

Additional HMO Licensing Consultation - Evidence Pack

We are consulting on a proposal to introduce a new borough-wide additional licensing scheme for Houses in Multiple Occupation (HMOs) –

The council recognises that HMOs are an important, much needed source of accommodation in our private rented sector. We want our HMO accommodation to be good quality, safe and well managed.

Whether you are a private tenant, landlord, managing or letting agent, local resident, or business, we want to hear from you.

Additional HMO Licensing Consultation Proposal 2025

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1. Executive Summary

The Council is consulting about proposals to designate a new borough wide additional HMO licensing scheme and seeks the views of tenants, landlords, letting and management agents, residents, and all other stakeholders in relation to our proposals.

The Council recognises that Houses in Multiple Occupation (HMOs) are an important source of affordable housing, but we find that they have a greater need for regulation. HMOs are found to be amongst the most difficult to manage properties in the sector and present specific challenges. In recognition of this Councils can introduce additional HMO licensing to improve the management and standards of HMOs in their borough.

Hounslow has a borough wide additional HMO licensing scheme in place since August 2020 and this will finish in July 2025. The proposed new scheme will cover all types of HMOs that are not covered by national mandatory HMO licensing. It is proposed that the new scheme will continue to cover the whole of the London borough of Hounslow and will last five years.

This consultation paper presents evidence to show that HMOs are dispersed across the whole borough. In all wards, HMOs have been identified to have serious housing hazards and a high proportion are also directly associated with persistent antisocial behaviour (ASB), such as noise, waste and other environmental ASB issues. It also sets out how an additional HMO licensing scheme aims to help combat these issues.

The consultation seeks your views about our preferred options and approach and also asks you to consider our proposed licence conditions and fees and the alternatives that could be considered.

If, after the consultation, a new HMO licensing scheme is still found to be the best option, this recommendation will need to be approved by the Council's cabinet. If approved, we anticipate that the new scheme will commence in or around August 2025 when the current scheme expires.

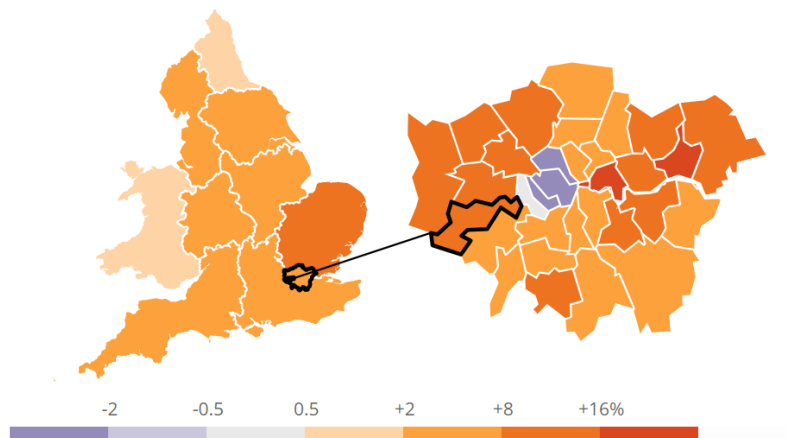
2. Census Data

2.1 Population and ethnicity of Hounslow

Between the last two censuses (held in 2011 and 2021), the population of Hounslow increased by 13.5%, from just under 254,000 in 2011 to around 288,200 in 2021. The population here increased by a greater percentage than the overall population of London (7.7%), and by a greater percentage than the overall population of England (up 6.6% since the 2011 Census). Hounslow is among the top 10% most densely populated English local authority areas at the last census.

Percentage population change, Hounslow and surrounding areas, 2011 Census to Census 2021

England ▲6.6% London ▲7.7% Hounslow ▲13.5%

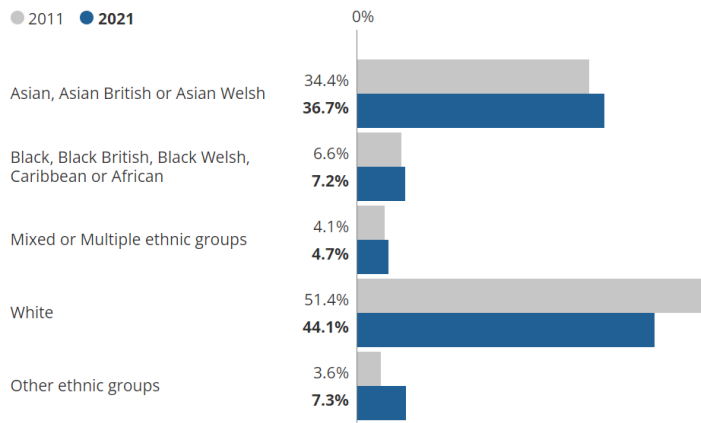


Source: Office for National Statistics – 2011 Census and Census 2021

Hounslow is an increasingly diverse borough. In 2021, 44.1% of people in Hounslow identified their ethnic group within the "White" category (compared with 51.4% in 2011). 36.7% identified their ethnic group within the "Asian" category (compared with 34.4% the previous decade). 7.2% identified their ethnic group within the "Black" category (compared with 6.6% the previous decade). Hounslow's annual net international migration rate of 2.51% is above the English average of 0.9%.

Percentage of usual residents by ethnic group, **Hounslow** ▾

● 2011 ● 2021



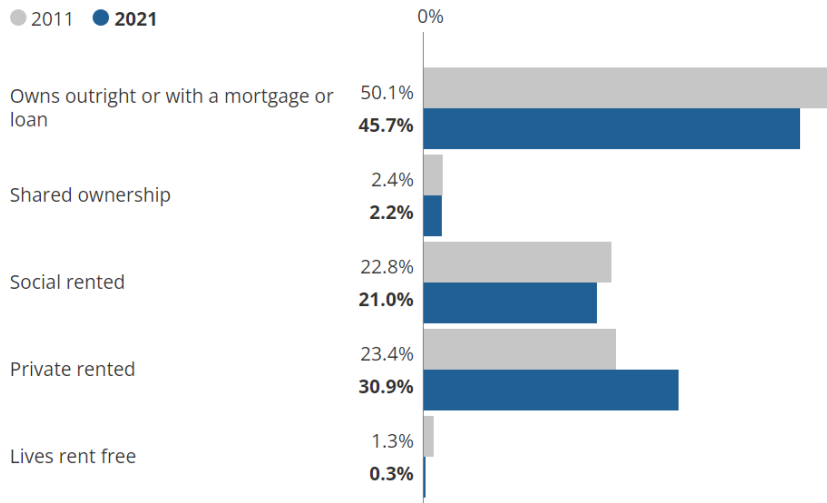
Source: Office for National Statistics – 2011 Census and Census 2021

2.2 Housing Tenure and Private Rented Sector (PRS) in Hounslow.

In Hounslow, the percentage of private renting increased from 23.4% in 2011 to 30.9% in 2021. (7.5 percentage points). During the same period, the percentage across London increased from 25.1% to 30% (4.9 percentage points). The rate of social renting in Hounslow fell from 22.8% to 21.0%, while the rate of home ownership decreased from 50.1% to 45.7%.

Private renting in Hounslow increased by 7.5 percentage points

Percentage of households by housing tenure, **Hounslow** ▾



Source: Office for National Statistics – 2011 Census and Census 2021

The Council's Strategic Housing Market Assessment Update (carried out by Opinion Research Services and published in October 2018) states that the number of multi-adult households in Hounslow increased from 7,591 in 2001 to 9,467 in 2011, an increase of 25 per cent.

It notes that the growth in multi-adult households was focused particularly in the private rented sector, with an increase in single persons choosing to live with friends together with others living in HMOs.

But it adds that shared facilities are a characteristic of HMOs and that many people living in this type of housing will only be able to afford shared accommodation, either with or without housing benefit support.

It states that there is likely therefore to be a continued (and possibly growing) role for HMOs, with more of the existing housing stock possibly being converted.

3. Review of Existing Scheme

3.1 Background and Description

The council introduced additional licensing on the 1st of August 2020 for a period of 5 years. The current scheme will expire on the 31st of July 2025.

Mandatory Licensing applies to all S254 HMOs with 5 or more persons. These are HMOs where amenities such as bathrooms and kitchens are shared and can be referred to as “shared HMOs”.

The Additional licensing scheme extends mandatory licensing requirements to

- All S254 HMOs occupied by 3 or more persons. The current scheme excludes Flats in Multiple Occupation (FMOs) in large purpose-built blocks of flats. The new scheme will consider removing this exclusion and extending additional licensing to all FMOs.
- All S257 HMOs where there is no sharing of amenities, and the units are self-contained flats or studios. The current scheme excludes S257 HMOs where not all the flats are rented or where they are not under the same ownership or control. The new scheme will consider removing these exclusions and extending additional Licensing to all S257 HMOs.

3.2 Applications

In the first 4 years of the scheme the council received 1882 licence applications of all types. Of these applications 779 (40%) are for HMOs that are covered by the additional licensing scheme. The table below shows the number of applications received and determined in the first 4 years of the scheme.

Licence Applications

Type of Licence	Applications Received	Applications Determined
Additional	759	391
Mandatory	1123	585
Total	1882	976

landlords are required to submit relevant safety inspection reports with their HMO licence application to show that the accommodation is safe and adequate management arrangements are in place. All applications are checked to ensure that these documents are provided and if any are missing, they are vigorously chased. Where landlords do not comply, the property is referred for inspection. Landlords are also sign posted to the council’s HMO standards to ensure compliance.

The council has achieved substantial improvements to both additional and mandatory properties through the implementation of HMO licensing requirements. However, it can also be seen that there are still many more properties that will require action and will benefit from the continuation of additional HMO licensing. We are also finding that the number of Additional applications received each year are not reducing. Last year we received 196 additional applications.

It is important that we continue with additional licensing as the evidence set out in section 4 below indicates that there are likely to be many more unlicensed additional HMOs and that housing conditions and management issues will need to be addressed by the council.

Last year the council implemented proposals to build additional capacity within the team. We plan to ensure appropriate enforcement capacity will be achieved and funded through the property licensing scheme and other enforcement fines and charges. Continuation of additional licensing will enable the council to maintain the necessary capacity and skills to implement the new scheme and carry out effective enforcement. The council will continue to respond reactively to tenants' complaints about housing conditions.

3.3 Benefits of Additional Licensing

The existing designation has allowed us to see the benefits of having borough-wide HMO licensing in Hounslow. Some of these benefits include, but are not limited to the following:

Additional licensed HMOs added to the Public Register

This has enabled us to develop a comprehensive database of private rented properties. The HMO public register can be accessed on the council's website by residents and businesses in the borough and also by other enforcement teams and partner agencies. This provides much needed information on the number, type and location of HMO property that exists within our borough.

This available information can expedite investigations and complaint resolution. This can also support partnership working and help bring about more successful outcomes.

During Covid the Public Health teams were able to use this data base to reach vulnerable households living in HMOs to provide advice around infection control and how to contact the council's community hub for assistance.

Inspection Programme

Licensing enables the council to develop a proactive approach to property inspections. Inspections carried out through the investigation of unlicensed HMOs and through the application process and compliance inspections identify deficiencies in property conditions and provides information on the stock condition within this sector.

This is particularly important given that HMOs provide accommodation to a sizeable economically active population of younger people and migrants that may be more vulnerable, transient and are less likely to contact the council about their housing conditions.

Compliance and Enforcement

Inclusion of additional HMOs to licensing provides a consistent approach for HMO landlords and tenants across the borough. Landlords will operate on a level playing field with one set of rules and standards applied across the piece.

The additional scheme will increase the scope of HMO's covered by the licensing standards and ensure that any landlord with a history of harassment, discrimination, or other illegal practices such as illegal evictions will not be permitted to hold a licence.

Tenants have greater awareness of their rights and licensing enables protection from illegal eviction. Overall, this can bring about stable, long-term tenancies to the benefit of both landlords and tenants (creating sustainable communities).

This will provide for well run and managed properties and raise the quality and safety of housing for most vulnerable equality groups including low-income tenants.

Properties standards are raised to improve the safety and welfare of tenants. Improved management practices and education of landlords and tenants helps to prevent and alleviate the effects of anti-social behaviour on the wider community. Enforcement powers are strengthened against landlords who persistently fail to comply with HMO standards and management requirements.

Whilst the 2020 scheme enabled the council to make progress with tackling housing standards and management practices in HMOs, we consider now, more than ever, to be the right time to continue with additional HMO licensing in Hounslow, especially considering:

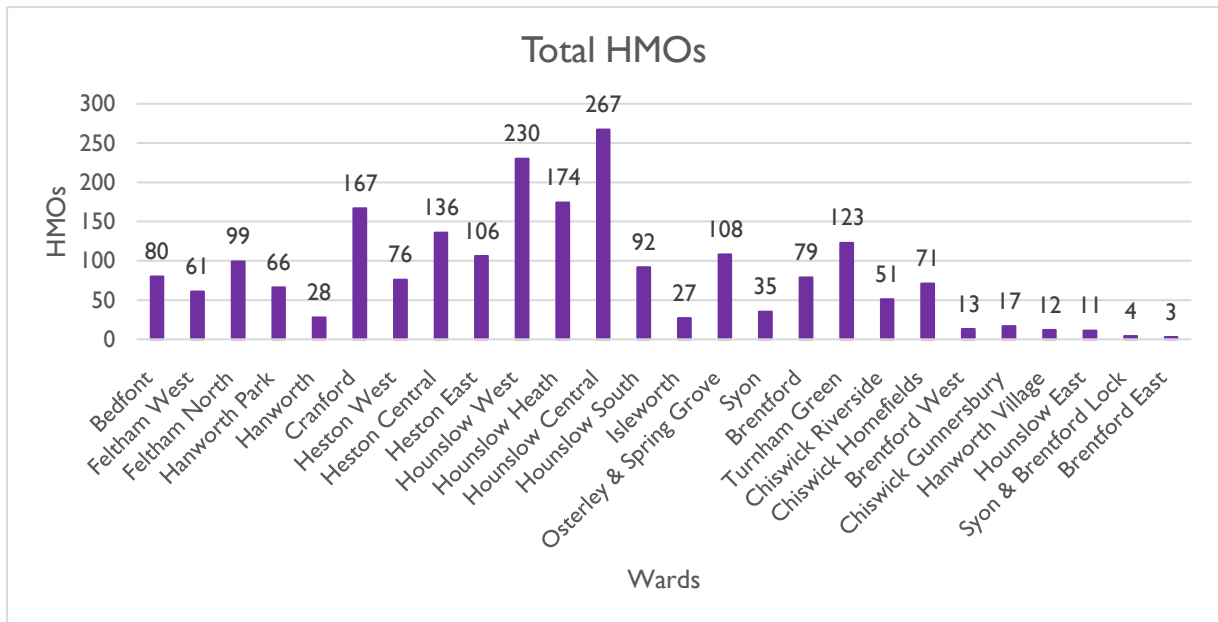
- the legacy of the Covid 19 Pandemic is still being managed,
- the current cost of living crisis is affecting so many of our households,
- HMO accommodation is such a much-needed source of accommodation,
- evidence suggests that a significant proportion of landlords are still non-compliant

4. Evidence to Support a New Additional Licensing Scheme

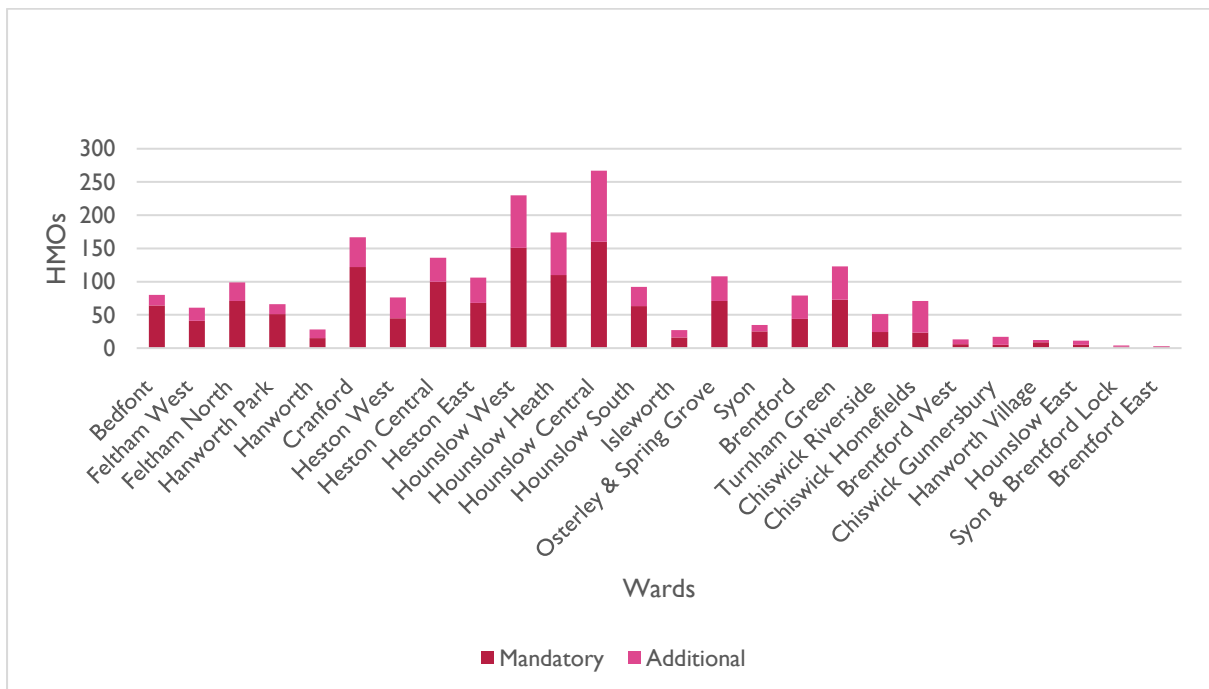
4.1 HMO Prevalence

The Council's HMO Licensing records of known HMOs show that Additional HMOs make up a substantial size of the of the overall HMO properties. In Hounslow we have around 2100 HMOs of all types which are either licensed or have applied for a licence. 37% of these are HMOs that are covered by the additional licensing scheme. The three charts below show the spread and numbers of known Licensed HMOs across the borough.

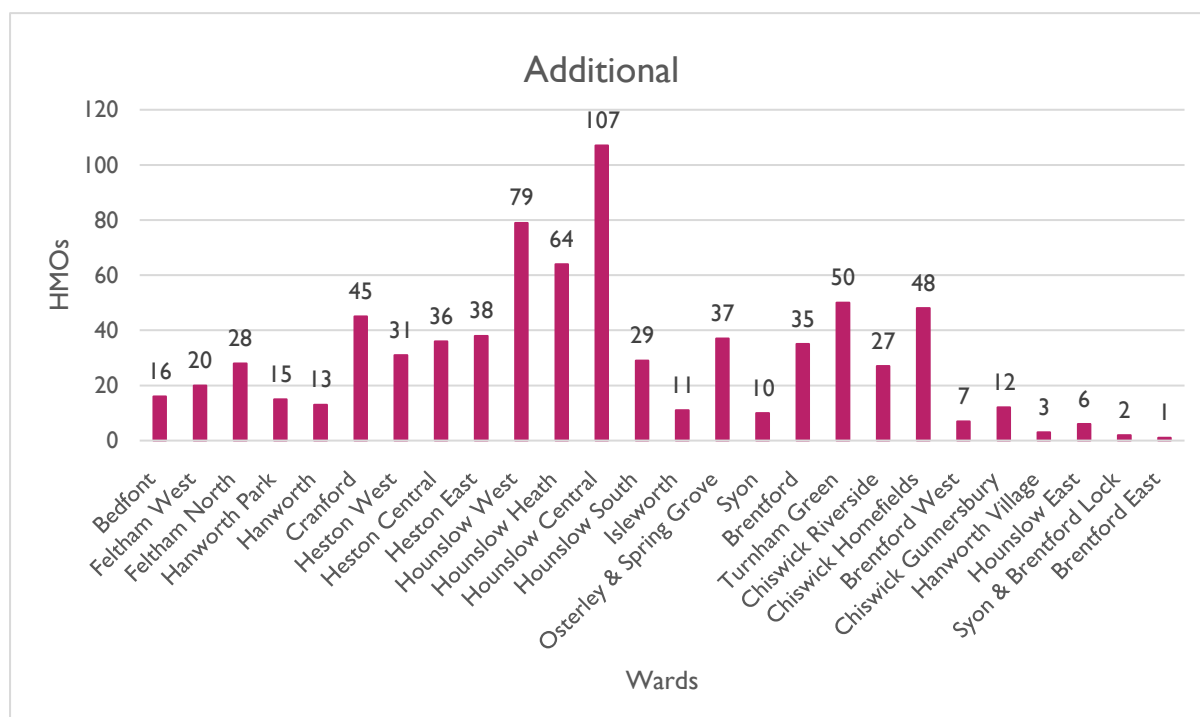
Total HMOs across all wards



Mandatory and Additional HMOs across all wards



Additional HMOs across all wards



It is important to note that in May 2022 there were changes to ward boundaries in the London Borough of Hounslow and the number of wards in the borough increased from 20 to 22. These changes meant that some ward names were changed, and some property addresses may fall within a different ward. Historical data recorded before this change has not been updated. This has led to discrepancies in reporting where some properties may have been left under old ward boundaries and names and the new ward boundaries and names will be under recorded.

The additional HMOs are distributed across all wards and areas in the borough. It can be seen that the wards with the greatest concentrations are Hounslow Central (107), Hounslow West (79) and Hounslow Heath (64). This is not unsurprising due to designation of historical additional licensing schemes.

In 2009 The council designated the five wards of Cranford, Feltham North, Hounslow Central, Hounslow West and Hounslow Heath wards to Additional Licensing for two storey shared HMOs with four or more persons. These wards were specifically targeted. However, in the time which has elapsed since, there has been evidence of a further increase in the number of HMO conversions across the whole borough.

It must be acknowledged at the outset that, as there is no register of all HMOs, it is not possible to set out precisely how many HMOs there are in the borough. Furthermore, due to the unregulated nature of unlicensed HMOs it is not possible to say how many of these are additional HMOs, or to say exactly how many HMOs there are in different parts of the borough. The figures presented are likely a significant under-estimation of the actual numbers of HMOs across the borough.

We have also found that due to the complexity of the definition of Additional S257 HMOs, it remains that many landlords are failing to apply. Many of these properties are identified through complaints from tenants about housing conditions or from residents about management issues that impact on them. A BRE stock modelling exercise carried out for Hounslow in 2014 estimated that there were 1092 converted buildings that could come under the definition of s257 HMOs. We anticipate that this number has very likely increased and there are many more unlicensed additional HMOs throughout the borough.

A striking statistic relating to property type is shown below. This shows that the 2021 Census found a smaller number of terraced properties than the 2011 Census. A reduction in the number of terraced properties happens in some areas due to the conversion of houses to flats and this appears to have happened in Hounslow because there was also a large growth in the number of flats.

Number of dwellings in Hounslow by property type 2011-2021 (source: UK census of population)

	Number of Households		2011-2021
	2011	2021	
Detached	4,450	5,022	572
Semi-detached	28,005	29,477	1,472
Terraced	21,868	21,123	-745
Flat or maisonette (purpose built or converted house)	38,764	45,921	7,157
Caravan or other (including flats in converted commercial buildings)	1,324	1,418	94
TOTAL	94,411	102,961	8,550

4.2 Property Inspections

Conditions in private rented accommodation are assessed under the Housing Health and Safety Rating System (HHSRS). This is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS assesses 29 categories of housing hazard. Each hazard has a weighting which will help determine whether the property is rated as having category 1 (serious) or category 2 (other).

Most HMOs are inspected before a licence is granted and where properties do not comply with the Council's standards or there are category 1 or 2 hazards present licence conditions are placed in respect of

- Limits on Occupancy levels
- Remediation of defective Housing standards
- Provision and maintenance of facilities (kitchen, bathroom, and toilets)
- Provision of Fire, electrical and gas safety certificates
- Property Management arrangement
- Tenancy Management arrangements
- Prevention and Management of ASB

Landlords are given the opportunity to bring their property up to required standards and officers provide advice and guidance and reinspect to check that compliance has been achieved.

Licences are generally granted for a period of up to 5 years. Licences can be granted for shorter periods where there are concerns about the landlord or management arrangements so that the Council can monitor these properties and the landlords more closely.

Hazards identified during inspections (2018-2023)

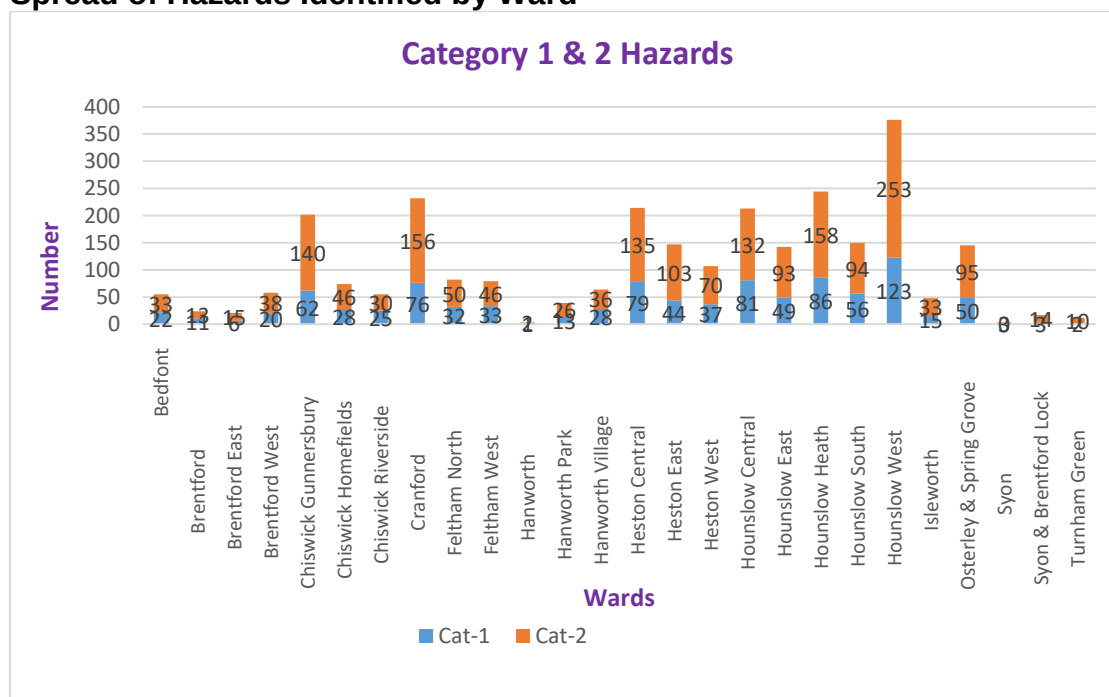
Over this period council records show that Hounslow officers inspected **1918** HMOs across the borough. Inspections can be categorised as either.

1. An inspection carried out as part of the HMO licence process, or
2. An inspection carried out where a complaint was received about an unlicensed HMO or poorly managed Licensed HMO. In these cases officers will not always have gained access to all parts of the accommodation.

Of all properties inspected 985 Category 1 hazards were found in 686 properties. This amounted to 36% of all inspected properties affected by a serious hazard. With each property having an average of 1.4 category 1 hazards.

A further 1830 Category 2 hazards were found across 999 of the total properties inspected. This amounted to 52% of all inspected properties affected by at least one category 2 hazard. With each property having an average of 1.8 category 2 hazards. the chart below shows that hazards found in HMOs are spread across most wards.

Spread of Hazards Identified by Ward



Over this period, we are unable to report on whether the hazards found are within mandatory or additional HMOs. However, we can report that 1252 of these inspections were carried out as part of the HMO licence application process and that 416 of these inspections were additional HMO (33%). We are unable to report on the number of additional HMOs inspected as a result of complaint investigations. However, from other statistics we can make a strong assumption that between 36 to 40 percent of these HMOs would have been additional. This shows that a significant number of additional HMOs identified are in such poor condition that it presents a risk of harm to the health or safety of its tenant(s).

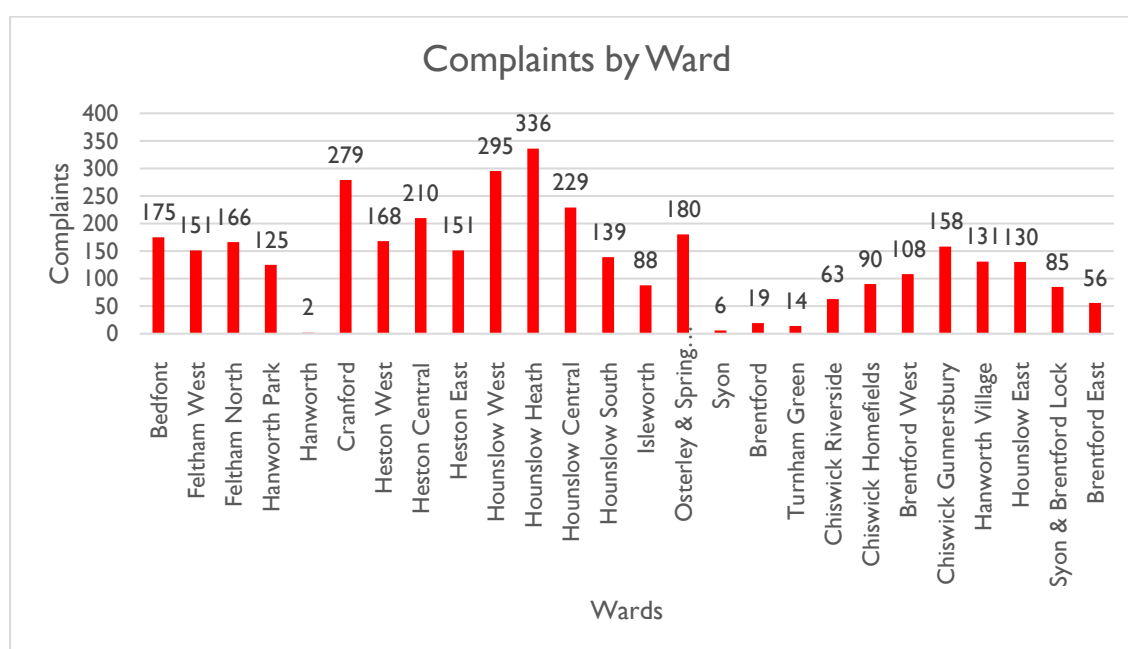
4.3 Housing Complaints

Complaints made to Hounslow Council regarding poor property condition and inadequate property management are a direct indicator of low quality, poorly managed HMOs.

Investigation of complaints found that poorly managed HMO accommodation can be a greater risk to tenants and can have a significant impact on the local community. The main hazards found are fire safety, damp and mould, excess cold, overcrowding and hygiene. It is often found that gas and electrical safety certificates are not available, tenants have not been issued with tenancy agreements and do not know how to contact their landlord to report disrepair.

Under HMO licensing requirements HMO managers are required to comply with licence conditions. These include standards to prevent overcrowding, repair obligations, Maintenance of external areas, fire precautions, electrical and gas safety, waste management and tenancy management. The chart below shows that complaints are spread across all wards in the borough.

Spread of Complaints by Ward



Number of Complaints

In line with the growth in the Private Rented Sector the team continues to receive an increasing number of reports on poor housing conditions and management of HMOs. The table below shows the number of complaints received by year over the last 5 years. Complaints are listed below under 3 categories.

1. Unlicensed HMOs – complaints received from residents and stakeholders in relation to poorly managed HMOs where an HMO licence has never been received.
2. Licensed HMOs - complaints received from residents and stakeholders in relation to poorly managed HMOs where a licence is in place, or an application has been submitted.
3. Housing Conditions – complaints received by tenants living in the property about housing conditions where the landlord has failed to take any action.

Number of Housing Standards Complaints – breakdown by year 2019-2024

Year	Unlicensed HMOs	Licensed HMOs	Housing Defects	Total per year
2023/24	349	159	311	819
2022/23	395	131	291	817
2021/22	296	140	272	708
2020/21	276	168	230	674
2019/20	254	124	201	579
Total	1570	722	1305	3597

Analysis of complaints show that complaints received by residents and stakeholders reporting issues arising from unlicensed and poorly managed Licensed HMOs are greater in number than tenants contacting us about housing conditions. The average number of complaints over the 5-year period is just over 700 reports per year. More recently over 800 complaints have been received. This is due to an increasing number of complaints from tenants about their housing conditions and is likely to be related to the cost-of-living crisis.

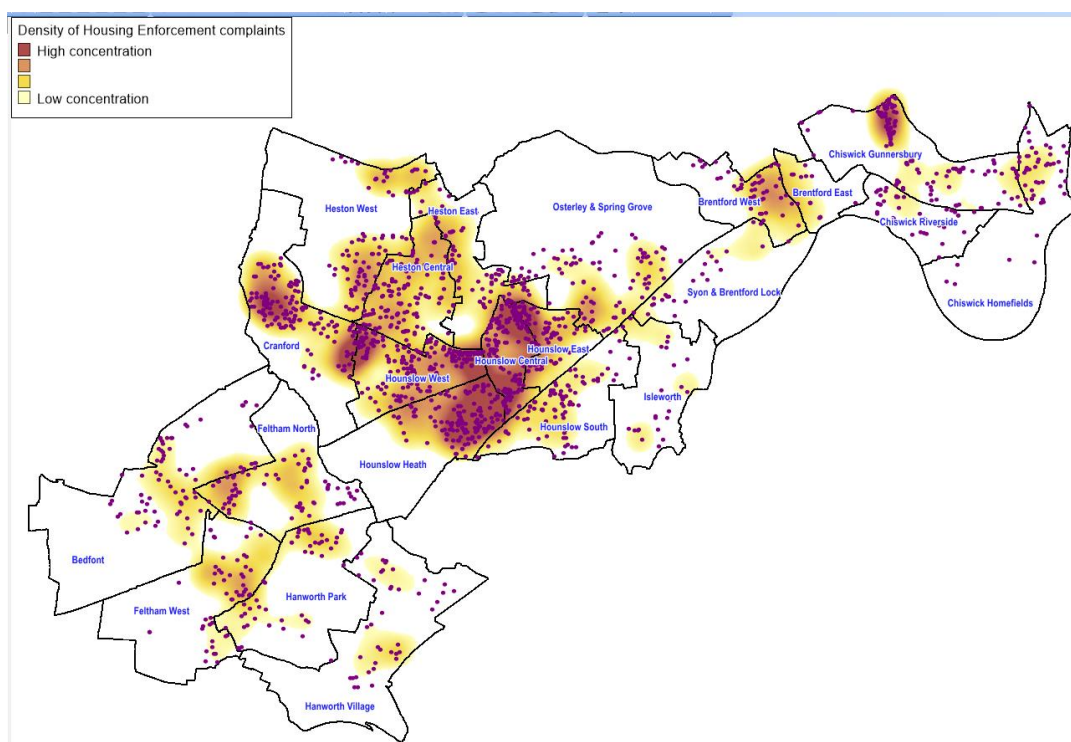
Resident's and stakeholder complaints about unlicensed HMOs and poorly managed licensed HMOs can be broken down into the following issues -

- Overcrowding and subletting
- Anti-Social Behaviour and noise
- Refuse accumulations and Fly-Tipping
- Waste Management
- Unkempt gardens and disrepair to external areas
- Parking
- Illegal conversions
- Unsafe conditions especially around fire safety
- Cuckooing and exploitation of vulnerable tenants

Many unlicensed HMOs are found from investigation of complaints. This can be shown by comparing the data on complaints and licensed HMOs. The map below shows where HMO licensed properties are located in the Borough (the purple dots on the map) and a hotspot or density map of the Housing Standards complaints overlaid on this map.

The darker patches on the map show that there is a higher concentration of complaints in a location and that the complaints are closely located to each other. It can be concluded that there seems to be a positive correlation with where HMO licences applications are received and where Housing Standards complaints are being reported.

Comparing the Data on Housing Complaints and Licensed HMOs.



4.4 Neighbourhood Enforcement Complaints

An exercise was undertaken to compare different types of Neighbourhood Enforcement ASB and statutory nuisance records over a 5-year period (2019 to 2024) with records of known HMO licensing properties. The neighbourhood Enforcement records are categorised as waste (rubbish, fly tipping, dirty front gardens, drainage issues); domestic noise and other ASB (general nuisance behaviour i.e. harassment, intimidation, pests/vermin).

The map below shows where known HMO licensed properties are located in the Borough (the little black dots on the map) and a hotspot or density map of the Neighbourhood Enforcement complaints overlaid on this map.

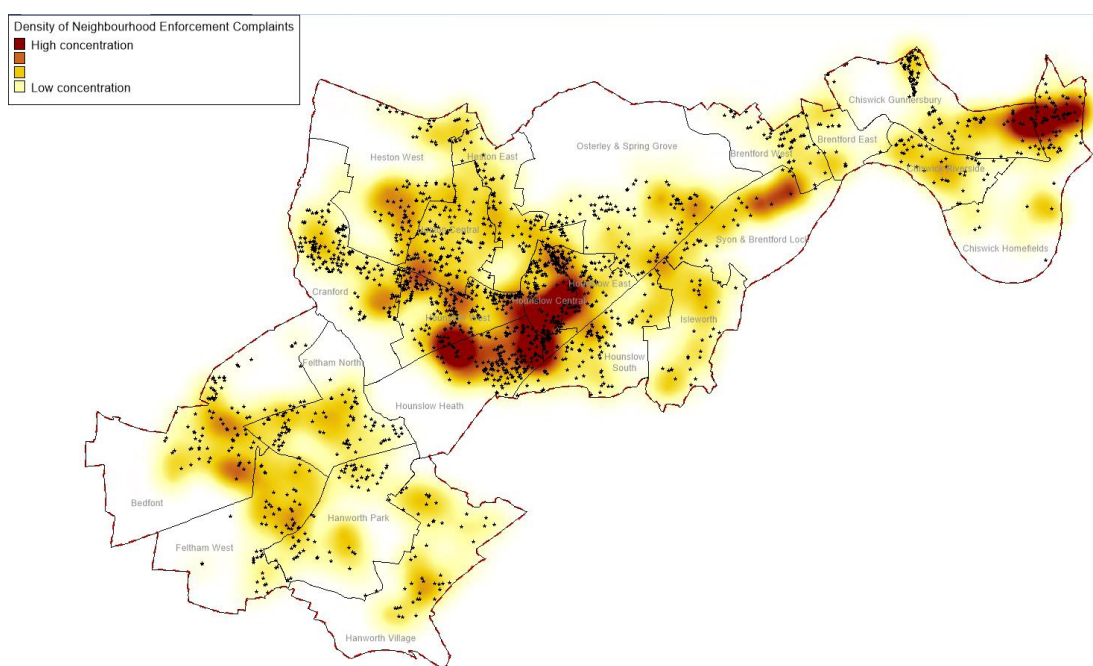
The density or hotspot map shows concentration of neighbourhood enforcement complaints. The darker red/brown shaded areas shows where there is a closer concentration of neighbourhood enforcement complaints in a given location.

We can see from the map that there seems to be some clear correlation between HMO licences and the concentration of housing enforcement complaints in the following Wards:

- Hounslow Central; Hounslow East; Hounslow West; Hounslow Heath
- Chiswick Gunnersbury; north of Chiswick Homefields

There are also pockets of positive correlation emerging in other parts of the Borough and these seem to be scattered all across the Borough.

Comparing the Data on Neighbourhood Enforcement Complaints and Licensed HMOs.



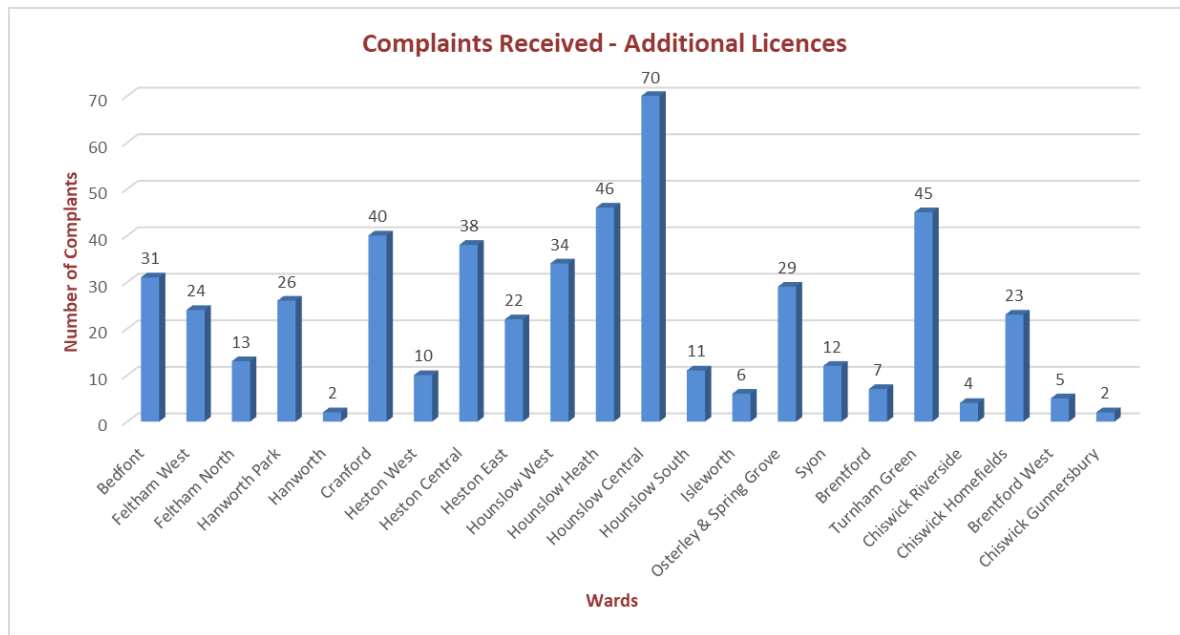
A spreadsheet was also produced to match known licensed HMO addresses to Neighbourhood Enforcement complaint addresses and to count the number of complaints for each address.

It is important to note that a number of issues were found with the data and their UPRN numbers. There were issues with 182 HMO records where either the UPRN was incorrect or missing. (113 of these addresses were additional HMOs) The neighbourhood enforcement incidents could not be matched directly to the HMO address and these HMOs addresses were discarded from this study. There were also just over 1000 neighbourhood enforcement records that had to be discarded due to UPRN enforcement anomalies.

It is also important to note that this exercise does not include unlicensed additional HMO addresses. The figures are likely a significant under-estimate of the actual numbers of additional HMOs associated with ASB across the borough.

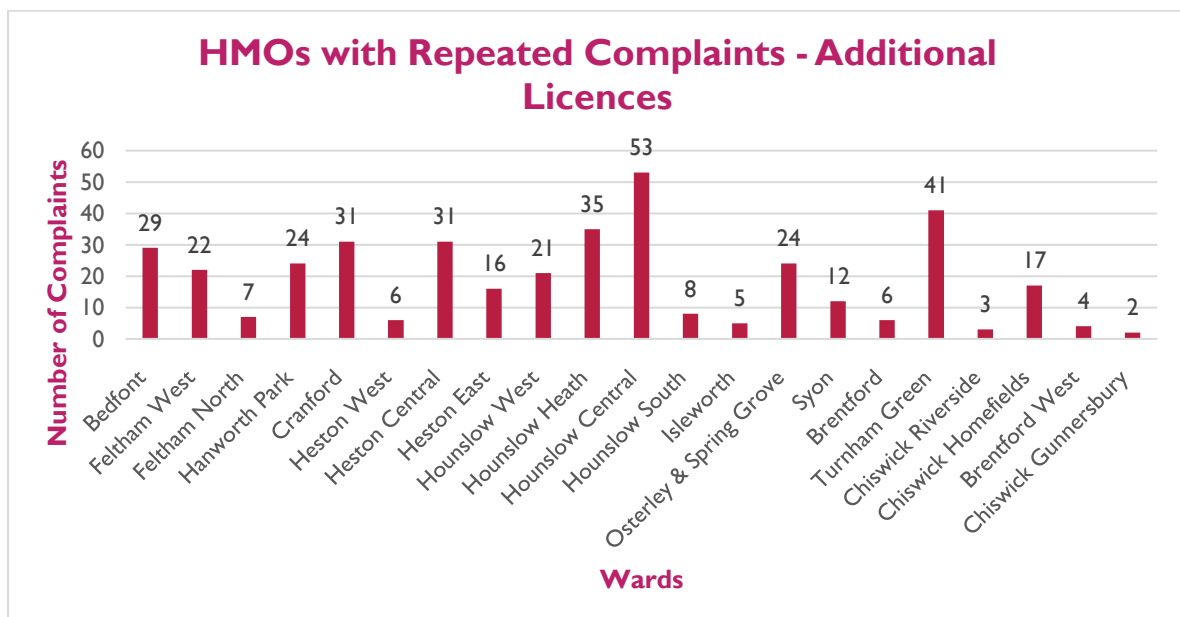
A total of 1548 incidents have been matched with all types of HMO properties. Additional HMOs accounted for 500 of those incidents. (32%)

Additional Licenses matched to Neighbourhood Enforcement Incidents by Ward



Repeat incidences of ASB in HMOs indicate that a landlord is failing to tackle or adequately address issues of antisocial behaviour as they arise and is a direct indicator of poor management. The chart below showing that repeat ASB in Additional licensed HMOs is evident across all wards in Hounslow.

Additional Licenses with Repeat Incidents



4.5 Overcrowding in Hounslow

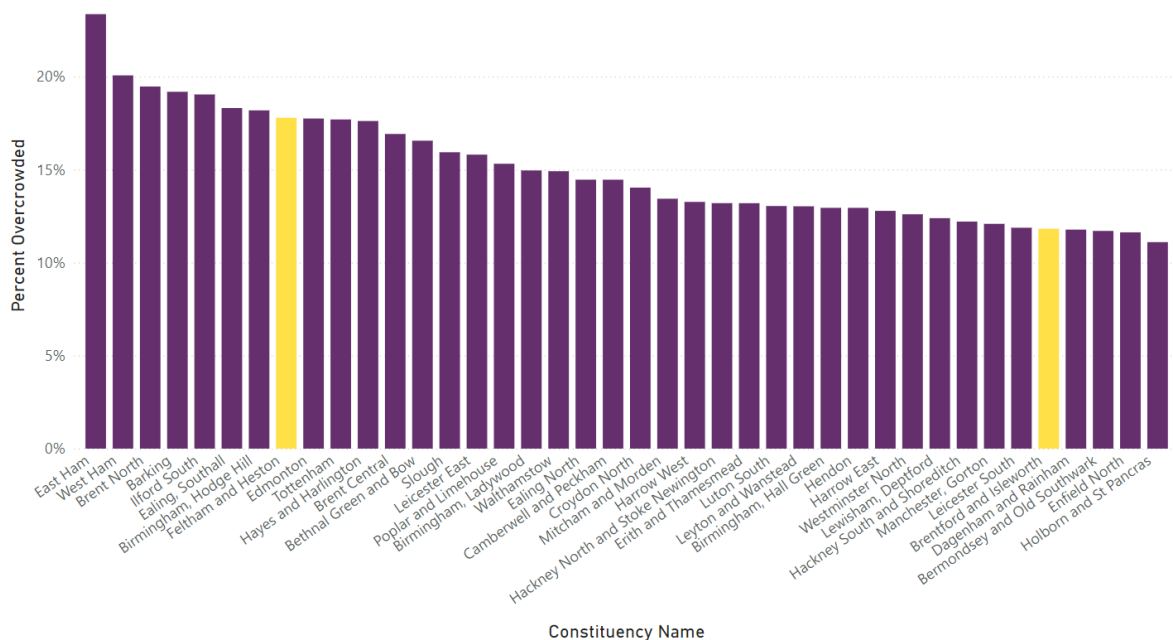
The 2021 census measures overcrowding using the 'bedroom standard', which compares the number of bedrooms a household has with the number it needs based on the ages and relationships of household members.

4% of households in England & Wales were overcrowded in the 2021 census - this is more common in urban areas including London, Birmingham & Leicester and specifically amongst social renters and private renters than owner-occupiers.

London saw the highest rate of overcrowding of all regions in England and Wales, where 11% of all households were overcrowded - this is much higher than other regions which ranges from 2% to 4%. The Hounslow constituencies of Feltham and Heston & Brentford and Isleworth also sit among the top 40 constituencies for overcrowded housing in England and Wales (see Chart below).

Top 40 Overcrowded Housing Constituencies

Top 40 Overcrowded Housing by Constituency in England & Wales (Census 2021)



4.6 Conclusions from the evidence

- An increased level of HMOs, including additional HMOs that are not covered by mandatory licensing.
- The additional HMOs are distributed across all wards and areas in the borough.
- 36% of all inspected properties were affected by a serious hazard. With each property having an average of 1.4 category 1 hazards.
- 52% of all inspected properties were affected by at least one category 2 hazard. With each property having an average of 1.8 category 2 hazards.
- Hazards found in HMOs are spread across most wards.

- A significant number of additional HMOs identified are in such poor condition that it presents a risk of harm to the health or safety of its tenant(s).
- An increased and sustained high level of housing conditions complaints related to HMOs.
- Housing conditions complaints are spread across all wards in the borough.
- An increased and sustained high level of environmental ASB complaints associated with HMOs, such as noise and waste management problems (including fly-tipping).
- Repeat ASB in Additional licensed HMOs is evident across all wards in Hounslow.

4.7 Enforcement

Hounslow's approach is to initially work with the Landlord to raise property standards and management to reduce negative effects on residents and ensure people have a choice of safe, secure tenancies. By facilitating compliance through informal intervention, the service aims to achieve higher compliance rates and reduce the need for formal enforcement actions. This approach has proved successful and would continue under any new licensing schemes. This allows us to target formal enforcement interventions for the worst properties and where landlords do not cooperate.

Enforcement action is used as a last resort against landlords who fail to act voluntarily with requests for compliance. Failing to licence, failing to comply with licence conditions or Part 1 of the Housing Act 2004, will see landlords facing formal action.

The table below gives a breakdown of formal and informal enforcement interventions Since the introduction of additional HMO Licensing in August 2020

Enforcement type	Number of interventions
Warning of formal enforcement action	937
Notices requesting gas and electrical safety certificates to be provided	652
Notices to remediate housing defects or prohibit hazardous accommodation	135
Civil Penalty Fines	51

5 Local Strategic Context

5.1 Consistency with the overall Housing Strategy

Private rented accommodation is vitally important to the borough given that 30.9% of Hounslow homes are rented on the private market.

The council's Housing Strategy 2019-2024 recognises that Houses in Multiple Occupation (HMOs) are a vital source of affordable accommodation to the sizeable population of younger people and migrants that form Hounslow's economically active population.

HMOs are also vital to the Council's efforts to successfully discharge its new duties under the Homelessness Reduction Act 2017, which created additional demand for singles accommodation by extending the statutory duties to prevent and relieve homelessness to single applicants.

This is an important reason for extending the regulation of HMOs locally, given the intricate connection between property standards and homelessness in the borough.

The Homelessness Service seeks to prevent homelessness by assisting households to find their own accommodation and working with Housing Standards to develop a list of well managed HMOs in Hounslow suitable for single homeless applicants.

Both teams work closely and share intelligence when it appears that tenants are under threat of being made homeless or where the only solution to health and safety issues in a particular HMO is to close it down until basic standards have been reached. A joined-up approach reduces the need for emergency accessions into temporary accommodation (TA), allowing 'My Independence' officers to work with individual clients to find solutions before a closure notice is issued.

The Council's housing authority role involves engaging with landlords at all levels, connecting with the majority who are competent and professional to inform and support them, engaging more actively with inexperienced landlords who are unaware of the requirements of their role, and pursuing 'rogue landlords' with forceful applications of the law. The Housing Service works with landlords to support them to provide well managed homes providing secure and good quality accommodation. It is a requirement that all landlords who let their properties through the council are accredited through the London Landlord Accreditation scheme.

Our broad approach is to use all legal and informal powers at our disposal to set an example for private landlords, use our powers of persuasion and negotiation to bring about improvements in standards, and where this fails to step in to enforce robustly against inadequate stock maintenance and poor management in the private sector.

We believe that our approach of engaging with private landlords constructively and enforcing the law robustly where necessary has contributed to gradual, incremental improvements to the quality of private-sector stock and the sustainment of tenancies. Nevertheless, there is no room for complacency given the relatively large private-rented sector and the preponderance of HMO properties in Hounslow.

5.2 One Hounslow Approach to Enforcement

Over the summer of 2021 the Council established a member's working group which sought to address Council challenges in relation to managing HMOs. The finding and recommendation of the group were reported to Cabinet in October 2021 and

- Approved an updated HMO licence policy to consider local issues,
- Revised the Waste and Recycling Collections Policy to include an HMO section, and
- Agreed to pursue an article 4 direction against the creation of new HMOs without planning permission.

Housing Standards and HMO Licensing were located within the Planning and Development Service. This new arrangement aligned the approach of the HMO licensing and planning enforcement teams and ensures complaints are managed in a coordinated way.

Regular reporting mechanisms are established between planning, HMO licensing and Council tax teams to ensure the necessary property permissions exist and the appropriate Council Tax is paid.

The revised Waste and Recycling Collections Policy allows the Council to determine the best waste and recycling collection method for an HMO property on a case-by-case basis.

Houses in Multiple Occupation present specific challenges in waste management. In addition to generating more waste than other property types, evidence from monitoring and inspections suggests that these properties often produce low recycling rates, high levels of recycling contamination as well as the incorrect presentation of waste and recycling and issues with fly tipping.

Where a new license is issued the details are passed on to the waste and recycling team and site assessments are carried out to organise correct containers / education for residents. This has assisted landlords in adopting the correct waste/recycling requirements to meet the license condition for managing waste in HMOs.

5.3 The Safer Communities Improvement Programme

In 2021 the council carried out a review of all the enforcement operations which included the ASB Team, Resident Services, Neighbourhood Enforcement, Environment Services, CCTV, Housing Enforcement, Children's and Adults Services, the Information Hub, and Community Safety.

The Enforcement Review mainly considered the Council's delivery around environmental ASB, which is dealt with by many teams across the organisation.

The review brought about operational improvements to provide more efficient and effective service delivery and embedded the preventative approach with the teams. It has also clarified where the gaps and duplications lie which is being addressed as part of the wider Safer Communities Improvement Programme.

The team information has been refreshed and the teams involved expanded as better connections across directorates were made. This information was collated into a "who does what" A-Z glossary with contact information shared with the teams, as well as Customer Services, libraries, community hubs etc.

The Council's Safer Communities Strategy 2024-2027 sets out a priority to employ more Council staff to address anti-social behaviour in Homes of Multiple Occupation.

In broad terms, the proposed continuation of additional HMO licensing underpins the council's six priority ambitions for a borough that is greener, healthier, cleaner, thriving, safer, and liveable. In particular

A Safer Hounslow - HMO licensing Officers work closely with Safer Communities Complex Cases Workers and the police to investigate ASB associated with Licensed HMOs. If the tenant causing the problem lives in a licensed House in Multiple Occupation, the landlord will be required by their licence to take action to prevent and alleviate the effects of anti-social behaviour.

Local authorities and the police have strong powers to tackle anti-social behaviour available through the Anti-social Behaviour, Crime and Policing Act 2014. These include the use of Civil Injunctions, Community Protection Notices, and Closure Orders, which can be used to address instances of anti-social behaviour.

A Greener Hounslow – As part of the HMO licensing process officers ensure all Licensed HMOs meets minimum Energy Performance standards or are as energy efficient as practically possible.

A Cleaner Hounslow – In licensed HMO landlords are responsible for ensuring occupiers manage the waste appropriately and liaise with the local authority to ensure the property is supplied with the appropriate bins and recycling containers for the number of occupants. As part of the HMO licensing process officers aim to Increase recycling and reduce fly tipping through education of landlords and tenants and compliance with licence conditions.

6. Objectives of Additional Licensing

6.1 Improve Housing Conditions and Standards of Management

- Inspect all properties prior to the issue of a licence to ensure compliance with standards and absence of category 1 and 2 hazards,
- Robustly enforce the conditions of the licence.
- Ensure that all licensable properties are licensed.
- Ensure HMO tenants have landlord contact details and are provided with written terms of tenancy for the accommodation they occupy.
- Control overcrowding by limiting tenant and household numbers in accordance with national and the council's local standards.
- Use the fit and proper test on landlords to stop unsuitable landlords running HMOs.

6.2 Reduce ASB in the Borough

- HMO licence conditions will make landlords responsible for managing ASB and compliance with the Council's household waste storage and disposal schemes.

- Developing improved links with local police teams and Safer Communities Complex Case workers to work with and support landlords to resolve ASB issues associated with Licensed HMOs
- landlords who fail to cooperate or deliberately flout licence conditions will be subject to formal enforcement action.

7. Other courses of action considered.

Limit to Mandatory HMO Licensing

We feel that removing the additional licensing scheme in part or in its entirety would only have a negative impact on residents. This would result in a two-tier system for regulation of HMOs in Hounslow and would create inequality in the protections offered to HMO residents and is a barrier to improving conditions in HMOs more generally.

There is a greater need for Council regulation in HMOs. They are amongst the most difficult to manage properties in the sector and present specific challenges. HMO tenants form multiple households with separate routines, habits, and lives.

Communication between tenants is limited particularly about waste management. They generate more waste than other property types, evidence from monitoring and inspections suggests that these properties often produce low recycling rates, high levels of recycling contamination as well as the incorrect presentation of waste and recycling and issues with fly tipping.

The fire risk in HMOs can be as much as six times higher than the risk in single household residential properties.

Licensing enables the council to have a proactive approach. landlords are required to notify the Council of all properties within their portfolio. Licensing enables the council to vet landlords to ensure they are “fit and proper” and that they have adequate management arrangements in place.

Licensing provides a simplified regulatory system with legally enforceable requirements. Through Licensing the council can place conditions for landlords to maintain housing conditions and management standards and prevent overcrowding.

Licensing legal requirements provide greater protections for tenants. HMO Landlords are not able to serve S21 notices if they fail to licence their properties and tenants are able to claim rent repayment orders.

Relying solely on the use of other enforcement powers will be less effective in improving housing conditions and management arrangements and will not enable the council to be proactive.

Improvement of housing conditions by serving Improvement notices or prohibition orders under Part 1 of the Housing Act 2004 are subject to appeal provisions which can significantly delay the period for compliance. These powers do not place any obligation on the landlord to be proactive in maintaining housing standards and

improving housing conditions. There is no requirement for the landlord to notify the council of their rental properties.

HMO Management Regulations only apply to property conditions. There is no tenancy management requirements or obligation on landlords to take steps to prevent ASB.

Under licensing the council can set licensing fees to cover the costs of administering and enforcing the scheme. This enables the council to be self-financing. Continuation of additional licensing will enable the council to maintain the necessary capacity and skills to implement the new scheme and carry out effective enforcement.

Prosecutions are lengthy and protracted and from experience courts do not impose the maximum fines. Council costs are rarely met in full. The same is found where Financial Penalties are appealed with attendance at property tribunals. Even where we are successful, we must then pursue the collection of the penalty through the county courts which will incur legal costs.

In Hounslow we have found that Part 1 of the Act and HHSRS is not the most effective means for the enforcement of housing standards. These powers do not place any obligation to be proactive in improving housing conditions. We are aware that there is an ongoing review of the HHSRS system, and that the Government intends to reform regulation of the private renting sector. However, there is no clear guidance and time scales, and it appears that there is no intention to repeal discretionary HMO licensing.

Limit the Number of Wards

All wards in the borough suffer from one or more of the HMO related issues of overcrowding and complaints and ASB. HMOs are scattered throughout the borough. In 2009 Hounslow designated the five central wards of Cranford, Feltham North, Hounslow Central, Hounslow West and Hounslow Heath as subject to an Additional Licensing scheme. Although the scheme was found to be successful in improving housing conditions within these wards it was too small to be effective and did not stem the flow of poor condition property or ASB outside these wards.

Wider Promotion of Voluntary Accreditation Schemes

We recognise that having accredited landlords is part of the key to raising standards in private sector housing and encourage all landlords to become accredited and achieve a level of knowledge and competence before letting a home. Our experience is that compliant landlords become accredited; rogue landlords do not proactively participate in such schemes.

Through licensing we encourage and promote voluntary accreditation schemes by offering discounted fees, but this does not give the council any additional powers to ensure compliance.

Licensing allows the Council to proactively identify and engage with landlords, particularly with the less responsible private landlords. The administrative exercise ensures that landlords step up to provide minimum management standards such as completing gas checks, property inspections and sound tenancy practices.

The Council are of the opinion that another borough-wide Additional HMO licence scheme is the best option, and we are therefore consulting with our stakeholders on this opinion. When used alongside Mandatory HMO licensing, and in conjunction with other regulatory and enforcement powers, it will allow the Council to achieve its corporate and strategic objectives.

8. Licence conditions

HMO Licensing allows the Councils to apply conditions for Licence Holders to adhere to. The Government have stipulated some mandatory conditions that must be applied to all HMO licenses. The council also have discretion to impose other conditions on tenancy and property management arrangements, the occupancy levels within the HMO and on the property condition and contents.

The conditions that the Council proposes to include can be seen in Appendix 1 - HMO Licence Conditions for Houses in Multiple Occupation (HMOs). These can be downloaded from the consultation web page.

These are general conditions that will be attached to all licenses. The council will consider all applications on a case-by-case basis and may consider other bespoke conditions may be necessary.

The Council seeks your views on the proposed licence conditions. The mandatory conditions are included and are required by law. These mandatory conditions are in bold and do not form part of the consultation.

9. Licence Fees

Our proposal is that, as with the existing licensing scheme, the grant of a licence will be subject to the payment of a fee. The proposal is to set fees for licence applications that cover the Council's costs in administering and carrying out its licensing functions.

Licences will be granted for the duration of the scheme (up to 5 years) unless we have concerns about the management, use, condition, or occupation of the property, in which case we may grant a licence for a shorter period.

Licences are not transferable. If a person wants to become the new licence holder for a property, they must apply for a new licence, and pay a new licence fee.

Full payment must be received and cleared before a licence is issued.

The administration of the scheme is intended to be self-financing over a five-year period. The fees that are being applied are set at a level where the revenue from the fee will cover the cost incurred which will include:

Part A The application procedure and formalities (costs associated with determining the application, inspecting the premises and issuing the licence).

Part B Running and enforcement of the scheme (costs associated with enforcement against unlicensed operators and monitoring compliance with licensed landlords).

The fees will be reviewed throughout the scheme and the Council may adjust the fees to reflect changes in costs.

The proposed charges and fees can be seen in the attached Appendix 3