlord Scheme, it was noted that 20 landlords had signed up which equated to approximately 200 properties.

A comment was made that standards for fire doors should be applicable and adhered to in any case, outside of the requirements of a Houses in Multiple Occupancy licence. It was noted that landlords were unable to identify the requirements of fire door standards in layman's terms, so it was sometimes difficult to ensure that the necessary doors were put in place for properties they owned or managed. The revised scheme assisted with this and made it more clear as to what standards would be acceptable in respect of fire doors.

Discussion ensued in respect of portable electrical appliances and safety checks. It was noted that a declaration from the landlord stating that they were safe was sufficient and that they did not require an electrician's certificate. Fixed electrical wiring installations were required to be tested by a qualified electrician within a five year period. The Chair asked whether some investigatory work could take place to see whether there were more occurrences of fires at properties where portable electrical appliances had not had Portable Appliance Tests undertaken.

A member queried the term 'fit and proper' as outlined in the Scheme, which related to an applicant who may not be considered as appropriate to be granted with a licence should they have a history of certain criminal offences or sentences for example. This was defined in the legislation so the term 'fit and proper' needed to be reflected in the scheme. In the event that someone applied for a licence in their capacity as an agent on behalf of a property owner who had been judged not to be 'fit and proper', conditions could be put in place to specify that the property owner could not have any involvement in the management of that property as a House in Multiple Occupancy.

Members discussed the term of the licence, which could be up to five years, and the associated inspection programme for properties taking into account the estimated 900 properties that would now require a licence. A question was asked as to whether officers had any doubts as to the scheme and maintaining standards in view of this. The Team Leader confirmed that every property would be inspected during the term of its licence. Recommendations and conditions would be put in place following any inspection which would be followed up to ensure that the necessary actions had been taken. Initial inspections would be undertaken on a priority basis assessed on the content of applications, with other inspections programmed during the term of the licence. In addition, adhoc inspections would take place should complaints be received from tenants.

A question was raised regarding the five year term of the licence and whether this could be reduced to three years. It was noted that there would need to be justification to limit the term of a licence, especially given that there was a licence fee payable by applicants every time they applied. The Council in its consideration of the application need to ensure that it was being proportionate and reasonable.

RESOLVED that the proposed City of Lincoln scheme for Mandatory Licensing of Homes in Multiple Occupation be supported and recommended to the Executive for approval, subject to removal of reference to the variation fee from the scheme and Appendix 5.