

# Draft Additional Licensing Scheme for Consultation



City of  
Westminster

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## Foreword

We have over 250,000 people calling Westminster their home, and it is important to us that we strive to protect their rights and secure the highest standards of living in our city.

We consider high-quality and, above all else, safe, living quarters to be a basic right, whether as a homeowner or tenant. Westminster City Council recognised there was a need to improve the private rented sector (PRS) in Westminster and in October this year we consulted on a Private Rented Sector Strategy to help protect the rights of tenants in the PRS.

We now believe it necessary to take a further step towards this aim.

A review commissioned by the council in 2019 found that conditions and management of properties are at their worst within Houses of Multiple Occupation (HMOs) across the city. These properties typically house the most vulnerable tenants and are the main ones tending to need assistance from the council across the PRS.

Our calculations show a possible 6,673 private rented properties in Westminster likely to have a 'serious home hazard,' and it is a priority for the council to take action against such hazardous properties. We need to increase our powers to address these dangers by placing the onus on landlords to comply with our Westminster housing standards.

At the moment, the council only operates the mandatory national Houses in Multiple Occupation scheme. We are now proposing to introduce an Additional Licensing Scheme, which will broaden the scope of HMOs that we can licence and should help bring about the improvements necessary and raise standards of HMOs across the borough in a significant way.

The results from our PRS Strategy consultation indicate support for further measures to be taken in regard to HMOs. An Additional Licensing Scheme will be a positive step in improving housing standards and also the management of HMOs across our city.

We will not tolerate our residents' quality of life being impaired by unsafe housing. This scheme, in tandem with our PRS Strategy, will play an important role in protecting tenants' rights, ensuring safer homes, and meaning Westminster remains a desirable and safe place to call home.



**Councillor Heather Acton**

**Cabinet Member for Public Protection and Licensing and Chairman of Licensing**

## Executive Summary

Westminster has one of the largest private rented sector stocks in the country which encompasses properties ranging from million-pound penthouse suites to shared flats above high street shops. The private rented sector represents over 42% of the housing stock in the city. Many of these properties are Houses in Multiple Occupation (HMOs) typically shared dwellings or properties that have been converted from other properties into flats. A recent study found that up to 9500 dwellings in Westminster were potentially HMOs.

The study also found that poor housing conditions are prevalent in the HMO sector. 4,178 (42.5%) HMO properties are predicted to have at least 1 serious hazard and that HMOs place a disproportional demand on council services; 9,539 HMOs received 25,341 council interventions over the study period. Some of the worst housing conditions can be found within the HMO stock and these properties often have inadequate or non-existent fire precautions, have cold rooms and are damp and overcrowded.

We want all Westminster housing to meet suitable standards of maintenance and to be run professionally and to a high standard. Under current laws, the council can only licence around 340 of the 9000+ HMOs in Westminster. By introducing an additional HMO licensing scheme, we believe we can increase this number significantly. Additional licensing allows the council to designate that the whole borough or part of its area should be subject to additional licensing controls. It may also choose to licence many different types of HMO including purpose-built flats and buildings which have been poorly converted in the past.

Licensing enables the council to set a common policy across all HMOs so that all landlords work to the same standards and that poorer properties are improved over a five year time frame.

The aim of the additional licensing scheme is:

- To protect private rented tenants and vulnerable groups from the social and health effects of poorly managed and maintained properties within the private rented sector and in doing so, reduce inequality of housing
- To create sustainable private rented sector tenancies that are attractive to good tenants
- To make Westminster safer and a desirable place to live and work by reducing the detrimental effects of poor tenancy management
- To encourage good landlords to operate within the area and make it easier to involve all landlords in wider strategies including crime reduction initiatives, local spatial strategies and other initiatives.

The consultation document sets out the context of HMO licensing against background of Private Rented Sector Housing Strategy 2020 -2024 and the proposal to consult on additional HMO licensing.

Detailed evidence from a report commissioned by the council from Metastreet (Annex 1) is used to provide support for the council's contention that additional licensing is required to

achieve the aims set out above. Maps and diagrams form a large part of the detailed information set out in the report.

The document contains a description of the types of HMO we are intending to licence and how the licensing scheme will work for applicants.

It is our intention to extend HMO licensing to all shared properties with three or more tenants and other self-contained flat type HMOs which are currently excluded from mandatory licensing. Licensing fees and discounts for the new licences are included in the report and feedback on these will be part of the online survey.

A risk assessment has been carried out and it is believed that the risks to the council from introducing the scheme are manageable.

We welcome your feedback on these proposals.

## 1.0 Introduction

### 1.1

This document seeks your views on Westminster City Council's plans to designate a borough wide Discretionary Additional Houses in Multiple Occupation (HMO) Licensing scheme under Part 2 of the Housing Act 2004.

We want to hear your views about the proposal to introduce further HMO licensing in the city. If you are a tenant, resident, landlord, letting agent or a business living or operating in the area you could be affected by the proposals outlined in the document. If you live or operate outside of the proposed licensing area and might be indirectly affected by the proposal, we would also like to hear your views.

Local authorities are required to conduct a full consultation when considering the implementation of a additional licensing scheme. Our consultation is being carried out over a 10-week period between the 19 of November 2020 to the 11 of February 2021.

#### **How to respond**

We want to know what you think about our proposal by 11 February 2021. To let us know your thoughts, please find out our online survey which you can view at:

<https://tinyurl.com/additional-licensing>

Or return a survey form:

FREE POST WCC OPEN FORUM (Additional Licensing Scheme)  
17<sup>th</sup> floor

Westminster City Hall London

SW1E 6QP

Hard copies of the survey will be made available at the following libraries from December-January, subject to national COVID-19 restrictions:

Marylebone Library

Westminster Reference Library

Charing Cross Library

You may like to attend one of our webinars on the proposed scheme, Find the details and more information at: [www.westminster.gov.uk/additional-licensing](http://www.westminster.gov.uk/additional-licensing)

## 1.2 Westminster's private rented sector strategy

Over the course of the last 18 months, the council has reviewed conditions within the private rented sector in order to obtain an up-to-date picture of living standards for occupants. This included the commissioning of a report undertaken by Metastreet<sup>1</sup> to further understand Westminster's private rented sector and map risk across the borough. This highlighted the housing issues in this sector and contributed significantly to a more in-depth review of the private rented sector strategy.

A new private rented sector strategy has been written<sup>2</sup>, that includes wider aims to: improve private rented sector conditions, increase support for and engaging with tenants, landlord and lettings agents and improve knowledge and intelligence of the private rented

sector and helping to shape the sector. Implementing an additional licensing scheme was introduced as a proposal as part of this strategy and sits within the council's wider objectives for the improvement of its private rented sector.

This consultation is the practical application of that commitment and the first step in introducing an enhanced HMO licensing regime.

### 1.3 Mandatory and Additional HMO Licensing

The Housing Act 2004 introduced for the first time mandatory licensing for all properties falling under its definition of house in multiple occupation (HMO). This allowed local authorities to regulate the physical and amenity conditions, layout and management standards of certain shared properties usually of at least three storey height. This definition was expanded in 2018 to include any property let privately to five or more individuals (including children) in two or more unrelated households, irrespective of the storey height of the property. Landlords are obliged to license all property defined as HMOs within their local authority. A failure to do so can lead to prosecution or a civil penalty fine.

Additional licensing allows a local authority (subject to public consultation) to licence a much wider range of HMOs within its area. This includes flats in purpose-built blocks, three or four person HMOs and poorly converted flats where less than two thirds of the flats are owner occupied. This latter type are known as section 257 HMOs. In the case of Westminster, mandatory HMOs (around 340 properties) make up less than 5% of the total stock of HMOs that could be potentially licensed, the others being non-licensable either because they have less than five residents, or they are in purpose built blocks or they are section 257 HMOs. A purpose of this consultation document is to assist in deciding which HMOs should be included in a new additional licensing scheme.

### 1.4 Historical Context of Houses in Multiple Occupation in Westminster

Westminster is one of the oldest parts of London and the housing reflects this history. Over half of all Westminster properties were built before 1918. The housing market is unique in the UK as at the top end there are still the major estates and landowners who have historical connections with the city going back centuries.

Westminster has the largest private rented sector housing stock by percentage (42.9%) of any local authority in the UK, with about 42,700<sup>1</sup> properties in the sector as a whole. This represents about 84,000 residents; approximately a third of the city's population.<sup>2</sup> These will range from million-pound penthouse suites to single rooms in shared houses in multiple occupation (HMOs). Historically the large Georgian and Victorian terraces and similar mansion blocks would have been home to prosperous middle- and upper-class families and an entourage of servants. Following the first world war these larger properties were not sustainable and domestic improvements reduced the need for servants. As families became smaller the need for such large houses diminished and many were turned into flats, bedsits and offices.

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<sup>1</sup> Metastreet 2018

<sup>2</sup> ONS Housing tenure by Borough 2018

In the 1950s and 1960s the growing demand for accommodation due to population growth saw further subdivision into shared housing and houses in multiple occupation. Of particular note were the activities of Peter Rachman, a notorious property developer and businessman whom by 1957, had built up a property empire in west London, consisting of more than a hundred run-down mansion blocks and several nightclubs. 'Rachmanism' entered the dictionary as a word to describe the worst excesses of the private rented sector.

The value of property in central London has increased significantly in recent years and this has brought new landlords to the scene. These are non-traditional landlords as in many cases they do not own the properties they are renting, merely renting themselves of another landlord and operating rent to rent schemes. Some of the worst landlords operate in this way.

As the London Housing Commission found in their report 'Building a new deal for London (2016)':

"As households struggle to meet the growing costs of housing, many compensate by living in shared accommodation, and in an increasing number of cases, living in overcrowded accommodation. The New Policy Institute estimates that, in 2012/13, there were around 250,000 overcrowded households in London. In particular, overcrowding has risen most sharply in the private rented sector, where some 13 per cent of households live in overcrowded accommodation, roughly three times higher than the English average for private renting (LPP 2015)."

Metastreet's findings suggest that standards and management of properties are the worst amongst HMOs across Westminster. Such properties typically house the most vulnerable tenants and generate the most service demand for assistance from the council across the private rented sector, thus placing a disproportional demand on council services. The implementation of an additional licensing scheme will therefore target resources at properties most in need of intervention, enable officers to utilise enforcement powers effectively to significantly drive up housing standards, housing management and the wellbeing of tenants. It is assumed that as these factors improve, demand on council services associated with HMOs will reduce.

## 1.5 Types of HMOs in Westminster

There are a variety of HMO types across Westminster. Broadly they fall into the following categories:

- I. Traditional type bedsit HMO often containing a small kitchen but possibly sharing a bathroom elsewhere in the property often occupied by single persons who are workless or whom may have life limiting conditions which mean they are restricted to living on benefits and for whom a room is the only option.
- II. Shared houses or flats in multiple occupation; these will be more usually occupied by young mobile workers or students, typically these will be British or European migrant workers with good mobility for whom renting a room makes economic sense and enables them to socially mix with other likeminded tenants. It is estimated that there are at least 5000 shared flats and houses across Westminster.

- III. The third group are loosely, hostels and hotels taking single people or those placed there by the council or other council's as temporary accommodation. These are not to be confused with short term let properties advertising rooms for rent on a nightly basis. There are some properties where both short term lets and nightly letting take place simultaneously.
- IV. Guardian Properties. In these properties, occupiers are issued a licence to "look after" an empty building, often commercial in origin whilst plans are made for redevelopment or sale. These properties may become HMOs if more than three tenants occupy the premises.
- V. The final type of HMO is converted blocks of flats where the conversion does not meet relevant building standards and less than least two third of the flats are owner occupied. All flat conversions undertaken before 1991 will fall into this category subject to the occupation rule as will some converted after this date if they don't meet the building regulation standards. This does not apply to purpose-built blocks. Under a previous HMO registration scheme there were approximately 3000 of these type of HMO. These are known as section 257 HMOs.

## 2.0 The legislative framework

### 2.1 Selective and additional licensing

The Housing Act 2004 enables local authorities to designate areas as subject to licensing. There are two types of licensing schemes: Additional licensing and Selective Licensing. Further description of the two type of licensing, and the legal frameworks are below. If a scheme is designated all relevant properties must be licensed and it is the landlord's responsibility to ensure they are compliant with the scheme. The term 'discretionary' is due to the local authority's power to choose to implement and consult on the schemes.

#### **What is Selective Licensing?**

There are many areas across the country that suffer from the issues that the proposed selective licensing area is experiencing. In recognition of this, the Housing Act 2004 gives council's the powers to introduce selective licensing schemes for privately rented properties in selected areas for a period of up to five years. A selective licensing designation can only be made if the designated area has a high proportion of property in the private rented sector and is experiencing one or more of the following criteria:

- Low housing demand (or is likely to become such an area)
- A significant and persistent problem caused by anti-social behaviour
- High levels of crime
- Poor property conditions
- High levels of migration
- High levels of deprivation

Selective licensing looks to regulate all private rented accommodation within a defined area, using robust licence conditions.

The council has considered the introduction of selective licensing but have rejected its introduction on the basis that there is a lack of evidence to support one of the necessary set criteria.

### **What is additional licensing?**

Sections 56 and 57 of the Housing Act 2004 provide local authorities with the power to designate areas as being subject to an additional licensing scheme, in relation to some or all of the houses in multiple occupation (HMO) in that area which are not already subject to mandatory HMO licensing. As a simple rule of thumb, an HMO is any property (house or flat) occupied by three or more people comprising two or more households who share facilities (kitchen, bathroom and/or toilet) and occupy the property as their only or main residence, even if they are all friends and occupy the property on a single tenancy.

It can also include converted blocks of flats known as section 257 HMOs as previously described. The nature of these properties is that they may contain any number of different residents including leaseholders, freeholders and tenants. Ownership and control of such properties can be complex with right to manage companies, letting agents, managing agents and absentee owners all of whom may have some interest in how a property is run. These parties may not always agree on the best way forward. Licensing provides a means by which a single party takes responsibility for the property and has responsibility to ensure that it is managed effectively.

The other significant feature of these HMOs is that the fire precautions will by definition be lacking or not up to the standards of the average new building because all were converted prior to the 1991 building regulations (or subsequently but were never made compliant) which required structural fire safety precautions to a higher standard. Hence retrospective smoke detectors, fire alarms and emergency lighting may be required. We do not know how many of these buildings are non-compliant but given that there were at least 3000 of these buildings prior to 2004 and registration did not require automatic upgrading then the numbers are likely to be in the low thousands.

In 2010, a general approval was issued to enable local authorities to designate additional licensing schemes in their area without the Government's approval, provided there is a minimum 10-week consultation period. Once the designation is in force there must be a period of three months before it can come into operation.

## **2.2 What must the local authority consider in implementing an additional licensing scheme**

In applying an additional licensing scheme, the local authority must:

- Consider that a significant proportion of the HMOs (that will be subject to the proposed designation) in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.
- Consider whether there are any other courses of action available to them that might provide an effective method of dealing with the problem or problems in question.

- Consider that the making of the designation will significantly assist them to deal with the problem or problems<sup>3</sup>.

Any additional licensing scheme must form part of the authority's housing strategy and seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties, and anti-social behaviour affecting private rented property. This has to be combined with other courses of action available to the local authority and those available to other persons.

HMOs statistically present significantly greater risks to tenants' health, safety and wellbeing than comparable single occupancy dwellings. These hazards put tenants' health, safety and lives at risk. Living in such conditions can also have a significant impact on the mental health and wellbeing of the occupants of the HMO and HMO residents are also eight times more likely than the general population to suffer from mental health problems as well as having other problems<sup>4</sup>.

For many people in this situation, their housing choices are limited due to socioeconomic status and availability of suitable alternative accommodation, and it may not be easy to find somewhere else to live. Local housing allowance caps have meant that for some, shared accommodation is the only affordable option. Issues such as a lack of community cohesion due to high turnover of tenancies can also be exacerbated by such private rented accommodation, especially where property management issues are present. This increases costs to the landlord and empty property costs whilst properties are subject to works and re-let between tenancies.

Primarily, additional licensing in Westminster would look to address such issues related to property management and conditions, overcrowding and anti-social behaviour.

### 2.3 Types of HMO that might be licensed

Mandatory licensed houses in multiple occupation can broadly be defined as a property that is occupied by five or more occupants from two or more households, and where those persons share facilities, and are exempt from additional licensing regulation.

Following an assessment of the evidence, it is proposed that additional licensing will cover the full range of licensable HMO premises across Westminster. The proposed additional licensing scheme would apply borough wide to all houses in multiple occupation (HMO) that are privately rented and occupied under a tenancy or licence but fall outside the remit of the existing mandatory HMO licensing scheme. This would include:

- HMOs that meet the standard test, self-contained flat test or converted building test in section 254 Housing Act 2004 and are occupied by three or four persons comprising two or more households;
- HMOs that comprise a purpose-built flat occupied by three or more persons comprising two or more households that is situated in a block comprising three or

<sup>3</sup> Further guidance was set out in *Approval Steps for Additional and Selective Licensing Designations in England 2010* although this has now been archived by the Government.

<sup>4</sup> Shaw M, Danny D and Brimblecombe N (1998) Health problems in houses in multiple occupation.

more self-contained flats, commonly these will include HMOs in mansion blocks, other purpose-built blocks and council blocks; and

- Larger section 257 HMOs<sup>5</sup>.

*Further details may be found in section 4 of this document.*

### 3.0 The evidential base to support an additional licensing scheme

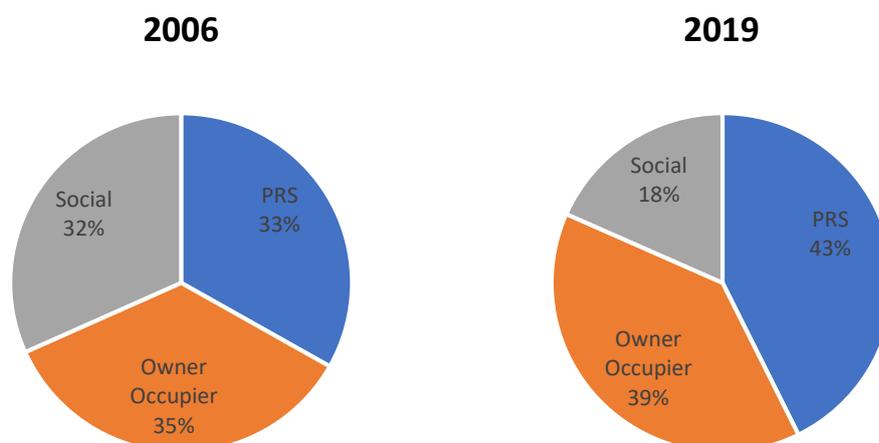
#### 3.1 The Metastreet report, its purpose and findings.

During 2019 the council commissioned Metastreet, a private company undertaking stock modelling reports, to produce a report investigating the stock condition of property in the private rented sector and in particular to identify links between houses in multiple occupation (a sub set of the private rented sector) and the likelihood of those properties having serious housing hazards or an association with anti-social behaviour. The Metastreet stock information is based on a stock modelling methodology that uses metadata (data that provides information about other data) and machine learning to provide insights about the prevalence and distribution of a range of housing indicators. This approach has been used by several councils to understand their housing stock and relationships with key social, environmental and economic stressors. The evidential base in this report is taken from the Metastreet report unless otherwise indicated. A full copy of the Metastreet report is attached in annex 1.

#### 3.2 Housing Tenure in Westminster

The private rented sector in Westminster has grown significantly since 2006.

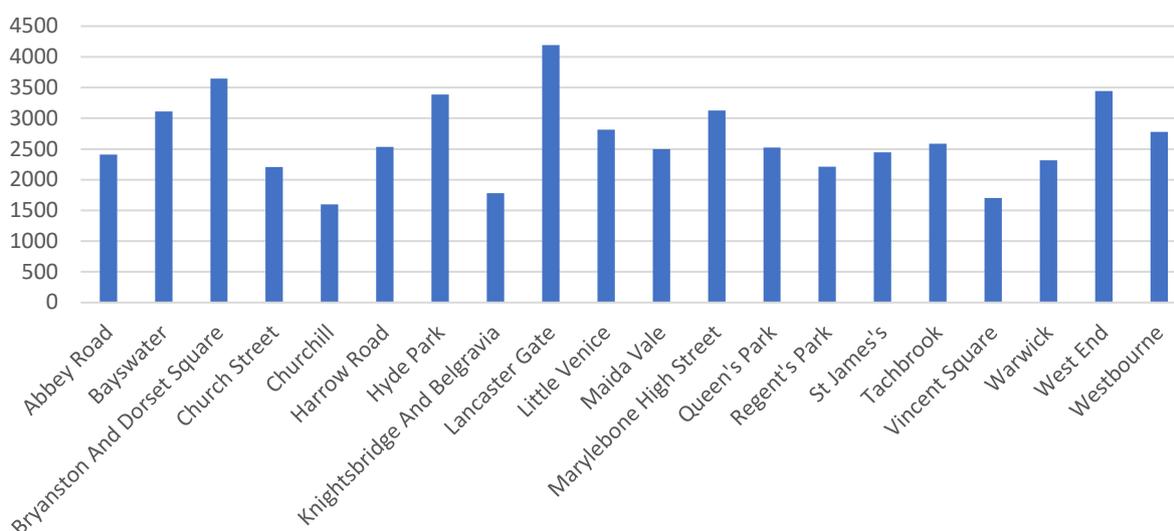
Based on tenure modelling (Ti 2019), Westminster's private rented sector is now calculated to be 52,700 - equivalent to 42.7% of all housing stock, making it one of the largest private rented sector populations by proportion in the country. This compares to 33% of households in 2006 (ONS). Over the same period, owner occupation has risen by 4%, while social housing has halved in size.



<sup>5</sup> These are buildings which have been converted into and consist entirely of self contained flats where less than two thirds of the flats are owner-occupied and the conversion into flats did not comply with the appropriate building regulations.

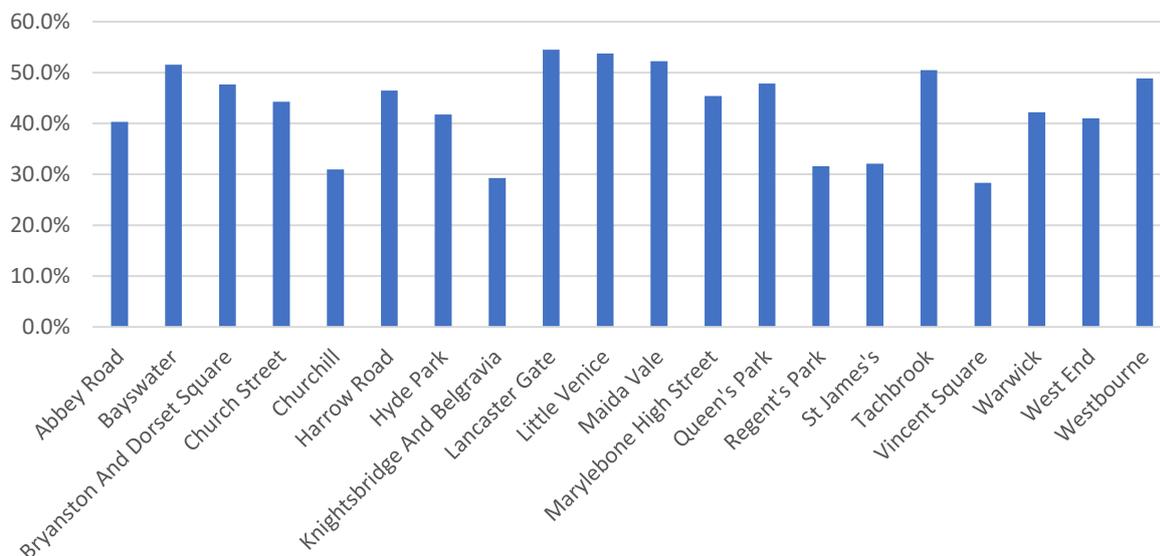
**Figure 1: Tenure profile 2006 and 2019 (Source: ONS data & Metastreet Ti model)**

This increase is part of a nationwide and regional trend. The private rented sector in the UK has grown from 9.4% of housing stock in 2000 <sup>6</sup>, and now accounts for approximately a fifth of all households in England – with a significantly higher proportion of the private rented sector in many urban areas <sup>7</sup>. It is now the second largest housing tenure in England, with a growing number of households renting from a population of around 1.5 million private landlords <sup>8</sup>. The private rented sector in Westminster is distributed across all 20 wards.



**Figure 2: Number of private rented sector dwellings by ward (Source Ti 2019)**

The percentage of private rented sector properties in each ward ranges between 54% (Lancaster Gate) and 28% (Vincent Square).



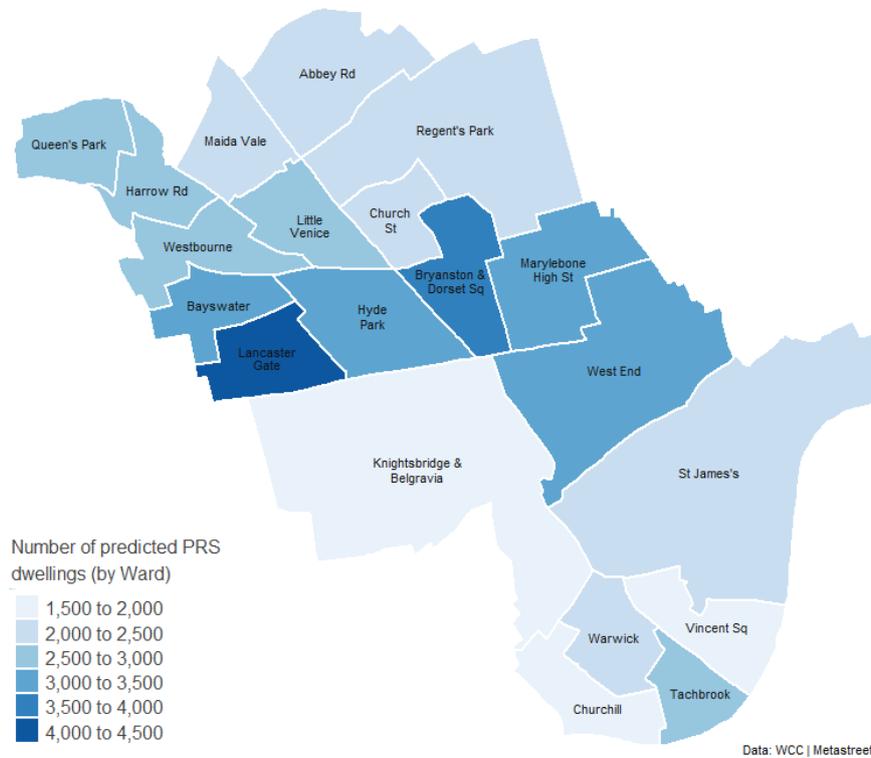
<sup>6</sup> The profile of UK private landlords Scanlon K & Woodhead C CML research. LSE London. December 2017 [www.cml.org.uk](http://www.cml.org.uk)

<sup>7</sup> Department for Communities and Local Government (DCLG) (2016) English housing survey 2014 to 2015: headline report.

<sup>8</sup> Landlord Licensing. Interim report-overview of the incidence and cost of HMO & discretionary schemes in England. February 2015. [www.landlords.org.uk](http://www.landlords.org.uk)

**Figure 3: Percentage of private rented sector dwellings by each ward (Source: Ti 2019)**

The map below plots the private rented sector across Westminster and shows that it is widely distributed across the city, with concentrations in some central and north west wards.

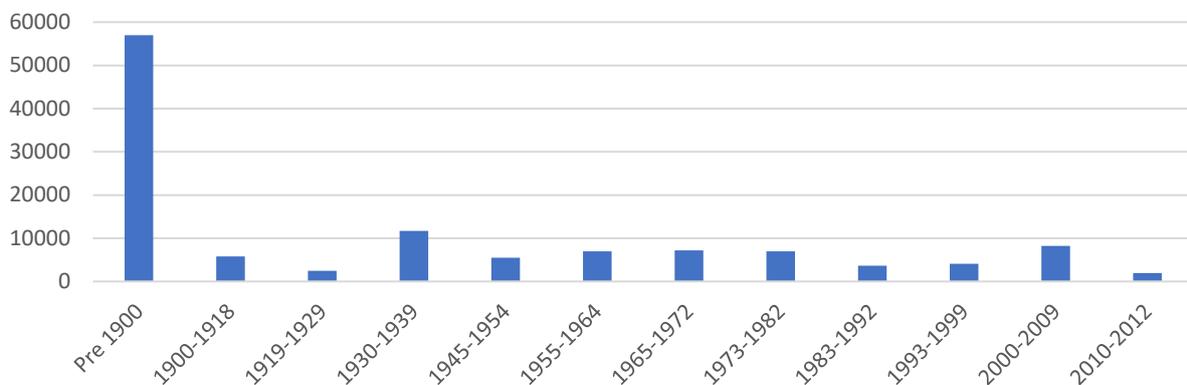


**Map 1: Private rented sector properties by ward (Source: Ti 2019, Map produced by WCC)**

### 3.3 Housing Age and Profile of Stock

A council’s property age profile can have an impact on housing conditions. It is notable that there is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1850, and lowest in the more energy efficient dwellings built after 1980<sup>9</sup>.

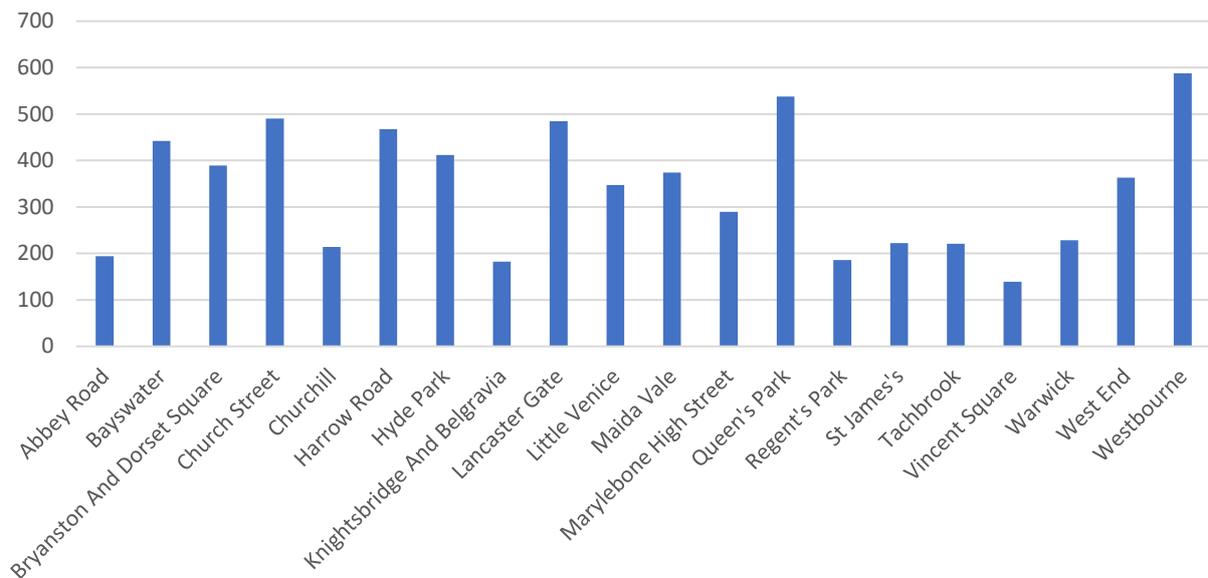
Approximately half of Westminster’s stock was built pre 1900.



<sup>9</sup> Housing Health and Rating System, Operation Guidance, 2006

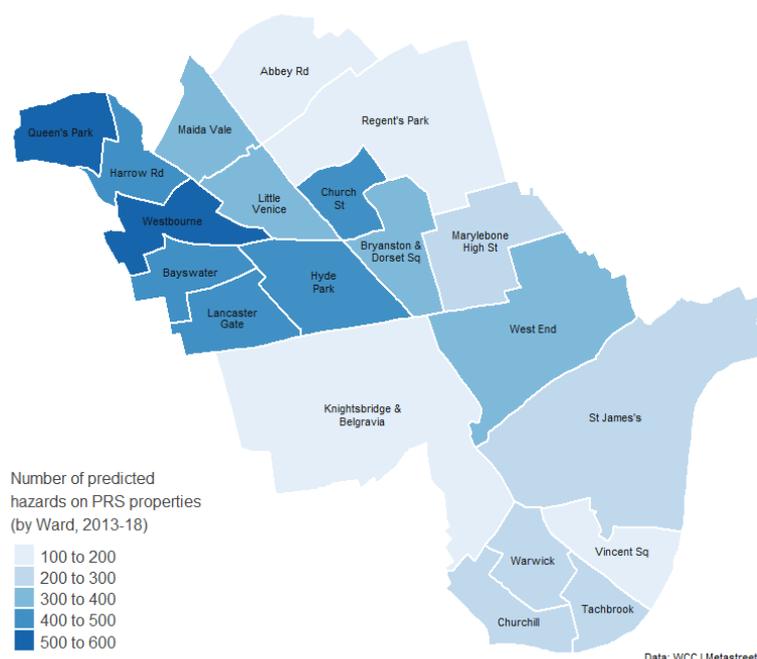
**Figure 4: Age profile of housing stock (all tenures) (Source: Valuation Office Agency)**

Using predictive modelling it has been calculated that there are 6,773 private rental properties in Westminster that are likely to have a serious home hazard (category 1, HHSRS). Westbourne (588), Queen’s Park (538) and Lancaster Gate (485) have the largest number of properties with category 1 hazards. Vincent Square has the lowest levels of predicted category 1 hazards (139).



**Figure 5: Predicted number of category 1 hazards by ward (Source: Ti 2019)**

Graphically reproduced (Map 2) it can be seen that the wards to the north west of the city have a higher distribution of category 1 hazards.



**Map 2: Distribution of private rented sector properties with category 1 hazards (Source: TfL 2019, Map produced: WCC)**

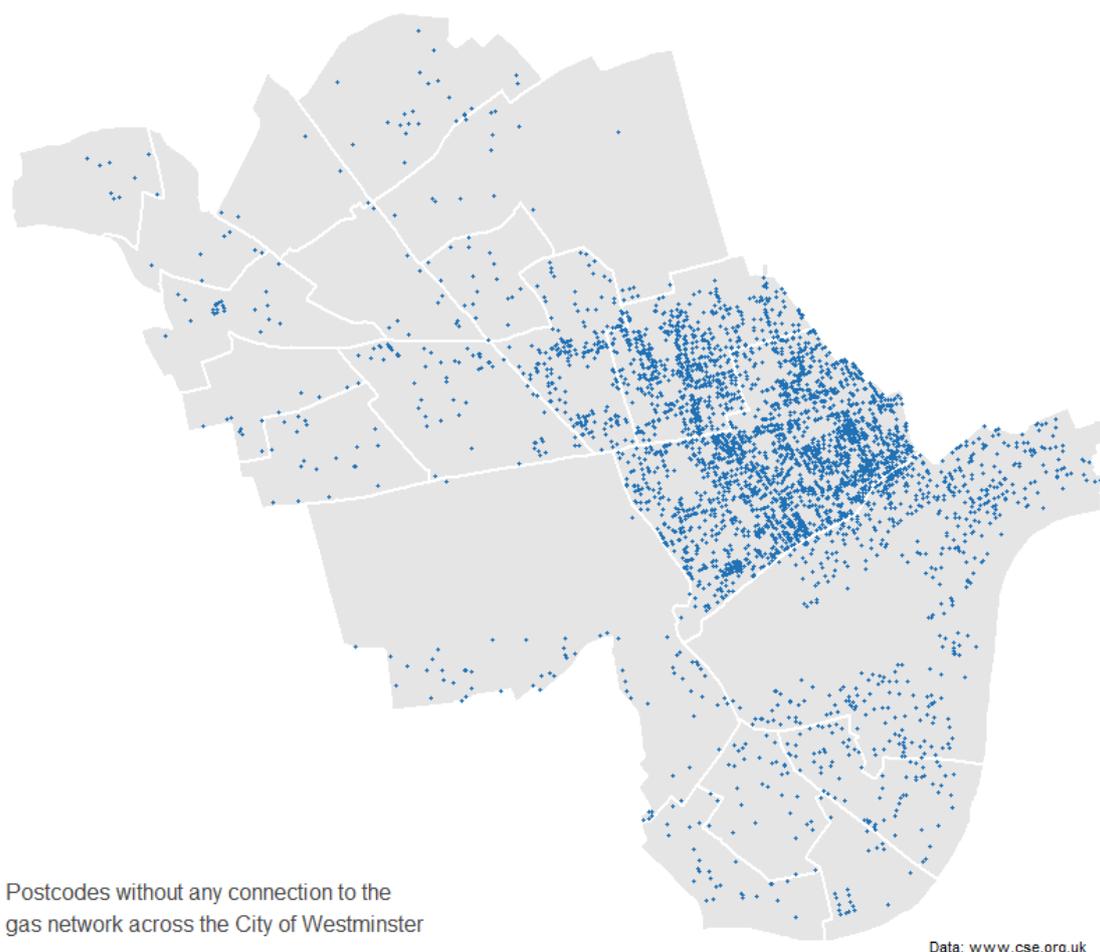
The minimum energy efficiency standard came into force in England and Wales on 1 April 2018. The regulation applies to private rented sector properties and mandates that all dwellings must have an EPC rating of E and above to be compliant. 17.7% of private rented sector properties in Westminster with an EPC have an E, F, and G rating. 4.5% of private rented sector properties have an F and G rating. Extrapolated to the entire private rented sector, 2,399 private rented sector properties are predicted to fail the minimum energy efficiency standard statutory requirement. An F or G rating extrapolates to a category 1 hazard.

Evidence shows that there is a continuous relationship between indoor temperature and vulnerability to cold-related death. The colder the dwelling, the greater the risk. The percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. There is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1850, and lowest in the more energy efficient properties built after 1980<sup>10</sup>. Therefore, the sizeable number of F and G properties present a serious risk to the occupants' health, particularly if over the age of 65.

Tall roomed properties with large single glazed windows and a lack of gas central heating are some of the hardest homes to heat. Parts of Westminster are off the gas grid and map 3 below shows how the area around the West End is particularly affected by this issue.

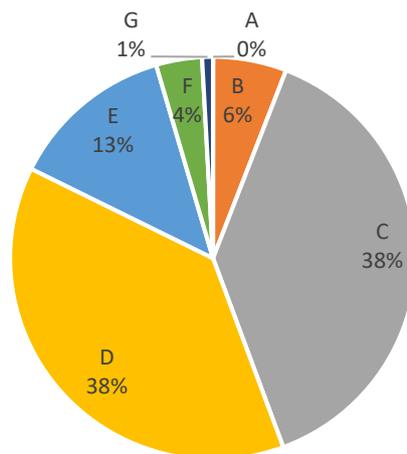
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<sup>10</sup> Housing Health and Rating System, Operation Guidance, 2006 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15810/142631.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf)



**Map 3: Off-gas postcodes in the city of Westminster (Source: [cse.org.uk](http://cse.org.uk), Map produced: WCC)**

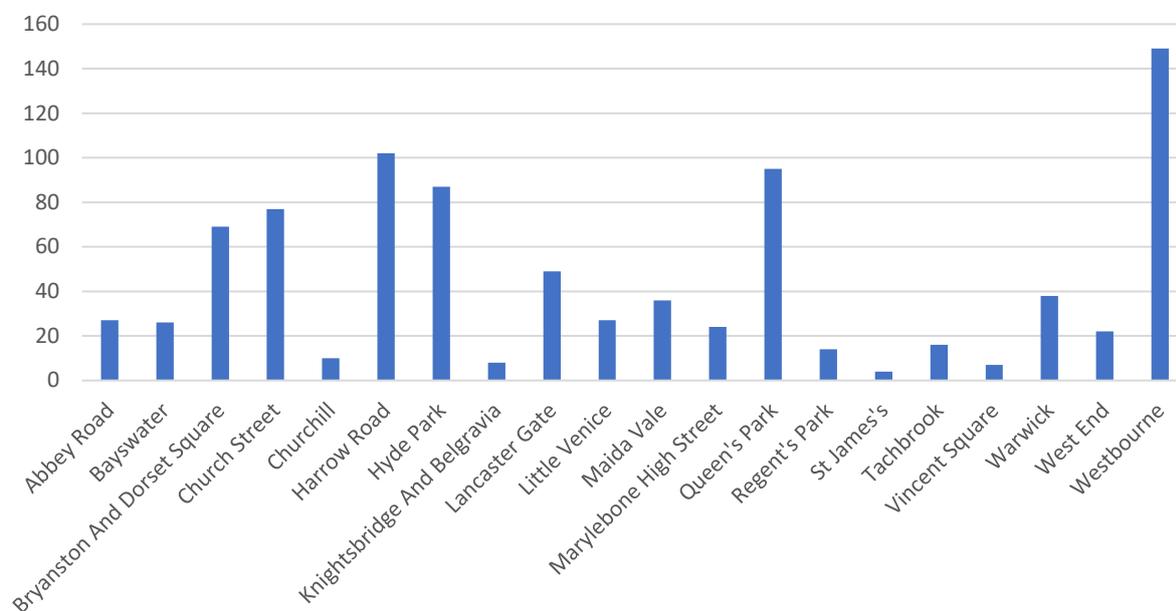
Energy performance data matched to private rented sector properties reveals the distribution of Energy Performance Certificate ratings. 31,282 ratings were matched to predicted private rented sector properties. All figures have been modelled from this this group.



**Figure 6: Distribution of Energy Performance Certificate ratings in private rented sector (Rating A-G) 2016 data (Source: Ti 2019)**

### 3.4 Stock condition and private rented sector enforcement

The Council has a statutory duty to investigate complaints from tenants about property in the private rented sector. Tenants are generally reluctant to make a complaint about disrepair in the private rented sector<sup>11</sup>. Notwithstanding this, Westminster received 3,447 private rented sector service requests and complaints over a 3-year period resulting in 887 statutory notices served to abate hazards and nuisances. In the past 4 years residential officers have made 1757 homes decent<sup>12</sup>.

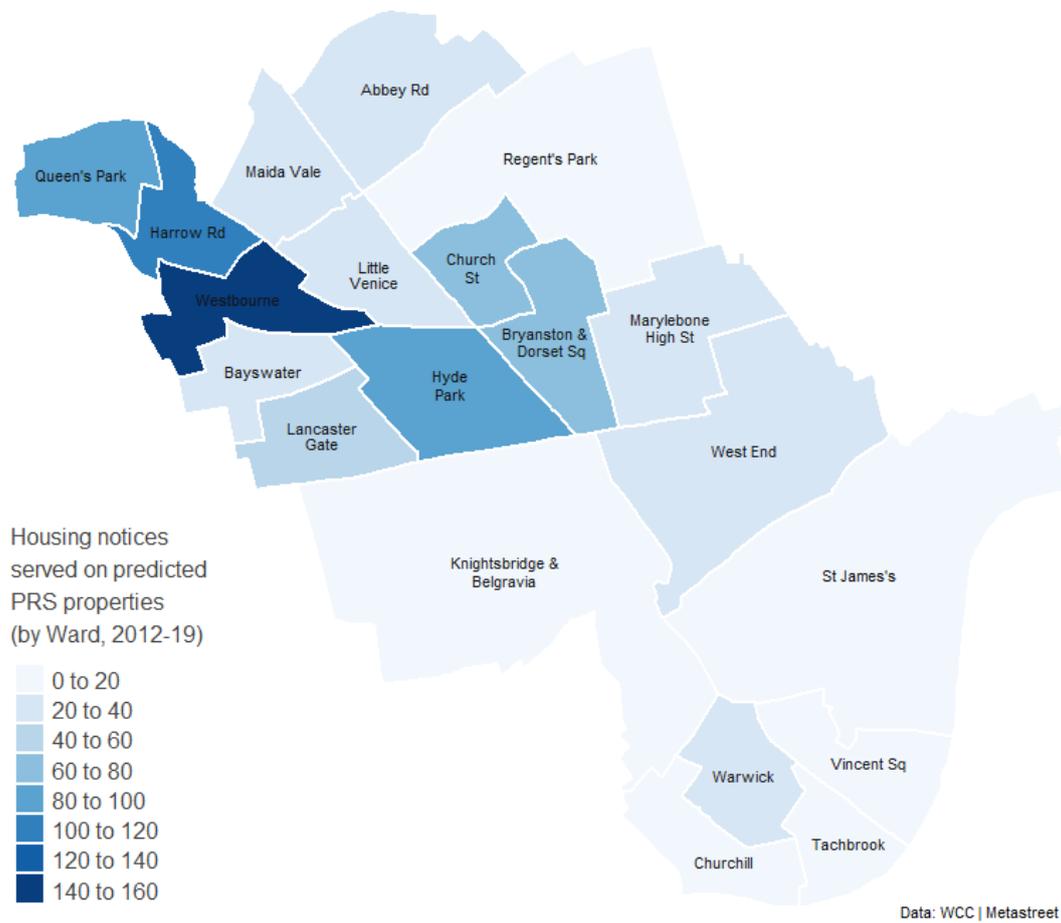


<sup>11</sup> Which, Private renters fear complaining could get them evicted; <https://www.which.co.uk/news/2018/04/private-renters-fear-complaining-could-get-them-evicted/>

<sup>12</sup> Residential Dasboard

**Figure 7: Housing and public health notices served on private rented sector properties by ward (Source: Ti 2019)**

Map 4 below shows the same figures as a map. The higher levels of enforcement in the north west and central wards is apparent.



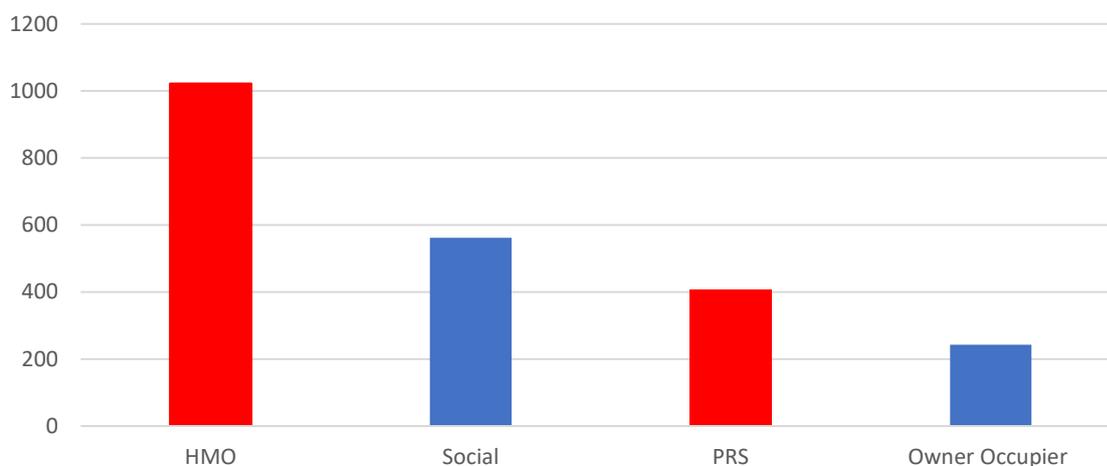
**Map 4: Housing and public health notices served on private rented sector properties by ward (Source: Ti 2019, Map produced WCC)**

### 3.5 The Private rented sector and anti-social behaviour (ASB)

The number of anti-social behaviour (ASB) incidents shown below relate to ASB associated with premises only. For example, ASB incidents recorded on a street corner that cannot be linked to a residential property are excluded. Typically, these would include noise complaints, refuse dumping and other environmental offences.

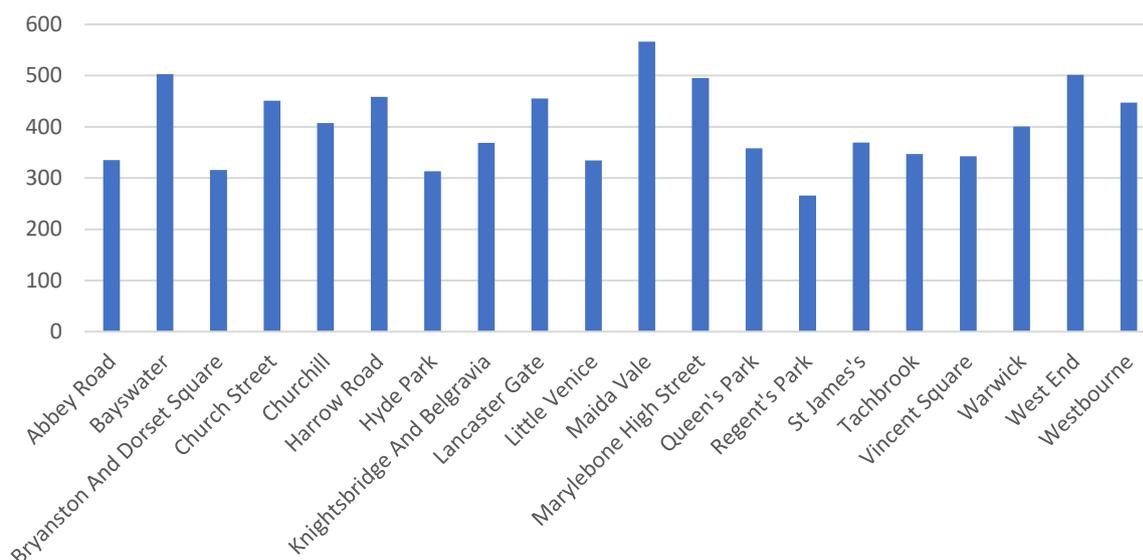
Rates of residential ASB in the private rented sector are higher than some other tenures. private rented sector properties are 1.7 times more likely have an ASB incident compared to owner occupied properties. HMOs (as a subset of private rented sector) have the highest rates of all tenure, they are 2.5 times more likely to be a source of ASB as compared to

private rented sector properties. On average each HMO is associated with at least one ASB complaint although in reality there will be a number of premises which don't cause any ASB.



**Figure 8: ASB rates per 1000 dwellings by tenure (Source: Ti 2019)**

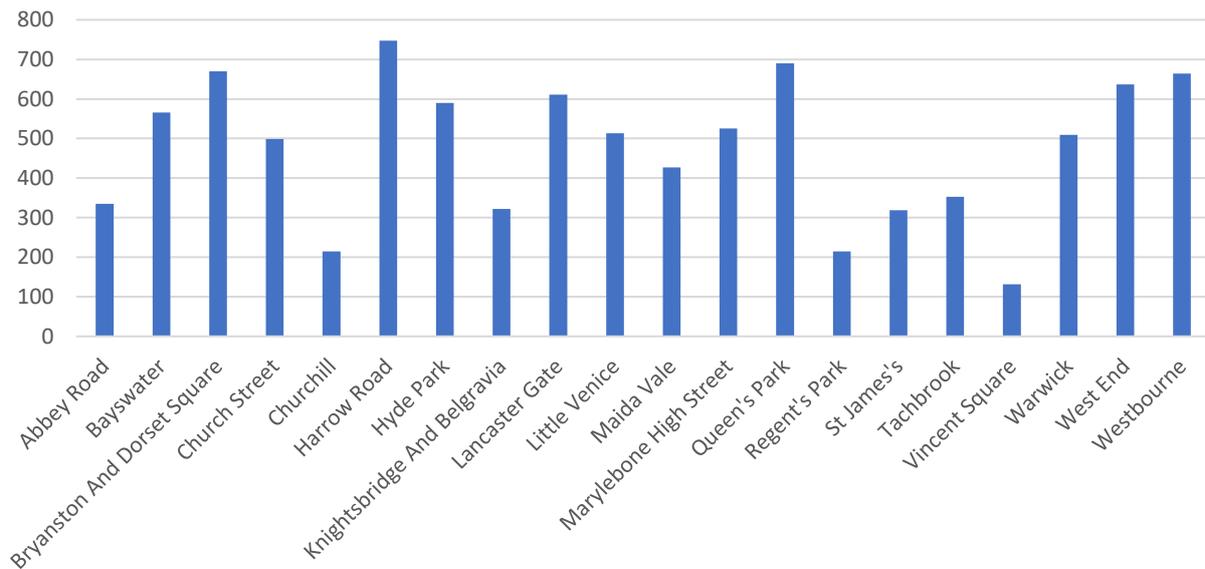
Wards with ASB rates of greater than 400 per 1000 properties include Bayswater, Church Street, Harrow Road, Lancaster Gate, Maida Vale, Marylebone High Street, West End and Westbourne.



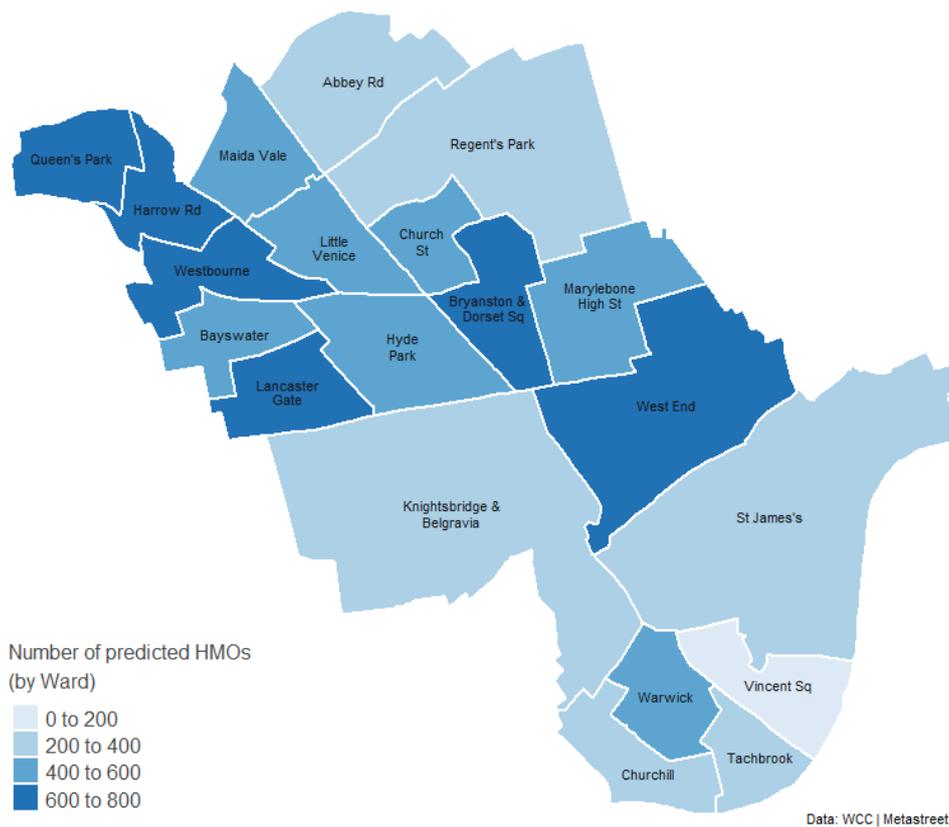
**Figure 9: Incidents of ASB linked to private rented sector per 1000 properties by ward (Source: Ti 2019)**

### 3.6 Houses in Multiple Occupation by ward

HMOs are the cheapest form of housing available and have traditionally been occupied by single adults. Pressure on affordable housing and higher rates of homelessness has driven up demand for this type of dwelling. Greater demand has resulted in growth in this sector across London over the last decade. The total number of predicted HMOs across 20 wards equates to up to 9,539 properties.



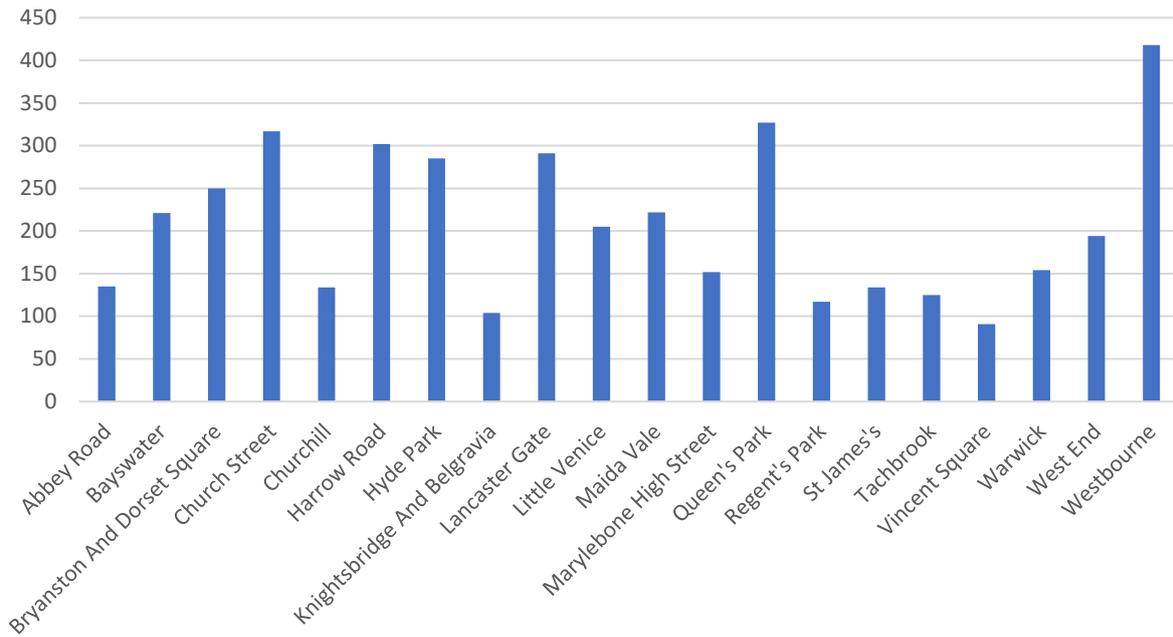
**Figure 10: Number of HMOs by ward (Source: Ti 2019)**



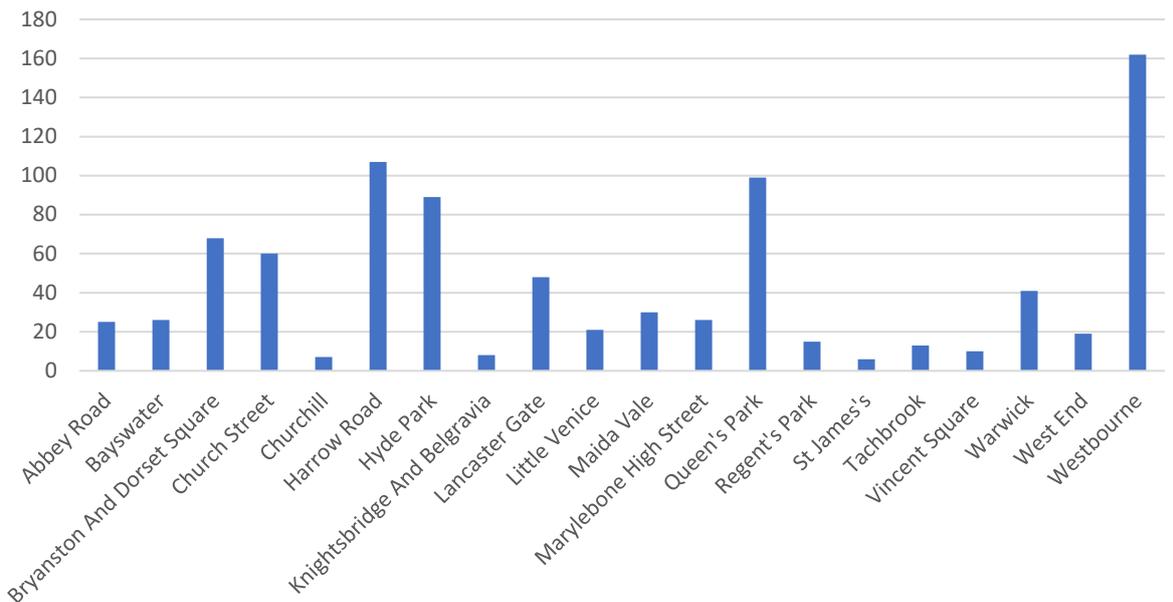
**Map 5: HMOs by ward (Source: Ti 2019, Map produced by WCC)**

### 3.7 HMOs and housing conditions

HMOs have some of the poorest housing conditions of any tenure. Analysis shows that 4,178 of 9,539 (43.8%) HMOs in Westminster are predicted to have at least one serious hazard (category 1 HHSRS). HMOs are generally at higher risk of fire and due to the nature of occupancy, pests, disrepair and overcrowding are common.



**Figure 11: Predicted number of HMOs with serious hazards by ward (Source: Ti 2019)**

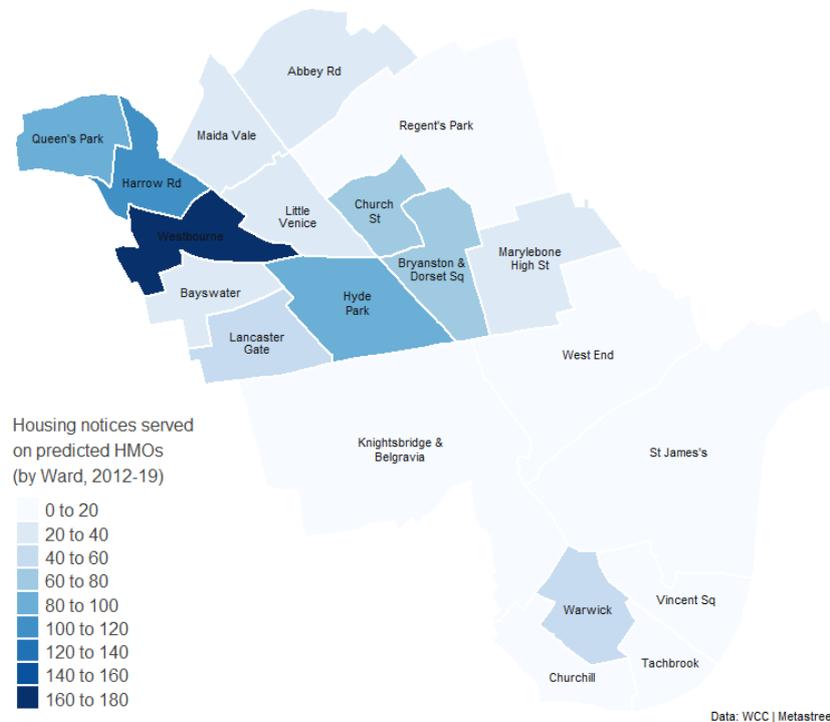


**Figure 12: Housing and public health notices served on predicted HMOs by ward (Source: Ti 2019)**

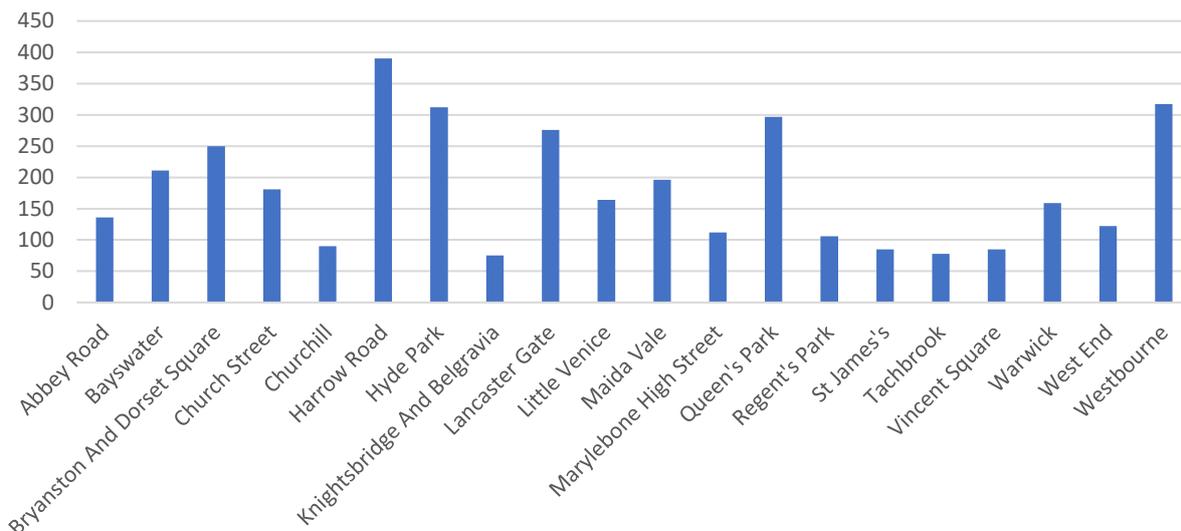
HMO improvement work takes up a significant allocation of residential officer's time and in the absence of HMO licensing means that improvement of HMOs, if not undertaken voluntarily, can only be achieved by enforcement work which has significant time and cost implications. As there is no requirement to licence most HMOs under the national mandatory scheme and all shared house HMOs below seven occupiers do not require planning permission; consequently, many remain hidden to the council. The Metastreet

report has, using ground-breaking techniques, revealed many of these HMOs for the first time.

Map 7 below shows that much of the enforcement work has been undertaken in the north west corner of Westminster where some of the worst housing conditions can be found, though some central wards have also seen significant enforcement action.



**Map 6: Housing and public health notices served on predicted HMO properties by ward**  
 (Source: Ti 2019, Map produced WCC)

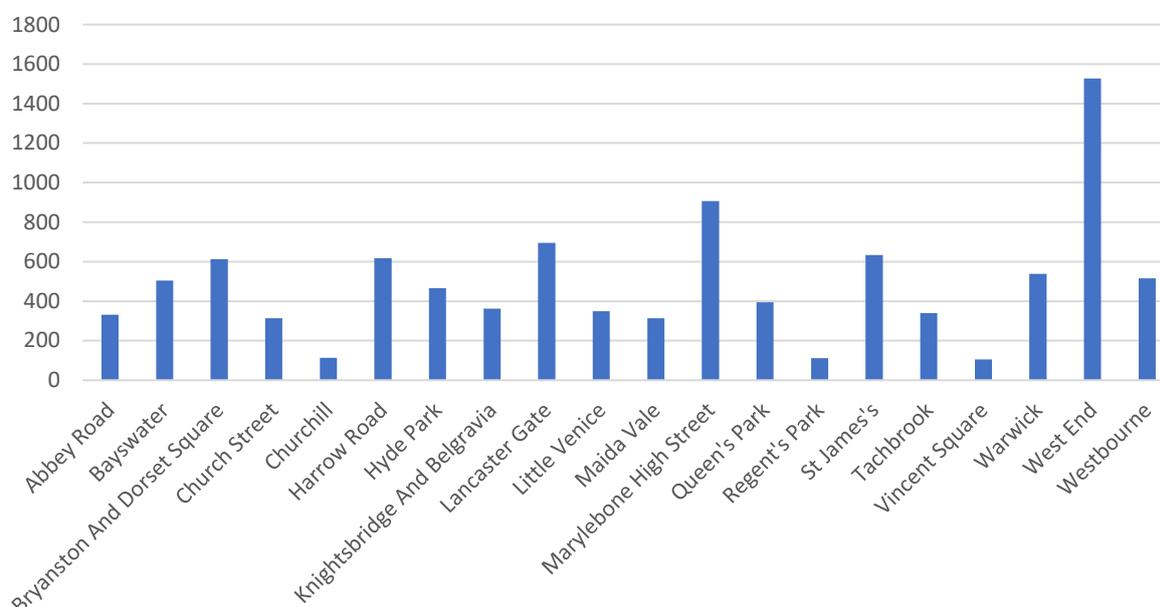


**Figure 13: Numbers of HMOs service requests and complaints related to HMOs (Source: Ti 2019)**

Figure 13 shows actual numbers of service requests relating to HMOs and this again highlights certain wards as having more complaints than others. Care should be taken in assuming that all problems with HMOs are in a few wards. Complaints whilst indicating dissatisfaction with the accommodation tend to relate to hazards around damp, broken heating and faulty drainage hazards which are obvious present. Many of the HMOs also have poor insulation and non-existent or obsolete fire precautions, hazards which have potentially life-threatening consequences. These do not always generate complaints from tenants.

### 3.8 HMOs and anti-social behaviour (ASB)

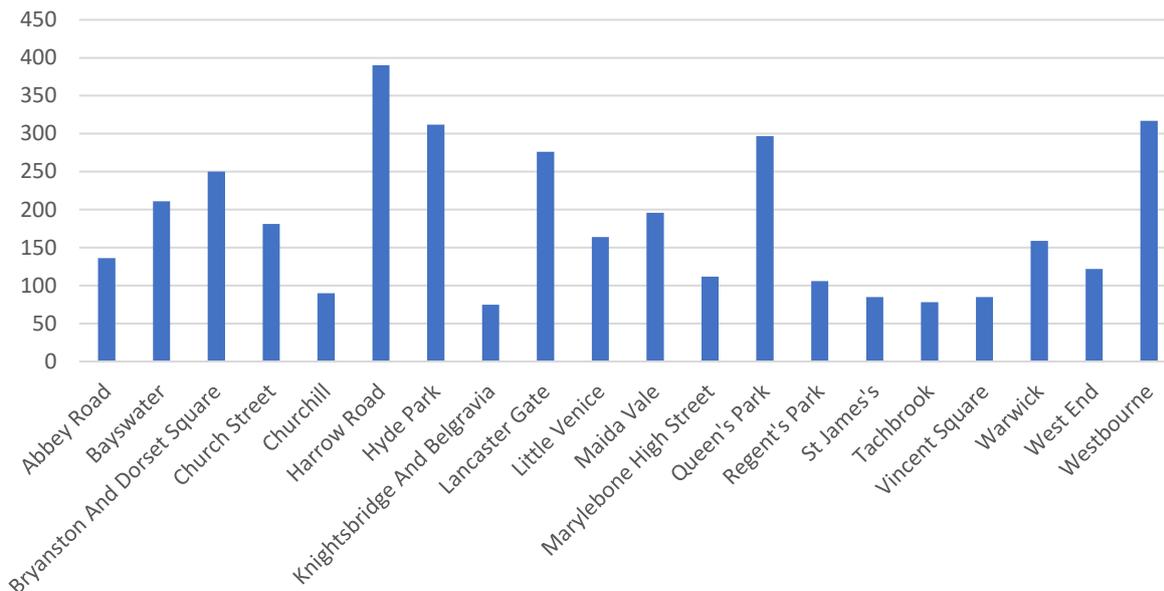
The number of ASB incidents shown below relate to ASB associated with HMO premises only; commercial and ASB incidents on the street are excluded from these figures. High level of ASB can be used as a proxy indicator of poor property management. HMO properties often have higher levels of transience which results in higher waste production.



**Figure 14: Number of ASB incidents linked to HMOs by ward (source: Ti 2019)**

ASB incidence rates reveal the relationship between the number of HMOs and level of ASB. A large range exists between the highest rates (West End) and the lowest rates (Vincent Square), however it also shows that ASB linked to HMOs occurs across all wards.

The figure below shows the level of service demand that HMOs place on the council over the study period, including ASB, pest treatments, inspections and enforcement interventions to tackle hazards and nuisances by ward. 9,539 HMOs received 25,341 council interventions. Therefore, each HMO received on average 2.6 interventions each. This illustrates the large demand and costs that HMOs can place upon the public purse.



**Figure 15: Council services and interventions linked to HMOs by ward (Source: Ti 2019)**

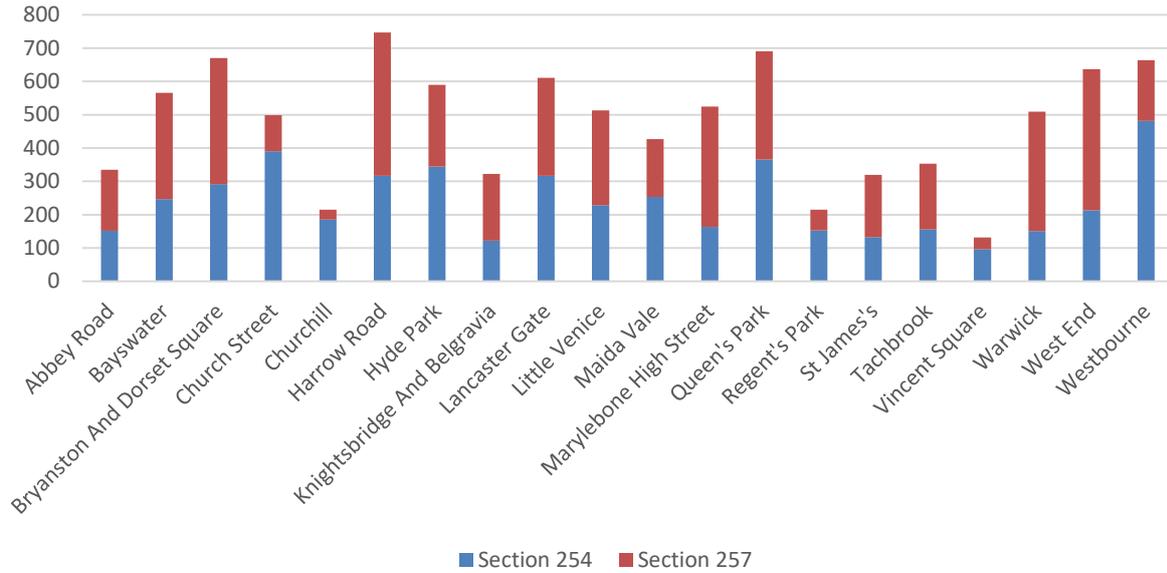
### 3.9 Types of HMOs

Using machine learning predictions and parent and child unique property reference number analysis, the 9,539 HMOs identified in the Metastreet study have been divided into two categories; HMOs that share basic amenities (section 254) and converted properties which are generally defined as less than two thirds owner-occupied (section 257).

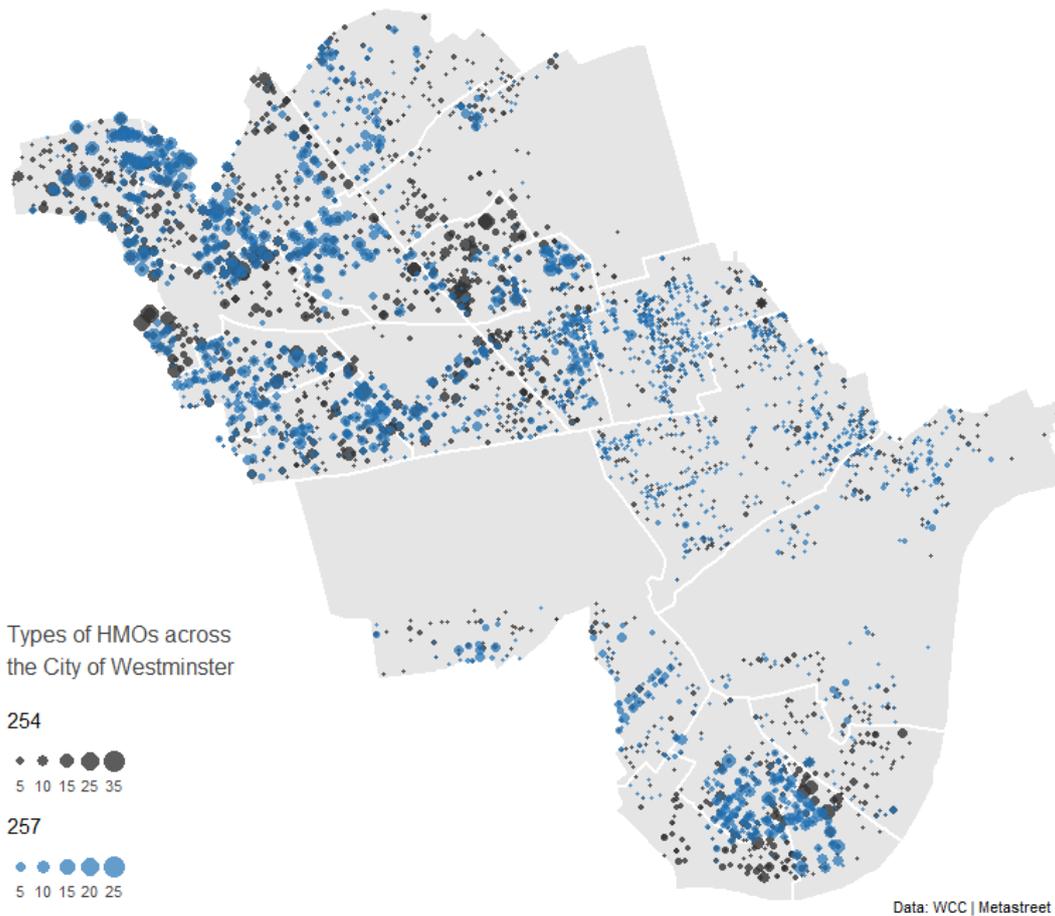
For the purposes of the study shared amenities section 254 HMO are categorised as building or flat in which is occupied by two or more household and three or more persons that share basic amenity, such as bathroom, toilet or cooking facilities.

Section 257 HMOs are defined by the Housing Act 2004 in Part 7. This type of HMO is a converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied.

From 1999 to 2009, the council operated a registration scheme for Houses in Multiple Occupation. Just over 3000 properties were registered, including hostels, temporary accommodation and bedsit properties. The majority however, were self-contained flats (section 257 HMO) and studio type bedsit properties, particularly in the Bayswater and Lancaster Gate areas.

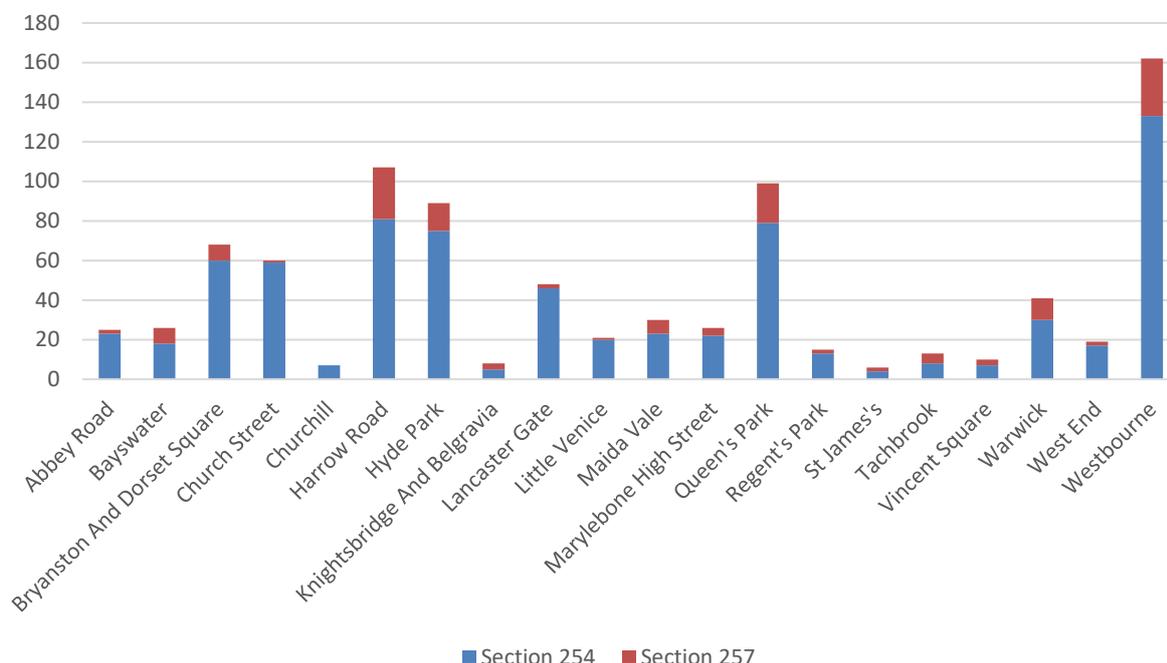


**Figure 16: Numbers of s257 HMOs and s254 HMOs by ward (Source: Ti 2019)**



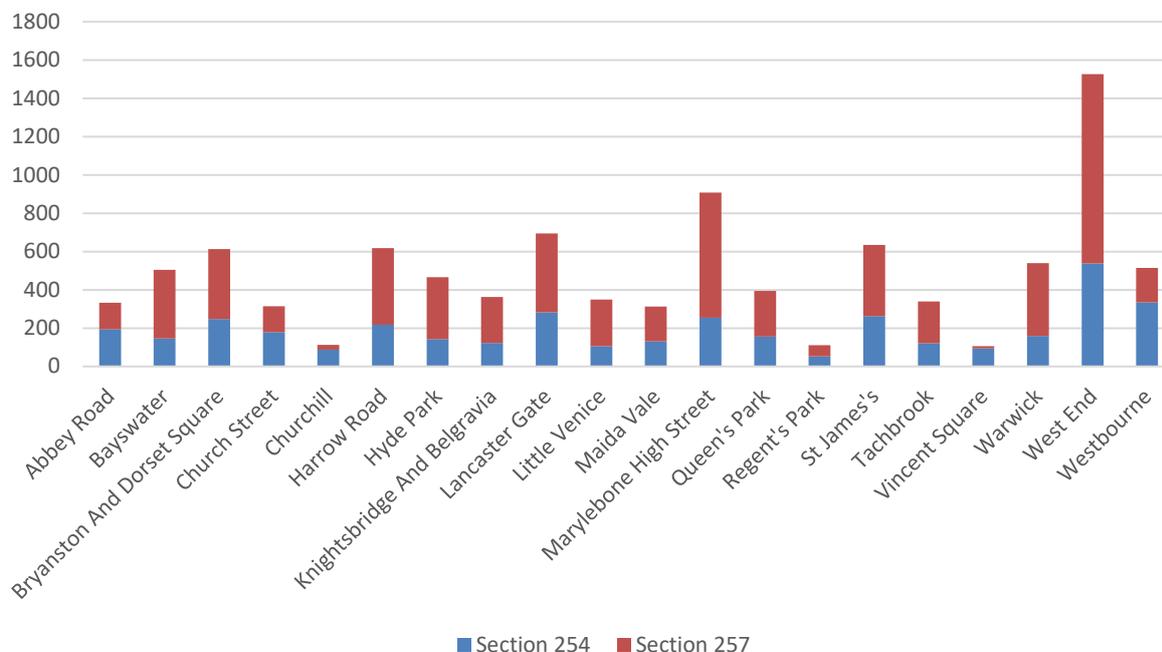
**Map 7: Section 254 and s257 HMO distribution (Source: Ti 2019, Map produced WCC)**

Of the 4,758 shared amenities HMOs (s254), 3,967 are predicted to have at least 1 category 1 hazard. This type of HMO is distributed across the borough. Westbourne (404) has the highest number of s254 HMOs.



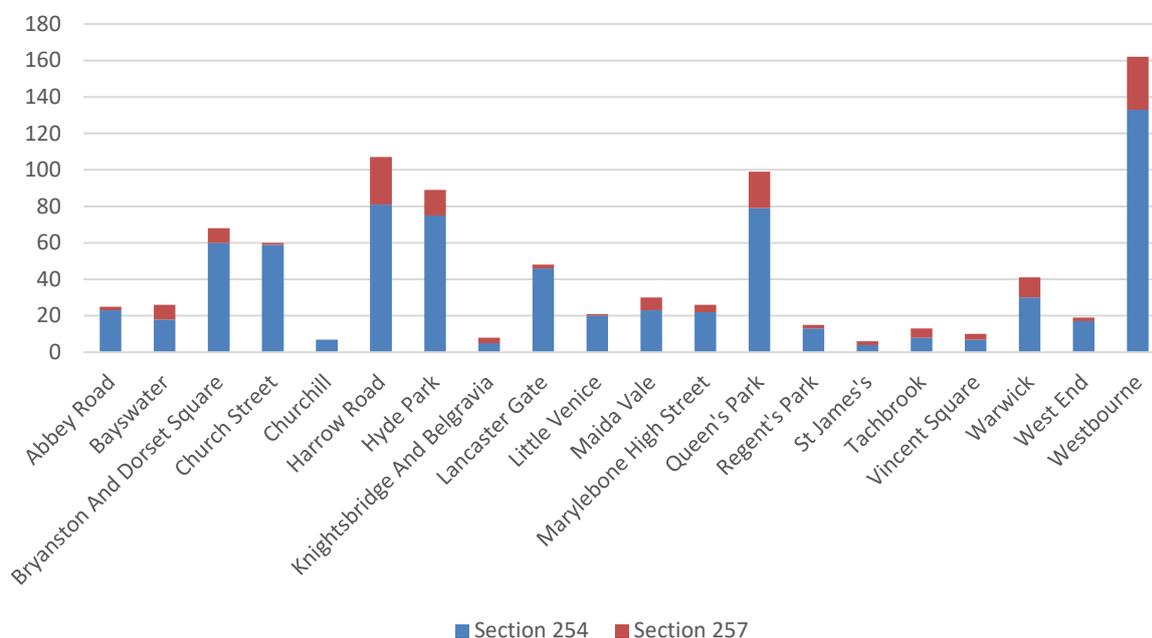
**Figure 17: Numbers of HMOs (section 254 and 257) service requests and complaints related to HMOs (Source: Ti 2019)**

All wards have ASB generated by section 254 HMOs. West End ward stands out as having the highest level of ASB.



**Figure 18: HMO (section 254 & 257) with ASB incidents by ward (Source: Ti 2019)**

The data reveals that HMOs in Westbourne (162), Harrow Road (107) and Queen’s Park (99) wards have received the most housing and public health notices. Most statutory notices have been served on section 254 HMOs.



**Figure 19: HMOs (section 254 and 257) with Housing and public health notices served by ward (Source: Ti 2019)**

### 3.10 Deprivation in Westminster

The recent release of the 2019 English Indices of Deprivation provides an update on the 2015 English indices of deprivation. The indices of deprivation measure relative levels of deprivation in England’s 32,844 small areas, called lower super output areas (LSOAs)<sup>13</sup>. Used together, the indices of deprivation are an invaluable tool for quantifying changing and relative deprivation. The indices do not measure affluence. Based on the rank of its average indices of deprivation score, overall Westminster is the 137<sup>th</sup> most deprived local authority in England, out of 317 districts. Deprivation in Westminster is deemed to have reduced over time as Westminster was the 57<sup>th</sup> most deprived out of 326 districts in 2015. This is in line with the general trend across London and is probably in large part due to poorer families being forced out of the capital by rising property prices.

Westminster is the 8<sup>th</sup> most deprived local authority for its Living Environment domain score and 27<sup>th</sup> most deprived for its IDAOPI score. The living environment score considers factors such as housing conditions and quality of the environment. The IDAOPI score measures the proportion of those aged 60+ who experience income deprivation. The Living environment domain being the 8<sup>th</sup> worst in England is very relevant as it includes matters relevant to housing and housing conditions.

<sup>13</sup> Lower Super Output Areas (LSOAs) have an average population of 1500 people or 650 households and are generally considered to be the lowest geographical where meaningful data can be collected.

Comparison of the overall indices of deprivation for Westminster 2019 deciles and predicted category one hazards for wards in Westminster show a marked correlation particularly to the north west of the city.

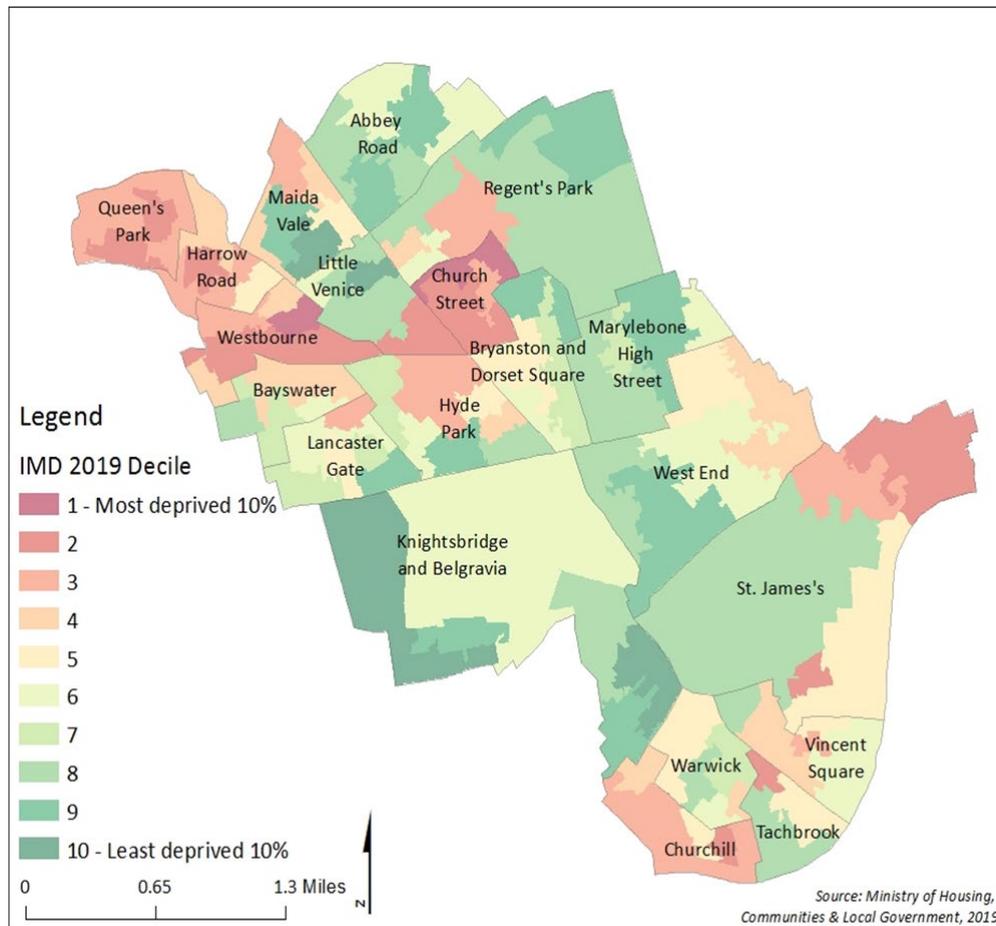
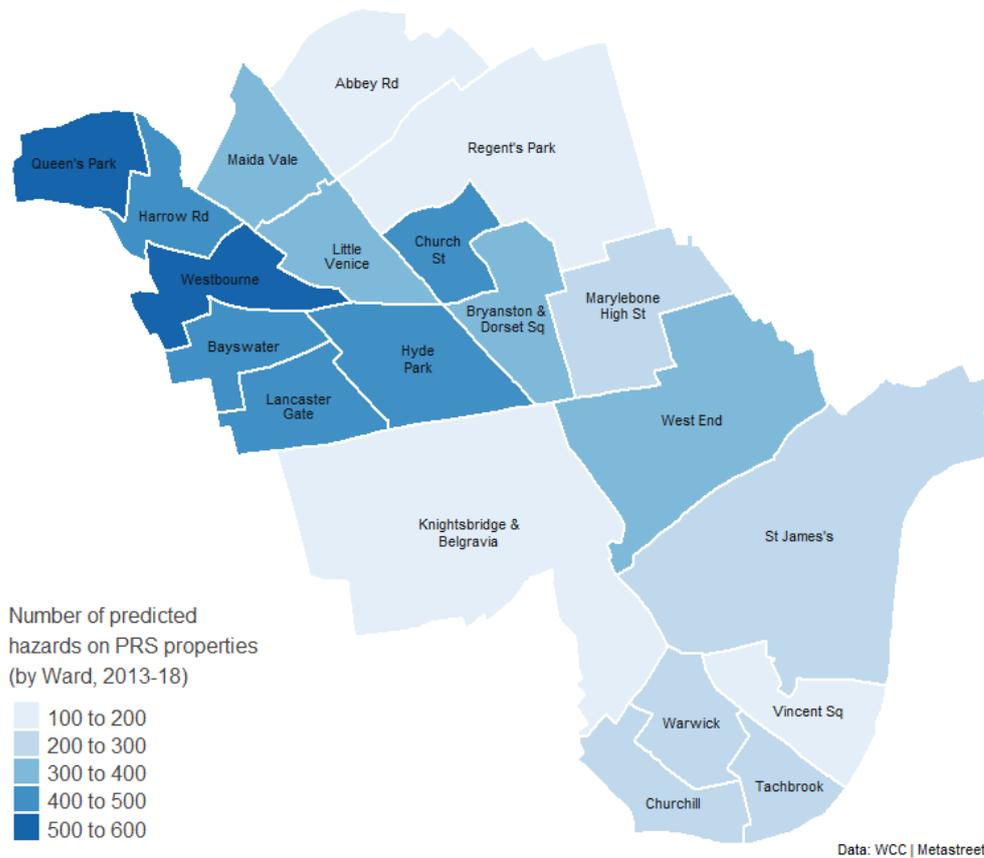


Figure 1 Overall deprivation 2019 deciles

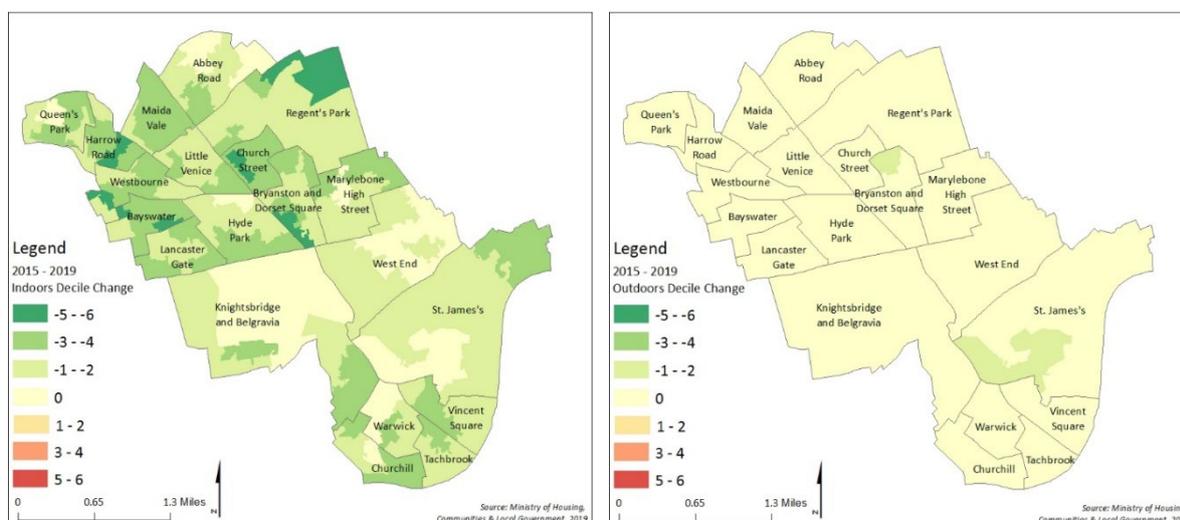
**Map 8: Overall Westminster deprivation 2019 deciles (Map produced WCC)**



**Map 9: Distribution of private rented sector properties with category 1 hazards (Source: *Ti 2019, Map produced: WCC*)**

Two sub-domains make up the Living Environment domain – the Indoors and Outdoors sub-domains. Made up of four indicators (indoors – housing in poor condition, houses without central heating; outdoors – air quality, road traffic accidents). The supporting data for houses without central heating remains unchanged since the last indices were published, suggesting that the change to the indoors sub-domain (and the wider Living Environment domain) is a result of a reduction of houses in poor condition. Moreover, there were negligible changes to the Outdoors sub-domain deprivation profile. <sup>14</sup>

<sup>14</sup> English Indices of Deprivation 2019 – Report  
 Authors: Nic Wells and Damian Highwood, Strategy & Intelligence WCC



**Figure 20** Change in LSOA's deprivation deciles for a) Indoor sub domain and b) Outdoor sub domain

### 3.11 Evidence from Housing Standards Taskforce

In the past two years, the council has been operating a Housing Standards Taskforce targeting rogue landlords and agents operating in the private rented sector. The taskforce is a small team of officers who have been tasked to investigate malpractices across a wide range of landlord activities. This ranges from offences such as overcrowding, operating unlicensed HMOs, to widescale criminal activity including money laundering and forced eviction.

#### Case Study 1

An address was flagged up by the taskforce analysts as a potential HMO from survey data set used to validate the Metastreet software in predicting locations of HMOs. Initial enquires were made by completing a site visit and speaking with an occupier of the flat. The tenant confirmed numbers of people living in the dwelling and showed receipts for cash payments for rent. Although the property was an HMO, the flat was situated in a purpose built block the common parts of which are owned by the council. Notice to inspect was served on the leaseholder and tenants. The property lacked a working fire alarm and protected escape route. There were other management issues which included broken window catches, defective mechanical ventilator to the bathroom, storage of furniture in the hallway and no display of manager contact details. Improvements were secured through the use of the HMO management regulations and an improvement notice.

#### Case Study 2

A property in Maida Vale located in a former public house was subject of a complaint from a person living in India who complained that their daughter was being accommodated in an unsafe building that was infested with vermin. The property was found to be being used for the accommodation of Indian students in overcrowded rooms in a property that was also

used for media training. The property was found to be unsafe due to the lack of fire precautions over the three floors. The council together with the fire brigade had the building cleared and the students were returned to hotel accommodation.

Since its formation in 2018, the Housing Standards Taskforce has served over 200 notices on property owners in Westminster. Civil penalty notices were served in 24 cases resulting in fines of over £200,000 being issued. Most of this work was focussed on licensed or unlicensed HMOs. Many other HMOs exist but are not covered by existing licensing regulation as they do not fall within mandatory licensing.

The Housing Standards Taskforce has uncovered a number of rogue landlords and letting agents many of whom have been placed on the Mayor's Rogue Landlord and Agent checker. We are aware that some Westminster HMOs are used to launder criminal money and many have owners linked to offshore companies.

Taskforce officers have found that the Westminster HMO rental market has largely been taken over by companies using "rent to rent" as their primary means of operation. In this model, agents or amateur landlords can get into the property market by renting a flat or a house, and immediately letting it as an HMO. The flats are usually sub divided often with partitions and the living rooms are removed to create additional bedroom space. In this way a two-bed flat can be made to accommodate five or six people and the profit comes from the additional rental income generated. The problem with this model as many head lessees have found out is that the intermediate landlords are often incompetent, overcrowd the properties and fail to obtain licences. During the recent Covid 19 pandemic they have also found that these rent to rent landlords have no capital and in many case are unable to pay the rent as soon the supply of tenants dries up.

### 3.12 The benefits of licensing

#### Benefits to neighbourhoods and communities:

- Increasing housing demand and reducing anti-social behaviour will improve problem areas, making these safer, more desirable places to live.
- Reducing environmental and crime costs.
- Improvement of the appearance of the area.
- Making it easier to involve all landlords in wider strategies including crime reduction initiatives, local spatial strategies and other plans.
- Protecting vulnerable groups, who are often occupiers of privately rented accommodation which are poorly managed and maintained.
- Increasing community cohesion through a reduction of migration due to increased satisfaction with living environment.

#### Benefits to tenants

- More professional landlords should bring about improvements to the quality, safety and management of property.

- Tenants could also see financial benefits, for example in reduced heating costs and improved likelihood of regaining any deposit paid. However, this must be considered against the potential disadvantages of any cost increase to the tenant.
- Improvements to the neighbourhood would also benefit private tenants' security and sense of community.
- Better management practices should help to increase length of tenure and reduced incidence of unplanned moves or homelessness.
- Enforcement of standards will improve quality of lettings for tenants resulting in improvements to the welfare of tenants.
- Increased support for necessary enforcement action on rogue and criminal landlords.
- Better informed as to premises that are suitably licensed and promotion of 'good landlords'.
- Tenants living in purpose-built flats will be protected for the first time.

### Benefits to landlords

- Responsible landlords will receive information and support.
- Equalisation of standards with mandatory licensable HMOs will create a more level playing field and prevent a race to the bottom.
- Licensing creates a level playing field, so decent landlords will not be undercut by an unscrupulous minority and robust enforcement can be taken against rogue and criminal landlords.
- Improved rental income and property prices as areas improve.
- Improvement in the reputation of private landlords through promotion of a public list of licensed premises.
- Shorter void periods and reduced tenant turnover
- London Landlord Accreditation scheme members will receive a discount on their application fees.
- The local authority can provide practical support and training around dealing effectively with anti-social behaviour from tenants.
- The local authority can provide practical support and training around support for vulnerable tenants.

### Benefits to the council

- This will enable the council to target support, information and enforcement more effectively, and to better understand the root of the problems the area faces.
- Landlords who have not responded to any previous measures (such as registration schemes or voluntary codes of practice) will be forced to engage with the council.
- Irresponsible landlords will be forced to improve their practices or leave the market.
- Rogue and criminal landlords will be subject to enforcement action.
- Schemes should be easy to administer and explain, as all private landlords in a designated area would be covered by licensing of some kind.
- The council will gain extensive knowledge about private renting in a particular area.

### 3.12 Overall justification of the scheme

From the evidence, there is a clear correlation between the houses in multiple occupation that the council are proposing could be subject to additional licensing, and anti-social behaviour, housing conditions concerns and accumulation issues. The council feel that additional licensing would impose conditions to regulate the prevalence of these issues relating to this property type. The council are proposing to licence all HMOs not already covered by mandatory licensing including those in purpose-built blocks and those living in section 257 HMOs.

## 4.0 Licensing criteria and exemptions

### 4.1 Which HMOs will be licensable?

It is proposed to designate a borough wide additional licensing scheme to cover the following types of HMOs. See Annex 2 for a map of the proposed additional licensing area.

#### a) Shared flats and houses

Shared by three or more people forming more than one household.

This will include all HMOs as defined in section 254 of the Housing Act 2004 that are not required to hold a licence under the current mandatory licensing requirements and that are occupied by three or more people forming more than one household. The households will share one or more basic amenity (such as a toilet, bathroom, or kitchen), or the living accommodation will be lacking in one or more of these basic amenities. This licence will cover the whole flat or house.

Specifically, this will include private flats in council blocks, mansion blocks and other purpose built accommodation which are currently exempt from licensing, but it will not include the common parts of such properties.

If you own and live in a property and have lodgers, additional licensing will only apply if you have three or more non-family members living with you.

#### b) Houses converted into self-contained flats

Where less than two-thirds of the self-contained flats are owner-occupied, and the building does not meet the standard of the 1991 Building Regulations (or later).

It is proposed that very small two storey flat conversions will be excluded. The proposal is to licence properties which meet the following criteria:

- Contain three or more flats in a building which is entirely in residential use **or**
- Contain two or more flats in a building with mixed business and residential uses.

#### **AND**

- Have a common entrance way shared by 2 or more flats
- Comprise three or more storeys (including basements and floors occupied by businesses)

This will include most HMOs defined under section 257 of the Housing Act 2004 which are buildings converted into self-contained flats that do not meet the “applicable standards”.

This licence will cover the communal areas and any lettings under the control of the licence holder.

Flats in converted properties will be deemed owner occupied if it is occupied by:

- Someone who has a lease of the flat which has been granted for a term of more than 21 years,
- Someone who has the freehold estate in the converted block of flats, or
- By a member of the household of the people mentioned above

## 4.2 House conversions that don't meet the applicable standard

‘Applicable standard’ means:

- A conversion into flats where the building work was completed before 1 June 1992, or which is dealt with by regulation 20 of the Building Regulations 1991 and which would not have been exempt under those regulations, or
- Building standards equivalent to those imposed, in relation to a building or part of a building to which those regulations applied, by those regulations as they had effect on 1 June 1992; and
- In the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984

This means that for conversions completed prior to 1 June 1992, they must meet the building regulation standard in force from 1 June onwards. Conversions completed after this date must comply with the building regulations in force at the time of conversion.

It is normally quite easy to tell where conversions don't meet this standard.

Typical features could include:

- Original lath and plaster walls and ceilings.
- Lack of 30 minute fire proofing between flats.
- Poor sound insulation between flats.
- Single glazing in some of the windows.
- Energy efficiency requirements may not be met.

## 4.3 Will the scheme cover all of Westminster?

We are proposing to make the scheme borough wide as there is a relatively even distribution of HMOs across Westminster. Whilst some wards have higher concentrations of HMOs than others, our modelling indicates that 43.8% of HMOs across Westminster have serious hazards present. There is therefore no justification for targeting specific areas of the borough. We also believe that having different requirements in certain areas would cause confusion to landlords and tenants. It may also put undue pressure on neighbouring wards

where rogue operators may be displaced. We want to see a level playing field across the borough with well managed multiple occupancy properties in every ward.

#### 4.4 Which properties are exempt

Certain properties are exempt through legislation and do not require a licence. These will include:

- Houses and flats controlled or managed by public sector bodies
- Where the person managing or in control of it is a registered provider of social housing.
- Certain buildings controlled or managed by a co-operative society.
- Buildings occupied by students where the person managing or having control is the educational establishment.
- Buildings principally occupied and used by religious communities (shared houses and flats only).
- Buildings that are already regulated, such as bail hostels.

### 5.0 The licensing process

#### 5.1 Licensing Policy

It is the council's intention to engage and work alongside landlords to ensure they are fully aware of their legal responsibilities, are provided with any necessary support and advice in this regard, and ensure compliance is achieved in how properties are managed.

However, where it is clear that landlords are not willing to effectively engage, and legal duties are not being upheld, the council will make use of its enforcement powers to ensure that private rented accommodation, including multiple occupancy accommodation, is appropriately managed, maintained and licensed.

The council's approach to regulating HMOs, including the effective administration of its licensing scheme, follows the principles set out in the Private Sector Housing Enforcement Policy as follows;

- **Proportionate:** our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
- **Consistent:** our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.
- **Targeted:** we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.
- **Transparent:** we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
- **Accountable:** our activities will be open to public scrutiny with clear and accessible policies and fair and efficient complaint procedures.

It is intended that this policy will be updated before the introduction of any proposed licensing scheme to ensure that the scheme is administered accordingly.

## 5.2 Applying for a licence

Applications for new HMO licences and renewals will need to be made on the council's website.

In order to meet the requirements set out in legislation and to ensure that the property is suitable for occupation (or can be made suitable), we will ask for the following information to be attached to applications:

- Gas safety certificate (issued within the last 12 months – where there is a gas supply).
- Fire alarm & Emergency lighting test certificate (issued within the last 12 months if a common parts alarm system is installed).
- Electrical installation safety certificate / condition report (issued within the last 5 years).
- Floor plan or sketch of the property layout / room sizes in square meters.
- A copy of an Assured Shorthold Tenancy agreement.

We will also ask for accurate information on the application including the number of sleeping rooms, amenities (kitchens, bathrooms, WC's, etc) as well as room sizes. This is to help us determine whether the property is suitable for the proposed number of occupants. Certain items such as the gas safety certificate are a legal requirement when applying for a HMO licence.

For houses converted into flats, we will need to know how many flats (if any) are under the direct control of the licence holder.

## 5.3 Proposed licence holder

### **Shared houses and flats**

The most appropriate person to apply for a licence will be the person having control of the property. This is normally the person who receives the rent. This could be freeholder or any other owner or lessor who receives rent (whether directly or through an agent or trustee) from tenants or lodgers in the premises.

In determining whether the proposed licence holder is the most appropriate party the council will consider whether they have:

- The authority to ensure compliance with the licence conditions.
- The authority to let and terminate the tenancies and receive the rental income.
- Are able to access all parts of the premises.

### **Houses converted into self-contained flats**

The 'person having control' and most appropriate licence holder in respect of a section 257 HMO is:

Where no person has been granted a long lease of a flat within the HMO, the person who receives the rent for the HMO, whether on their own account or as an agent or trustee of another person;

In relation to an HMO in respect of which a person has been granted a long lease of a flat within the HMO, in the order of preference listed below:

1. Has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002;
2. Has been appointed by the Leasehold Valuation Tribunal under section 24 of the Landlord and Tenant Act 1987;
3. Is the person who is the lessee of the whole of the HMO under a lease between him and a head lessor or the freeholder, or is the freeholder of the HMO; or
4. Has been appointed to manage the HMO by the freeholder, by a head lessor of the whole of the HMO, or by a person who has acquired the right to manage the HMO under Part 2 of the Commonhold and leasehold Reform Act 2002.

## 5.4 Licensing Standards

The council has four sets of HMO standards for different types of HMO. These are:-

- a) Bedsit and studio standards
- b) Hostel standards
- c) Self contained flat standards
- d) Shared houses and flats in multiple occupation standards

The reasons for the different standards are partly historical and partly practical as what might be suitable for a shared house HMO let under one tenancy to group of friends might not be suitable if the same house were let individually to a group of strangers. Details of the relevant standards are to be found in Annex 3. Some room size standards have been amended to reflect occupation patterns in HMOs where there is no cohesive living and where the unit of accommodation is effectively both a bedroom and living room. These have resulted in an increase in some room sizes but these are broadly consistent with other central London council's.

## 5.5 Licensing conditions

Certain conditions applicable to licensed HMOs are set out in legislation and will apply to all HMO that are covered by the scheme. The council may also impose property specific conditions to ensure that HMOs are suitable and safe for occupation.

Conditions many include requirements to carry out improvement works to render the HMO suitable for the number of occupants and will also include management conditions. The conditions will be tailored to the type of property being licensed.

The full set of proposed conditions can be found in Annex 4.

General conditions will include:

- Maximum permitted number of occupants and households per unit of accommodation.
- Ensuring statutory minimum bedroom sizes are met.
- Effective tenancy management with assured shorthold tenancies.

- Suitable management arrangements are in place for dealing with repair issues and emergencies.
- Addressing complaints about anti-social behaviour.
- Gas and electrical installations are safe at all times.
- Fire precautions and in place that are suitable for the type of property.
- Ensuring furnishings in the property are safe.
- Effective management of pests and vermin.
- Maintaining adequate provision for the storage and disposal of waste.
- Adequate security appropriate for the type of building and in compliance with the relevant British Standards.
- A requirement to notify the council of any changes in management or person in control.

Licence holders must on demand provide a declaration as to the safety of gas and electrical installations, fire detection and emergency lighting, the safety of furnishings, carbon monoxide alarms and portable electronic appliances.

The council believes that such conditions are not onerous and would be typical requirements for well managed properties.

## 5.6 HMO Licence Fees

There will be a fee to pay alongside the application to licence a property. Legislation allows local authorities to charge fees to recoup the costs incurred in administering a licensing scheme. Our fees have been calculated in accordance with this and can be found in Annex 7.

There will be separate fees for different types of HMO. For HMOs which fall under the definition of section 254 of the Housing Act 2004, i.e. Where there is an element of sharing of kitchen and/or bathroom facilities, the fee covers the licence for an average-sized HMO of this type which is considered to contain up to five units of accommodation. Units of accommodation in excess of this will be charged a supplementary fee.

For HMOs which fall under the definition of section 257 of the Housing Act 2004, i.e. buildings which have been converted to self-contained flats but not in compliance with building regulations, the fee will cover the determination and issue of the licence which will predominantly cover the common parts of the building and any flats directly under the control of the licence holder.

The licence fees are split into two parts as required by law; the first part covers the costs of receipt and validation of a licence application and will be charged alongside the initial licence application. The second part will be charged once a decision has been reached to issue a licence and this covers the costs of enforcing the licence. These separate fee elements are also set out in Annex 7.

We want to recognise efforts undertaken by landlords to ensure they are fully aware of their legal responsibilities, and that they are managing their properties in a satisfactory manner. Therefore, a discount will be available to any landlord who is accredited with the London Landlord Accreditation Scheme (LLAS), or any recognised, professional trade organisation

for landlords such as the National Residential Landlords Association (NRLA), or employs a named manager who is ARLA Propertymark approved. Membership of such bodies includes opportunities to undertake competent training on the management of rented accommodation. Details of the discount offered are set out in Annex 7. Landlords will need to state their accreditation number to receive a discount.

Fees will be paid online, and details of how to do this will be provided alongside the application form. The full fee must be paid in order for the licence to be issued.

### 5.7 Granting or refusing a licence

In order to hold an HMO licence the council must be satisfied that the proposed licence holder is a fit and proper person. This means, they have not been convicted of housing and certain other offences that would indicate they are unfit to manage a property and may place tenants at risk.

The main reasons we would refuse to issue a licence are:

- The house is not suitable for the number of households and it would not be possible to make it suitable by imposing conditions.
- There are insufficient management arrangements in place.
- There is a banning order in place.
- The applicant is not considered the most suitable person to hold the licence.
- The licence holder is not considered to be fit and proper.

Proposed licence holders will be required to complete a fit and proper person declaration when making an application. We will also conduct checks to ensure that there is no history of previous enforcement action.

Before we approve a licence, we will issue a draft copy of the licence to the applicant, proposed licence holder (if different) and other “relevant persons”.

“relevant persons” is defined in the Act and includes other people having an estate or interest in the property such as leaseholders, mortgage companies and management companies. This will provide the opportunity to make representations on the occupation limits and any proposed licensing conditions.

### 5.8 Licence duration

In most situations the licence will run for five years from the date of approval. This is the maximum length of time a licence may last.

The council may however decide it is necessary to issue a licence of a reduced duration where:

- The HMO is identified by the council or as a result of a complaint rather than through a licence application.
- There is previous history of non-compliance either in Westminster or another local authority.
- Conditions within the property are poor, or conditions are attached to the licence that will require a review of management arrangements in the following 12 months.

- The applicant is not able to demonstrate they will maintain full control over the property for five years, for example due to a short lease.
- The property is occupied by 'Property Guardians' on a short-term basis.
- The planning status for use as an HMO is unconfirmed.

## 5.9 Enforcement of Licensing Conditions

We are committed to working with landlords to ensure properties are safe and well managed. Where any breach of legislation is identified we will follow the council's private sector housing enforcement policy in determining the most appropriate course of action. This will take into account the severity and number of breaches, potential or actual harm caused to tenants as well as the licence holders track record.

In the case of significant breaches of licence conditions, the council may:

- Issue a Civil Penalty Notice up to £30,000
- Prosecute the licence holder or managing agent
- Revoke the licence

## 5.10 What happens if a landlord lets a property without a licence?

As is the case with our currently mandatory HMO licensing scheme, it will be an offence to knowingly let out and be in control of a property under the proposed additional scheme without applying for a licence.

Licensing of HMOs provides an excellent way of rooting out criminal landlords. More often than not, in addition to non-compliance with other housing, consumer protection and health and safety legislation, they won't apply for a licence.

If we identify a property without a valid licence, we will judge each case on its own merits. Our first priority is to ensure that an appropriate licence holder is put in place to ensure that the property is properly managed and maintained for the safety of its residents. For cases where there is a high degree of culpability, evidence of poor management and the property is in a poor condition we may pursue the following enforcement options:

- Issue a Civil Penalty Notice up to £30,000
- Prosecute the person in control or managing
- Apply for a Rent Repayment Order (if housing benefit/Universal Credit paid)
- Consider a Banning Order

In addition to the steps that the council can take, tenants living in unlicensed properties will have the ability to claim up to 12 months' rent back through a Rent Repayment Order.

## 6.0 What do we hope to achieve?

### 6.1 Aims of Licensing

Our aims for licensing overall are:-

- To protect private rented tenants and vulnerable groups from the social and health effects of poorly managed and maintained properties within the private rented sector and in doing so, reduce inequality of housing.
- To create sustainable private rented sector tenancies attractive to good tenants.
- To make the area safer and a desirable place to live and work by reducing the detrimental effects of poor tenancy management.
- To encourage good landlords to operate within the area and make it easier to involve all landlords in wider strategies including crime reduction initiatives, local spatial strategies and other initiatives.

Our view is that licensing will have the capacity to improve housing conditions and management. It will aid in protecting the welfare of tenants, provide confidence in the private rented sector and put clear standards in place. It will be more conducive to good landlords and provide an environment which is less opportunistic and attractive for irresponsible and criminal landlords. It will also give the council and landlords more powers in dealing with those tenants who cause anti-social behaviour and/or engage in criminality.

The objectives of the additional licensing scheme are:

- To effectively regulate HMOs in the private rented sector by identifying dedicated property licence holders responsible for the management and conditions of the property, ensuring consistency of standards across the city for HMOs in private rented sector.
- To extend licences to section 254 and section 257 HMOs which are not currently covered by the existing mandatory scheme. These HMOs are properties which either share amenities (such as bathroom or kitchen facilities) or are self-converted flats which may not meet building regulations.
- To drive up housing standards in properties where there is poor management, need for repairs, amenity and fire safety hazards, and anti-social behaviour.
- To enable council officers to utilise enforcement powers effectively to significantly drive up housing standards, housing management and the wellbeing of tenants in high risk properties which present the worst conditions.
- To empower tenants to raise issues with licence holders by encouraging the reporting of property management and condition issues to the local authority.
- To safeguard tenants from HMO properties which present significant hazards due to below minimum energy, health and safety standards.
- To increase the council's visibility of HMOs in the private rented sector so intelligence can be better utilised and understood.

Our proposal for additional licensing is made on the grounds that the proposed property type:

- a) Is prevalent for issues relating to poor property conditions particularly around excess cold and fire precautions.
- b) Poor property management from the rent to rent sector.
- c) Rogue landlords, preying on migrants and
- d) Overcrowding and lack of space in flats in multiple occupation.

and that an additional licensing designation would impose conditions directly relating to addressing these issues.

## 7.0 What are the risks?

### 7.1 Risks identified to the implementation of a successful scheme

The council has considered the risks of introducing licensing, particularly the risk of increased costs to landlords who are fully compliant with their obligations. It is also important for local authorities to consider some of the possible effects of making a designation and to include any risk assessment they may have carried out. A number of risks have been identified principally around costs to the landlords, tenants and the council itself.

A copy of the Risk Assessment can be found at Appendix C.

## 8.0 What other options have been considered?

### 8.2 Alternatives to HMO Licensing

Other alternatives to HMO Licensing have been considered. These include action through The Housing Health and Safety Rating Scheme (HHSRS), Landlord accreditation and use of management regulations. HHSRS is unwieldy and designed for individual properties; not for area wide action and is extremely time consuming. It is also largely reactive, being applied in response to complaints about housing conditions, as opposed to the proactive measures available through licensing. HHSRS cannot be used to improve standards of management, and there are no powers within HHSRS to deal with anti-social behaviour, as it is purely a property-based regime. Landlord accreditation is an option which might be considered.

Landlord accreditation is widely used across London and Westminster is an active member of the London Landlord Accreditation Scheme (LLAS). As at July 2020 there were 858 accredited landlords registered as located within Westminster. As with most types of accreditation those who join are usually those who already have the knowledge and capacity to adequately manage their properties i.e. are already the better landlords. This means the worst landlords effectively are not targeted. It must also be acknowledged that some landlords employ professional companies and agents to manage their properties and these are usually members of national agents' bodies such as UKALA, Safeagent, or ARLA. Block managers (i.e. Those dealing with building maintenance) are often members of IRPM.

Because accreditation is personally linked to the landlord, there is no effective monitoring of the housing stock and there are no additional enforcement powers available.

For the past two years the council has been operating a Housing Standards Taskforce, a team of multidisciplinary officers who offer a targeted enforcement service dealing with rogue landlords. Whilst this team has been very successful in dealing with mandatory licensable HMOs its remit to deal with other HMOs is limited as many of the problematic HMOs lie outside the scope of mandatory licensing either because they are purpose-built properties, or they are section 257 HMOs. Using the Housing Standards Taskforce on non-licensable properties relies on the use of HHSRS with the disadvantages previously mentioned.

Selective licensing is an alternative method of regulating anti-social behaviour and requires landlords to be fit and proper persons in a similar way to HMO licensing. However, it does

not address property standards and not all HMOs would be captured by selective licensing. Borough wide selective licensing covering more than 20% of the geographical area also requires the Secretary of States approval.

The targeted use of Interim Management Orders and Empty Dwelling management orders allows a local authority to tackle the day to day management of the private sector tenancy where certain prescribed conditions are met relating to antisocial behaviour and protection of the health, safety. However, this is time consuming and requires the management by the council, or a council's agent, to manage property. Landlord has effectively someone else to manage the property and potentially still receives income from being a poor landlord. Ultimately this does not present a long-term solution to poor management of private rented properties.

## 9.0 Alignment with other housing strategies

### 9.1 Private rented sector Strategy

Westminster's Housing Strategy Direction of Travel Statement 2015 sets out the council's intentions towards the private rented sector:

- Continue to work with landlords and lettings agents to address bad practices.
- Regularly review if there is a case for discretionary licensing.
- Continue to ensure private rented housing offered to homeless households is of good quality.
- Consider how to introduce the new enforcement powers.
- Enable engagement between different types of tenants.

New independent research into the private rented sector, its continued growth and a changing tenant profile has prompted the development of a new stand-alone Private Rented Sector Strategy 2020 – 2024 which was consulted on in September – October 2020. The draft strategy, due to be published in early 2021, aims to:

- improve conditions and practices in the sector;
- support private tenants, landlords and lettings agents;
- improve and share knowledge and intelligence on the sector and use it to target resources;
- help to shape the sector, by suggesting ideas for change.

A copy of the draft strategy can be found at Annex 6.

Proposals to improve conditions and practices include consulting on an additional licensing scheme for HMOs, as recent research has identified them to have some of the worst conditions of all private rented homes and licensing will help to raise standards and target council resources towards the poorest properties. The case for selective licensing will also be kept under review.

There are plans to raise awareness of support services for tenants, as they are often unaware of them and as there is high turnover in the sector. Increasing the number of

accredited landlords and lettings agents is suggested as it offers them training and professional development and gives assurance to tenants.

Plans to support tenants include continuing and expanding the specialist help currently provided to them through Safer Renting a charity providing housing advice for example by helping them in future with any action they may be taking against their landlord through Civil Penalty Notices. Proposed support to landlords and agents includes developing the landlords' forum and looking for funding opportunities to provide grants to make private rented homes more energy efficient.

The Strategy proposes to share and use knowledge and intelligence, embedding the learning from our Housing Standards Taskforce, which was set up with government funding, to coordinate action against the worst landlords using data and making the approach business as usual. Also suggested is setting up a private rented sector strategy group to bring people and organisations together with an interest in the sector to share knowledge, track changes and suggest different ways of working.

Ways to shape the sector include a national register of landlords so the person responsible for the property is easily identifiable and for tenants' rights and responsibilities to be included in plain English as part of the tenancy agreement so they are much easier to understand.

The proposed Strategy also acknowledges the private rented sector could see changes due to Covid-19 and asks for views on what may occur and on how the council can support tenants and landlords as a result.

## Annexes and Appendices

### Annex 1 - Metastreet Report

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Westminster City Council  
Private rented sector: Housing Stock Condition and Stressors Report

August 2019

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## **Executive Summary**

It has been a number of years since Westminster City Council reviewed housing stock in the borough and assessed housing stressors related to key tenures, particularly Houses in Multiple Occupation (HMO).

The detailed housing stock information provided in this report will facilitate the development and delivery of Westminster City Council's housing strategy for the private rented sector and enable a targeted approach to tackling poor housing.

The main aim of this review was to investigate and provide accurate estimates of:

- Current levels of private rental sector (PRS) properties and tenure change since 2006
- Information on the number of Houses in Multiple Occupation (HMOs) as a subset of the PRS, including section 254 and 257 HMOs
- Levels of serious hazards that might amount to a Category 1 hazard (HHSRS)
- Other housing related stressors, including antisocial behaviour (ASB) and service demand linked to the PRS and HMO.
- Assist the council to make policy decisions, including the possible introduction of property licensing schemes under Part 2 and Part 3 of Housing Act 2004

Metastreet has developed a stock-modelling approach based on metadata and machine learning to provide insights about the prevalence and distribution of a range of housing factors. This approach has been used by several council's to understand their housing stock and relationships with key social, environmental and economic stressors.

The housing models are developed using unique property reference numbers (UPRN) as keys, which enables detailed analysis at the individual property level.

Types of data records used to form the foundation of this report include:

Council tax	Electoral register	Other council interventions records	Acorn Public Sector records
Housing benefit	Private housing complaints and interventions records	ASB complaints and interventions records	Energy Performance data

## **Key Findings**

- Westminster has a large and growing PRS
- Affordability is the key challenge for private renters
- There is a total of 124,946 residential properties in Westminster, 42.7% (53,315) of which are PRS, 39% (48,698) are owner occupied and 18.4% (22,933) socially rented
- The PRS has been the fastest growing tenure since 2006

- Modelling predicts that there are 6,773 private rented properties in Westminster that are likely to have a serious home hazard (Category 1, HHSRS)
- 4.5% of PRS properties have an F and G rating. Extrapolated to the entire PRS, 2,511 PRS properties are likely to fail the MEES statutory requirement
- Westminster's PRS has a relatively high concentration of HMOs distributed across all 20 wards (9,539)
- Poor housing conditions are prevalent in the HMO sector. 4,178 (42.5%) HMO properties are predicted to have at least 1 serious hazard (Category 1, HHSRS)
- HMOs have the highest rates of ASB of any tenure. High levels of ASB are linked to HMOs across the borough.
- HMOs place a disproportional demand on council services, 9,539 HMOs received 25,341 council interventions over the study period.

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Map 6: Housing and public health notices served on HMO properties by ward

Map 7: section s254 & s257 HMO distribution

## Introduction & Project Objectives

Metastreet were commissioned by Westminster City Council to review its housing stock with a focus on the following key areas:

- Residential property tenure changes since 2006
- Housing age profile
- Distribution of the PRS and HMOs
- Condition of housing stock in the PRS and HMOs
- Housing related stressors, including Anti-Social Behaviour (ASB), service demand and population change.

The report provides the council with the evidence base for developing housing policy and service interventions. The report also satisfies the council's responsibility to review its housing stock as set out under Part 1, section 3 of the Housing Act 2004.

The first section of the report details the findings of the stock and tenure modelling, including an introduction to the methodology. A combination of Westminster's data warehouse and machine learning techniques have been used to pinpoint tenure and predict property conditions within its PRS housing stock. An advanced property level data warehouse has been used to identify property tenure to facilitate the stock and tenure analysis.

For the purposes of this review, it was decided that a ward-level summary is the most appropriate basis to assess housing conditions across Westminster, built up from property level data.

Four separate predictive tenure models (Ti) have been developed as part of this project which are unique to Westminster, they include:

- Private rented sector (PRS)
- Houses in Multiple occupation (HMO)
- Owner occupiers
- PRS Housing hazards (Category 1)

The second section provides a housing policy overview and uses this to provide further analysis of the tenure modelling information to determine if characteristics exist in the Borough to support any specific action.

## 1. Westminster City Council Housing Overview

The city of Westminster is an Inner London borough that also holds city status. It occupies much of the central area of Greater London including most of the West End. It is located to the west of the ancient City of London, directly to the east of the Royal Borough of Kensington and Chelsea, and its southern boundary is the River.<sup>15</sup>

### 1.1 Population

The Office of National Statistics (ONS) population estimate for Westminster as at Mid 2017 was 242,299. This makes Westminster the 22<sup>nd</sup> most populous London Borough<sup>16</sup>.

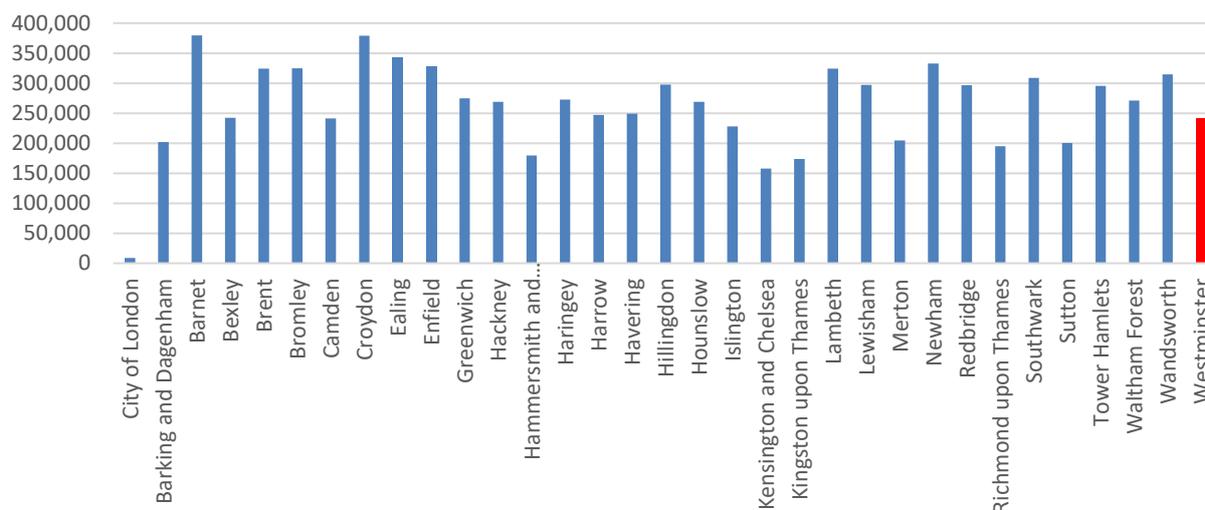


Figure 1: Population estimates by London boroughs (Source: ONS 2017)

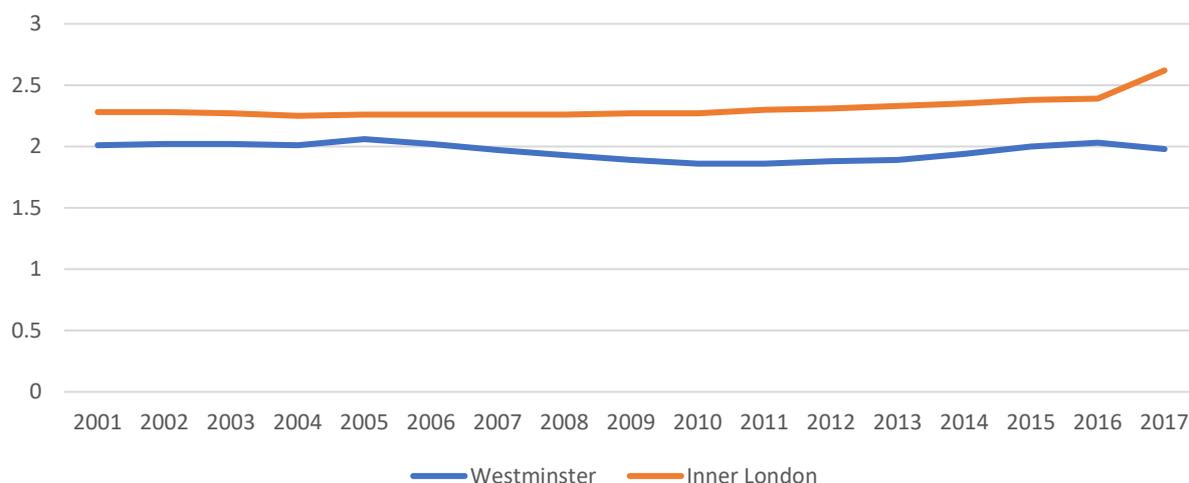
### 1.2 Persons per dwelling

Person per dwelling is an indicator of residential population density and overcrowding. It is calculated using average dwelling size (persons per dwelling) using population estimate (ONS) divided by number of dwellings<sup>17</sup>. Westminster's person per dwelling has been stable over the last two decades.

<sup>15</sup> Wikipedia 2019, [https://en.wikipedia.org/wiki/City\\_of\\_Westminster](https://en.wikipedia.org/wiki/City_of_Westminster).

<sup>16</sup> Population estimates 2017 ONS

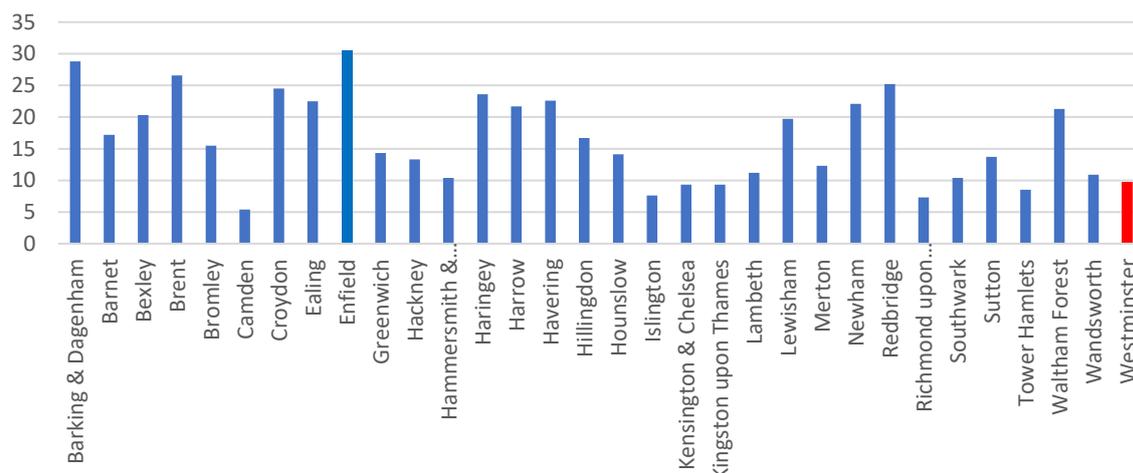
<sup>17</sup> <https://data.london.gov.uk/dataset/net-additional-dwellings-borough>



**Figure 2: Persons per dwelling 2001-2017 (Source: ONS 2017)**

### 1.3 Possession order rates

Westminster has below average eviction rates compared with the rest of London, with 9.7 evictions per every 1,000 renting households. Generally, the highest eviction rates are concentrated in Outer London.



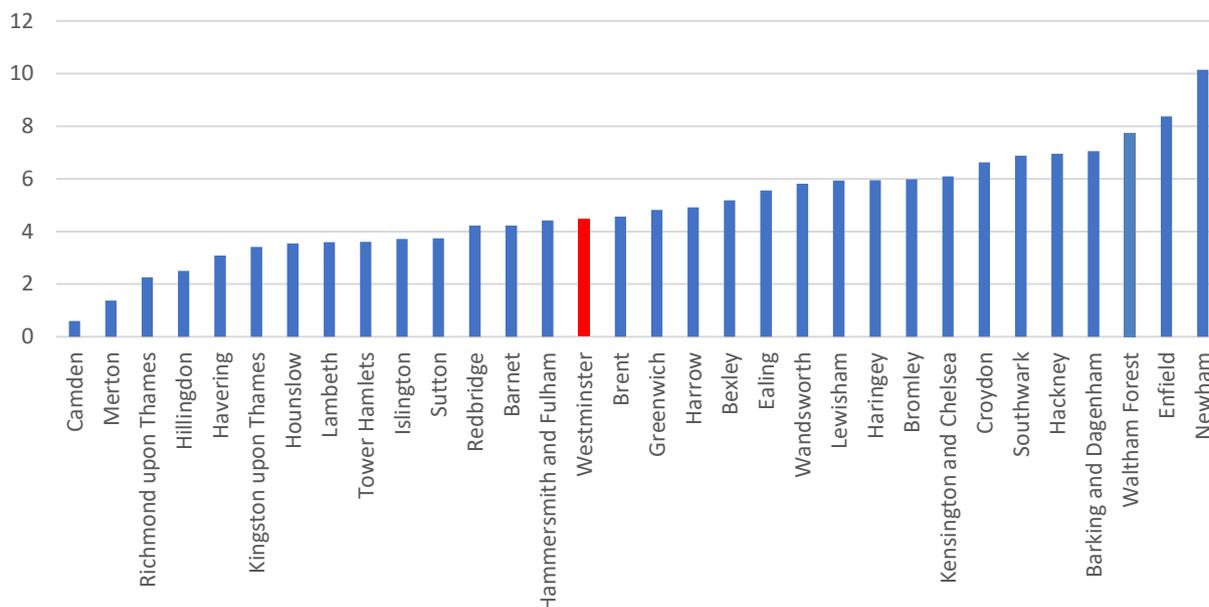
**Figure 3: Possession orders for renters by London boroughs (2015/16) (Source: Trust for London Borough)**

### 1.4 Homelessness

Statutory homelessness acceptance includes those who the local authority has determined are legally entitled to assistance. To be accepted as statutorily homeless by the local authority you must be found legally and unintentionally homeless, be eligible for assistance and in priority need.

No fault section 21 evictions are a key driver for homelessness. Borough's with large numbers of families living in the PRS receiving benefits are vulnerable to this type of

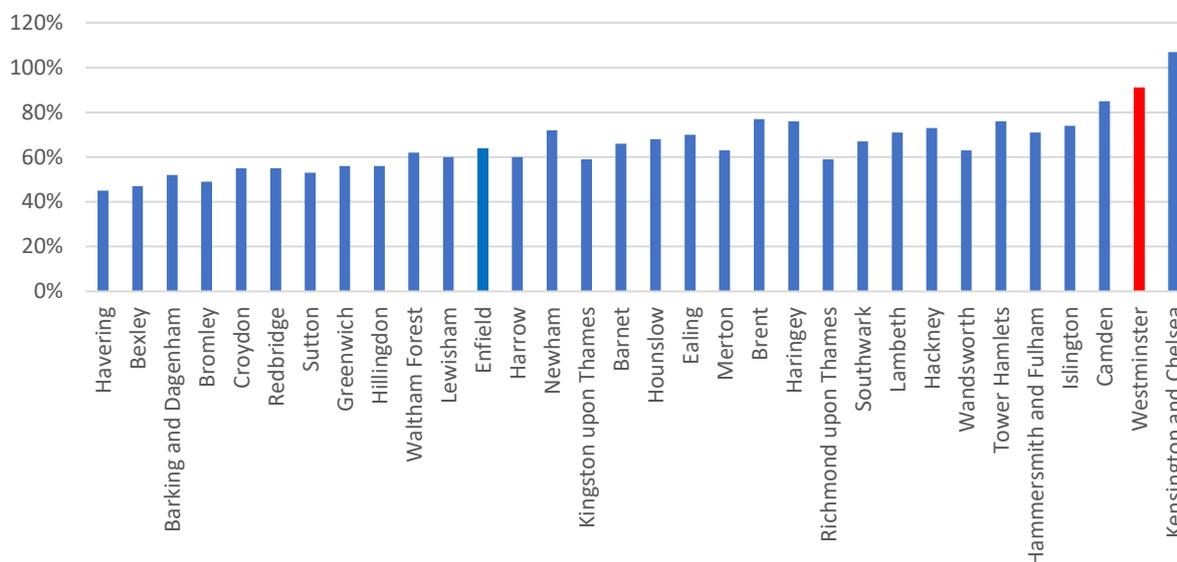
eviction. Homelessness returns to government in the 2016/17 financial year show Westminster has average homelessness acceptance rates in London <sup>18</sup>.



**Figure 5: Homelessness acceptances per 1,000 households by London borough (Source: MHCLG 2016/17)**

### 1.5 Rents and Affordability

Private rents vary by borough. As this report is concerned with housing conditions and other housing stressors, we have looked at the lower quartile (bottom 25%) of earnings as a percentage of rents. 91% of earnings for the lowest quartile of workers is used to pay rent <sup>19</sup>. This is the second highest in London.



**Figure 6: Rent as a proportion of lower quartile monthly gross earnings (Source: VOA 2016)**

<sup>18</sup> MHCLG Homelessness returns 2016/17

<sup>19</sup> Valuation Office Agency (VOA), Private rental market summary statistics: 2018

## **2. Results of housing stock and stressor modelling**

### **2.1 Methodology**

Tenure Intelligence (Ti) uses council held data and publicly available data to identify tenure and analyse property stressors, including property conditions and ASB.

Data trends at the property level are analysed by mathematical algorithms to help predict the tenure of individual properties using factors such as occupant transience and housing benefit data. Metastreet have worked with the council to create a residential property data warehouse. This has included linking millions of cells of data to 124,946 unique property references (UPRN). This data includes council and externally held data.

Machine learning is used to make predictions for each for tenure and property condition. Results are analysed to produce a summary of housing stock and predictions of Category 1 hazards (HHSRS). To achieve the maximum accuracy, unique models are built for each council, incorporating individual borough data and using known outcomes to train predictive models.

Once the data warehouse was created, statistical modelling was used to determine tenure using the methodology outlined below.

Different combinations of risk factors were systematically analysed for their predictive power in terms of key outcomes. Risk factors that duplicated other risk factors but were weaker in their predictive effect were systematically eliminated. Risk factors that were not statistically significant were also excluded through the same processes of elimination.

For each UPRN a risk score was calculated using logistic regression. The selected risk factors have a better or worse than evens chance of being predictive

Four separate predictive models have been developed as part of this project which are unique to Westminster Council:

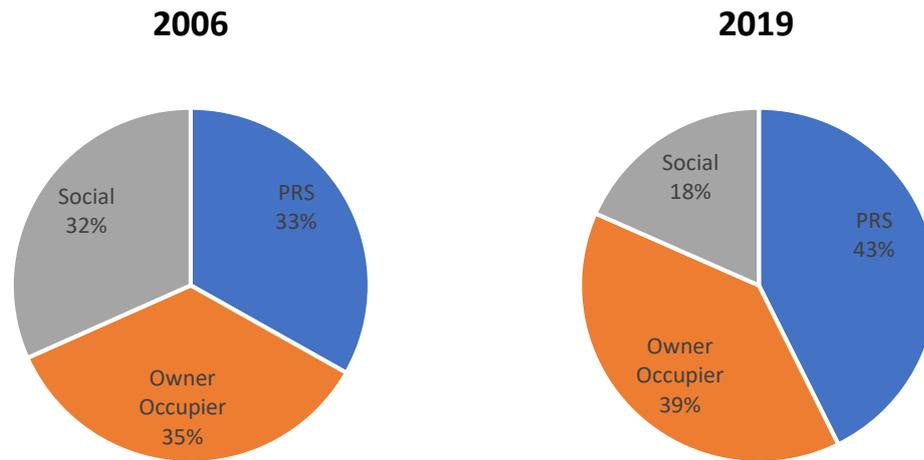
- Private rented sector (PRS)
- Houses in Multiple occupation (HMO)
- Owner occupiers
- PRS Housing hazards

It is important to note that this approach cannot be 100% accurate as all statistical models include some level of error. A more detailed description of the methodology and the bespoke factors selected to build bespoke predictive models for this Westminster project can be found in Appendix 2.

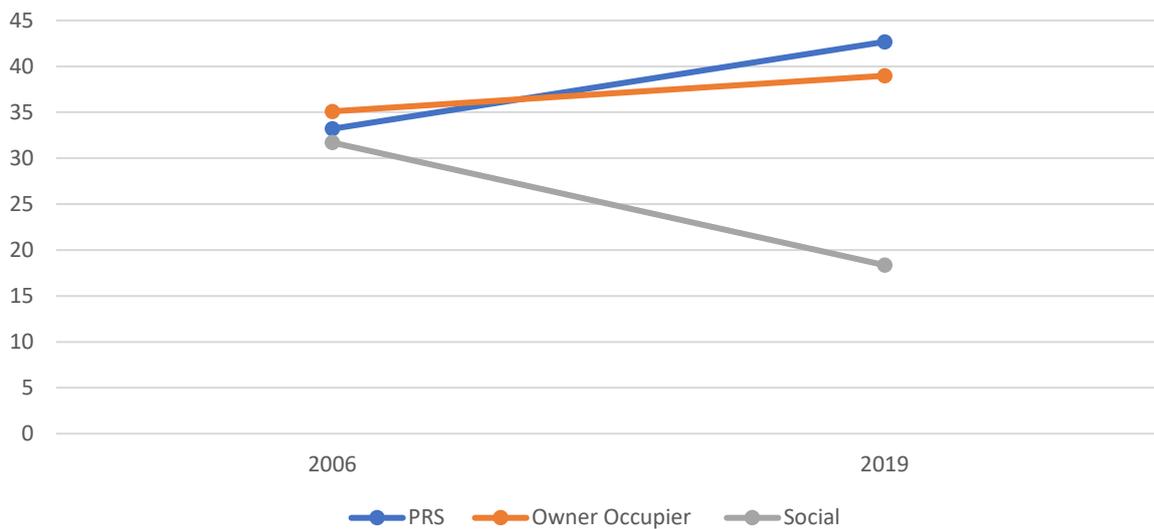
### **2.2 Results - Private rented sector**

#### **2.2.1 Population and distribution**

The private rented sector (PRS) in Westminster has grown significantly since 2006. Based on tenure modelling (Ti 2019), Westminster's PRS is now calculated to be 42.7% of all housing stock, making it one of the largest PRS populations by proportion in the country. This compares to 33% of households in 2006 (ONS). Over the same period, owner occupation has risen by 4%, while social housing has halved in size.



**Figure 7: Tenure profile 2006 and 2019 (Source: ONS data & Metastreet Ti model)**



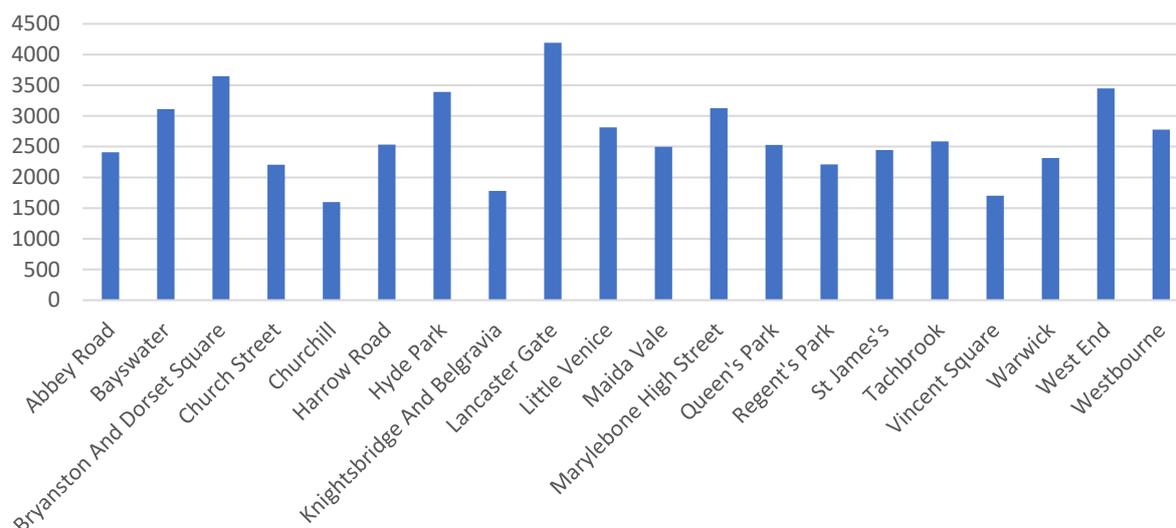
**Figure 8: Tenure change as percentage of total housing stock, 2006 – 2019 (Source: ONS and Ti 2019)**

This increase is part of a nationwide and regional trend. The PRS in the UK has grown from 9.4% of housing stock in 2000<sup>20</sup>, and now accounts for approximately a fifth of all households in England – with a significantly higher proportion of the PRS in many urban areas<sup>21</sup>. It is now the second largest housing tenure in England, with a growing number of households renting from a population of around 1.5 million private landlords<sup>22</sup>. The PRS in Westminster is distributed across all 20 wards.

<sup>20</sup> The profile of UK private landlords Scanlon K & Woodhead C CML research. LSE London. December 2017 [www.cml.org.uk](http://www.cml.org.uk)

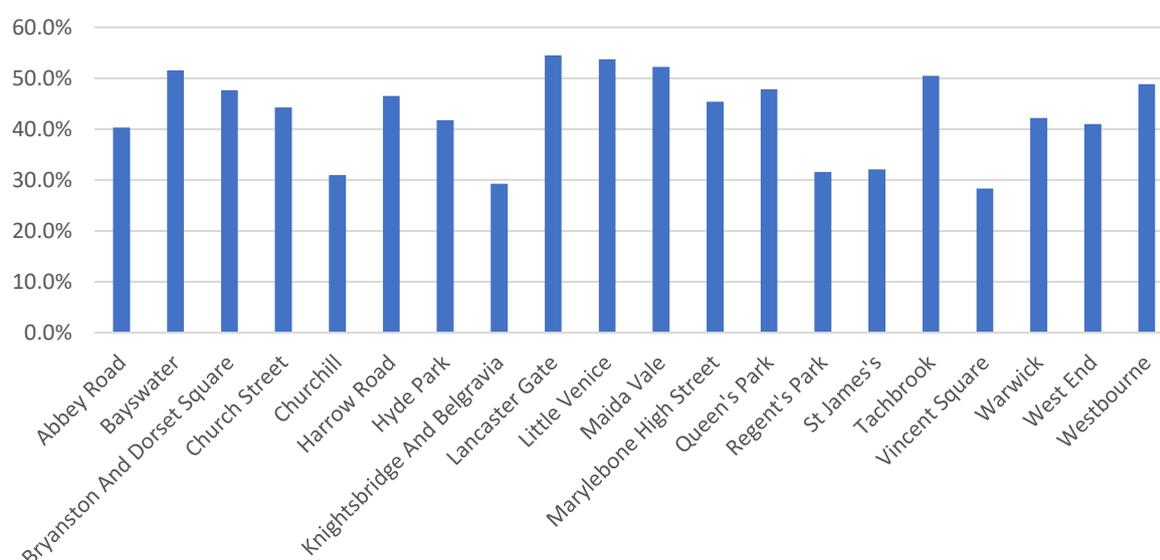
<sup>21</sup> Department for Communities and Local Government (DCLG) (2016) English housing survey 2014 to 2015: headline report.

<sup>22</sup> Landlord Licensing. Interim report-overview of the incidence and cost of HMO & discretionary schemes in England. February 2015. [www.landlords.org.uk](http://www.landlords.org.uk)



**Figure 9: Number of PRS dwellings by ward (Source Ti 2019)**

The percentage of PRS properties in each ward ranges between 54% (Lancaster Gate) and 28% (Vincent Square).



**Figure 10: Percentage of PRS dwellings by each ward (Source: Ti 2019)**

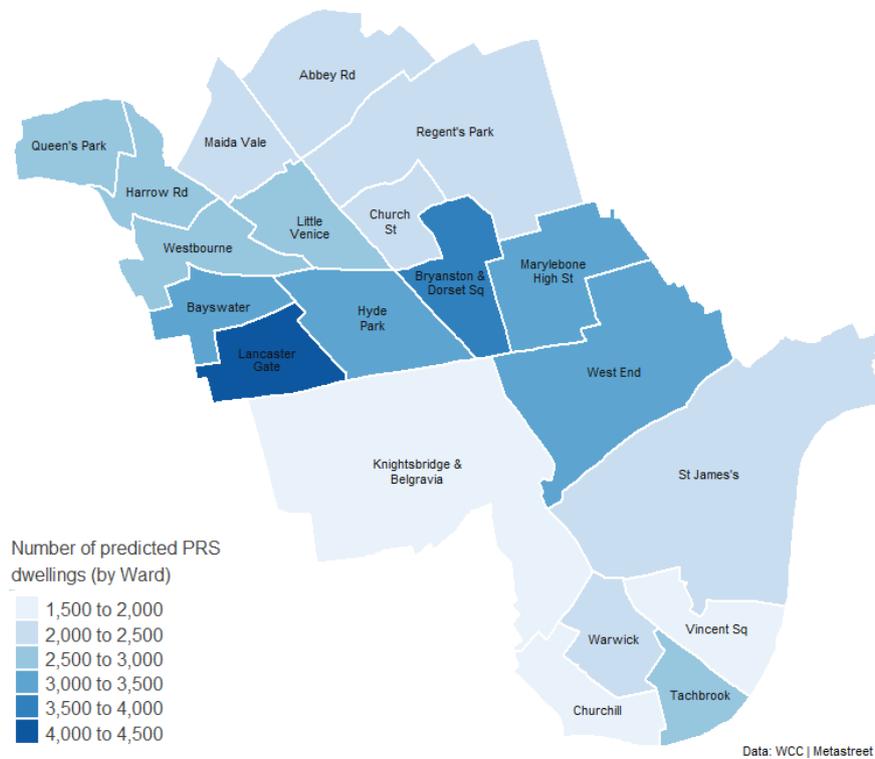
The table below shows the total predicted PRS in each ward and the percentage PRS against the total housing stock in each ward.

Ward	Number PRS	Percentage PRS
Abbey Road	2407	40.3%
Bayswater	3112	51.6%
Bryanston And Dorset Square	3645	47.7%
Church Street	2206	44.3%
Churchill	1599	31.0%
Harrow Road	2533	46.5%

Hyde Park	3389	41.8%
Knightsbridge And Belgravia	1780	29.3%
Lancaster Gate	4190	54.5%
Little Venice	2815	53.7%
Maida Vale	2499	52.2%
Marylebone High Street	3128	45.4%
Queen's Park	2526	47.9%
Regent's Park	2211	31.6%
St James's	2446	32.1%
Tachbrook	2587	50.5%
Vincent Square	1704	28.3%
Warwick	2315	42.2%
West End	3446	41.0%
Westbourne	2777	48.9%

**Table 1: Number and Percentage of PRS properties by ward (Source: Ti 2019)**

The map below plots the PRS across Westminster and shows that it is widely distributed across the Borough, with concentrations in some central and north west wards.



**Map 1: PRS properties by ward (Source: Ti 2019, Map produced by WCC)**

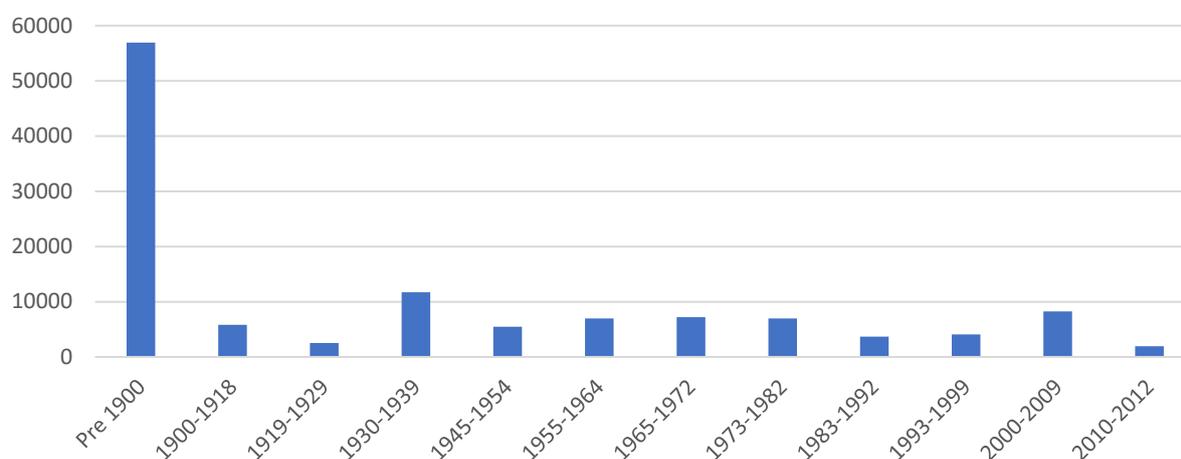
### 2.2.2 Housing conditions

Housing conditions are affected by the level of maintenance and quality of repair, the age of the property, thermal efficiency and type of construction. Category 1 hazards have a physiological or psychological impact on the occupant and may result in medical treatment. The negative impact of poor housing on health is well understood<sup>23</sup>.

In 2016, 15% (750,000) of private rented dwellings in England had at least one Category 1 hazard; this was a higher proportion than owner occupied (13%) and social rented homes (6%)<sup>24</sup>.

A council's property age profile can have an impact on housing conditions. It is notable that there is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1850, and lowest in the more energy efficient dwellings built after 1980<sup>25</sup>.

Approximately half of Westminster's housing stock was constructed pre 1900.



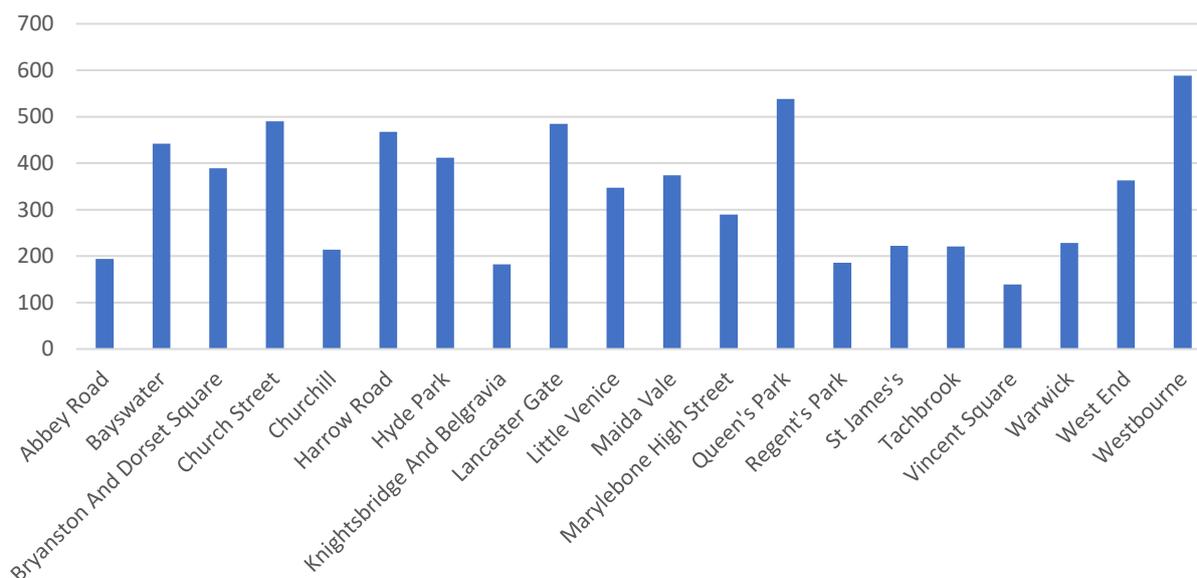
**Figure 11: Age profile of housing stock (all tenures) (Source: Valuation Office Agency)**

Using a sample of properties that are known to have at least 1 serious housing hazard (Category 1, HHSRS), it is possible to predict the number of PRS properties with at least 1 serious hazard across the borough. The figure below shows that serious hazards can be found in PRS properties across all wards.

<sup>23</sup> Dr Jill Stewart, Environmental Health and Housing: Issues for Public Health

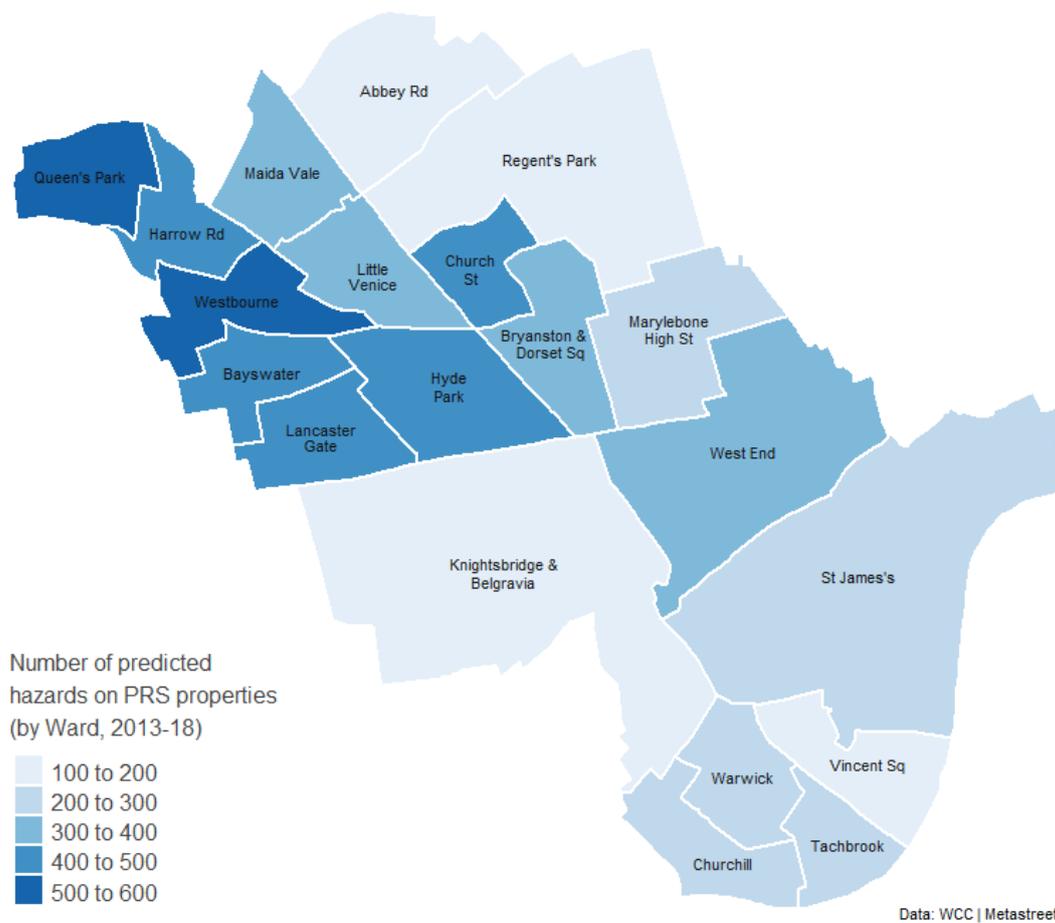
<sup>24</sup> MHCLG Private rented sector 2016-17 English Housing survey

<sup>25</sup> Housing Health and Rating System, Operation Guidance, 2006



**Figure 12: Predicted number of Category 1 hazards by ward (Source: Ti 2019)**

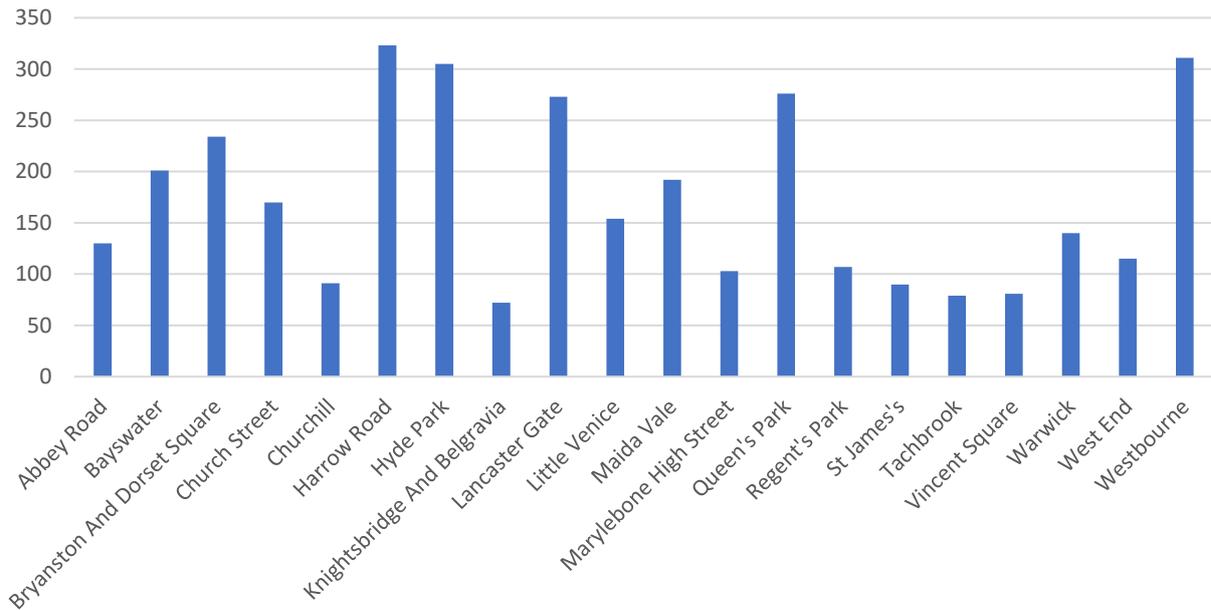
Using predictive modelling it has been calculated that there are 6,773 private rental properties in Westminster that are likely to have a serious home hazard (Category 1, HHSRS). Westbourne (588), Queen's Park (538) and Lancaster Gate (485) have the largest number of properties with category 1 hazards. Vincent Square has the lowest levels of predicted Category 1 hazards (139)



**Map 2: Distribution of PRS properties with category 1 hazards (Source: *Ti 2019, Map produced WCC*)**

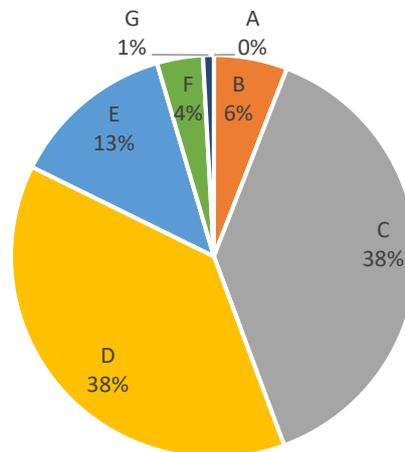
Tenants are generally reluctant to make a complaint about disrepair in the PRS<sup>26</sup>. Notwithstanding this, Westminster received 3,447 PRS service requests and complaints over a 3-year period resulting in 887 statutory notices served to abate hazards and nuisances.

<sup>26</sup> Which, Private renters fear complaining could get them evicted; <https://www.which.co.uk/news/2018/04/private-renters-fear-complaining-could-get-them-evicted/>



**Figure 13: PRS service requests and complaints made about PRS to council (Source: Ti 2019)**

Energy performance data matched to PRS properties reveals the distribution of Energy Performance Certificate ratings. 31,282 ratings were matched to predicted PRS UPRNs. All figures have been modelled from this this group.



**Figure 14: Distribution of Energy Performance Certificate ratings in PRS (Rating A-G) 2016 data (Source: Ti 2019)**

The Minimum Energy Efficiency Standard (MEES) came into force in England and Wales on 1 April 2018. The regulation applies to PRS properties and mandates that all dwellings must have an EPC rating of E and above to be compliant. 17.7% of PRS properties in Westminster with an EPC have an

E, F, and G rating. 4.5% of PRS properties have an F and G rating. Extrapolated to the entire PRS, 2,399 PRS properties are predicted to fail the MEES statutory requirement.

The energy efficiency of a dwelling depends on the thermal insulation of the structure, on the fuel type, and the size and design of the means of heating and ventilation. Any disrepair or dampness to the dwelling and any disrepair to the heating system may affect their efficiency. The exposure and orientation of the dwelling are also relevant<sup>27</sup>.

The statistical evidence shows that there is a continuous relationship between indoor temperature and vulnerability to cold-related death. The colder the dwelling, the greater the risk. The percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. There is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1850, and lowest in the more energy efficient dwellings built after 1980<sup>28</sup>. Therefore, the sizeable number of F and G properties present a serious risk to the occupants' health, particularly if over the age of 65.

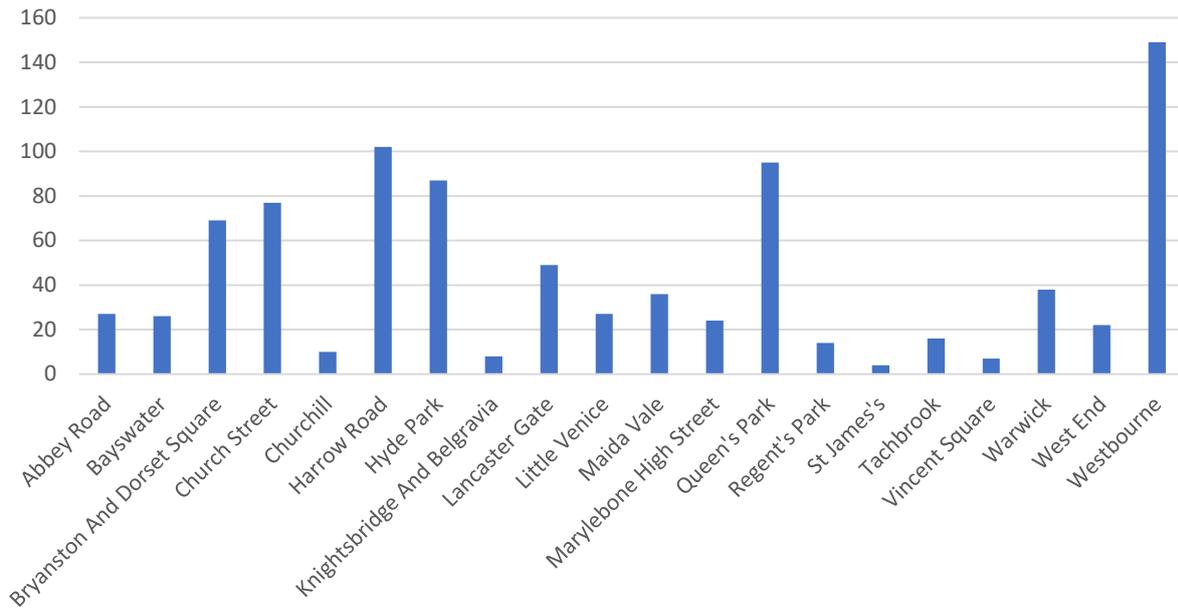
### **2.2.3 PRS enforcement interventions by council**

Westminster uses a range of statutory housing and public health notices to address housing standards in the PRS. These are often as a result of a complaint being made by a tenant about their accommodation. As a result, 887 housing and public health notices have been served.

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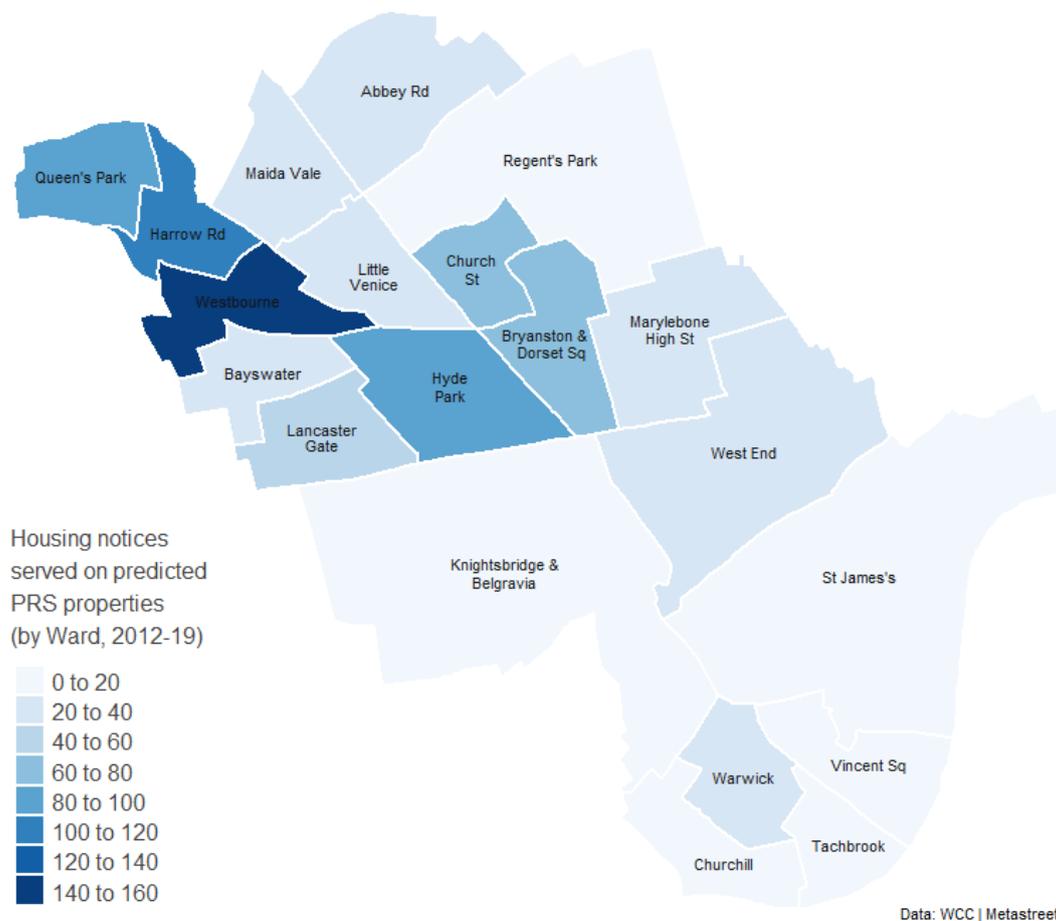
<sup>27</sup> Housing Health and Rating System, Operation Guidance, 2006,

<sup>28</sup> Housing Health and Rating System, Operation Guidance, 2006 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15810/142631.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf)



**Figure 15: Housing and public health notices served on PRS properties by ward (Source: Ti 2019)**

Part of the housing conditions picture is to report on council intervention in the PRS with statutory housing and public health notices.

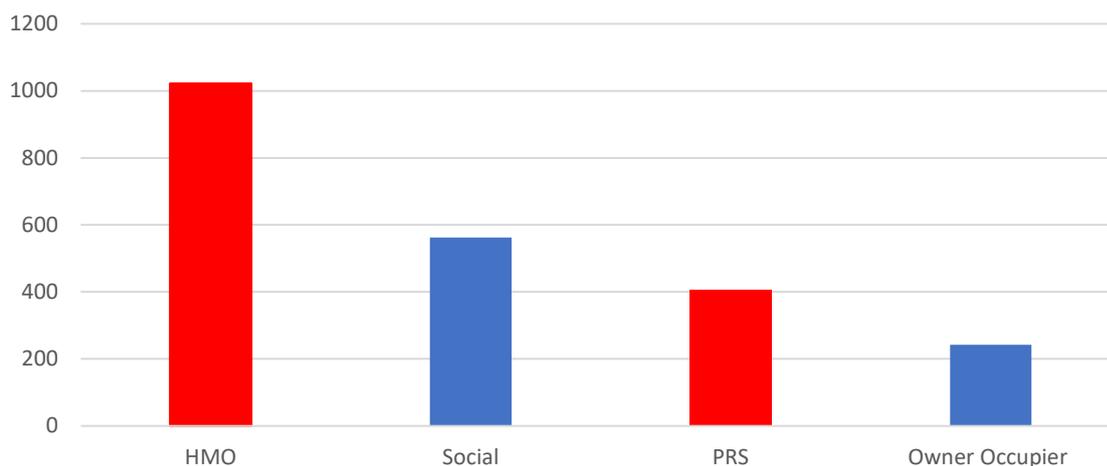


**Map 3: Housing and public health notices served on PRS properties by ward (Source: Ti 2019, Map produced WCC)**

### 2.2.4 Anti-social behaviour (ASB)

The number of ASB incidents shown below relate to ASB associated with PRS premises only. For example, ASB incidents recorded on a street corner that cannot be linked to a residential property are excluded.

Rates of residential ASB in the PRS are significantly higher than other tenures. PRS properties are 1.7 times more likely have an ASB incident compared to owner occupied properties. HMOs (as a subset of PRS) have the highest rates of all tenure, they are 2.5 time more likely to be a source of ASB as compared to PRS properties.

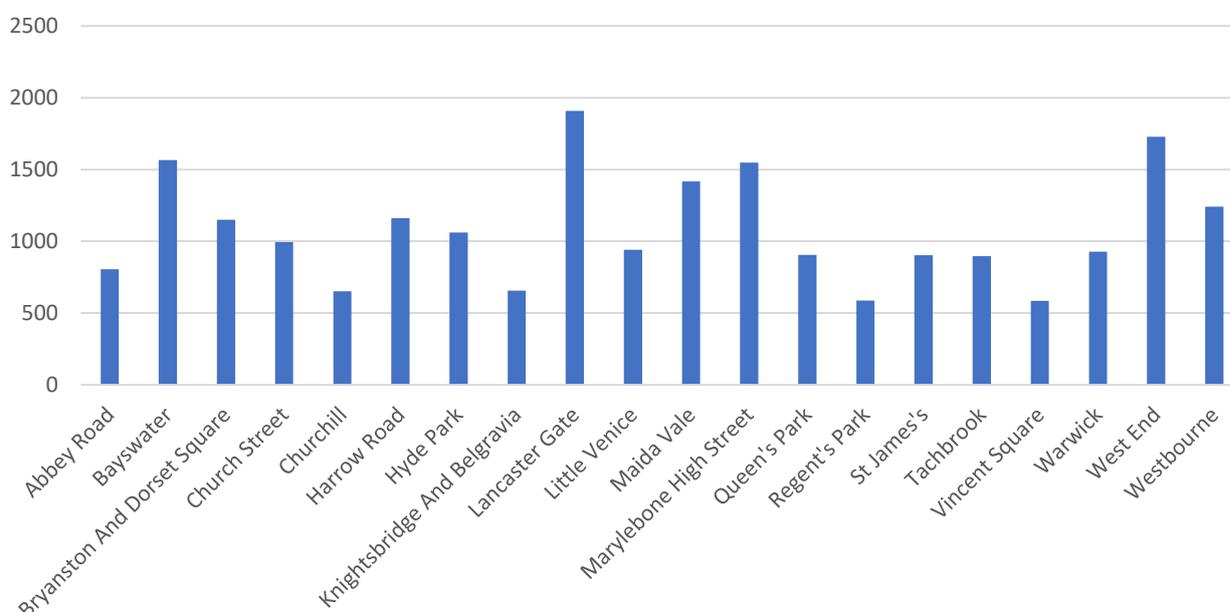


**Figure 16: ASB rates per 1000 dwellings by tenure (Source: Ti 2019)**

There are high levels of ASB linked to private rented properties across the borough. Over the last 3 financial years, 21,635 ASB incidents have been recorded. HMOs have by far the highest rates of ASB.

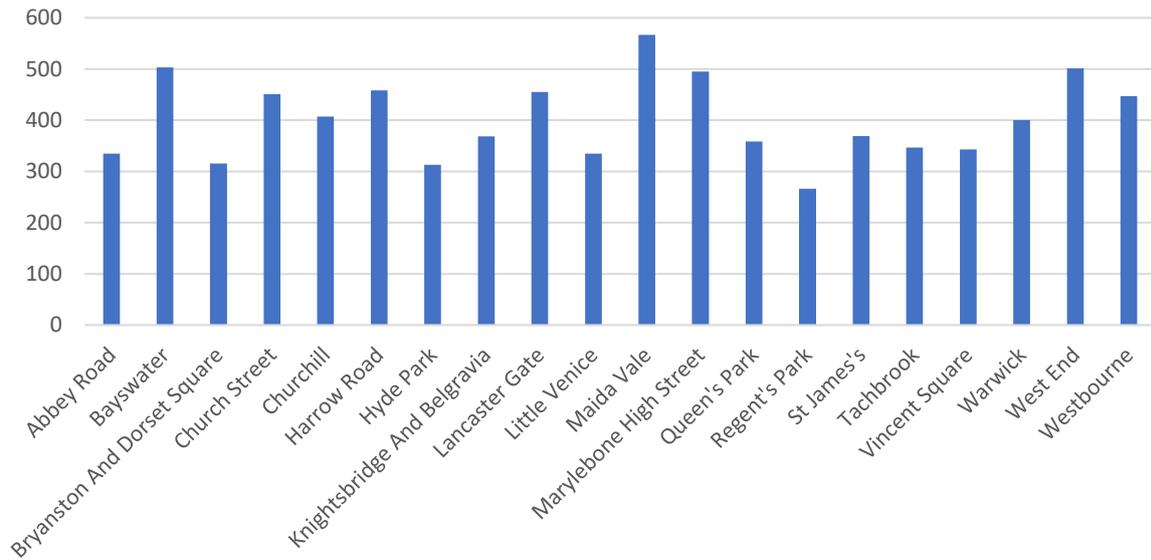
**Table 2: Number of dwellings and ASB incident (Source: Ti 2019)**

Tenure	No. properties	ASB incidents
HMO	9539	9750
Social	22933	12894
PRS	53315	21635
Owner Occupier	48698	11812



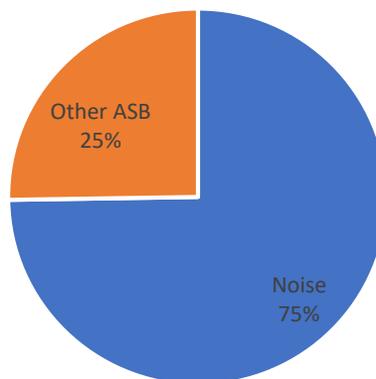
**Figure 17: Number of ASB incidents linked to PRS by ward (Source: Ti 2019)**

ASB in the PRS expressed as incidents per 1,000 dwellings, show a similar distribution across all wards. Using this measure, Maida Vale and West End wards have the greatest number ASB incidents proportional to the size of the PRS.

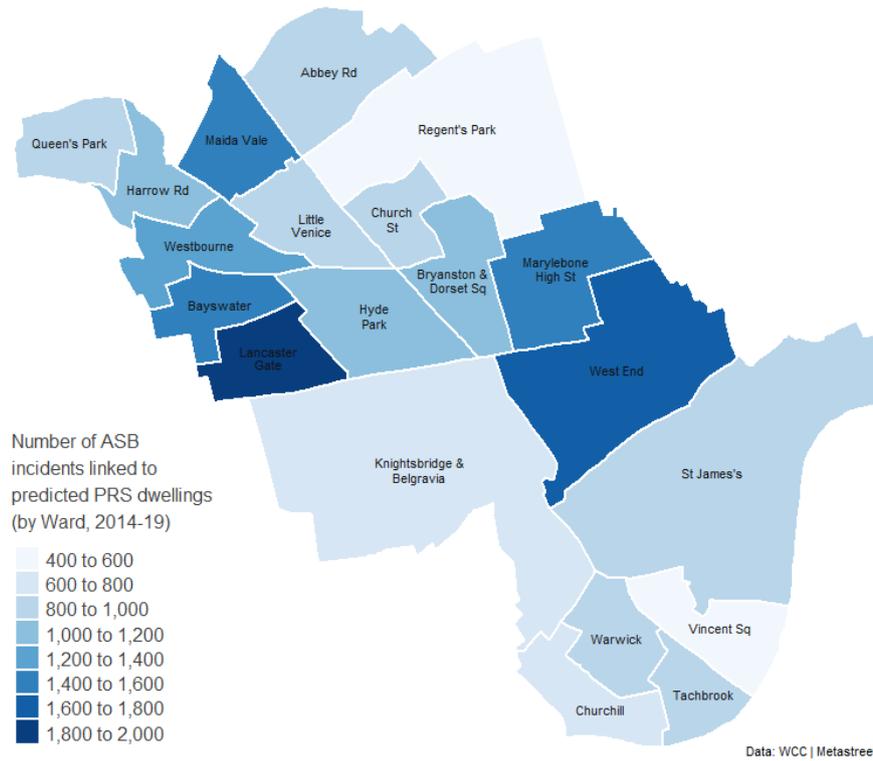


**Figure 18: Incidents of ASB linked to PRS per 1000 properties by ward (Source: Ti 2019)**

Recorded ASB in the PRS can be split into several types. Noise (75%) and rubbish in front garden (25%) represent the majority of ASB incident types.



**Figure 19: Types of ASB linked to PRS properties (Source: Ti 2019)**



**Map 4: ASB incidents linked to PRS by ward (Source: Ti 2019, Map produced by WCC)**

## 2.3 Results - Houses in Multiple Occupation

Houses in Multiple Occupation (HMO) are a sub-set of properties within the PRS and represent the cheapest rental accommodation; rented by room with the sharing of amenities (usually kitchen/bathroom). The Housing Act 2004 defines HMOs as a “dwelling of 3 or more persons not forming a single household”. This definition has been used for the purposes of this report.

### 2.3.1. Population and distribution

HMOs are the cheapest form of housing available and have traditionally been occupied by single adults. Pressure on affordable housing and higher rates of homelessness has driven up demand for this type of dwelling. Greater demand has resulted in growth in this sector across London over the last decade.

The total number of predicted HMOs across 20 wards equates to up to 9,539 properties.

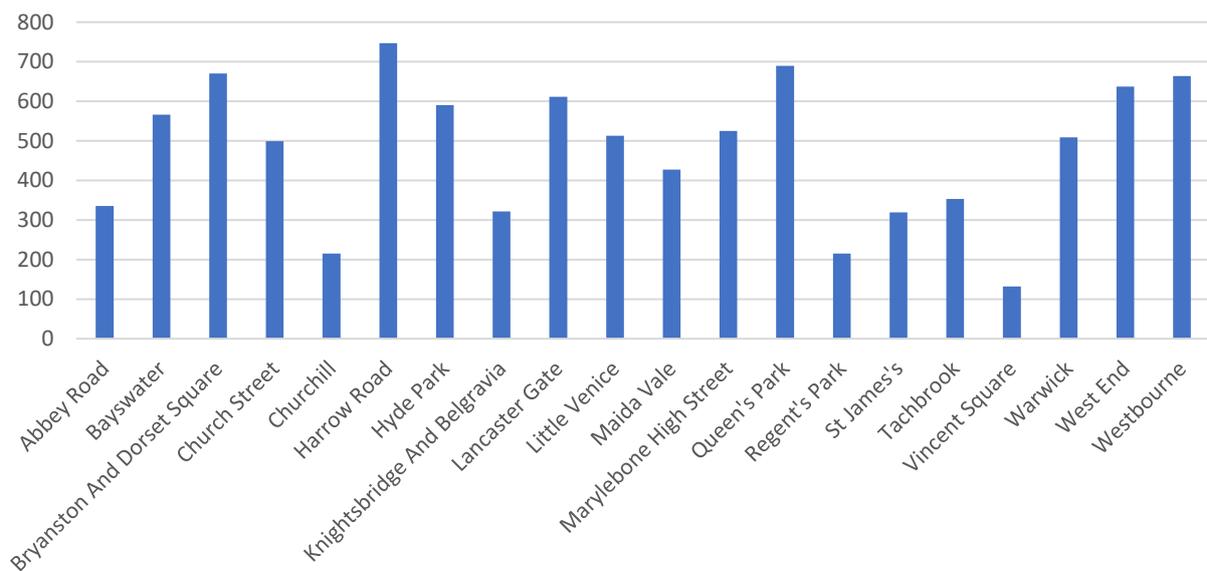
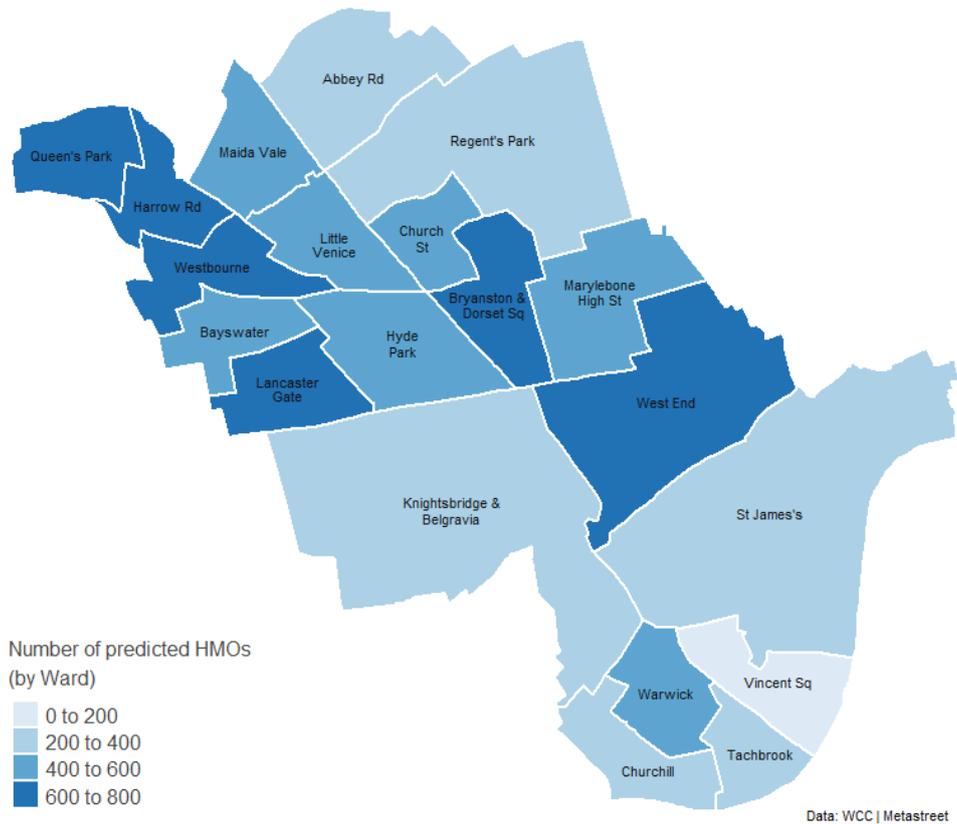


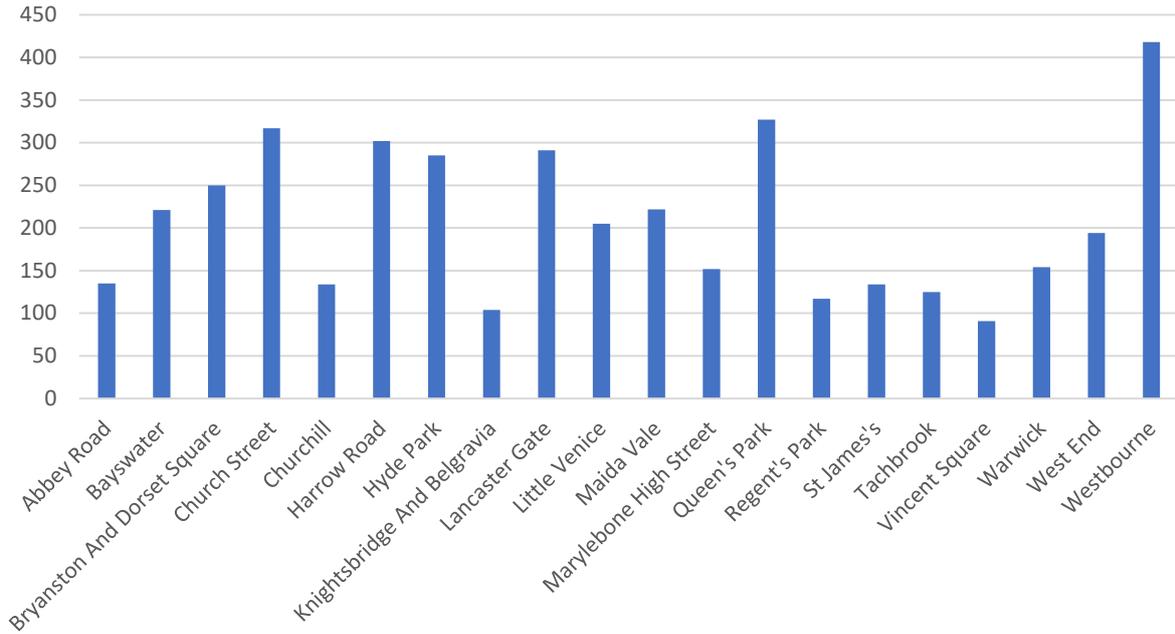
Figure 20: Number of HMOs by ward (Source: Ti 2019)



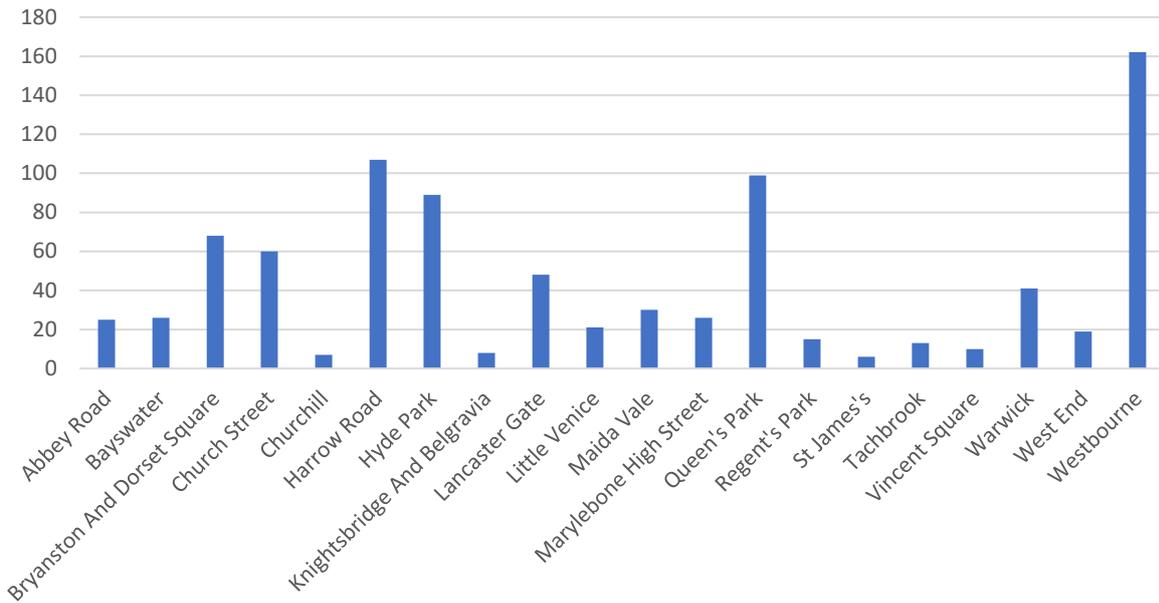
**Map 5: HMOs by ward (Source: Ti 2019, Map produced by WCC)**

### 2.3.2. HMO & Housing conditions

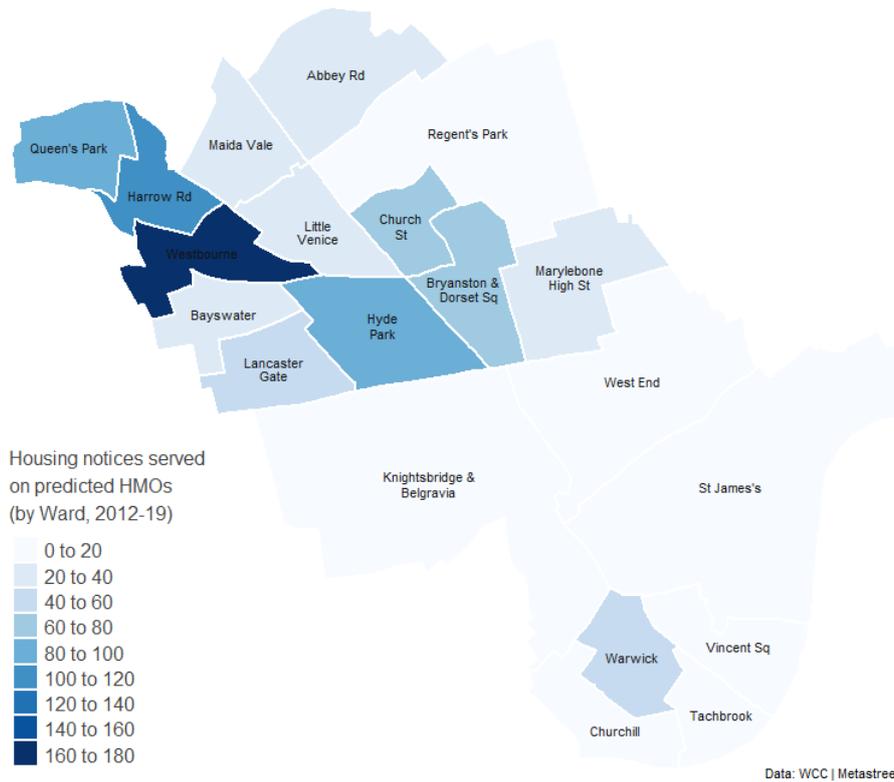
HMOs have some of the poorest housing conditions of any tenure. Analysis shows that 4,178 of 9,539 (43.8%) HMOs in Westminster are predicted to have at least one serious hazards (Category 1 HHSRS). HMOs are generally at higher risk of fire and due to the nature of occupancy, pests, disrepair and overcrowding are common.



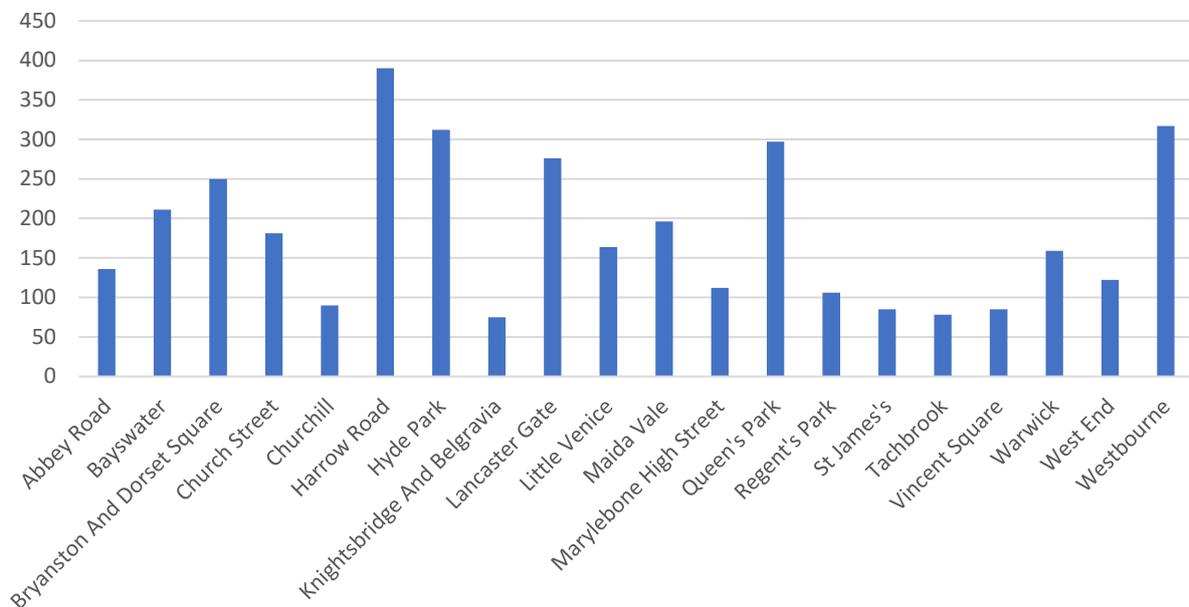
**Figure 21: Predicted number of HMO with serious hazards by ward (Source: Ti 2019)**



**Figure 22: Housing and public health notices served on HMOs by ward (Source: Ti 2019)**



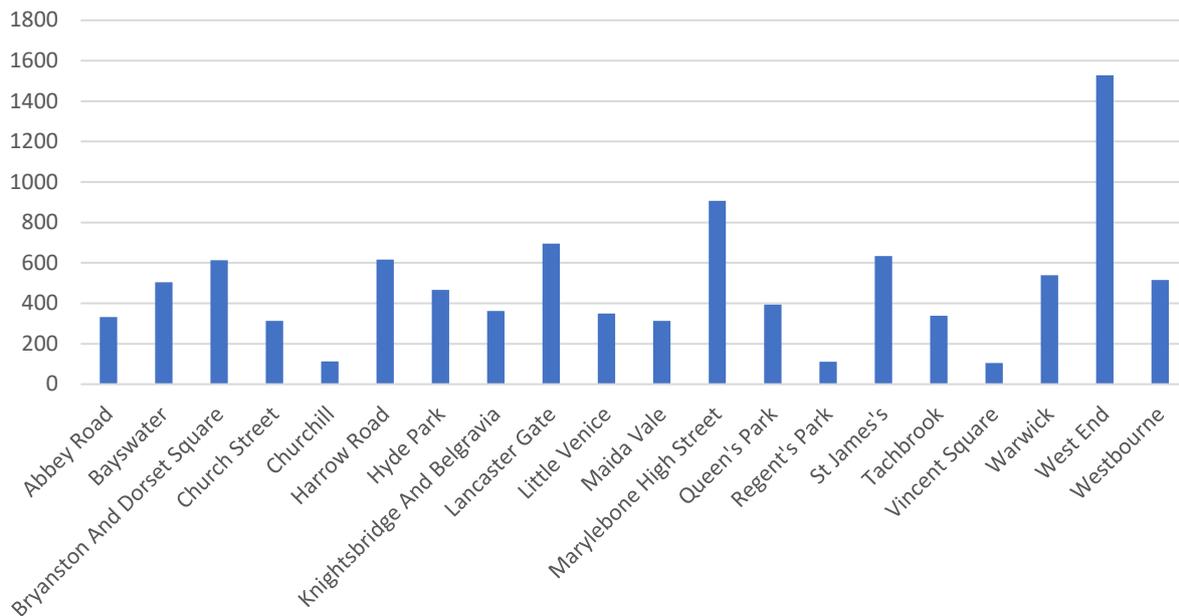
**Map 6: Housing and public health notices served on predicted HMO properties by ward (Source: Ti 2019, Map produced WCC)**



**Figure 23: Numbers of HMOs service requests and complaints related to HMOs (Source: Ti 2019)**

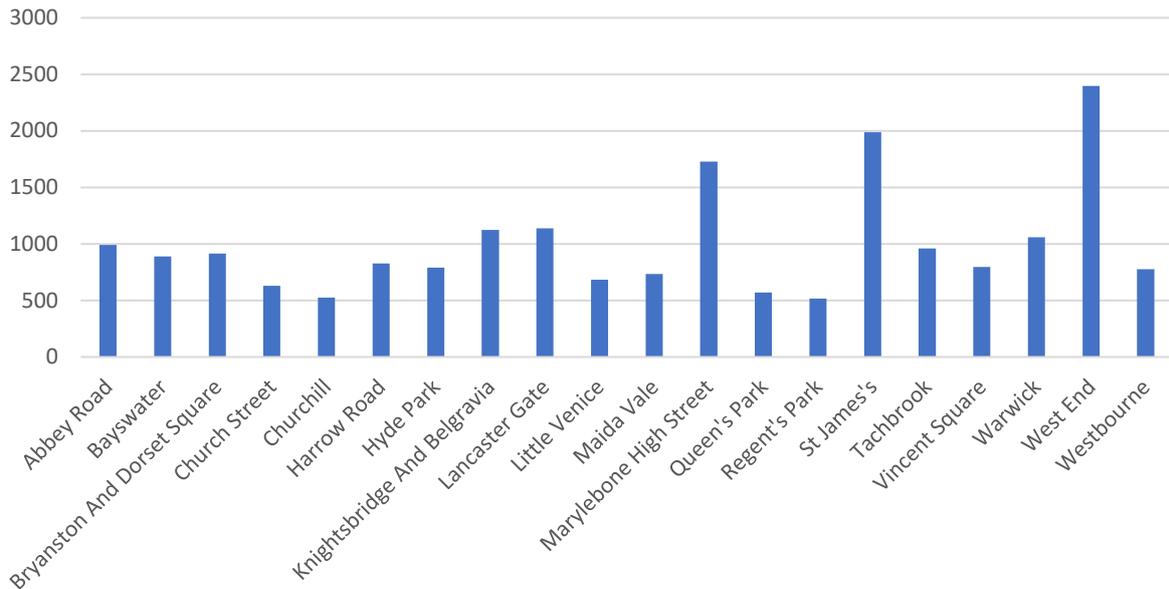
### 2.3.3. HMO & Anti-Social Behaviour

The number of ASB incidents shown below relate to ASB associated with HMO premises only, commercial and ASB incidents on the street are excluded from these figures. The number of ASB incidents shown below relate to ASB associated with PRS premises only, commercial and ASB incidents on the street are excluded from these figures. These are reported ASB incidents e.g. noise, rubbish accumulations etc. High level of ASB can be used as a proxy indicator of poor property management. HMO properties often have higher levels of transience which results in higher waste production.



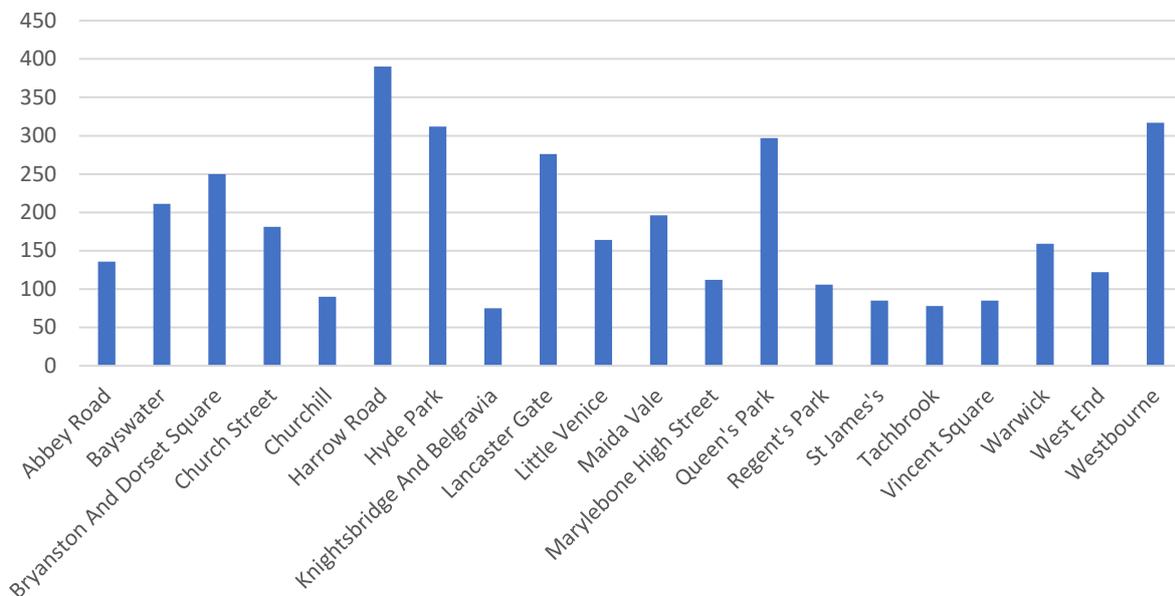
**Figure 24: Number of ASB incidents linked to HMOs by ward (Source: Ti 2019)**

ASB incidence rates reveal the relationship between the number of HMO and level of ASB. A large range exists between the highest rates (West End) and the lowest rates (Vincent Square), however it also shows that ASB linked to HMOs occurs across all wards.



**Figure 25: ASB linked to HMOs per 1,000 properties by ward (Source: Ti 2019)**

The figure below shows the level of service demand that HMOs place on the council over the study period, including ASB, pest treatments, inspections and enforcement interventions to tackle hazards and nuisances by ward. 9,539 HMOs received 25,341 council interventions. Therefore, each HMO received on average 2.6 interventions each. This illustrates the large demand and costs that HMOs can place upon the public purse.



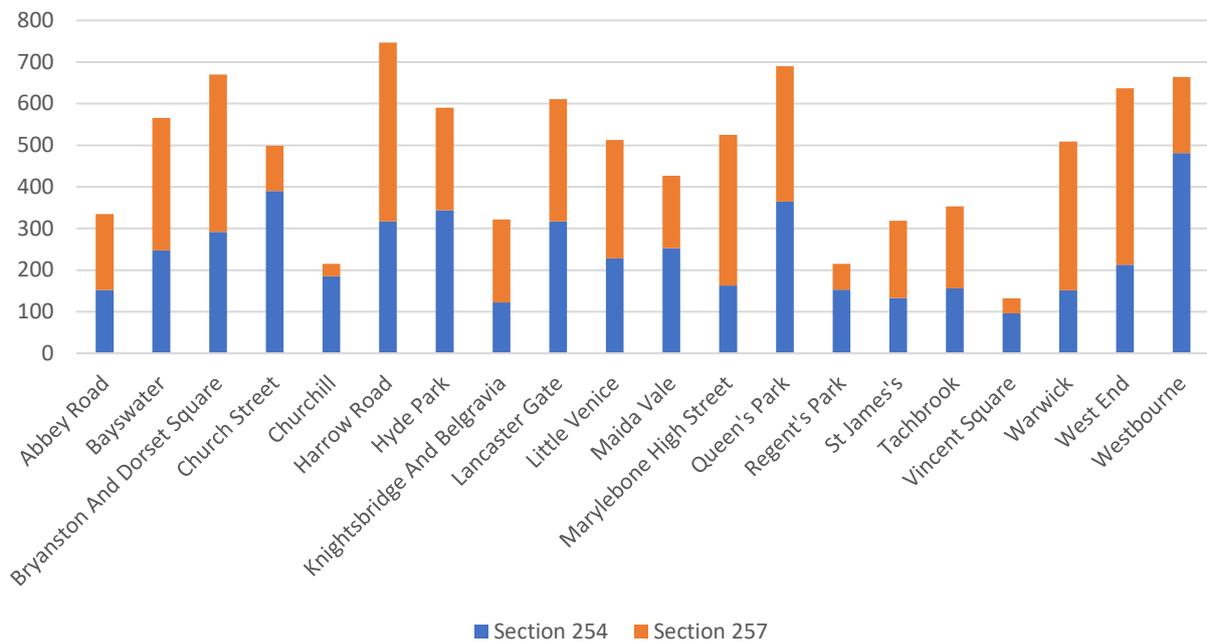
**Figure 26: Council services and interventions linked to HMOs by ward (Source: Ti 2019)**

### 2.3.4 - Types of HMO

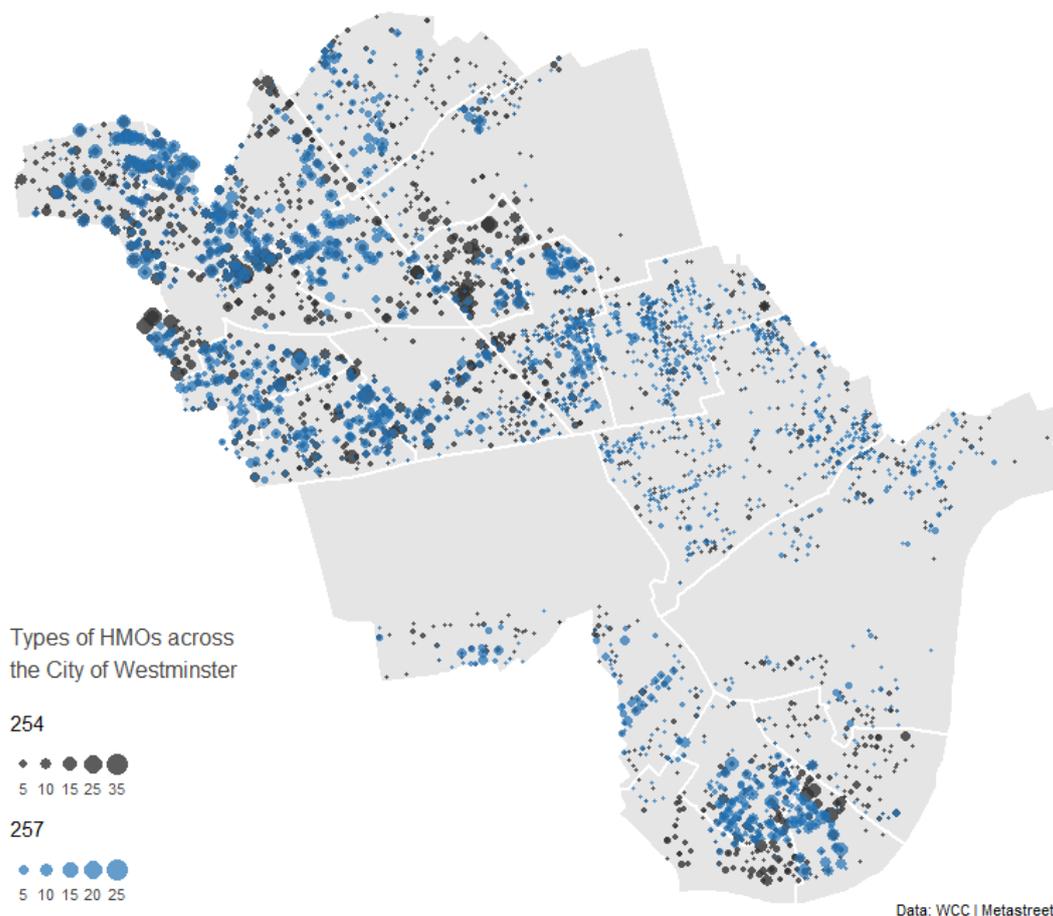
Using machine learning predictions and parent and child UPRN analysis, the 9,539 HMOs identified as part of this study have been divided into two categories; HMO that share basic amenities (s254) and converted properties which are generally defined as less than two thirds owner-occupied (S257).

For the purposes of this study shared amenities s254 HMO are categorised as building or flat in which is occupied by two or more household and 3 or more persons that share basic amenity, such as bathroom, toilet or cooking facilities.

Section 257 HMOs are defined by the Housing Act 2004 in Part 7. This type of HMO is a converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied

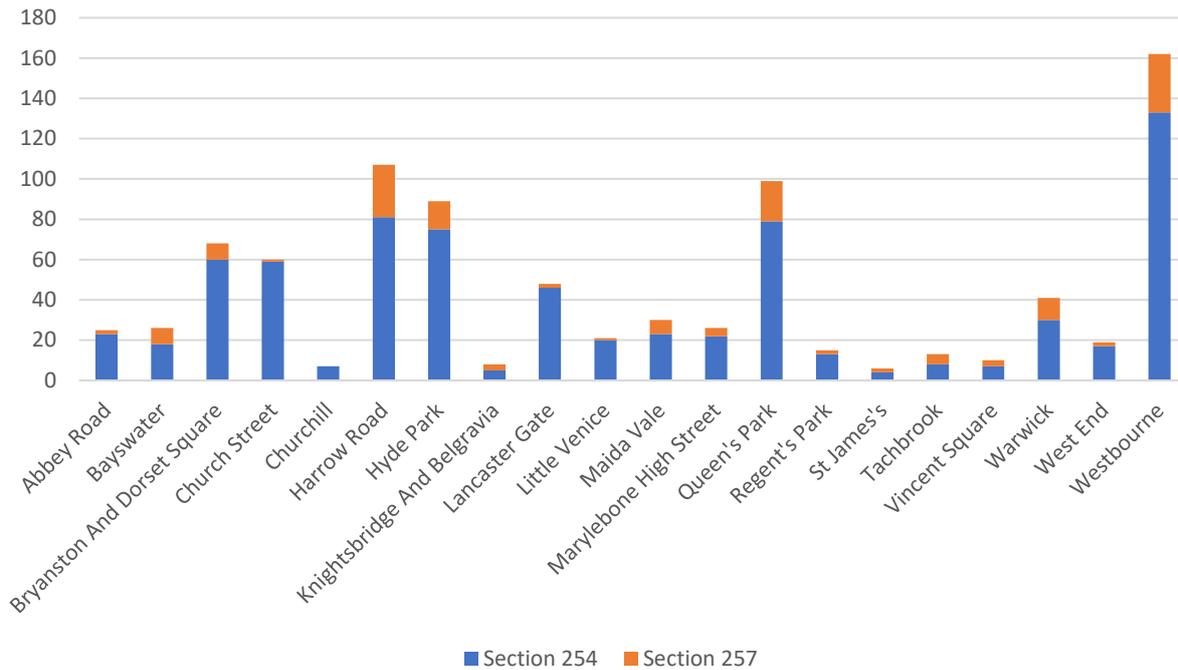


**Figure 27: Numbers of s257 HMO and s254 HMOs by ward (Source: Ti 2019)**



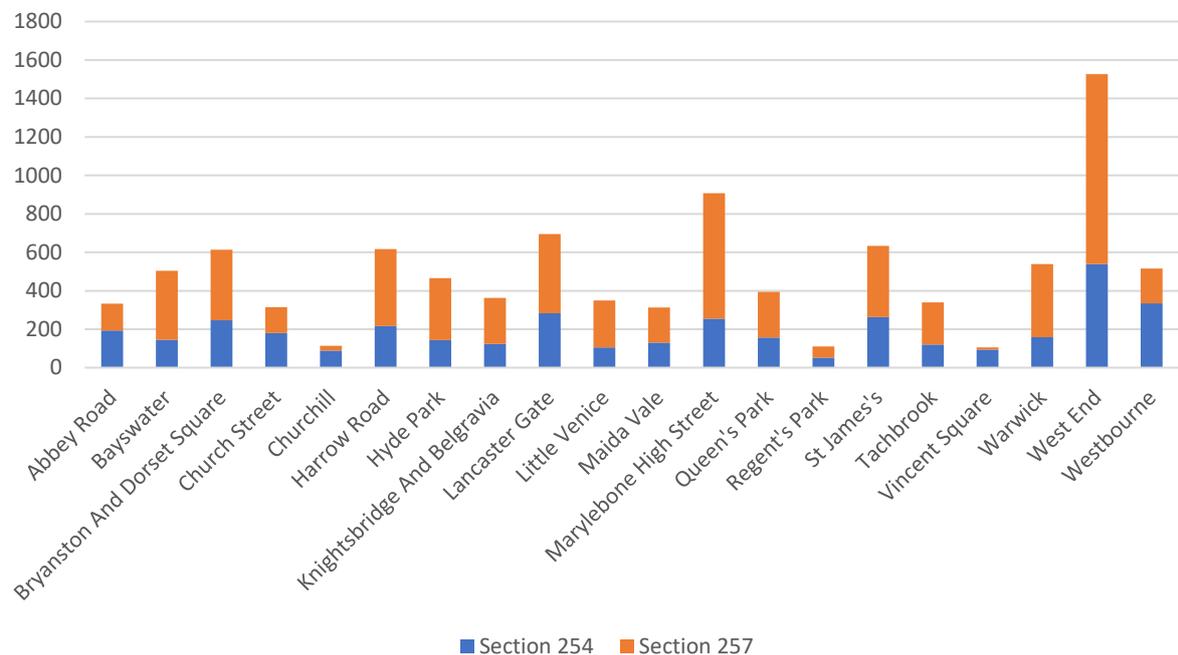
**Map 7: Section 254 & s257 HMO distribution (Source: Ti 2019, Map produced WCC)**

Of the 4,758 shared amenities HMOs (s254), 3,967 are predicted to have at least 1 category 1 hazard. This type of HMO is distributed across the borough. Westbourne (404) has the highest number of s254 HMO.



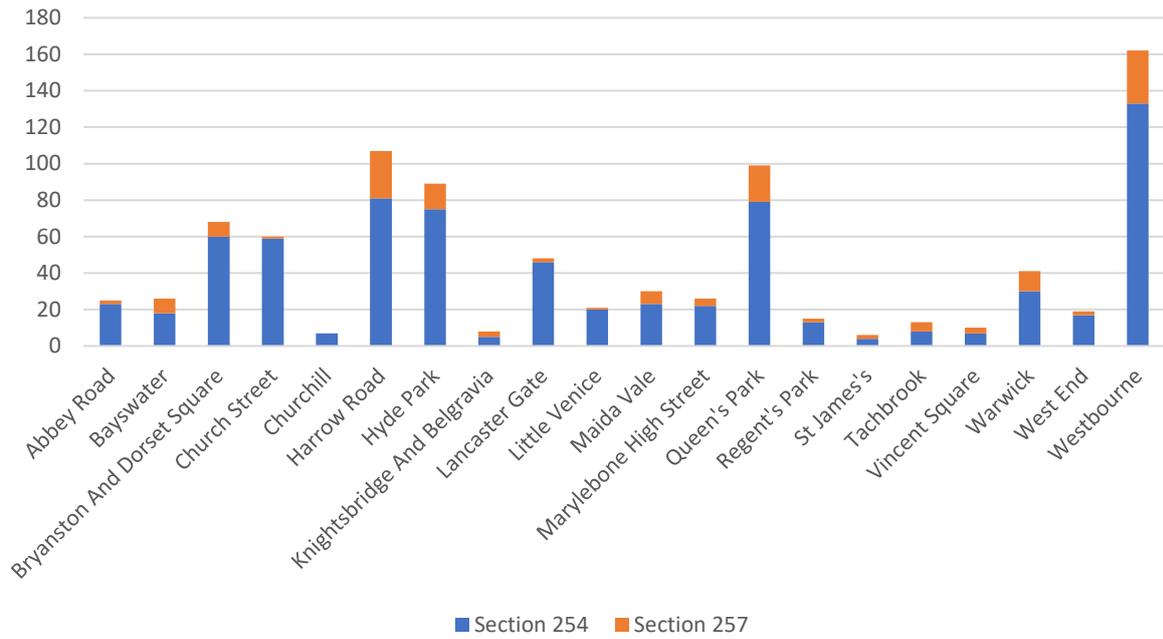
**Figure 28: Numbers of HMOs (section 254 & 257) service requests and complaints related to HMOs (Source: Ti 2019)**

All wards have ASB generated by s254 HMOs. West End ward stands out as having the highest level of ASB.



**Figure 29: HMO (section 254 & 257) with ASB incidents by ward (Source: Ti 2019)**

The data reveals that HMOs in Westbourne (162), Harrow Road (107) and Queen's Park (99) wards have received the most housing and public health notices. Most statutory notices have been served on section 254 HMOs.



**Figure 30: HMOs (section 254 & 257) with Housing and public health notices served by ward (Source: Ti 2019)**

### 3. Policy Context

#### 3.1 PRS Strategy across North and East London

Rapid PRS growth has been seen across London over the last 15 years. The policy response has generally been for greater regulation of the market through property licensing to mitigate some of the concerns that accompany large and growing PRS populations, including HMOs.

**Table 3: Overview of the PRS and property licensing across London**

Borough	No. PRS	% PRS	Selective Licensing	Additional Licensing	Notes
L.B. Haringey	36,000	34%	No	Yes	Additional licensing introduced in 2019 borough wide.
L.B Newham	52,000	47%	Yes	Yes	Borough wide additional and selective licensing introduced in 2013, renewed in 2017 excluding Olympic Park.
L.B. Havering	30,215	29%	No	Yes	Additional licensing introduced in 2018 in 12 of 18 wards.
<b>Westminster C.C.</b>	<b>55,784</b>	<b>44%</b>	<b>No</b>	<b>No</b>	Currently no discretionary property licensing.
L.B. Enfield	43,500	34%	No	No	Currently no discretionary property licensing.
L.B Barking and Dagenham	21,000	28%	Yes	Yes	Borough wide selective licensing introduced in 2014, currently under renewal.
L.B. Waltham Forest	38,000	39%	Yes	No	Borough wide licensing introduced in 2015. A new ward based scheme is proposed from 2020.
L.B. Redbridge	26,000	35%	Yes	Yes	Borough wide additional and selective licensing

					scheme introduced in 2016.
L.B. Hackney	34,000	30%	Yes	Yes	Additional licensing borough wide, Selective licensing in 3 wards.
L.B. Islington	25,217	27%	No	No	Proposed borough wide additional and ward based selective.
L.B. Brent	35,000	32%	Yes	Yes	Borough wide additional, ward based selective.
L.B Camden	NA	32.2%	No	Yes	Borough-wide additional licensing.
L.B Southwark	28,493	23.7%	Yes	Yes	Borough wide additional, area based selective.
L.B. Hammersmith & Fulham	NA	33%	Yes	Yes	Borough wide additional, area based selective.

All figures in the table above are taken from published estimates by each authority. Due to the dynamic nature of the rented sector, it is likely that these estimations will change significantly over time.

#### **4. Conclusions**

Westminster has a large and growing PRS. Affordability is one of the key challenges for private renters.

There is a total of 124,946 residential properties in Westminster, 42.7% (53,315) of which are PRS, 39% (48,698) are owner occupied and 18.4% (22,933) socially rented.

Modelling predicts that there are 6,773 private rented properties in Westminster that are likely to have a serious home hazard (Category 1, HHSRS). Westbourne (588) and Queen's Park (538) have the largest number of properties with category 1 hazards.

4.5% of PRS properties have an F and G rating. Extrapolated to the entire PRS, 2,511 PRS properties are likely to fail the MEES statutory requirement.

Westminster receives large numbers of complaints from private tenants. Over a 3-year period Westminster received 3,447 complaints. In response, Westminster uses a range of proactive and statutory interventions to address housing standards and public health issues in the PRS.

Westminster's PRS has a relatively high concentration of HMOs distributed across all 20 wards (9,539). This group has been subject to large numbers of enforcement notices (880) by the council.

Poor housing conditions are prevalent in the HMO sector. 4,178 HMO properties are predicted to have at least 1 serious hazard (Category 1, HHSRS). This represents 43.8% of all HMOs.

HMOs have the highest rates of ASB of any tenure. High levels of ASB are linked to HMOs across the borough. Over the last 3 years, 9,750 ASB incidents have been recorded, most ASB incidents are domestic noise.

HMOs place a disproportional demand on council services, 9,539 HMOs received 25,341 council interventions. Therefore, each HMO received on average 2.6 interventions each.

## Appendix 1 – Ward summaries

All data is 3 years, January 2016 – December 2018

**Table 4: Ward PRS summary**

Ward	No. PRS	% PRS	Category 1 hazards	Enforcement notices served	ASB incidents
Abbey Road	2407	40.3%	194	27	806
Bayswater	3112	51.6%	442	26	1565
Bryanston And Dorset Square	3645	47.7%	389	69	1151
Church Street	2206	44.3%	490	77	995
Churchill	1599	31.0%	214	10	651
Harrow Road	2533	46.5%	467	102	1161
Hyde Park	3389	41.8%	412	87	1061
Knightsbridge And Belgravia	1780	29.3%	183	8	656
Lancaster Gate	4190	54.5%	485	49	1908
Little Venice	2815	53.7%	347	27	942
Maida Vale	2499	52.2%	374	36	1416
Marylebone High Street	3128	45.4%	289	24	1549
Queen's Park	2526	47.9%	538	95	905
Regent's Park	2211	31.6%	186	14	588
St James's	2446	32.1%	222	4	903
Tachbrook	2587	50.5%	221	16	897
Vincent Square	1704	28.3%	139	7	584
Warwick	2315	42.2%	228	38	927
West End	3446	41.0%	363	22	1728
Westbourne	2777	48.9%	588	149	1242

**Table 5: Ward HMO summary**

Ward	No. HMOs	Category 1 hazards	Sum of Housing Service Requests	Enforcement notices served	ASB incidents
Abbey Road	335	135	136	25	332
Bayswater	566	221	211	26	504
Bryanston And Dorset Square	670	250	250	68	613
Church Street	499	317	181	60	314
Churchill	215	134	90	7	113
Harrow Road	747	302	390	107	617
Hyde Park	590	285	312	89	466
Knightsbridge And Belgravia	322	104	75	8	362
Lancaster Gate	611	291	276	48	695

Little Venice	513	205	164	21	350
Maida Vale	427	222	196	30	313
Marylebone High Street	525	152	112	26	907
Queen's Park	690	327	297	99	394
Regent's Park	215	117	106	15	111
St James's	319	134	85	6	634
Tachbrook	353	125	78	13	339
Vincent Square	132	91	85	10	105
Warwick	509	154	159	41	539
West End	637	194	122	19	1527
Westbourne	664	418	317	162	515

**Table 6: HMO summary section 254 & s257**

Ward	No. HMOs	No. Section 254	No. Section 257
Abbey Road	335	152	183
Bayswater	566	247	319
Bryanston And Dorset Square	670	292	378
Church Street	499	390	109
Churchill	215	185	30
Harrow Road	747	317	430
Hyde Park	590	344	246
Knightsbridge And Belgravia	322	122	200
Lancaster Gate	611	317	294
Little Venice	513	228	285
Maida Vale	427	253	174
Marylebone High Street	525	163	362
Queen's Park	690	365	325
Regent's Park	215	153	62
St James's	319	133	186
Tachbrook	353	156	197
Vincent Square	132	96	36
Warwick	509	151	358
West End	637	213	424
Westbourne	664	481	183

## Appendix 2 - Tenure Intelligence (Ti) – stock modelling methodology

This Appendix explains at a summary level Metastreet’s Tenure Intelligence (Ti) methodology.

Ti uses a wide range of data to spot trends at the property level. Machine learning is used in combination with expert housing knowledge to accurately predict a defined outcome at the property level.

Council and external data have been assembled as set out in Metastreet’s data specification to create a property data warehouse.

Machine learning is used to make predictions of defined outcomes for each residential property, using known data provided by Westminster.

Results are analysed by skilled practitioners to produce a summary of housing stock and predictions of levels of property hazards. The results of the analysis can be found in the report findings chapter.

### Summary diagram



Figure 311. Summary of Metastreet Tenure Intelligence methodology

### Methodology

Over recent months Metastreet has been working with Westminster to create a residential property data warehouse. This has included linking millions cells of data to thousands unique property references, including council and externally sourced data.

Once the property data warehouse was created, the Ti model is used to predict tenure and stock condition using the methodology outlined below.

Machine learning was utilised to develop predictive models using training data provided by the council. Predictive models were tested against all residential properties to calculate risk scores for each outcome. Scores were integrated back into the property data warehouse for analysis.

Many combinations of risk factors were systematically analysed for their predictive power using logistic regression. Risk factors that duplicated other risk factors but were weaker in their predictive effect were systematically eliminated. Risk factors with low data volume or higher error are also eliminated. Risk factors that were not statistically significant were also excluded through the same processes of elimination. The top risk factors for each model have the strongest predictive combination.

Four predictive models have been developed as part of this project. Each model is unique to Westminster, they include:

- Private rented sector (PRS)
- Houses in Multiple occupation (HMO)
- Owner occupiers
- PRS housing hazards

Using a D2 constant calculation it is possible to measure the theoretical quality of the model fit to the training data sample. This calculation has been completed for each model. The D2 is a measure of “predictive capacity”, with higher values indicating a better model.

Based on the modelling each residential property is allocated a probability score between 0-1. 0 indicating a strong likelihood that the property tenure type is not present. 1 indicating a strong likelihood the tenure type is present.

Predictive scores are used in combination to sort, organise and allocate each property to one of 4 categories described above. Practitioner skill and experience with the data and subject matter is used to achieve the most accurate tenure split.

It is important to note that this approach cannot be 100% accurate as all mathematical models include error for a range of reasons. The true test of predictions is field trials by the private housing service. However, error is kept to a minimum through detailed post analysis filtering and checking to keep errors to a minimum.

A continuous process of field testing and model development is the most effective way to develop accurate tenure predictions.

The following tables include detail of each selected risk factors for each model. Results of the null hypothesis test are also presented as shown by the Pr(>Chi) results. Values of <0.05 are generally considered to be statistically significant. All the models show values much smaller, indicating much stronger significance.

**Table 7: Owner occupier predictive model factors**

Risk factors selected	Pr(>Chi)*
Acorn Category	2.2e-16
Benefit Type	0.0001722
Ctax No accounts 3 years	1.181e-07
Electoral Roll No Names	3.523e-07
HOT WATER COST CURRENT	1.916e-07
Training data, n= 550	
D <sup>2</sup> test = 0.74 **	

\* Pr(>Chi) = Null hypothesis test \*\* D<sup>2</sup> test = Measure of model fit

**Table 8: PRS Model predictive model factors**

Risk factors selected	Pr(>Chi)
Ctax No.accounts.in.past.3.years	2.579e-10
Acorn	3.938e-05
Benefit type	0.0008775

CO2_EMISSIONS_CURRENT	8.068e-05
Private Housing Complaint made	2.2e-16
Training data, n= 550	
D <sup>2</sup> test = 0.76	

**Table 9: HMO (House in Multiple Occupation) predictive model factors**

<b>Risk factors selected</b>	<b>Pr(&gt;Chi)</b>
HMO Total Number Service Requests	7.272e-13
ASB Count	0.0009314
Latest account balance	0.0123565
Electoral Roll Names.	3.523e-07
Private Housing Complaint	1.479e-12
Training data, n= 355	
D <sup>2</sup> test = 0.844	

**Table 10: Category 1 (HHSRS) hazards predictive model factors**

Numerous properties where the local housing authority has taken action to address serious hazards was sampled for training data, including poor housing conditions. Specifically, this included Housing Act 2004 Notices served on properties to address Category 1 hazards.

<b>Risk factors selected</b>	<b><u>Pr (&gt;Chi)</u></b>
Benefit Type	5.918e-05
ASB Count	0.0001543
CURRENT ENERGY EFFICIENCY	2.2e-16
Total Number Service Requests	2.2e-16
Housing Service Requests	2.2e-16
Training data, n= 453	
D <sup>2</sup> test = 0.821	

Version 7

Author

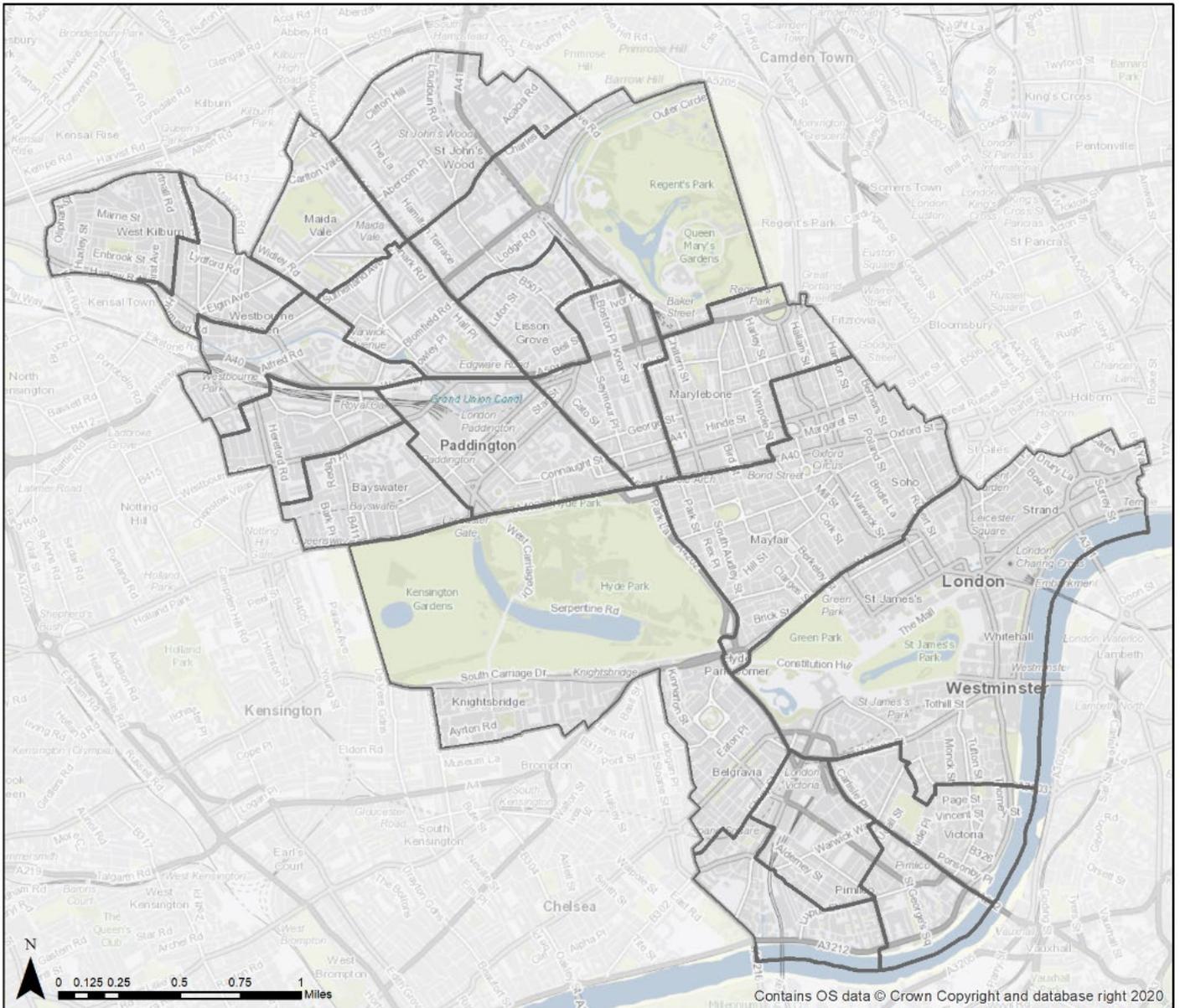
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# Appendix A - Map of Proposed additional licensing Area



## Annex 2 - Standards for Houses in Multiple Occupation in Westminster

1. Draft Standards for Bedsits and Studio Flats
2. Draft Standards for Self Contained Flats
3. Draft Standards for Shared Houses and Flats in Multiple Occupation
4. Draft Standards for Hostels



# Guide to Houses in Multiple Occupation Bedsits and Studio Flats

## Introduction

### General Information

The Housing Act 2004 places a duty on the Council to inspect and improve Houses in Multiple Occupation (HMOs). Residential Environmental Health Officers inspect HMOs on a regular basis and respond to housing condition complaints.

#### **What is a HMO?**

The full definition of a HMO is found in sections 254 to 260 of the Housing Act 2004. In broad terms a HMO can be described as follows:

#### **An HMO is a building or part of building (flat) which is:**

- Occupied by more than one household (which is defined as occupiers of the same family and includes spouses, co-habitees, same sex couples and any blood relative).  
Where:
  - At least one of the households shares or lacks access to a basic amenity (These include bedsit type properties, houses partly converted into self-contained flats and bedsits, hostels, accommodation above shops and shared houses and flats) or
  - The building is fully converted into self-contained flats or studios and the conversion work does **not** fully comply with the building standard of the 1991 Building Regulations AND less than 2/3rd of the flats are occupied by long leaseholders.

(Basic amenities means a WC, personal washing facilities and cooking facilities)

#### **We aim to:**

- Provide information and advice in plain language about the legislation we apply to HMOs.
- Discuss general issues and specific problems with anyone experiencing difficulties.
- Provide a courteous, efficient and helpful service.
- Actively seek the views of those that receive our services and use this information to develop our service.

Officers will contact landlords to discuss the condition and requirements for their HMO property. A clear list of what is needed to be done to comply with legislation and standards applicable to HMOs will be provided.

A statutory notice is often also served, and this requires specified works to be undertaken within a defined time period; this type of notice will also provide details of how to appeal to a residential property tribunal.

If a statutory notice is not complied with the council may prosecute, issue a civil penalty and may organise for the work to be done and recharge the cost, plus fees, to the owner of the property.

## Housing Health and Safety Rating System (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings, and is a method used to inspect properties in Westminster. A HMO can comprise of a number of separate dwellings, for example every bedsit room or self-contained flat within a HMO is a dwelling.

The principle of HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. HHSRS is a risk assessment process and is comprehensive in its coverage of key health and safety risks in dwellings. In very broad terms, the rating system works by assessing the risk associated with certain home hazards and if the likelihood of harm is significant the council may take action to ensure that the risk is removed or reduced.

For a fuller explanation of HHSRS contact the Service, details of which are on Page 12.

## HMO Licensing

Certain categories of HMO must be licensed by the council. Licensing aims to improve conditions and management within HMOs by ensuring:

- Conditions within a HMO comply with the council's HMO standards.
- Landlords and/or their agents can be considered as 'fit and proper' persons as defined in the Housing Act 2004.
- Management arrangements for the HMO are appropriate.

Information concerning HMO licensing and how to apply online can be found at:

<https://www.westminster.gov.uk/houses-multiple-occupation>

## How to use the HMO Guides

Residential Environmental Health has produced 4 guides for each of the following types of HMO:

- HMOs comprising bedsits/studio rooms.
- HMOs comprising self-contained flats.
- Flats in multiple occupation (FMOs) where flats are multiply occupied by more than one household.
- Hostel/staff accommodation.

Some properties will have a mix of accommodation and more than one of the guides will apply.

## Room sizes and Occupation

Tenants will have a room or number of rooms for exclusive occupation. In this type of accommodation each occupancy is separately rented. There is often sharing of amenities i.e. WCs, washing and cooking facilities between separate lettings.

## Room Sizes for Bedsits/Studio Rooms in Existing Properties

Minimum room floor area where kitchen is provided in separate room.	Minimum room floor area including Kitchen area.	Maximum Number Of Persons
9 m <sup>2</sup>	11 m <sup>2</sup>	1
12 m <sup>2</sup>	14 m <sup>2</sup>	2

### Guidance on taking measurements:

Only **practical useable living space** must be measured. This space:

- Does not include any area taken up by bathroom facilities within the room.
- Does not include the chimney breast and small alcoves.
- Does not include the floor area where the ceiling height is less than 1.9 metres, or in addition, in attic rooms, any floor area in the eaves of the room where the soffit height is less than 1.5 metres.
- Does not include any fire lobby or bathroom lobby.

In calculating practical living space, the following can be taken into account:

- If a studio room has a partition, the floor area of both rooms can be included. However, sleeping rooms must not be less than a minimum area of 6.51m<sup>2</sup> for a single letting and 10.22m<sup>2</sup> for a double letting.
- Half the area provided by a bay window can be included.
- Entrance lobbies/corridors within bedrooms. Where the room door opens into a lobby/corridor that is less than 1.2 metres wide, the entire lobby/corridor should be discounted. Where the lobby/corridor is between 1.2 and 1.8 metres, some of the area may be counted (this reflects the fact that wider corridors are able to make a contribution to the storage capacity and spaciousness of bedrooms. The allowable area is calculated by deducting 1.2 metres from the width and multiplying this by the length of the corridor. For example, if a corridor into a room is 1.5 metres wide by 2.5 metres deep, the useable area of the corridor would be (1.5 – 1.2 =) 0.3 x 2.5 metres. No deduction should be made where doors open into corridors/lobbies of more than 1.8 metres width.

### Occupation

- No more than two persons may sleep in one room. (A person includes a child).
- Except for cohabiting couples, only persons under age 10 of the opposite sex may sleep in the same bedroom.

## Facilities for the storage, preparation and cooking of food

Each letting shall be provided with a set of kitchen facilities. This may be located within the room for the exclusive use of the occupants or in a separate room or shared kitchen. A set of kitchen facilities must include:

- An oven, grill, and at least four hobs. (In single lettings two hobs, oven and grill or two hobs and a combination microwave are acceptable). Cookers must not be sited adjacent to exit doors.
- A tiled surface as a cooker splash back; a lift-up cover to the appliance would be a suitable alternative.
- A suitable sink and integral drainer (minimum size 1,000mm x 500mm) set on a base unit. The sink is to be provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300mm high) shall be provided to the sink and drainer.
- A fixed worktop, in addition to the drainer (minimum size 1000mm x 600mm) and provided with a tiled splashback (minimum 300mm high).
- A storage cupboard, minimum capacity 0.4 cubic metres. The storage space below the sink unit cannot be used for food storage.
- A fridge **with** freezer compartment - minimum fridge capacity 126 litres (4.5 cubic feet) with adequate freezer space.
- Four (13 amp) electric sockets in the food preparation area. At least two of these sockets to be above worktop level.

The food preparation/cooking/storage area must comply with the following:

- Floor covering must be hard wearing and washable.
- There must be adequate mechanical ventilation, where practicable.
- Any mechanical ventilation provided to the kitchen area should be via an extract cooker-hood vented to the external air.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- Kitchens provided in a separate room must be adequate in size, and in any case not less than 5.5m<sup>2</sup> and be so arranged to allow safe access and use.
- Kitchen facilities must be suitably located to allow the occupants to adequately store, prepare and cook their food.
- Kitchens must not be installed in any hallway, corridor or lobby.

Minimum Floor area for shared kitchens	
Number of people	Minimum floor area

	(with separate living/dining room)
<b>3-5</b> <b>(1 set of facilities)</b>	5.5 m <sup>2</sup>
<b>6-10</b> <b>(2 set of facilities)</b>	11 m <sup>2</sup>
<b>11-15*</b> <b>(3 set of facilities)</b>	16.5 m <sup>2</sup>

## WC AND BATH/SHOWER FACILITIES

Each letting shall be provided with:

- A WC properly linked to the main drainage system in its own compartment or within a bathroom for exclusive use of occupiers of the letting.
- A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) with constant and adequate supply of hot and cold water, and properly connected to the drainage system for exclusive use of occupiers of the letting.

If the above is not practical, the following standard will apply:

### **4 or less occupiers of the HMO sharing bathroom/WC facilities:**

#### WC

A WC, **either in its own compartment or within a bathroom** and not being more than one floor distant from each user, should be provided at a ratio of not less than **one WC per four persons**, irrespective of age.

#### Bath/shower

A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in a suitable bathroom, not being more than one floor distant from each user, should be provided at a ratio of not less than one bath or shower **per four persons**, irrespective of age.

### **5 or more occupiers of the HMO sharing facilities:**

#### WC

A **separate WC in its own compartment must be provided**, not being more than one floor distant from each user, and provided at a ratio of not less than **one WC per five persons**, irrespective of age

(Note: Any WC within a bathroom will not be included for counting purposes as there must be a separate WC compartment)

## Bath/shower

A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in an suitable bath/shower room, not being more than one floor distant from each user, should be provided at a ratio of not less than one bath or shower per five persons, irrespective of age.

### **Each WC (whether within its own compartment or within a bathroom) must have:**

- Adequate ventilation and artificial lighting.
- Adequate size and layout.
- A suitable wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300mm high) shall be provided to the wash hand basin.
- An appropriate door which is lockable and ensures privacy for the user.

### **Each shower room/bathroom must be provided with the following:**

- A tiled splashback (minimum 450mm high) to the bath.
- If an over bath shower is provided, then the adjacent walls should be fully tiled.
- A fully tiled shower or the shower must be in a purpose built shower cubicle, with a suitable water resistant shower curtain or door to the cubicle.
- Adequate heating, ventilation and artificial lighting.
- A suitable and washable floor covering, sealed at its edges.
- An appropriate door which is lockable and ensures privacy for the user.
- Adequate size and layout with adequate space for drying and dressing
- Each bath or shower room (excluding shower enclosures) must have a wash hand basin, minimum size 500mm x 600mm, with hot and cold water and a tiled splashback (minimum 300mm high).

## Wash hand basins within bedrooms where 5 or more occupiers occupy the HMO

Wah hand basins are required in bedsit rooms under The Licensing and Management of Houses in Multiple Occupation Regulations 2006 in licensed properties consisting of 5 or more persons. Where WHB's are no present, the overall amenity provision, provision of shared facilities and whether a kitchenette is already provided within the room will be taken into account.

## Space heating and hot water

An adequate means of space heating must be provided in all rooms, including common parts of the building and bathrooms, taking into account affordability, insulation, ease of use and performance.

Where space heating and hot water are provided centrally by the landlord, these services should be made available at all times. There must also be the ability to control the level of heating within each letting.

### Security

It is necessary that consideration is given to the security of the property and appropriate measures are taken to prevent 'Entry by Intruders' hazards.

### Communal Exterior Doors

- Exterior doors to the front and rear should be able to close fully and be capable of resisting bodily pressure and the possibility of slipping the door lock.
- Exterior doors must be fitted with a self-closer with enough force and momentum to ensure that the door closes securely.
- The door and surrounding frame should be of a solid construction.
- Any lock fitted should comply with BS 8621 (2007) for keyless egress.
- Solenoid based, bolt action locks are acceptable and preferred, as they comply with means of escape requirements. They also offer the advantage of requiring less maintenance.
- Where the front door lock is within arm's reach of the letterbox, then either a letterbox cowl or a bottomless cage should be fitted.
- Consideration of the glazing for and surrounding the door should be given. Single glazed panels should be either protected with metal grilles or replaced with laminated glazing or security film.

### Bedsit and Flat Entrance Doors

- The door and surrounding frame should be of a solid construction.
- They require an Auto-Deadlocking Nightlatch complying with BS 8621 (2007).
- They require a Mortice lock with thumb turn cylinder complying with BS 8621 (2007), in order to aid escape in the event of a fire.
- The door needs to be fitted with hinge bolts and frame reinforcers (eg, London Bar) to resist bodily pressure.
- Door chains and viewers are required.
- Where there are letterboxes to individual flats a letterbox cowl or bottomless cage is required if the lock is within arm's reach of the letterbox.

### Windows

- All windows should have key operated locks with the exception of windows which are complying with fire regulations as part of a means of escape.
- Where windows don't have a lock in order to comply with fire regulations (e.g., green button handle locks), then they must be either double glazed units or laminated glazing

or fitted with a security film or have a metal grill. The window will also require a security latch.

- Windows for basement, ground floor or 1<sup>st</sup> floor dwellings that lead directly to a flat roof require restrictors to be fitted.

### Means of Escape in case of Fire

A house in multiple occupation must be provided with an adequate means of escape in case of fire, fire detection and emergency fire fighting equipment. The actual level of provision will be determined by a risk assessment process having regard to the structure & use of the property and appropriate benchmark guidance documents. Please note that separate fire safety legislation applies to the common areas of HMOs-the Regulatory Reform (Fire Safety) Order 2005 (the FSO)-this is enforced by the Fire Authority. A key part of the FSO is the requirement for a Fire Risk Assessment to be carried out, this has been the case since 2005. Before proceeding to design a scheme of fire safety works you should consult the fire risk assessment for the house.

It is strongly recommended that you discuss your proposals for providing an adequate means of fire safety with a Residential Environmental Health Officer before contractors are engaged or works carried out; our contact details are on page 13.

### Common Areas Fire Safety

#### *Provision of a Protected Escape Route*

The protected escape route leads from the letting to the street exit through the building, and normally includes staircases, passageways, landings and protected lobbies. Protection is provided by fire doors and partitions with varying degrees of fire resistance. The Building Regulations benchmark provision is 60 minutes fire resistance for partitions & floors. In most existing houses this will not be possible and lesser fire resistance of 30 minutes will be accepted with appropriate automatic fire detection. The protected escape route must be kept clear of rubbish, furniture and other stored items.

#### *Stairway Protection*

Ideally more than one escape stairway should be provided, although this can rarely be achieved in existing houses; houses with more than four stories are subject to additional provisions and restrictions.

Note that a storey is any floor above and including the ground floor.

Six storey (or more) buildings require more than one escape stairway; the additional stairway may be external. As an alternative a single escape stairway would be acceptable if provided with a secondary upwards means of escape from within the single stairway and lobby protection to the stairway.

Five storey buildings require lobby protection to the single stairway. This may be waived if a secondary upwards means of escape is provided from within the stairway (as for a six storey building above).

Lobby protection is for smoke control purposes, to prevent smoke from a dwelling fire entering the escape stairway. Protected lobbies provide an additional fire resisting self-closing door between the dwelling and the stairway; the lobby partitions must be 30 minute fire resisting.

Stairway partitions, including floors separating stairways from dwellings, must provide at least 30 minutes fire resistance. If it is desired to regard a basement flat as a separate residential premises (and not requiring a linked fire alarm) the flat must not be linked to the ground floor hallway and the separating ceiling/floor partition must meet the building regulations 60 minute fire resistance requirement.

Commercial areas of the building should not share the residential escape stairway. The separating partitions, including ceiling/floors where appropriate, should be imperforate and provide 60 minutes fire resistance.

If the separating partitions do not meet these requirements the extension of the common areas fire detection system into the commercial parts of the building is likely to be required. Any door opening from a commercial area onto the residential stairway must provide 60 minutes fire resistance; lobby protection may be required in some cases.

Fire resistant doors are required to all doors opening onto the protected route. The fire doors must provide at least 30 minutes fire resistance under BS 476 test conditions and must be provided with intumescent fire seals and cold smoke seals. Fire doors must be fitted with an effective self-closing device (except storage cupboards, which should be locked shut).

Any lock fitted to a door used as a means of escape (including the street door) must not require a key to open it from the inside when locked, in order to allow escape in the event of a fire. The provision of a 'thumb turn' release on the inside will be required.

**A diagram showing typical bedsit fire safety provisions, with & without lobby protection to the stairway, is included at the end of these Standards.**

#### *Automatic Fire Detection (AFD) System*

Provision of any form of AFD system requires specialist advice to design and install the system correctly.

In general terms [when combined with the dwelling AFD provision] the installation of a 'mixed grade' system, in accordance with BS 5839 Part 6 will be required.

This type of system is designed to provide the earliest possible warning of a fire within a dwelling [letting] or the common parts whilst minimising instances of false/nuisance alarms affecting more than one dwelling.

In practice, a typical bedsit/studio room property will require: -

- A grade A system providing smoke detection to the protected escape route and to any cupboards in the stairway, together with manual call points. Smoke detectors and call

points are normally installed at each landing level. Note that smoke detectors in the stairway should be of the optical type.

- Installation of heat detectors in individual lettings as part of the grade A system
- All detectors that are part of the grade A system are to be wired in circuit so that detection of smoke or heat will automatically activate the alarm throughout the house.
- The system must be regularly inspected and maintained by a competent person as specified in BS 5839.

#### *Emergency Lighting*

Emergency lighting which comes on if mains electricity fails must be fitted to illuminate the protected route and some internal staircases, and must be in compliance with BS 5266. Emergency lighting must also be provided to any external escape route or stairway.

#### *Fire Exit Signs*

In most average risk residential buildings fire exit signs will not be required. A possible exception is when there is a choice of direction to exit the building in the event of a fire, and when the escape route is not a normal route from the building. This particularly applies when there is a secondary escape route such as an external staircase or another internal staircase. Signs may have to be illuminated (this is not required where they are adequately lit by emergency lighting).

Signs must comply with BS 5499 and the Health and Safety (Safety Signs & Signals) Regulations 1996.

#### *Fire Fighting Equipment*

The provision of emergency fire fighting equipment forms part of the Fire Risk Assessment for the common areas of the house. Where present, fire fighting equipment must be selected, installed, and maintained in accordance with BS 5306. The provision of common parts extinguishers will generally only be required in plant rooms, boiler rooms or places of work and are intended for use by trained operatives only.

#### *Dwelling Fire Safety*

##### *Dwelling Layout and Design*

The positioning of the cooking facilities within the room must not prejudice escape from the room and should be located away from the room door. The provision of gallery bed spaces may require additional measures to provide a safe means of escape from the gallery level.

##### *Automatic Fire Detection (AFD) System*

The linked Grade A heat detector provided as part of the common areas system will provide no protection against a fire originating within the dwelling. For this reason, a separate Grade D1 mains powered (with tamper-resistant battery backup) smoke alarm complying with BS 5446 must be provided in the bedsit/studio room. Fitting of an optical type smoke alarm is advised. Multi-room lettings will require additional provision, and the alarms must be interlinked as a system to comply with BS 5839.

Care should be taken to ensure that the test/hush buttons of the alarm can be safely operated from floor level-this may be a problem where the alarm is fitted on a high ceiling. The ability to access alarm control buttons is essential, and fitting of remote test/hush controls at low level may be required.

### *Fire fighting equipment*

In the event of a fire residents should evacuate to a place of safety and not put themselves at risk or delay their evacuation to fight a fire. There will be some circumstances where residents are capable of using either fire blankets or multi-purpose fire extinguishers in the very early stages of a fire and, providing they do not put themselves or others at risk, prevent a fire from developing. The following provisions should be provided within the dwelling:

- A fire blanket, to comply with BS 6575, must be provided in the kitchen
- A 1 litre multi-purpose extinguisher. Dry powder extinguishers are not recommended for use in the home therefore a water or foam extinguisher, tested for limited electrical use should be provided in accordance with BS 5306.

### Gas Safety

Landlord's gas safety certificates should be provided to tenants in relation to gas appliances within their accommodation. All appliances are to be kept in good repair and working order, having regard to observations made on the safety certificate. Combustion appliances located within rooms used for sleeping purposes present an increased risk of carbon monoxide poisoning if the appliance/flue malfunctions or is misused.

A carbon monoxide alarm, complying with the provisions of BS EN 5091:2001 and fitted in accordance with the manufacturer's instructions, must be provided in all bedrooms and bedsit/studio rooms containing a combustion appliance of any type.

### Listed buildings

Fire protection works within listed buildings requires more specialist consideration and building techniques, and you are strongly advised to contact the listed building section of the planning department before commencement of any works. Contact telephone number 020 7641 2513.

### Planning consent

Compliance with these standards does not confer planning approval for any particular use; contact the planning department for further advice. Contact telephone number 020 7641 2513.

### HMO Management

The Management of HMOs Regulations 2006 apply to HMOs\* and detail full responsibilities of managers and occupiers. Failure by a manager to comply with the regulations may result in prosecution.

(\*except for those HMOs which are fully converted into self-contained flats where conversion work does **NOT** fully comply with the building standard of the 1991 Building Regulations AND less than 2/3rd of the flats are occupied by long leaseholders. The

Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply to this type of property).

**Responsibilities of the Manager – the manager must ensure that**

- The manager's name, address and any telephone contact number is made available to each household in the HMO and these details must be clearly displayed in a prominent position in the HMO.
- Each letting is in a clean condition at the beginning of any rental period and that the internal structure, fixtures/fittings/appliances, windows and mechanical ventilation are maintained in good repair and clean working order.
- All common parts i.e. Staircases, passageways, corridors, halls, lobbies, entrances, balconies and steps are maintained in good and clean decorative repair, in a safe and working condition and kept reasonably clear from obstruction.
- Outbuildings, boundary walls, yards and fences are maintained in repair, clean condition and good order. The garden must be kept in a safe and tidy condition.
- The water supply is constant and not unreasonably interrupted and that the drainage system serving the HMO is maintained in good, clean and working condition.
- Annual gas safety tests are carried out on all gas appliances within the HMO by a Gas Safe registered engineer, and evidence is supplied to support this if requested by the Council.
- The electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing, and evidence is supplied to support this if requested by the Council.
- The gas or electricity supply, used by any occupier within the HMO, is not unreasonably interrupted.
- All means of escape from fire, any automatic fire detection system and fire fighting equipment are maintained in good working order and are kept free from obstruction.
- All reasonable steps are taken to protect the occupiers of the HMO from injury, ensuring structural safety within the HMO, and that windows set close to or at floor level are suitably safeguarded.
- Sufficient bins or other suitable receptacles are provided for the storage of refuse and litter pending their disposal.

**Responsibilities of the Occupier – the manager must ensure that:**

- Reasonable access is provided into their letting in order for the manager to undertake any work required under the management regulations.
- Reasonable care is taken to avoid damage to any items which the manager has responsibility to supply, maintain or repair under the management regulations.
- Litter is stored and disposed of in accordance with arrangements made by the manager under the management regulations.

- Reasonable instructions from the manager, in respect of any means of escape from fire, the prevention of fire and the use of fire equipment, are complied with.

**In addition, certain HMOs require licensing and general management conditions will apply to these licensable properties. Full details of the requirements of licence conditions are available from the Residential Environmental Health Service, for which contact details are on the back page.**

#### Other management issues

##### **Furniture and Furnishings (Fire)(Safety) Regulations 1998 (amended 1989 & 1993)**

- Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

##### **Gas Safety (Installation and Use) Regulations 1998 (amended 2018)**

- Gas safety inspections and tests must be completed by a Gas Safe registered gas installer/engineer annually. Certificates are required in relation to ALL gas appliances and the gas installation.
- All servicing and repairs are to be carried out by Gas Safe approved contractors.
- Records of annual safety inspections and tests must be made available to the Council for inspection, with a copy supplied to the tenant.

#### Service Contact Details

##### **Address:**

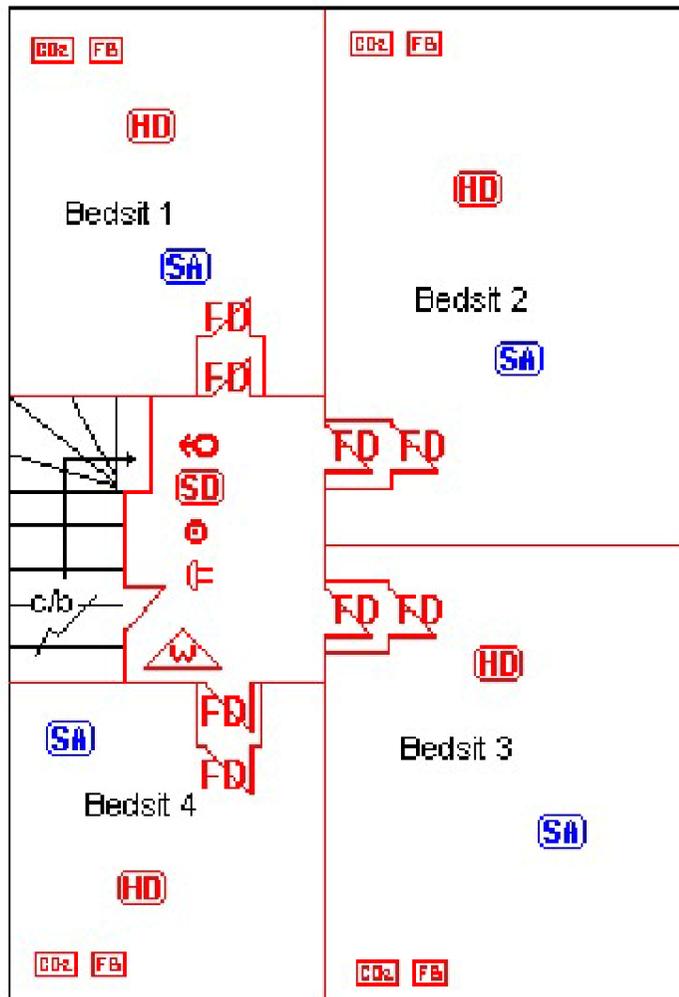
Westminster City Council  
Public Protection & Licensing  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

**Tel:** 020 7641 6161

**Email:** reh@westminster.gov.uk

**Web:** <http://www.westminster.gov.uk/services/housing/private/>

## Bedsit properties-lobbied



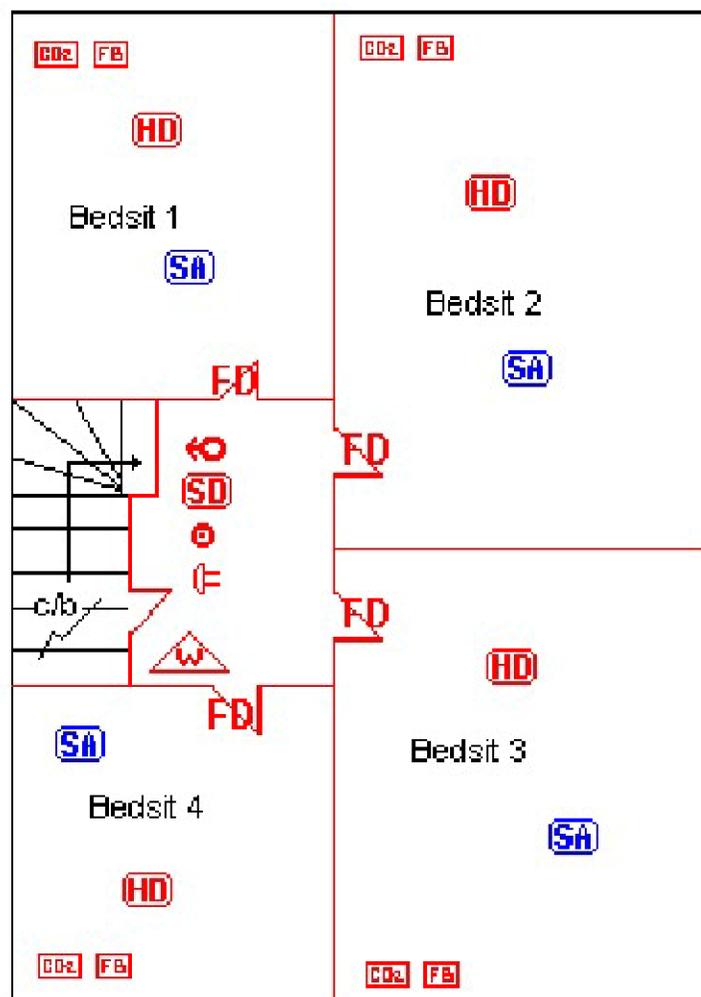
Bedsit properties

### KEY TO SYMBOLS

- HEAT ALARM
- SMOKE ALARM
- FD30S, SC FIRE DOOR
- SMOKE DETECTOR
- HEAT DETECTOR
- CALL POINT
- ALARM SOUNDER
- EMERGENCY LIGHTING
- CEILING/FLOOR
- LOFT HATCH
- WALL PARTITION [M]
- WALL PARTITION [X]
- EXTINGUISHERS:
- WATER [9L.]
- CARBON DIOXIDE
- FIRE BLANKET

Blue denotes stand alone system

## Bedsit properties



### Bedsit properties

#### KEY TO SYMBOLS

- HA** HEAT ALARM
- SA** SMOKE ALARM
- FD** FD30S, SC FIRE DOOR
- SD** SMOKE DETECTOR
- HD** HEAT DETECTOR
- CP** CALL POINT
- AS** ALARM SOUNDER
- EL** EMERGENCY LIGHTING
- ///** CEILING/FLOOR
- LH** LOFT HATCH
- WALL PARTITION [✓]
- WALL PARTITION [X]
- EXTINGUISHERS:**
- W** WATER [9L.]
- CO** CARBON DIOXIDE
- FB** FIRE BLANKET

Blue denotes stand alone system



# Guide to Houses in Multiple Occupation Self Contained Flats

## Introduction

### General Information

The Housing Act 2004 places a duty on the council to inspect and improve houses in multiple occupation (HMO). Officers from the Residential Environmental Health Officers inspect HMOs on a regular basis and respond to housing condition complaints.

#### **What is a HMO?**

The full definition of a HMO is found in sections 254 to 260 of the Housing Act 2004. In broad terms a HMO can be described as follows:

An HMO is a building or part of building (flat) which is:

- Occupied by more than one household (which is defined as occupiers of the same family and includes spouses, co-habitees, same sex couples and any blood relative).  
Where:
  - At least one of the households shares or lacks access to a basic amenity (These include bedsit type properties, houses partly converted into self-contained flats and bedsits, hostels, accommodation above shops and shared houses and flats) or
  - The building is fully converted into self-contained flats or studios and the conversion work does **not** fully comply with the building standard of the 1991 Building Regulations AND less than 2/3rd of the flats are occupied by long leaseholders.

(Basic amenities means a WC, personal washing facilities and cooking facilities)

#### **We aim to:**

- Provide information and advice in plain language about the legislation we apply to HMOs.
- Discuss general issues and specific problems with anyone experiencing difficulties.
- Provide a courteous, efficient and helpful service.
- Actively seek the views of those that receive our services and use this information to develop our service.

Officers will contact landlords to discuss the condition and requirements for their HMO property. A clear list of what is needed to be done to comply with legislation and standards applicable to HMOs will be provided.

A statutory notice is often also served, and this requires specified works to be undertaken within a defined time period; this type of notice will also provide details of how to appeal to a residential property tribunal.

If a statutory notice is not complied with the council may prosecute, issue a civil penalty and may organise for the work to be done and recharge the cost, plus fees, to the owner of the property.

## Housing Health and Safety Rating System (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings, and is a method used to inspect properties in Westminster. A HMO can comprise of a number of separate dwellings, for example every bedsit room or self-contained flat within a HMO is a dwelling.

The principle of HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. HHSRS is a risk assessment process and is comprehensive in its coverage of key health and safety risks in dwellings. In very broad terms, the Rating System works by assessing the risk associated with certain home hazards and if the likelihood of harm is significant the Council may take action to ensure that the risk is removed or reduced.

For a fuller explanation of HHSRS contact the Service, details of which are on Page 12.

## HMO Licensing

Certain categories of HMO must be licensed by the Council. Licensing aims to improve conditions and management within HMOs by ensuring:

- Conditions within a HMO comply with the Council's HMO standards.
- Landlords and/or their agents can be considered as 'fit and proper' persons as defined in the Housing Act 2004.
- Management arrangements for the HMO are appropriate.

Information concerning HMO licensing and how to apply online can be found at:

<https://www.westminster.gov.uk/houses-multiple-occupation>

## How to use the HMO guides

Residential Environmental Health has produced 4 guides for each of the following types of HMO:

- HMOs comprising bedsits/studio rooms.
- HMOs comprising self-contained flats.
- Flats in multiple occupation (FMOs) where flats are multiply occupied by more than one household.
- Hostel/staff accommodation.

Some properties will have a mix of accommodation and more than one of the guides will apply.

## HMOs comprising self contained flats

### Application of this standard

This standard applies to houses wholly or partly converted into self-contained flats. The individual units are self-contained, where amenities i.e. WCs, washing and cooking facilities

are exclusive to the occupiers of the flat. The occupiers form a single household. Flats comprise more than one room accessed off a lobby or entrance hallway that is exclusive to the unit.

### Standard applicable to individual flats within an HMO

**Table 1**

Number of bedrooms	Maximum number of people
1	2
2	4
3	6
4	7
<b>Other room provision</b>	
<b>Lounge/living area (not permitted as a sleeping room)</b>	

Table 1 states the maximum number of occupiers, irrespective of age, who may sleep in any sleeping room when taking into account the number of sleeping rooms available.

### Room sizes for flats occupied by a single household

**Table 2**

Use of room	Minimum Floor Area	Maximum number of people for sleeping
Single Bedroom	6.51 m <sup>2</sup>	1
Double/Twin Bedroom	10.22 m <sup>2</sup>	2
Lounge	Adequate for number of occupiers (Min 10 m <sup>2</sup> for 1 bed flat)	0

Table 2 states the maximum number of occupiers, irrespective of age, who may sleep in a bedroom depending on its size.

In calculating the maximum number of occupiers for any flat, both Table 1 and Table 2 need to be applied. For example, where there is 1 bedroom within the letting, the maximum number is 2 (using Table 1), but for 2 occupiers to sleep in that bedroom it must be at least 10.22m<sup>2</sup> in size.

## Guidance on taking measurements

Only practical useable living space must be measured. This space:

- Does not include any area taken up by bathroom facilities within the bed room.
- Does not include the chimney breast and small alcoves.
- Does not include the floor area where the ceiling height is less than 1.9 metres, or in addition, in attic rooms, any floor area in the eaves of the room where the soffit height is less than 1.5 metres.
- Does not include any fire lobby or bathroom lobby.

In calculating practical living space, the following can be taken into account:

- Half the area taken provided by a bay window can be included.
- Entrance lobbies/corridors within bedrooms. Where the room door opens into a lobby/corridor that is less than 1.2 metres wide, the entire lobby/corridor should be discounted. Where the lobby/corridor is between 1.2 and 1.8 metres, some of the area may be counted (this reflects the fact that wider corridors are able to make a contribution to the storage capacity and spaciousness of bedrooms. The allowable area is calculated by deducting 1.2 metres from the width and multiplying this by the length of the corridor. For example, if a corridor into a room is 1.5 metres wide by 2.5 metres deep, the useable area of the corridor would be  $(1.5 - 1.2 =) 0.3 \times 2.5$  metres. No deduction should be made where doors open into corridors/lobbies of more than 1.8 metres width.

## Occupation

- No more than two persons may sleep in one bedroom. (A person includes a child).
- Except for cohabiting couples, only persons under age 10 of the opposite sex may sleep in the same bedroom.

## Facilities for the storage, preparation and cooking of food

Each flat shall be provided with its own food preparation/cooking/storage facilities for the exclusive use of the occupiers of the flat as follows:

- An oven, grill, and at least 4 hobs. Cookers must not be sited adjacent to exit doors.
- A tiled surface as a cooker splash back; a lift-up cover to the appliance would be a suitable alternative.
- A suitable sink and integral drainer (minimum size 1,000mm x 500 mm) (or alternatively a dual sink) set on a base unit. The sink is to be provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300 mm high) shall be provided to the sink and drainer.
- A fixed worktop, in addition to the drainer - minimum size 1000mm x 600mm, and provided with a tiled splashback (minimum 300mm high).

- Storage cupboards, total minimum capacity 0.8 cubic metres (30 cubic feet). The storage space below the sink unit cannot be used for food storage.
- A fridge of minimum size 6.0 cubic ft with adequate additional freezer space.
- 4 (13 amp) electric sockets in the food preparation area. At least 2 of these sockets to be above worktop level.

The food preparation/cooking/storage area must comply with the following:

- Floor covering must be hard wearing and washable.
- There must be adequate mechanical ventilation, where practicable.
- Any mechanical ventilation provided to the kitchen area should be via an extract cooker-hood vented to the external air.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- The kitchen must be adequate in size, and in any case must not be less than 5.5m<sup>2</sup> and be so arranged to allow safe access and use.
- Kitchen facilities must be suitably located to allow the occupants to adequately store, prepare and cook their food. • Kitchens must not be installed in any hallway, corridor or lobby.

## Sanitary Facilities

### *WC Facilities*

Each flat shall be provided with:

- A WC properly linked to the main drainage system in its own compartment or within a bathroom for exclusive use of occupiers of the flat.

*Each WC (whether within its own compartment or within a bathroom) must have:*

- Adequate ventilation and artificial lighting.
- Adequate size and layout.
- A suitable wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300mm high) shall be provided to the wash hand basin.
- An appropriate door which is lockable and ensures privacy for the user.

### *Bath/Shower facilities*

Each flat shall be provided with:

- A minimum of one bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in an suitable bath/shower room with constant and adequate supply of hot and cold water, and properly connected to the drainage system for exclusive use of occupiers of the flat.

*Each shower room/bathroom must be provided with the following:*

- A tiled splashback (minimum 450mm high) to the bath.
- If an over bath shower is provided then the adjacent walls should be fully tiled.
- A fully tiled shower or the shower must be in a purpose built shower cubicle, with a suitable water resistant shower curtain or door to the cubicle.
- Adequate heating, ventilation and artificial lighting.
- A suitable and washable floor covering, sealed at its edges.
- An appropriate door which is lockable and ensures privacy for the user.
- Adequate size and layout with adequate space for drying and dressing.
- Each bath or shower room (excluding shower enclosures) must have a wash hand basin, minimum size 500mm x 600mm, with hot and cold water and a tiled splashback (minimum 300mm high).

*Space heating and hot water*

An adequate means of space heating must be provided in all rooms, including the bathroom, taking into account affordability, insulation, ease of use and performance.

Where space heating and hot water are provided centrally under the landlord's control, these services should be made available at all times. There must also be the ability to control the level of heating within the flat.

*Living room area*

A single family self-contained flat should have a lounge adequate for the occupiers of the flat. Minimum size of 10 sq. M for a one bedroom single household flat.

*Security*

It is necessary that consideration is given to the security of the property and appropriate measures are taken to prevent 'Entry by Intruders' hazards.

*Communal Exterior Doors*

- Exterior doors to the front and rear should be able to close fully and be capable of resisting bodily pressure and the possibility of slipping the door lock.
- Exterior doors must be fitted with a self-closer with enough force and momentum to ensure that the door closes securely.
- The door and surrounding frame should be of a solid construction.
- Any lock fitted should comply with BS 8621 (2007) for keyless egress.
- Solenoid based, bolt action locks are acceptable and preferred, as they comply with means of escape requirements. They also offer the advantage of requiring less maintenance.
- Where the front door lock is within arm's reach of the letterbox, then either a letterbox cowl or a bottomless cage should be fitted.

- Consideration of the glazing for and surrounding the door should be given. Single glazed panels should be either protected with metal grilles or replaced with laminated glazing or security film.

#### *Flat Entrance Doors*

- The door and surrounding frame should be of a solid construction.
- They require an Auto-Deadlocking Nightlatch complying with BS 8621 (2007).
- They require a Motice lock with thumb turn cylinder complying with BS 8621 (2007), in order to aid escape in the event of a fire.
- The door needs to be fitted with hinge bolts and frame re-inforcers (eg, London Bar) to resist bodily pressure.
- Door chains and viewers are required.
- Where there are letterboxes to individual flats a letterbox cowl or bottomless cage is required if the lock is within arm's reach of the letterbox.

#### *Windows*

- All windows should have key operated locks with the exception of windows which are complying with fire regulations as part of a means of escape.
- Where windows don't have a lock in order to comply with fire regulations (e.g., green button handle locks), then they must be either double glazed units or laminated glazing or fitted with a security film or have a metal grill. The window will also require a security latch.
- Windows for basement, ground floor or first floor dwellings that lead directly to a flat roof require restrictors to be fitted.

#### *Means of escape in case of fire*

A flat, whether in a house in multiple occupation or purpose build block, must be provided with an adequate means of escape in case of fire, fire detection and emergency fire fighting equipment. The actual level of provision will be determined by a risk assessment process having regard to the structure & use of the property and appropriate benchmark guidance documents. Please note that separate fire safety legislation applies to the common areas of HMOs-the Regulatory Reform (Fire Safety) Order 2005 [the FSO]-this is enforced by the fire authority. A key part of the FSO is the requirement for a fire risk assessment to be carried out, this has been the case since 2005. Before proceeding to design a scheme of fire safety works you should consult the fire risk assessment for the house or block.

It is strongly recommended that you discuss your proposals for providing an adequate means of fire safety within your property with the Residential Environmental Health Service before contractors are engaged or works carried out; our contact details are on page 12.

## Common Areas Fire Safety

### *Provision of a Protected Escape Route*

The protected escape route leads from the flat letting to the street exit through the building, and normally includes staircases, passageways, landings and protected lobbies. Protection is provided by fire doors and partitions with varying degrees of fire resistance. The building regulations benchmark provision is 60 minutes fire resistance for partitions & floors. Purpose build blocks will have been designed to this standard. However, in most existing conversion flat buildings this will not be possible and lesser fire resistance of 30 minutes will be accepted with appropriate automatic fire detection. The protected escape route must be kept clear of rubbish, furniture and other stored items.

### *Stairway Protection*

Ideally more than one escape stairway should be provided, although this can rarely be achieved in existing houses; houses with more than four stories are subject to additional provisions and restrictions.

Note that a storey is any floor above and including the ground floor.

Six storey (or more) buildings require more than one escape stairway, the additional stairway may be external. As an alternative a single escape stairway would be acceptable if provided with a secondary upwards means of escape from within the single stairway and lobby protection to the stairway.

Five storey buildings require lobby protection to the single stairway. This may be waived if a secondary upwards means of escape is provided from within the stairway (as for a six storey building above).

Lobby protection is for smoke control purposes, to prevent smoke from a dwelling fire entering the escape stairway. Protected lobbies provide an additional fire resisting self-closing door between the dwelling and the stairway; the lobby partitions must be 30 minute fire resisting.

Stairway partitions, including floors separating stairways from dwellings, must provide at least 30 minutes fire resistance. If it is desired to regard a basement flat as a separate residential premises (and not requiring a linked fire alarm) the flat must not be linked to the ground floor hallway and the separating ceiling/floor partition must meet the Building Regulations 60 minute fire resistance requirement.

Commercial areas of the building should not share the residential escape stairway. The separating partitions, including ceiling/floors where appropriate, should be imperforate and provide 60 minutes fire resistance.

If the separating partitions do not meet these requirements the extension of the common areas fire detection system into the commercial parts of the building is likely to be required. Any door opening from a commercial area onto the residential stairway must provide 60 minutes fire resistance; lobby protection may be required in some cases.

Fire resistant doors are required to all doors opening onto the protected route. The fire doors must provide at least 30 minutes fire resistance under BS 476 test conditions and must be provided with intumescent fire seals and cold smoke seals. Fire doors must be fitted with an effective self-closing device (except storage cupboards, which should be locked shut).

Any lock fitted to a door used as a means of escape (including the street door) must not require a key to open it from the inside when locked, in order to allow escape in the event of a fire. The provision of a 'thumb turn' release on the inside will be required.

#### *Automatic Fire Detection (AFD) System*

Provision of any form of AFD system requires specialist advice to design and install the system correctly.

In general terms, for conversion flats, [when combined with the dwelling AFD provision] the installation of a 'mixed grade' system, in accordance with BS 5839 Part 6 will be required.

This type of system is designed to provide the earliest possible warning of a fire within a dwelling [letting] or the common parts whilst minimising instances of false/nuisance alarms affecting more than one dwelling.

In practice, a typical conversion flat property will require: -

- A grade A system providing smoke detection to the protected escape route and to any cupboards in the stairway, together with manual call points. Smoke detectors and call points are normally installed at each landing level. Note that smoke detectors in the stairway should be of the optical type.
- Installation of heat detectors in individual flat entrance hallways as part of the grade A system
- All detectors that are part of the grade A system are to be wired in circuit so that detection of smoke or heat will automatically activate the alarm throughout the house.
- The system must be regularly inspected and maintained by a competent person as specified in BS 5839.

A typical purpose build block will not require any fire detection system in the common parts, and will operate a 'stay put' fire safety strategy.

#### *Emergency Lighting*

Emergency lighting which comes on if mains electricity fails must be fitted to illuminate the protected route and some internal staircases, and must be in compliance with BS 5266. Emergency lighting must also be provided to any external escape route or stairway.

#### *Fire Exit Signs*

In most average risk residential buildings fire exit signs will not be required. A possible exception is when there is a choice of direction to exit the building in the event of a fire, and when the escape route is not a normal route from the building. This particularly applies when there is a secondary escape route such as an external staircase or another internal

staircase. Signs may have to be illuminated (this is not required where they are adequately lit by emergency lighting).

Signs must comply with BS 5499 and the Health and Safety (Safety Signs & Signals) Regulations 1996.

### *Fire Fighting Equipment*

The provision of emergency fire fighting equipment forms part of the fire risk assessment for the common areas of the house. Where present, fire fighting equipment must be selected, installed, and maintained in accordance with BS 5306. The provision of common parts extinguishers will generally only be required in plant rooms, boiler rooms or places of work and are intended for use by trained operatives only.

### *Dwelling Fire Safety*

#### *Dwelling Layout and Design*

The layout and design of the flat must provide a protected escape route from the bedrooms to the flat exit door. In most cases this is by means of a protected entrance hallway comprising fire resisting partitions and internal fire doors. Internal fire doors must provide at least 20 minutes fire resistance. Ideally the layout should be such that the bedroom doors are positioned closer to the exit door than the doors to the risk rooms (kitchen & living room). In no case should an inner room [one entered only via another room] be used for sleeping purposes unless provided with an alternative means of escape.

Flats with a floor more than 4.5M above ground level require additional design considerations. Various design options exist:-

1. Limit travel distance within the flat (commonly applied to studios),
2. Make the entrance hallway a protected entrance hallway (fire resisting structure), or
3. Provide an alternative exit from all habitable rooms. Where these design options cannot be achieved compensatory additional measures, by extended detection, or by provision of a fire suppression system, will be required.

Where such a flat is a maisonette these requirements cover both entrance and all other levels in the flat. Design options are:-

1. Provide an alternative exit from each habitable room that is not on the entrance level,
2. Provide a single alternative exit from each level, other than the entrance level, and provide a protected landing and hallway,
3. Provide a protected route and install additional automatic detection,
4. Provide a protected route and install an automatic fire suppression system.

Please note that 'historic' alternative exits, such as linking balconies and pass doors between flats are no longer acceptable, but should be retained where they exist.

#### *Automatic Fire Detection (AFD) System*

The linked Grade A heat detector provided as part of the common areas system in a conversion flat building will provide no protection against a fire originating within the flat dwelling itself. For this reason, a separate Grade D1 mains powered (with tamper proof battery backup) AFD system must be provided in each flat, whether a conversion or purpose

build unit. The system should provide Category LD2 coverage, with smoke alarms to the entrance hallway and any internal stairway, together with a heat alarm to the kitchen. All alarms within each flat must be interlinked. Fitting of an optical type smoke alarm in the entrance hallway and any internal stairway is advised.

If the flat internal layout is not ideal additional detection (smoke alarm) will be required to the living room. In addition, if the structural fire separation to adjoining flats is poor (typically lath & plaster partitions/ceilings) detection will be required to all rooms in the flat, excepting bathrooms and WCs.

Additional detection, or fire suppression systems, will be required if an alternative means of escape is not provided when the storey height requires it.

Care should be taken to ensure that the test/hush buttons of the alarms can be safely operated from floor level-this may be a problem where the alarm is fitted on a high ceiling. The ability to access alarm control buttons is essential, and fitting of remote test/hush controls at low level may be required.

#### *Fire fighting equipment*

In the event of a fire residents should evacuate to a place of safety and not to put themselves at risk or delay their evacuation to fight a fire. There will be some circumstances where residents are capable of using either fire blankets or multi-purpose fire extinguishers in the very early stages of a fire and, providing they do not put themselves or others at risk, prevent a fire from developing. The following provisions should be provided within the dwelling:

- A fire blanket, to comply with BS 6575, must be provided in the kitchen
- A 1 litre multi-purpose extinguisher should be sited in the kitchen or hallway. Dry powder is not recommended for use in the home therefore a water or foam extinguisher, tested for limited electrical use should be provided in accordance with BS 5306.

#### *Carbon Monoxide*

Any room used as sleeping accommodation where there is a gas or solid fuel appliance should be provided with a fixed, mains powered carbon monoxide alarm installed in accordance with BS EN 50292:2013.

It is good practice to provide an alarm in all residential accommodation as the source may be located in an adjacent property.

#### *Listed Buildings*

Fire protection works within listed buildings requires more specialist consideration and building techniques and you are strongly advised to contact the Listed Building section of the Planning Department before commencement of any works. Contact telephone number 020 7641 2513.

## Planning Consent

Compliance with these standards does not confer planning approval for any particular use; contact the Planning Department for further advice. Contact telephone number 020 7641 2513.

## Management of HMOs containing self contained flats

[The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#) apply to buildings fully converted into self-contained flats. For properties partially converted into self-contained flats, the [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) will apply.

Failure by a HMO manager to comply with the regulations may result in prosecution or a Civil Penalty of up to £30,000 for each regulation breach.

### **The Manager must keep in repair, clean condition and proper working order:**

- Baths, sinks, toilets, water tanks, taps, pipes and drains – everything to do with water supply and drainage.
- Everything in the common parts stairs etc.– especially banisters and handrails and the entrance door, steps and porch. The decorations and carpets must also be in good repair.
- Electricity and gas supply and the lighting, heating and water heating.
- Kitchens and bathrooms in common use and everything in them.
- The tenants accommodation including heating, hot water and the bathroom.
- Windows and ventilation systems (the extract fans).  
The means of escape, AFD system and other fire precautions.
- The front and rear yards, outbuildings, fences etc. In common use. The garden has to be in reasonable condition.

### **The Manager must also:**

- Make proper arrangements for storage and disposal of rubbish.
- Display the Managers name, address and telephone number.

## Furniture and furnishings (Fire Safety Regulations 1998, amended 1989 and 1993)

Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

## GAS SAFETY (Installation and Use) REGULATIONS 1998 (amended 2018)

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London  
SW1E 6QP

**Tel:** 020 7641 6161

**Email:** reh@westminster.gov.uk

**Web:** <http://www.westminster.gov.uk/services/housing/private/>



# Guide to Houses in Multiple Occupation

## Shared Houses and Flats in Multiple Occupation (FMOs)



City of  
Westminster

## General Information

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- Landlords and/or their agents can be considered as 'fit and proper' persons as defined in the Housing Act 2004.
- Management arrangements for the HMO are appropriate.

Information concerning HMO licensing and how to apply online can be found at: <https://www.westminster.gov.uk/houses-multiple-occupation>

### How to use the HMO guides

Residential Environmental Health has produced 4 guides for each of the following types of HMO:

- HMOs comprising bedsits/studio rooms.
- HMOs comprising self-contained flats.
- Shared houses and flats
- Hostel/staff accommodation.

Some properties will have a mix of accommodation and more than one of the guides will apply.

## Standards applicable to flats in multiple occupation (FMOs)

### Application of this standard

This standard applies to a shared house or flat that is occupied by more than one household (which is defined as occupiers of the same family and includes spouses, co-habitees, same sex couples and any blood relative). This may be under one tenancy agreement or a number of agreements.

This standard applies where tenants are living as a group with shared living and dining space. There may be occasional change of sharers in such situations.

## Room sizes and Occupation

The minimum room sizes for sleeping rooms where a shared social space of at least 10 m<sup>2</sup> is provided.

Use of room	Minimum Floor Area	Maximum number of people for sleeping
Single Bedroom	7.5 m <sup>2</sup>	1
Double/Twin Bedroom	10.22 m <sup>2</sup>	2

The minimum room sizes for sleeping rooms where no shared social space is provided.

Use of room	Minimum Floor Area	Maximum number of people for sleeping
Single Bedroom	9 m <sup>2</sup>	1
Double/Twin Bedroom	12 m <sup>2</sup>	2

### Shared social space

The provision of shared social space, such as a lounge or combined kitchen/diner, will affect the quality of the accommodation and is considered to be the ideal in shared houses and flats. The minimum size requirement for a shared living room is 10 m<sup>2</sup> for up to 5 tenants. An additional 1.5 m<sup>2</sup> should be added for each additional tenant.

### Guidance on taking measurements

Only practical useable living space must be measured. This space

- Does not include any area taken up by bathroom facilities within the bedroom.
- Does not include the chimney breast and small alcoves.
- Does not include the floor area where the ceiling height is less than 1.9 metres, or in addition, in attic rooms, any floor area in the eaves of the room where the soffit height is less than 1.5 metres.

- Does not include any fire lobby or bathroom lobby.

In calculating practical living space, the following can be taken into account:

- Half the area taken provided by a bay window can be included.
- Entrance lobbies/corridors within bedrooms. Where the room door opens into a lobby/corridor that is less than 1.2 metres wide, the entire lobby/corridor should be discounted. Where the lobby/corridor is between 1.2 and 1.8 metres, some of the area may be counted (this reflects the fact that wider corridors are able to make a contribution to the storage capacity and spaciousness of bedrooms. The allowable area is calculated by deducting 1.2 metres from the width and multiplying this by the length of the corridor. For example, if a corridor into a room is 1.5 metres wide by 2.5 metres deep, the useable area of the corridor would be  $(1.5 - 1.2) \times 2.5$  metres. No deduction should be made where doors open into corridors/lobbies of more than 1.8 metres width.

### Occupation

- No more than two persons may sleep in one bedroom. (A person includes a child).
- Except for cohabiting couples, only persons under age 10 of the opposite sex may sleep in the same bedroom.

### Facilities for the storage, preparation and cooking of food

Kitchen facilities shall be provided with its own food preparation/cooking/storage facilities for the exclusive use of the occupiers as follows, up to a maximum of 5 persons:

#### *A set of facilities shall include*

- An oven, grill, and at least 4 hobs. Cookers must not be sited adjacent to exit doors.
- A tiled surface as a cooker splash back; a lift-up cover to the appliance would be a suitable alternative.
- A suitable sink and integral drainer (minimum size 1000mm x 500mm) set on a base unit. The sink is to be provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300 mm high) shall be provided to the sink and drainer.
- A fixed worktop, in addition to the drainer - minimum size 1000mm x 600mm, and provided with a tiled splashback (minimum 300mm high).
- Storage cupboards, total minimum capacity 0.8 cubic metres (30 cubic feet). The storage space below the sink unit cannot be used for food storage.
- A fridge of minimum size 6.0 cubic ft with adequate additional freezer space.
- 4 (13 amp) electric sockets in the food preparation area. At least 2 of these sockets to be above worktop level.

#### *The food preparation/cooking/storage area must comply with the following:*

- Floor covering must be hard wearing and washable.
- There must be adequate mechanical ventilation, where practicable.

- Any mechanical ventilation provided to the kitchen area should be via an extract cooker-hood vented to the external air.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- The kitchen must be adequate in size, and in any case must not be less than 5.5m<sup>2</sup> and be so arranged to allow safe access and use.
- Kitchen facilities must be suitably located to allow the occupants to adequately store, prepare and cook their food.
- Kitchens must not be installed in any hallway, corridor or lobby.

#### Minimum Floor area for shared kitchens

Number of people	Minimum floor area (with separate living/dining room)	Minimum floor area combined kitchen / diner (where separate living/dining area is not provided)
<b>3-5</b> (1 set of facilities)	5.5 m <sup>2</sup>	15.5 m <sup>2</sup>
<b>6-10</b> (2 set of facilities)	11 m <sup>2</sup>	22.5 m <sup>2</sup>
<b>11-15*</b> (3 set of facilities)	16.5 m <sup>2</sup>	35.5 m <sup>2</sup>

\*A separate kitchen should be provided where the number of users exceeds 15.

#### *WC and bath/shower facilities*

#### Minimum requirements for WC & Bath /shower facilities

4 or less people sharing	5 people sharing	6 + people sharing
<b>WC</b> <b>Either in its own compartment or within a bathroom</b>  <b>Bath/shower</b> <b>A bath or shower in a suitable bathroom</b>	<b>Bath/shower</b> A bath or shower in a suitable bathroom	<b>6-10</b> 2 bathrooms containing a bath or shower  2 WC's with wash hand basin. (one of which must be in its own compartment)

	WC	
	A separate WC with wash hand basin in its own compartment or additional bathroom must be provided	<p><b>11-15</b></p> <p>3 bathrooms containing a bath or shower</p> <p>3 WC's with wash hand basin. (one of which must be in its own compartment)</p>
		<p><b>16-20</b></p> <p>4 bathrooms containing a bath or shower</p> <p>4 WC's with wash hand basin. (one of which must be in its own compartment)</p>

\*where a bedroom/unit contains a full set of en-suite facilities, those occupants do not need to be included in the total count

*Four or less occupiers sharing bathroom/WC facilities:*

#### **WC**

A WC, **either in its own compartment or within a bathroom** and not being more than one floor distant from each user, should be provided at a ratio of not less than **one WC per four occupiers**, irrespective of age.

#### **Bath/shower**

A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in a suitable bathroom, not being more than one floor distant from each user, should be provided at a ratio of not less than **one bath or shower per four occupiers**, irrespective of age.

*5 or more occupiers sharing bathroom/WC facilities:*

## **WC**

A **separate WC in its own compartment must be provided**, not being more than one floor distant from each user, and provided at a ratio of not less than **one WC per five occupiers**, irrespective of age.

(Note: Any WC within a bathroom will not be included for counting purposes as there must be a separate WC compartment)

## **Bath/shower**

A bath (minimum dimensions 1600mm x700mm) or shower (minimum dimensions 800mm x 800mm) in an suitable bath/shower room, not being more than one floor distant from each user, should be provided at a ratio of not less than one bath or shower per five persons, irrespective of age.

*Each WC (whether within its own compartment or within a bathroom) must have:*

- Adequate ventilation and artificial lighting.
- Adequate size and layout.
- A suitable wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300 mm high) shall be provided to the wash hand basin.
- An appropriate door which is lockable and ensures privacy for the user.

*Each shower room/bathroom must be provided with the following:*

- A tiled splashback (minimum 450mm high) to the bath.
- If an over bath shower is provided then the adjacent walls should be fully tiled.
- A fully tiled shower or the shower must be in a purpose built shower cubicle, with a suitable water resistant shower curtain or door to the cubicle.
- Adequate heating, ventilation and artificial lighting.
- A suitable and washable floor covering, sealed at its edges.
- An appropriate door which is lockable and ensures privacy for the user.
- Adequate size and layout with adequate space for drying and dressing.
- Each bath or shower room (excluding shower enclosures) must have a wash hand basin, minimum size 500mm x 600mm, with hot and cold water and a tiled splashback (minimum 300mm high).

## **Wash hand basins within bedrooms where 5 or more occupiers occupy the HMO**

Wash hand basins are required in rooms under The Licensing and Management of Houses in Multiple Occupation Regulations 2006 in licensed properties consisting of 5 or more persons.

Where WHB's are not present, the overall amenity provision, provision of shared facilities and whether a kitchenette is already provided within the room will be taken into account.

### Space heating and hot water

- An adequate means of fixed space heating must be provided in all rooms including bathrooms, taking into account affordability, insulation, ease of use and performance. The system must be capable of maintaining a temperature of at least 18°C throughout the property.
- Where space heating and hot water are provided centrally by the landlord, these services should be made available at all times. There must also be the ability to control the level of heating within each room within the flat.

### Security

It is necessary that consideration is given to the security of the property and appropriate measures are taken to prevent 'Entry by Intruders' hazards.

### Communal Exterior Doors

- Exterior doors to the front and rear should be able to close fully and be capable of resisting bodily pressure and the possibility of slipping the door lock.
- Exterior doors must be fitted with a self-closer with enough force and momentum to ensure that the door closes securely.
- The door and surrounding frame should be of a solid construction.
- Any lock fitted should comply with BS 8621 (2007) for keyless egress.
- Solenoid based, bolt action locks are acceptable and preferred, as they comply with means of escape requirements. They also offer the advantage of requiring less maintenance.
- Where the front door lock is within arm's reach of the letterbox, then either a letterbox cowl or a bottomless cage should be fitted.
- Consideration of the glazing for and surrounding the door should be given. Single glazed panels should be either protected with metal grilles or replaced with laminated glazing or security film.

### Flat Entrance Doors

- The door and surrounding frame should be of a solid construction.
- They require an Auto-Deadlocking Nightlatch complying with BS 8621 (2007).
- They require a Mortice lock with thumb turn cylinder complying with BS 8621 (2007), in order to aid escape in the event of a fire.
- The door needs to be fitted with hinge bolts and frame reinforces (eg, London Bar) to resist bodily pressure.
- Door chains and viewers are required.

- Where there are letterboxes to individual flats a letterbox cowl or bottomless cage is required if the lock is within arm's reach of the letterbox.

### Bedroom Entrance Doors

Where locks are provided to individual bedrooms they should consist of a Mortice lock with thumb turn cylinder complying with BS 8621 (2007), in order to aid escape in the event of a fire.

### Windows

- All windows should have key operated locks with the exception of windows which are complying with fire regulations as part of a means of escape.
- Where windows don't have a lock in order to comply with fire regulations (eg, green button handle locks), then they must be either double glazed units or laminated glazing or fitted with a security film or have a metal grill. The window will also require a security latch.
- Windows for basement, ground floor or first floor dwellings that lead directly to a flat roof require restrictors to be fitted.

### Means of escape in case of fire

There must be an adequate means of escape in case of fire, fire detection and emergency fire fighting equipment. The actual level of provision will be determined by a risk assessment process having regard to the structure & use of the property and appropriate benchmark guidance documents. Separate fire safety legislation applies to the common areas of the building containing flats, the Regulatory Reform (Fire Safety) Order 2005 (FSO) which is enforced by the Fire Authority. A key part of the FSO is the requirement for a Fire Risk Assessment to be carried out. Before proceeding to design a scheme of fire safety you should consult the Fire Risk Assessment for the building.

The level of provision will vary depending on the design and construction of the building and whether it meets current building regulation standards.

IN the case of flats the responsibility for common areas fire safety will often lie with the building/block freeholder and managing agent; the flat owner and manager must co-operate and liaise with them to ensure that an adequate level of overall fire safety is provided for their tenants. In a converted property, it will normally be a requirement for Grade A automatic fire detection in the common parts that will be interlinked into each flat with a heat detector. Common parts fire safety provisions in converted (Section 257) buildings can be found in [Westminster's guide to Bedsit and Studios](#) or [LACORS fire safety guidance](#).

If a flat is located in a purpose built blocks of flats, landlords should consult with the building freeholder or management to familiarise themselves with the fire safety strategy, which will often be a stay put policy. The flat entrance door will often be the flat owner's responsibility and must be maintained as a fire resisting doorset. The government has produced a guidance document [Fire Safety in purpose-built blocks of flats](#)

## Dwelling Fire Safety - Flats in Multiple Occupation

### Dwelling Layout and Design

The layout and design of the flat must provide a protected escape route from the bedrooms to the flat exit door. In most cases this is by means of a protected entrance hallway comprising fire resisting partitions and internal fire doors. Internal fire doors must provide at least 20 minutes fire resistance. Ideally the layout should be such that the bedroom doors are positioned closer to the exit door than the doors to the risk rooms (kitchen & living room). In no case should an inner room [one entered only via another room] be used for sleeping purposes unless provided with an alternative means of escape.

Flats with a floor more than 4.5M above ground level require additional design considerations. Various design options exist:-

- 1) Limit travel distance within the flat (commonly applied to studios),
- 2) Make the entrance hallway a protected entrance hallway (fire resisting structure),  
or
- 3) Provide an alternative exit from all habitable rooms. Where these design options cannot be achieved compensatory additional measures, by extended detection, or by provision of a fire suppression system, will be required.

Where such a flat is a maisonette these requirements cover both entrance and all other levels in the flat. Design options are:-

- 1) Provide an alternative exit from each habitable room that is not on the entrance level,
- 2) Provide a single alternative exit from each level, other than the entrance level, and provide a protected landing and hallway,
- 3) Provide a protected route and install additional automatic detection,
- 4) Provide a protected route and install an automatic fire suppression system.

Please note that 'historic' alternative exits, such as linking balconies and pass doors between flats are no longer acceptable, but should be retained where they exist.

Any lock fitted to a door used as a means of escape [including the bedroom and flat entrance doors] must not require a key to open it from the inside when locked, in order to allow escape in the event of a fire. The provision of a 'thumb turn' release on the inside will be required.

### Automatic Fire Detection (AFD) System

**Grade D1** mains powered [with tamper proof battery backup] AFD system must be provided in each FMO flat. The system should provide **Category LD2 coverage**, with smoke alarms to the entrance hallway, any internal stairway, and shared living room, together with a heat alarm to the kitchen. All alarms within each flat must be interlinked. Fitting of an optical type smoke alarm in the entrance hallway and any internal stairway is advised.

If the flat is located at second floor level or above [4.5M above ground level] additional detection (smoke alarm) will be required to the letting rooms. In addition [irrespective of floor level] if the structural fire separation to adjoining flats is poor (typically lath & plaster partitions/ceilings) detection will be required to all rooms in the flat, excepting bathrooms & WCs.

Additional detection, or fire suppression systems, will be required if an alternative means of escape is not provided when the storey height requires it.

Care should be taken to ensure that the test/hush buttons of the alarms can be safely operated from floor level-this may be a problem where the alarm is fitted on a high ceiling. The ability to access alarm control buttons is essential, and fitting of remote test/hush controls at low level may be required.

### Fire safety requirements for shared houses

A storey is any floor above and including the ground floor.

#### 1-2 storey houses

The layout and design of the house must provide a protected escape route from the bedrooms to the front door. In most cases this is by means of a protected entrance hallway comprising fire resisting partitions and internal fire doors. Internal fire doors must provide at least 20 minutes fire resistance. Ideally the layout should be such that the bedroom doors are positioned closer to the exit door than the doors to the risk rooms (kitchen & living room). In no case should an inner room [one entered only via another room] be used for sleeping purposes unless provided with an alternative means of escape.

#### Automatic Fire Detection (AFD) System

**Grade D1** mains powered [with tamper proof battery backup] AFD system must be provided in houses up to 2 storeys. The system should provide **Category LD2 coverage**, with smoke alarms in the bedrooms, entrance hallway, any internal stairway, shared living room, together with a heat alarm in the kitchen. All alarms must be interlinked. Fitting of an optical type smoke alarm in the entrance hallway and any internal stairway is advised.

#### 3-4 storey houses

The Building Regulations benchmark provision is 60 minutes fire resistance for partitions & floors. In most existing houses this will not be possible and lesser fire resistance of 30 minutes will be accepted with appropriate enhanced automatic fire detection. The protected escape route must be kept clear of rubbish, furniture and other stored items.

Fire resistant doors are required to all doors opening onto the protected route. The fire doors must provide at least 30 minutes fire resistance under BS 476 test conditions, and must be provided with intumescent fire seals and cold smoke seals. Fire doors must be fitted with an effective self-closing device. Any lock fitted to a door used as a means of escape [including the street door] must not require a key to open it from the inside when locked, in order to allow escape in the event of a fire. The provision of a 'thumb turn' release on the inside will be required.

#### Automatic Fire Detection (AFD) System

A grade A alarm system should be installed in all shared houses comprising 3 or more storeys. The system must provide smoke detection to the protected escape route and to any cupboards in the stairway, together with manual call points.

Smoke detectors and call points should be installed at each landing level. Note that smoke detectors in the stairway should be of the optical type.

Smoke detectors should be provided in bedrooms and living areas with heat detectors provided in rooms containing cooking facilities.

All detectors that are part of the grade A system are to be wired in circuit so that detection of smoke or heat will automatically activate the alarm throughout the house.

The system must be regularly inspected and maintained by a competent person as specified in BS 5839.

The above requirements are applicable for shared houses only. Where a building contains individual lettings or a mixture of studio's and bedsits the installation of a 'mixed grade' system, in accordance with BS 5839 Part 6 will be required.

### **Fire fighting equipment**

In the event of a fire residents should evacuate to a place of safety and not to put themselves at risk or delay their evacuation to fight a fire. There will be some circumstances where residents are capable of using either fire blankets or multi-purpose fire extinguishers in the very early stages of a fire and, providing they do not put themselves or others at risk, prevent a fire from developing. The following provisions should be provided within the dwelling:

- A fire blanket, to comply with BS 6575, must be provided in the kitchen
- A 1 litre multi-purpose extinguisher should be sited in the kitchen or hallway. Dry powder extinguishers are not recommended for use in the home therefore a water or foam extinguisher, tested for limited electrical use should be provided in accordance with BS 5306.

### **5+ storey houses**

Properties consisting of more than 5 or more storeys will often need enhanced fire safety measures which may differ depending on the size, layout and construction of the building. It will normally be necessary for an officer to visit the property to specify the exact measures that should be in place.

### **Carbon Monoxide**

Any room used as sleeping accommodation where there is a gas or solid fuel appliance should be provided with a fixed, mains powered carbon monoxide alarm installed in accordance with BS EN 50292:2013.

It is good practice to provide an alarm in all residential accommodation as the source may be located in an adjacent property.

## **HMO Management**

The Management of HMOs Regulations 2006 apply to FMO's and detail full responsibilities of managers and occupiers. Failure by a manager to comply with the regulations may result in prosecution or Civil Penalty.

### **Responsibilities of the manager**

The manager must ensure that:

- The manager's name, address and any telephone contact number is made available to each household in the HMO and these details must be clearly displayed in a prominent position in the HMO.
- Each letting is in a clean condition at the beginning of any rental period and that the internal structure, fixtures/fittings/appliances, windows and mechanical ventilation are maintained in good repair and clean working order.
- All common parts i.e. Staircases, passageways, corridors, halls, lobbies, entrances, balconies and steps are maintained in good and clean decorative repair, in a safe and working condition and kept reasonably clear from obstruction.
- Outbuildings, boundary walls, yards and fences are maintained in repair, clean condition and good order. The garden must be kept in a safe and tidy condition.
- The water supply is constant and not unreasonably interrupted and that the drainage system serving the HMO is maintained in good, clean and working condition.
- Annual gas safety tests are carried out on all gas appliances within the HMO by a Gas Safe registered engineer, and evidence is supplied to support this if requested by the Council.
- The electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing, and evidence is supplied to support this if requested by the Council.
- The gas or electricity supply, used by any occupier within the HMO, is not unreasonably interrupted.
- All means of escape from fire, any automatic fire detection system and fire fighting equipment are maintained in good working order and are kept free from obstruction.
- All reasonable steps are taken to protect the occupiers of the FMO from injury, ensuring structural safety within the FMO, and that windows set close to or at floor level are suitably safeguarded.
- The manager must ensure that sufficient bins or other suitable receptacles are provided for the storage of refuse and litter pending their disposal.

**Responsibilities of occupiers**

Every occupier must ensure that:

- Reasonable access is provided into their letting in order for the manager to undertake any work required under the Management Regulations.
- Reasonable care is taken to avoid damage to any items which the manager has responsibility to supply, maintain or repair under the Management Regulations.
- Store and dispose of litter in accordance with the arrangements made by the manager under the Management Regulations.

- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

#### Other management issues

##### **Furniture and Furnishings (Fire Safety) Regulations 1998 (amended 1989 & 1993)**

- Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

##### **Gas Safety (Installation and Use) Regulations 1998 (amended 2018)**

- Gas safety inspections and tests must be completed by a Gas Safe registered gas installer/engineer annually. Certificates are required in relation to ALL gas appliances and the gas installation.
- All servicing and repairs are to be carried out by Gas Safe approved contractors.
- Records of annual safety inspections and tests must be made available to the Council for inspection, with a copy supplied to the tenant.

#### Service Contact Details

##### **Address:**

Westminster City Council  
Public Protection & Licensing  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

**Tel:** 020 7641 6161

**Email:** reh@westminster.gov.uk

**Web:** <http://www.westminster.gov.uk/services/housing/private/>



# Guide to Houses in Multiple Occupation Hostels and Staff Accommodation



City of  
Westminster

## Introduction

### General Information

The Housing Act 2004 places a duty on the Council to inspect and improve houses in multiple occupation (HMOs). Residential Environmental Health Officers inspect HMOs on a regular basis and respond to housing condition complaints.

#### **What is a HMO?**

The full definition of a HMO is found in sections 254 to 260 of the Housing Act 2004. In broad terms a HMO can be described as follows:

#### **An HMO is a building or part of building (flat) which is:**

- Occupied by more than one household (which is defined as occupiers of the same family and includes spouses, co-habitees, same sex couples and any blood relative).  
Where:
  - At least one of the households shares or lacks access to a basic amenity (These include bedsit type properties, houses partly converted into self-contained flats and bedsits, hostels, accommodation above shops and shared houses and flats) or
  - The building is fully converted into self-contained flats or studios and the conversion work does **not** fully comply with the building standard of the 1991 Building Regulations AND less than 2/3rd of the flats are occupied by long leaseholders.

(Basic amenities means a WC, personal washing facilities and cooking facilities)

#### **We aim to:**

- Provide information and advice in plain language about the legislation we apply to HMOs.
- Discuss general issues and specific problems with anyone experiencing difficulties.
- Provide a courteous, efficient and helpful service.
- Actively seek the views of those that receive our services and use this information to develop our service.

Officers will contact landlords to discuss the condition and requirements for their HMO property. A clear list of what is needed to be done to comply with legislation and standards applicable to HMOs will be provided.

A statutory notice is often also served, and this requires specified works to be undertaken within a defined time period; this type of notice will also provide details of how to appeal to a residential property tribunal.

If a statutory notice is not complied with the council may prosecute, issue a Civil Penalty and may organise for the work to be done and recharge the cost, plus fees, to the owner of the property.

## Housing health and safety rating system (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings, and is a method used to inspect properties in Westminster. A HMO can comprise of a number of separate dwellings, for example every bedsit room or self-contained flat within a HMO is a dwelling.

The principle of HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. HHSRS is a risk assessment process and is comprehensive in its coverage of key health and safety risks in dwellings. In very broad terms, the rating system works by assessing the risk associated with certain home hazards and if the likelihood of harm is significant the council may take action to ensure that the risk is removed or reduced.

For a fuller explanation of HHSRS contact the Service, details of which are on Page 12.

## HMO LICENSING

Certain categories of HMO must be licensed by the Council. Licensing aims to improve conditions and management within HMOs by ensuring:

- Conditions within a HMO comply with the Council's HMO standards.
- Landlords and/or their agents can be considered as 'fit and proper' persons as defined in the Housing Act 2004.
- Management arrangements for the HMO are appropriate.

Information concerning HMO licensing and how to apply online can be found at: <https://www.westminster.gov.uk/houses-multiple-occupation>

## How to use the HMO guides

Residential Environmental Health has produced four guides for each of the following types of HMO:

- HMOs comprising bedsits/studio rooms.
- HMOs comprising self-contained flats.
- Flats in multiple occupation (FMOs) where flats are multiply occupied by more than one household.
- Hostel/staff accommodation.

Some properties will have a mix of accommodation and more than one of the guides will apply.

## Application of this standard

Hostels must have appropriate planning consent for lawful operation as a hostel and cater for a specific group or groups of occupiers

For example

- Long term vulnerable residents
- Short term vulnerable residents
- Privately managed student accommodation
- Privately managed nurses accommodation
- Homeless persons
- Staff accommodation provided in connection with employment.

Hostels may provide some meals or welfare arrangements to the occupiers and have on site management.

In respect of temporary winter shelters for the street homeless, provided by other government departments, a flexible approach will be adopted, with priority given to the management, hygiene and health and safety issues within these properties.

#### Room sizes for hostels

Maximum number of people	Minimum size of bedroom room
1	Not less than 6.51 m <sup>2</sup>
2	Not less than 10.22 m <sup>2</sup>
3	Not less than 13.40 m <sup>2</sup>
4	Not less than 16.50 m <sup>2</sup>
5	Not less than 19.60 m <sup>2</sup>
6	Not less than 22.70 m <sup>2</sup>
	And 3.1 m <sup>2</sup> per additional person.

Note: Where a bedroom is used for both sleeping and cooking, a minimum of 3.7m<sup>2</sup> shall be added to the minimum bedroom floor area.

#### *Guidance on taking measurements:*

Only **practical useable living space** must be measured. This space:

- Does not include any area taken up by bathroom facilities within the room.
- Does not include the chimney breast and small alcoves.
- Does not include the floor area where the ceiling height is less than 1.9 metres, or in addition, in attic rooms, any floor area in the eaves of the room where the soffit height is less than 1.5 metres.
- Does not include any fire lobby or bathroom lobby.

In calculating practical living space, the following can be taken into account:

- If a studio room has a partition, the floor area of both rooms can be included.
- In hostels rooms less than the minimum area permitted of 6.51m<sup>2</sup> cannot be used for sleeping.
- Half the area provided by a bay window can be included.
- Entrance lobbies/corridors within bedrooms. Where the room door opens into a lobby/corridor that is less than 1.2 metres wide, the entire lobby/corridor should be discounted. Where the lobby/corridor is between 1.2 and 1.8 metres, some of the area may be counted (this reflects the fact that wider corridors are able to make a contribution to the storage capacity and spaciousness of bedrooms. The allowable area is calculated by deducting 1.2 metres from the width and multiplying this by the length of the corridor. For example, if a corridor into a room is 1.5 metres wide by 2.5 metres deep, the useable area of the corridor would be (1.5 – 1.2 =) 0.3 x 2.5 metres. No deduction should be made where doors open into corridors/lobbies of more than 1.8 metres width.

#### *Occupation*

- 2 tier bunk beds are permitted providing the ceiling height is greater than 1.5m, and the permitted number stated on page 3 above is not exceeded.

## Facilities for the storage, preparation and cooking of food

### Exclusive Facilities

Whenever practicable hostels should provide food preparation/cooking/storage facilities which are for the exclusive use of each household, these facilities must comply with the standard described below.

Where any **family with children** is in occupation, kitchen facilities shall be provided for their **exclusive use** in accordance with the standard below.

- An oven, grill, and at least 4 hobs. (In single bedrooms 2 hobs, oven and grill or 2 hobs and a combination microwave are acceptable). Cookers must not be sited adjacent to exit doors.
- A tiled surface as a cooker splashback; a lift-up cover to the appliance would be a suitable alternative.
- A suitable sink and integral drainer (minimum size 1000mm x 500mm) (or alternatively a dual sink) set on a base unit. The sink is to be provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300mm high) shall be provided to the sink and drainer.
- A fixed worktop, in addition to the drainer - minimum size 1000mm x 600mm, and provided with a tiled splashback (minimum 300mm high).
- A storage cupboard, minimum capacity 0.4 cubic metres (15 cubic feet). The storage space below the sink unit cannot be used for food storage.

A fridge **with** freezer compartment - minimum size 4.5 cubic feet with adequate freezer space.

- 4 (13 amp) electric sockets in the food preparation area. At least 2 of these sockets to be above worktop level.

The food preparation/cooking/storage area must comply with the following:

- Floor covering must be hard wearing and washable.
- There must be adequate mechanical ventilation, where practicable.
- Any mechanical ventilation provided to the kitchen area should be via an extract cooker-hood vented to the external air.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- Kitchens provided in a separate room must be adequate in size, and in any case not less than 5.5m<sup>2</sup>, and be so arranged to allow safe access and use.
- Kitchen facilities must be suitably located to allow the occupants to adequately store, prepare and cook their food.
- Kitchens must not be installed in any hallway, corridor or lobby.

### Shared facilities

In circumstances where the Council is satisfied that exclusive use facilities cannot be provided, shared kitchens providing facilities for the preparation and cooking of food may be provided.

Some examples of properties where this would be considered acceptable are:

- Long term hostels for vulnerable persons, e.g. Church Army, Housing Associations, Voluntary Welfare Societies, where there is an element of supervision and communal living, as part of a welfare role.
- Group Homes occupied by a defined group of residents, with special needs. If sharing is to be permitted the organisation responsible must demonstrate that there is a need for sharing of amenities and that there is proper supervision/control and management at the property.

Each shared kitchen shall be provided with a set of food preparation/cooking/storage facilities at a ratio of at least 1 set of facilities per 5 occupiers. There should be no more than 2 sets of facilities within a kitchen, situated not more than one floor distant from each user.

Each set of facilities for the preparation, cooking and storage of food should comprise the following:

- An oven, grill, and at least 4 hobs. Cookers must not be sited adjacent to exit doors.
- A tiled surface as a cooker splash back; a lift-up cover to the appliance would be a suitable alternative.

- A suitable sink and integral drainer (minimum size 1000mm x 500mm) set on a base unit. The sink is to be provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300mm high) shall be provided to the sink and drainer.
- A fixed worktop, in addition to the drainer - minimum size 1000mm x 600mm, and provided with a tiled splashback (minimum 300mm high).

Food storage should normally be provided in individual bedrooms but in certain circumstances food storage cupboards may be provided in the shared kitchen. If the food storage cupboard is provided in the kitchen it must be:

- Exclusive to each household
- Minimum size of 600mm x 500mm x 600mm • Secured against unauthorised access.
- The storage space below the sink unit cannot be used for food storage.
- In addition to the fridges provided in the individual bedrooms, an additional fridge must be provided in the shared kitchen.
- 4 (13 amp) electric sockets in the food preparation area. At least 2 of these sockets to be above worktop level.

*The food preparation/cooking/storage area must comply with the following:*

- Floor covering must be hard wearing and washable.
- There must be adequate mechanical ventilation, where practicable.
- Any mechanical ventilation provided to the kitchen area should be via an extract cooker-hood vented to the external air.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- The kitchen must be adequate in size, and in any case must not be less than 5.5m<sup>2</sup> and be so arranged to allow safe access and use.
- Kitchen facilities must be suitably located to allow the occupants to adequately store, prepare and cook their food.
- Kitchens must not be installed in any hallway, corridor or lobby.

#### Room exclusive facilities

The following facilities shall be provided within each bedroom

- A fridge minimum size 4.5 cubic feet with adequate freezer space
- A food storage cupboard, minimum size 600mm x 500mm x 600mm

#### Meal provision

The Council requires either the provision of kitchen facilities exclusive to each household or shared kitchens at a minimum ratio of one set of kitchen facilities to five occupiers, as

specified above. However, in certain circumstances the Council will consider a relaxation of this standard, where there is an element of meal provision within the property.

The extent to which standards may be relaxed will depend on factors including the extent of meal provision, the location of meal provision facilities and dining areas, and the nature of the tenant group using the facilities.

Meal provision can range from a full refectory service located on-site providing 3 meals a day which are sufficient and suitable for the occupants, to limited meals provided on a less frequent basis, or located in an off-site facility (e.g. More than 5 minutes walk away). Examples of the type of hostel providing full refectory service are those run by charities such as the Salvation Army, or staff/nurses accommodation, where meals are provided at a subsidised rate or as part of their employment conditions.

**In any case, the provision of kitchen facilities for occupants must meet national minimum standards for houses in multiple occupation. This will require the additional provision of separate kitchen facilities for the use of occupants outside of meal service times.**

These facilities must be in a sufficient quantity for the numbers of occupants sharing them bearing in mind the extent of the meals provided (e.g. Full refectory service will only require limited additional kitchen facilities, similar to office 'teapoints').

The minimum standards to be met are;

- A sink with draining board
- Adequate supply of cold and constant hot water to each sink supplied
- Installation of equipment for the cooking of food-combination microwave ovens are recommended.
- Electrical sockets
- Worktop for the preparation of food
- Cupboards for the storage of food or kitchen and cooking utensils
- Refrigerators with an adequate freezer compartment (or, where freezer compartment is not adequate, adequate separate freezers)
- Appropriate refuse disposal facilities
- Appropriate extractor fans, fire blankets and fire doors

In some cases it may be preferable to provide the following facilities within each bedroom in addition to the shared facilities;

- A fridge of minimum size of 4.5 cubic feet with adequate freezer space
- A food storage cupboard, of minimum size 600mm X 500mm X 600mm)

In deciding the quantity of kitchen facilities to be provided each case will be judged on it's own particular merits.

Additional kitchen facilities provided must also meet the following conditions where practicable;

- Be not more than one floor distant from the majority of users
- Be not more than 2 floors distant from any user

For staff working in public houses/restaurants and living on the premises where meals are provided as part of an employment contract the following conditions must be met;

- Shared kitchen facilities must be provided separately from any commercial kitchen on the premises
- Where there are also “non-staff” residents, facilities exclusive to these lettings must be provided within the lettings

## WC and Bath/Shower Facilities

A **separate WC in its own compartment must be provided**, not being more than one floor distant from each user, and provided at a ratio of not less than one WC per five persons, irrespective of age.

(Note: Any WC within a bathroom will not be included for counting purposes as there must be a separate WC compartment)

### Bath/shower

A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) with constant and adequate supply of hot and cold water, and properly connected to the drainage system, not being more than one floor distant from each user, should be provided at a ratio of not less than one bath or shower per five persons, irrespective of age.

**Each WC (whether within its own compartment or within a bathroom) must have:**

- Adequate ventilation and artificial lighting.
- Adequate size and layout.
- A suitable wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system.
- A tiled splashback (minimum 300mm high) shall be provided to the wash hand basin.
- An appropriate door which is lockable and ensures privacy for the user.

**Each shower room/bathroom must be provided with the following :**

- A tiled splashback (minimum 450mm high) to the bath.
- If an over bath shower is provided then the adjacent walls should be fully tiled.
- A fully tiled shower or the shower must be in a purpose built shower cubicle, with a suitable water resistant shower curtain or door to the cubicle.
- Adequate heating, ventilation and artificial lighting.
- A suitable and washable floor covering, sealed at its edges.

- An appropriate door which is lockable and ensures privacy for the user.
- Adequate size and layout with adequate space for drying and dressing.
- Each bath or shower room (excluding shower enclosures) must have a wash hand basin, minimum size 500mm x 600mm, with hot and cold water and a tiled splashback (minimum 300mm high).

#### Wash hand basins within sleeping rooms

- Each sleeping room must have a wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system.
- A tiled splashback (minimum 300mm high) shall be provided to the wash hand basin.

#### Space heating and hot water

An adequate means of space heating must be provided in all rooms, including common parts of the building and bathrooms, taking into account affordability, insulation, ease of use and performance.

Where space heating and hot water are provided centrally by the landlord, these services should be made available at all times. There must also be the ability to control the level of heating within each letting.

#### Security

It is necessary that consideration is given to the security of the property and appropriate measures are taken to prevent 'Entry by Intruders' hazards.

#### Communal Exterior Doors

- Exterior doors to the front and rear should be able to close fully and be capable of resisting bodily pressure and the possibility of slipping the door lock.
- Exterior doors must be fitted with a self-closer with enough force and momentum to ensure that the door closes securely.
- The door and surrounding frame should be of a solid construction.
- Any lock fitted should comply with BS 8621 (2007) for keyless egress.
- Solenoid based, bolt action locks are acceptable and preferred, as they comply with means of escape requirements. They also offer the advantage of requiring less maintenance.
- Where the front door lock is within arm's reach of the letterbox, then either a letterbox cowl or a bottomless cage should be fitted.
- Consideration of the glazing for and surrounding the door should be given. Single glazed panels should be either protected with metal grilles or replaced with laminated glazing or security film.

## Bedsit and Flat Entrance Doors

- The door and surrounding frame should be of a solid construction.
- They require an Auto-Deadlocking Nightlatch complying with BS 8621 (2007).
- They require a Mortice lock with thumb turn cylinder complying with BS 8621 (2007), in order to aid escape in the event of a fire.
- The door needs to be fitted with hinge bolts and frame reinforcers (eg, London Bar) to resist bodily pressure.
- Door chains and viewers are required.
- Where there are letterboxes to individual flats a letterbox cowl or bottomless cage is required if the lock is within arm's reach of the letterbox.

## Windows

- All windows should have key operated locks with the exception of windows which are complying with fire regulations as part of a means of escape.
- Where windows don't have a lock in order to comply with fire regulations (eg, green button handle locks), then they must be either double glazed units or laminated glazing or fitted with a security film or have a metal grill. The window will also require a security latch.
- Windows for basement, ground floor or 1st floor dwellings that lead directly to a flat roof require restrictors to be fitted.
- Any glazed area within a window below 800mm from floor level must be safety glass in case of collision.

## Means of escape in case of fire

A House in Multiple Occupation must be provided with an adequate means of escape in case of fire, fire detection and emergency fire fighting equipment. The actual level of provision will be determined by a risk assessment process having regard to the structure & use of the property and appropriate benchmark guidance documents. Please note that separate fire safety legislation applies to the common areas of hmos-the Regulatory Reform (Fire Safety) Order 2005 [the FSO]-this is enforced by the Fire Authority. A key part of the FSO is the requirement for a Fire Risk Assessment to be carried out, this has been the case since 2005. Before proceeding to design a scheme of fire safety works you should consult the Fire Risk Assessment for the house.

It is strongly recommended that you discuss your proposals for providing an adequate means of fire safety with a Residential Environmental Health Officer before contractors are engaged or works carried out; our contact details are on page 13.

## Common Areas Fire Safety

### Provision of a Protected Escape Route

The protected escape route leads from the letting to the street exit through the building, and normally includes staircases, passageways, landings and protected lobbies. Protection is provided by fire doors and partitions with varying degrees of fire resistance. The Building Regulations benchmark provision is 60 minutes fire resistance for partitions & floors. In most existing houses this will not be possible and lesser fire resistance of 30 minutes will be accepted with appropriate automatic fire detection. The protected escape route must be kept clear of rubbish, furniture and other stored items.

### Stairway Protection

Ideally more than one escape stairway should be provided, although this can rarely be achieved in existing houses; houses with more than 4 stories are subject to additional provisions and restrictions.

Note that a storey is any floor above and including the ground floor.

Six storey (or more) buildings require more than one escape stairway, the additional stairway may be external. As an alternative a single escape stairway would be acceptable if provided with a secondary upwards means of escape from within the single stairway and lobby protection to the stairway.

Five storey buildings require lobby protection to the single stairway. This may be waived if a secondary upwards means of escape is provided from within the stairway (as for a six storey building above).

Lobby protection is for smoke control purposes, to prevent smoke from a dwelling fire entering the escape stairway. Protected lobbies provide an additional fire resisting self-closing door between the dwelling and the stairway; the lobby partitions must be 30 minute fire resisting.

Stairway partitions, including floors separating stairways from dwellings, must provide at least 30 minutes fire resistance. If it is desired to regard a basement flat as a separate residential premises (and not requiring a linked fire alarm) the flat must not be linked to the ground floor hallway and the separating ceiling/floor partition must meet the building regulations 60 minute fire resistance requirement.

Commercial areas of the building should not share the residential escape stairway. The separating partitions, including ceiling/floors where appropriate, should be imperforate and provide 60 minutes fire resistance.

If the separating partitions do not meet these requirements the extension of the common areas fire detection system into the commercial parts of the building is likely to be required. Any door opening from a commercial area onto the residential stairway must provide 60 minutes fire resistance; lobby protection may be required in some cases.

Fire resistant doors are required to all doors opening onto the protected route. The fire doors must provide at least 30 minutes fire resistance under BS 476 test conditions, and

must be provided with intumescent fire seals and cold smoke seals. Fire doors must be fitted with an effective self-closing device (except storage cupboards, which should be locked shut).

Any lock fitted to a door used as a means of escape (including the street door) must not require a key to open it from the inside when locked, in order to allow escape in the event of a fire. The provision of a 'thumb turn' release on the inside will be required.

### Automatic Fire Detection (AFD) System

Provision of any form of AFD system requires specialist advice to design and install the system correctly.

In general terms [when combined with the dwelling AFD provision] the installation of a 'mixed grade' system, in accordance with BS 5839 Part 6 will be required.

This type of system is designed to provide the earliest possible warning of a fire within a dwelling [letting] or the common parts whilst minimising instances of false/nuisance alarms affecting more than one dwelling.

In practice, a typical bedsit/studio room property will require:-

- A grade A system providing smoke detection to the protected escape route and to any cupboards in the stairway, together with manual call points. Smoke detectors and call points are normally installed at each landing level. Note that smoke detectors in the stairway should be of the optical type.
- Installation of heat detectors in individual lettings as part of the grade A system
- All detectors that are part of the grade A system are to be wired in circuit so that detection of smoke or heat will automatically activate the alarm throughout the house.
- The system must be regularly inspected and maintained by a competent person as specified in BS 5839.

### Emergency Lighting

Emergency lighting which comes on if mains electricity fails must be fitted to illuminate the protected route and some internal staircases, and must be in compliance with BS

5266. Emergency lighting must also be provided to any external escape route or stairway.

### Fire Exit Signs

In most average risk residential buildings fire exit signs will not be required. A possible exception is when there is a choice of direction to exit the building in the event of a fire, and when the escape route is not a normal route from the building. This particularly applies when there is a secondary escape route such as an external staircase or another internal staircase. Signs may have to be illuminated (this is not required where they are adequately lit by emergency lighting).

Signs must comply with BS 5499 and the Health and Safety (Safety Signs & Signals) Regulations 1996.

## Fire Fighting Equipment

The provision of emergency fire fighting equipment forms part of the Fire Risk Assessment for the common areas of the house. Where present, fire fighting equipment must be selected, installed, and maintained in accordance with BS 5306. The provision of common parts extinguishers will generally only be required in plant rooms, boiler rooms or places of work and are intended for use by trained operatives only.

## Dwelling Fire Safety

### Dwelling Layout and Design

The positioning of the cooking facilities within the room must not prejudice escape from the room and should be located away from the room door. The provision of gallery bedspaces may require additional measures to provide a safe means of escape from the gallery level.

### Automatic Fire Detection (AFD) System

The linked Grade A heat detector provided as part of the common areas system will provide no protection against a fire originating within the dwelling. For this reason a separate Grade D1 mains powered. [with tamper proof battery backup] smoke alarm complying with BS 5446 must be provided in the bedsit/studio room. Fitting of an optical type smoke alarm is advised. Multi-room lettings will require additional provision.

Care should be taken to ensure that the test/hush buttons of the alarm can be safely operated from floor level-this may be a problem where the alarm is fitted on a high ceiling. The ability to access alarm control buttons is essential, and fitting of remote test/hush controls at low level may be required.

### Fire fighting equipment

In the event of a fire residents should evacuate to a place of safety and not put themselves at risk or delay their evacuation to fight a fire. There will be some circumstances where residents are capable of using either fire blankets or multi-purpose fire extinguishers in the very early stages of a fire and, providing they do not put themselves or others at risk, prevent a fire from developing. The following provisions should be provided within the dwelling:

- A fire blanket, to comply with BS 6575, must be provided in the kitchen
- A 1 litre multi-purpose extinguisher. Dry powder extinguishers are not recommended for use in the home therefore a water or foam extinguisher, tested for limited electrical use should be provided in accordance with BS 5306.

## Gas Safety & Carbon Monoxide

Landlord's gas safety certificates should be provided to tenants in relation to gas appliances within their accommodation. All appliances are to be kept in good repair and working order, having regard to observations made on the safety certificate. Combustion appliances located within rooms used for sleeping purposes present an increased risk of Carbon Monoxide poisoning if the appliance/flue malfunctions or is misused.

A Carbon Monoxide alarm, complying with the provisions of BS EN 5091:2001 and fitted in accordance with the manufacturer's instructions, must be provided in all rooms containing a combustion appliance of any type.

## Listed buildings

Fire protection works within listed buildings requires more specialist consideration and building techniques, and you are strongly advised to contact the Listed Building section of the Planning Department before commencement of any works. Contact telephone number 020 7641 2513.

## Planning consent

Compliance with these standards does not confer planning approval for any particular use; contact the Planning Department for further advice. Contact telephone number 020 7641 2513.

## HMO Management

[The Management of HMOs Regulations 2006](#) apply to hostels that require a mandatory HMO licence and detail full responsibilities of managers and occupiers. Failure by a manager to comply with the regulations may result in prosecution or a fixed penalty up to £30,000 per offence.

### **Responsibilities of the Manager – the manager must ensure that:**

- The manager's name, address and any telephone contact number is made available to each household in the HMO and these details must be clearly displayed in a prominent position in the HMO.
- Each letting is in a clean condition at the beginning of any rental period and that the internal structure, fixtures/fittings/appliances, windows and mechanical ventilation are maintained in good repair and clean working order.
- All common parts i.e. Staircases, passageways, corridors, halls, lobbies, entrances, balconies and steps are maintained in good and clean decorative repair, in a safe and working condition and kept reasonably clear from obstruction.
- Outbuildings, boundary walls, yards and fences are maintained in repair, clean condition and good order. The garden must be kept in a safe and tidy condition.
- The water supply is constant and not unreasonably interrupted and that the drainage system serving the HMO is maintained in good, clean and working condition.
- Annual gas safety tests are carried out on all gas appliances within the HMO by a Gas Safe registered engineer, and evidence is supplied to support this if requested by the Council.
- The electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing, and evidence is supplied to support this if requested by the Council.

- The gas or electricity supply, used by any occupier within the HMO, is not unreasonably interrupted.
- All means of escape from fire, any automatic fire detection system and fire fighting equipment are maintained in good working order and are kept free from obstruction.
- All reasonable steps are taken to protect the occupiers of the HMO from injury, ensuring structural safety within the HMO, and that windows set close to or at floor level are suitably safeguarded.
- Sufficient bins or other suitable receptacles are provided for the storage of refuse and litter pending their disposal.

**Responsibilities of the Occupier – the manager must ensure that:**

- Reasonable access is provided into their letting in order for the manager to undertake any work required under the management regulations.
- Reasonable care is taken to avoid damage to any items which the manager has responsibility to supply, maintain or repair under the management regulations.
- Litter is stored and disposed of in accordance with arrangements made by the manager under the management regulations.
- Reasonable instructions from the manager, in respect of any means of escape from fire, the prevention of fire and the use of fire equipment, are complied with.

## Other Management Issues

**Furniture and Furnishings (Fire)(Safety) Regulations 1998 (amended 1989 & 1993)**

- Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

**Gas Safety (Installation and Use) Regulations 1998 (amended 2018)**

- Gas safety inspections and tests must be completed by a Gas Safe registered gas installer/engineer annually. Certificates are required in relation to ALL gas appliances and the gas installation.
- All servicing and repairs are to be carried out by Gas Safe approved contractors.
- Records of annual safety inspections and tests must be made available to the Council for inspection, with a copy supplied to the tenant.

## Service contact details

**Address:**

Westminster City Council  
 Public Protection & Licensing  
 Westminster City Hall  
 64 Victoria Street  
 London  
 SW1E 6QP

**Tel:** 020 7641 6161

**Email:** reh@westminster.gov.uk

**Web:** <http://www.westminster.gov.uk/services/housing/private/>

## Appendix B - Proposed licence conditions

### Designations & Conditions

#### Designations, section 257

An HMO is of a designated description for the purpose of section 55(2)(b) of the Act if it—

- a. Contains three or more flats in a building which is entirely in residential use **or**

Contains two or more flats in a building with mixed business and residential uses.

#### **AND**

- b. Has a common entrance way shared by 2 or more flats and;
- c. Comprises three or more storeys (including basements and floors occupied by businesses) and;
- d. Is a converted block of flats defined as an HMO in section 257 of the Act

#### Designations, section 254

An HMO is of a designated description for the purpose of section 55(2)(b) of the Act if it—

- a. Comprises 3 or more dwellings and is occupied by persons living in 3 or more households, and;
- b. Meets—
  - (i) the standard test under section 254(2) of the Act;
  - (ii) the self-contained flat test under section 254(3) of the Act; or
  - (iii) the converted building test under section 254(4) of the Act.

### Standard Licence Conditions

#### *Licence Conditions*

*Westminster City Council has imposed conditions in accordance with the Housing Act 2004, section 67. These conditions may include*

- Requirements to carry out improvement works to render the house suitable for as many as will occupy under the licence, and will include
- Management conditions.

*A failure to comply with these conditions is an offence and may result in the licence being revoked. A further offence would be committed if the premises continued to operate as an unlicensed HMO after the revocation of the licence.*

## Improvement works

### *Standard of Accommodation*

1. All licensed HMOs must be "reasonably suitable for occupation" by complying with Westminster City Council's HMO Standards. These standards relate to the number of households specified in the application and cover the following issues:-
  - Bathroom and WC facilities
  - Kitchen facilities
  - Other facilities and equipment such as those provided to ensure fire safety and adequate heating.

Where properties fail to meet Westminster's HMO standards, 'works' conditions may be applied.

2. If improvement works are required, and these are not carried out within the specified period, you will be committing an offence by not complying with a licence condition. This offence could lead to prosecution or imposition of a Civil Penalty.

### *Numbers of persons permitted to occupy*

3. Where the occupation of the accommodation is under the control of the licence holder the number of persons residing in the premises shall not exceed the maximum number stated on the licence. The number permitted is in relation to the numbers of amenities provided and/or size of rooms available.

Where it is impracticable to improve the property, conditions will be applied limiting the numbers of persons able to occupy the property or parts of it.

The maximum occupation levels set will not affect the letting arrangements you have with existing occupiers of the premises. Occupation by new tenants however will not be allowed if this causes the levels to be exceeded.

4. The licence holder must, where the accommodation is under his control:
  - a) ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
  - b) ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
  - c) ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
  - d) ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

The licence holder should refer to the room schedule attached to the licence, where applicable, and ensure that to the extent that the accommodation is under his control:

- a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;

- b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
- c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified

You must ensure that rooms used for sleeping purposes are not over-occupied in relation to their size and are not occupied by more persons than specified in the room specific occupation schedule, where this applies.

*Note:- National minimum room sizes are set on the basis that rooms are used for sleeping purposes only. Where rooms are also used for living and kitchen purposes, such as in a studio bedsit, additional activity space is required, this is taken into account in the room schedule. Whole house occupation limits will also be affected by the extent of shared amenity (Bathroom/WC/kitchen) provision within the HMO.*

### Management Conditions

*It is council policy that management conditions are imposed on all licensed properties to ensure that management standards are maintained, the licence holder's duties under these conditions will be determined by the extent to which the accommodation in the licensed HMO is under his control.*

*The licence holder's duty shall only apply in relation to such parts of the HMO over which it would be reasonable to expect the licence holder, in all the circumstances, to exercise control.*

### Management Arrangements

1. The licence holder shall ensure that the property is maintained in reasonable repair and in accordance with Westminster City Council's HMO Standards.
2. The licence holder shall ensure that any works required to comply with Westminster City Council's HMO standards are carried out within the time specified in the licence.
3. The licence holder must arrange for regular inspections to ensure compliance with the licensing conditions at all times.
4. The licence holder shall ensure that common parts, where present, are kept in a clean condition and good order.
5. The licence holder shall ensure that residents' rooms are provided in a reasonable standard of decorative finish at the commencement of their tenancy.

### Gas/Electrical Safety

The licence holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use, and gas installations comply with the Gas Safety (Installation and Use) Regulations 1998.

The licence holder shall ensure that, throughout the period that the house is licensed, every electrical installation in the house is in proper working order and safe for continued use; and

supply the Council, on demand, with a declaration by him as to the safety of such installations.

For the purposes of this condition “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.”.

The licence holder shall ensure arrangements are made for gas and electrical installations and appliances to be inspected on a regular basis, that is,

Gas installations and appliances should be inspected on an annual basis.

Electrical installations should be inspected every five years.

A suitably qualified person shall carry out inspections of gas and electrical installations and appliances and any necessary remedial works identified shall be undertaken within a reasonable time period.

The licence holder shall ensure the maintenance of records of these periodic inspections, and of any works undertaken, and make copies of these record/certificates available for inspection by tenants or Council, and, additionally:

- Copies of Gas safety certificates should be sent to Westminster City Council annually starting 12 months from the date the licence is granted.

#### Interruption of Gas/Electricity or Water Supply

6. The licence holder shall ensure that the supply of water, gas or electricity to any residential premises is not unreasonably interrupted. For this purpose, the licence holder shall ensure:
  - That the apparatus for the supply and use of these services is maintained in good condition; and
  - Where the landlord pays for supplies, these supplies are not disconnected, or threatened with disconnection through non-payment of monies owed to the relevant statutory undertaker.
7. Where space heating and hot water are provided centrally and controlled by the landlord, these services should be made available to an extent which meets the reasonable needs of tenants in the premises.

#### Condition of furniture and Electrical Appliances

8. Electrical appliances and furniture, where present and supplied by the licence holder, should be kept in a safe condition and regularly inspected, as part of a maintenance programme.
9. The licence holder may from time to time be required to confirm to the Council that all appliances and furniture within the property are in a safe condition.

#### Carbon Monoxide Alarms

10. The licence holder shall ensure that a Carbon Monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. The licence holder shall keep any such alarm in proper working order and supply to Westminster City Council, on

demand, with a declaration by him as to the condition and positioning of any such alarm.

### Fire Safety

11. The licence holder shall ensure the following are installed in the premises and are maintained in good condition and proper working order:
  - An adequate fire alarm system.
  - An adequate emergency lighting system.
  - An adequate number of smoke detectors/alarms/sounders, including at least one smoke alarm [or smoke detector] on each storey of the house on which there is a room used as living accommodation (living accommodation here includes bathroom or WC).
  - Adequate and suitable fire-fighting equipment, including fire extinguishers, fire blankets, and other equipment considered necessary.
  - An adequate number of Notices detailing procedures in the event of fire.
12. The licence holder shall provide copies of annual inspection and test certificates for automatic fire alarm systems and emergency lighting to Westminster City Council annually, starting 12 months from the date the licence is granted.
13. It shall be the responsibility of the licence holder to ensure sufficient instructions are given to the residents of the licensed property regarding the procedures to be followed in the event of a fire.
14. The licence holder shall ensure that the supply of electricity to any automatic fire detection and/or emergency lighting system is in the landlord's name and these supplies are not disconnected, or threatened with disconnection through non-payment of monies owed to the relevant statutory undertaker.
15. The licence holder shall ensure any covers and fillings, of cushions and pillows, of upholstered furniture, whether of new, replacement or second hand furniture and soft furnishings, provided in the accommodation comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1993 (as amended).

### Refuse Disposal

16. The licence holder shall ensure that the premises have sufficient numbers of dustbins for use by the residents, and shall arrange for periodic inspections of the premises to ensure that refuse is not allowed to accumulate, and that any yards and gardens are tidy and not excessively overgrown.
17. The licence holder to comply with any schemes provided by the council to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.

### Letting Arrangements

18. The licence holder must provide written agreements specifying the terms of occupation of any letting to all residents at the commencement of any rental period.

19. Where the rent is payable weekly, payments shall be recorded in a rent book, which will be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents.

20. Tenants have certain legal rights in relation to their occupation of the premises. Landlords should have proper regard to these rights when exercising, for example, the following powers:

- Terminating Tenancy Agreements;
- Undertaking inspections of tenants rooms;
- Imposing rent increases; and
- Reimbursing tenants rent deposits.

If Landlords have any doubts regarding their legal obligation under Landlord and Tenant Law, they should seek their own legal advice.

#### Display of Information in Property

21. The name, address and contact telephone number of the manager must also be displayed and remain displayed, in a prominent position, protected by a glass or other suitable frame, within the common parts of the property.

#### Information provided to residents

22. The licence holder must provide the following written details to every occupier, plus to new occupiers on commencement of their tenancy:

- The name of the licence holder or managing agent, a contact address, daytime telephone number and emergency telephone contact number,
- A copy of the licence conditions

23. The Licence holder shall ensure that up to date records are maintained for all residents. These records shall be made available on request to officers of Westminster City Council, and shall include the following details:

- Each resident's full name and the part of the property in which they live.
- Dates of resident's commencement and departure of accommodation.

#### Material changes to the licensed property or licence holder

24. If there is a material change of circumstance affecting the licence holder or the operation of the property, the licence holder must contact Westminster City Council immediately and submit an application to 'vary' the licence details for the premises.

Such changes could include –

- There has been a change of circumstances to the premises since the licence was granted,
- The number of households or persons appropriate as the maximum number authorised to occupy the HMO has changed since the date the licence was granted,

- Standards in relation to the occupation of the house by a particular number of households or persons have changed since the date the licence was granted,

A failure to notify the Council of such a change would constitute an offence.

25. No alteration which may affect the licence contents or conditions attached to the licence may be made to the property without the prior written consent of Westminster City Council.
26. If you need to apply to vary the licence for the premises, you should request an application form from Residential Environmental Health. You do not have to pay a fee to the Council in respect of any application to vary an existing licence.
27. A change of responsible person (i.e. Ownership) is not a variation of an existing licence. The new owner would have to make a new licence application, paying the full fee.

### Managing Anti Social Behaviour

30. The Licence holder is ultimately responsible for the day-to-day running of the property ; to this effect the licence holder must ensure any anti-social behaviour by residents or their visitors, to anyone else in the property, ( or in it's locality ), is dealt with appropriately and effectively.

In this regard, the landlord or their agents shall investigate complaints of noise and other possible sources of nuisance or anti social behaviour, whether these complaints are made by the residents of the property or by residents of neighbouring properties.

**Where the landlord determines these complaints to be justified they shall take all reasonable steps to resolve the problem.**

### Security For Residents

31. The licence holder must ensure that there are sufficient measures in the property to provide a safe and secure environment for residents both within their lettings and the common parts. As a minimum the Council will require all vulnerable doors and windows to be properly secured. In particular, the main front door and room doors should be fitted with secure locks which can be opened and closed without the use of a key.

The licence holder must ensure that all security measures do not impede any means of escape from fire.

32. The licence holder must have a written policy on controlling the return of room keys when rooms are vacated. This shall include action to be taken to ensure lock barrels are changed or locks moved to other rooms in property when keys are not returned.
33. The licence holder must seek the advice of the local police stations crime prevention officer on measures to improve the security of their property including lettings and communal areas.

## Specific Licence Conditions (depending on type of HMO)

### *'common parts' section 257*

As for existing section 254 licence conditions (as above).

For 'room specific occupation schedule' use:-

As none of the sleeping accommodation in the licensed house is under the licence holder's control no room specific occupation limits have been set for sleeping purposes.

### *'Common Parts & Dwellings' section 257, partial licence holder control*

As for existing section 254 licence conditions.

For 'room specific occupation schedule' use:-

As some of the sleeping accommodation in the licensed house is under the licence holder's control room specific occupation limits have been set for sleeping purposes in those dwelling units.

### *'Common Parts & Dwellings' section 257, full licence holder control*

As for existing section 254 licence conditions.

For 'room specific occupation schedule' use:-

As all of the sleeping accommodation in the licensed house is under the licence holder's control room specific occupation limits have been set for sleeping purposes in all of the dwelling units.

### *'Common Parts & Dwellings' section 254, converted building test, partial licence holder control*

As for existing section 254 licence conditions.

For 'room specific occupation schedule' use:-

As some of the sleeping accommodation in the licensed house is under the licence holder's control room specific occupation limits have been set for sleeping purposes in those dwelling units.

### *Standard Specific Works Conditions (depending on type of HMO)*

In addition to the general condition requirement to comply with the HMO standards applicable to the type of HMO being licensed the following specific works conditions will be imposed, depending on the type of HMO being licensed:-

### *'Common Parts' s257*

Undertake and complete the works listed in the attached works schedule to install a fire alarm system to the common parts of the licensed property, projected into the demised leasehold flats by means of a heat detector linked to the common parts alarm system. These works to be completed within [12 months?] From the date your licence is granted. If flat leaseholders do not consent to your works within their flats you must inform the Housing Authority so that appropriate enforcement action can be taken under Part 1 of the Act.

*'Common Parts & Dwellings' section 257, partial licence holder control*

Undertake and complete the works listed in the attached works schedule to install a fire alarm system to the common parts of the licensed property, projected into the flats or bedsits by means of a heat detector linked to the common parts alarm system. In addition, install a separate stand-alone fire detection system of smoke & heat alarms in each of the flats or bedsits under your control, these works to be completed within (12 months) From the date your licence is granted. If any flat leaseholders do not consent to your works within their flats you must inform the Housing Authority so that appropriate enforcement action can be taken under Part 1 of the Act.

*'Common Parts & Dwellings' section 257, full licence holder control*

Undertake and complete the works listed in the attached works schedule to install a fire alarm system to the common parts of the licensed property, projected into the flats or bedsits by means of a heat detector linked to the common parts alarm system. In addition, install a separate stand-alone fire detection system of smoke & heat alarms in each of the flats or bedsits under your control, these works to be completed within (12 months) From the date your licence is granted.

*Section 254, standard test & self contained test (FMO), Grade D system*

Undertake and complete the works listed in the attached works schedule to install a fire alarm system to the common parts and individual lettings of the licensed property by means of linked heat & smoke alarms. These works to be completed within (12 months) From the date your licence is granted.

*'Common Parts & Dwellings' section 254, converted building test, partial licence holder control*

Undertake and complete the works listed in the attached works schedule to install a fire alarm system to the common parts of the licensed property, projected into the flats or bedsits by means of a heat detector linked to the common parts alarm system. In addition, install a separate stand-alone fire detection system of smoke & heat alarms in each of the flats or bedsits under your control, these works to be completed within (12 months) from the date your licence is granted. If any flat leaseholders do not consent to your works within their flats you must inform the Housing Authority so that appropriate enforcement action can be taken under Part 1 of the Act.

## Appendix C - Risk assessment

Issue	Implication for Scheme	Risk	Comment/Mitigation
<b>Unprofessional landlords improve or leave area with possible displacement to other areas within the Borough, or to neighbouring local authorities</b>	<p>Properties managed by more professional landlords, reducing the issues identified</p> <p>Properties become empty as a result</p> <p>Reduced private rented sector</p>	<b>Low</b>	<p>Other neighbouring Authorities already have similar schemes so unlikely to have significant impact.</p> <p>Borough wide scheme will prevent displacement to other areas</p>
<b>Lenders not lending in areas where discretionary licensing is in place</b>	Landlords may not be able to access mortgages from some companies	<b>Low</b>	Most current landlords will already have a mortgage. A mortgage company cannot prevent a property being licensed purely on the grounds that it doesn't wish it to have one.
<b>Some Lenders will be informed for the first time that a property is being rented in contravention to the mortgage agreement</b>	<p>Various organisations e.g. HMRC, CIEH and anecdotal evidence indicates that landlords who do not comply with one piece of legislation Are less likely to comply with other legislation.</p> <p>May be an increase in evictions.</p>	<b>Low</b>	<p>Housing Options service can provide appropriate advice.</p> <p>Targeted advice can be provided to landlords and tenants.</p>
<b>Licensing does not improve the proposed area</b>	Future schemes could be compromised. Reputational loss	<b>Medium</b>	Sufficient resources will need to be committed to effectively manage the scheme and follow up inspections under HHSRS
<b>Rent Increase</b>	Landlords may pass on the costs of the licence to the tenant	<b>Medium</b>	As a worst-case scenario, the additional cost to the entire household could be £x per

	in order to cover the additional costs.		week or £ per month, working on a minimum of occupants this works out as per week or £ per month.
<b>The proposed fee will be challenged or insufficient to cover costs</b>	<p>A lower fee will prevent the scheme from being self-financing</p> <p>Judicial review an only be considered if the fee does not reflect the cost of licensing process only</p> <p>The process proves to be more resource intensive than realised</p>	<b>Low</b>	<p>The proposed fee has been calculated by breaking down the costs of the proposed process and including only permitted costs.</p> <p>A full review of processes and a detailed analysis of the costs involved, including consideration of cost efficiency and cost avoidance aspects have been undertaken as part of the financial modelling</p> <p>The fee needs to be reasonable and justifiable in order to stand by to challenge</p>
<b>Proposed licence conditions are not clear or enforceable.</b>	Additional licensing requires new standards for some self contained flat HMOs	<b>Low</b>	Conditions have been reviewed as part of the consultation process
<b>Tenants are required to leave undersized accommodation in hmos</b>	New Government standards and local standards will increase size of rooms needed for tenants to live in	<b>Medium</b>	In the short-term tenants would be allowed to continue living in undersized rooms until they moved out of the premises or for two years whichever was longer
<b>IT system not capable of handling increase in applications</b>	System crashes leaving landlords without licences	<b>Medium</b>	Investment to take place in new HMO Licensing system

## Annex 3 - Private Sector Housing Strategy 2020-2024 (extract only)

This is an extract from the Draft Private Sector Housing Strategy 2020-2024. The full strategy can be found on the council's website<sup>29</sup>.

This extract is from 'Section two: Our Proposals' from page 17.

### **"What else we propose and why**

1A: Carry out a formal consultation on a proposal to introduce a discretionary licensing scheme across Westminster for all houses in multiple occupation (HMOs)

Additional Licensing Schemes require HMO landlords to have a licence, normally lasting for 5 years. Councils cannot make money from schemes but can recover reasonable costs associated with them. To go ahead a scheme has to be widely consulted on for 10 weeks. Once implemented every licence holder has to be a 'fit and proper person' to be a landlord. They are asked if they have any unspent convictions for various offences and these are taken into account before a licence is granted. A set of conditions can be attached to licences, such as having an up to date gas, electrical and fire safety certificates. All the occupants of HMOs are required to have written tenancy agreements or terms of occupation. Licenced HMOs can be inspected by the local authority and penalties issued for non-compliance with the conditions or failure to obtain a licence.

### **Why?**

- It enables the council to license HMOs that fall outside of the national scheme, which is where some of the greatest problems occur. The law requires only certain larger HMOs to be licensed under the national mandatory HMO licensing scheme (properties rented to 5 or more people comprising more than one household and living there as their main home and sharing some communal facilities). Councils have discretionary powers to introduce additional licensing for other types of HMO as long as they are satisfied that a significant proportion of them are being poorly managed, are giving rise, or are likely to give rise to problems affecting the occupiers or members of the public."

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<sup>29</sup> <https://www.westminster.gov.uk/housing-strategies>

## Appendix D - Fees

Application Type	Total Fee	Part A	Part B	Additional Unit Fee (over 5 units)	Discount (if applicable)
<b>New Application – section 254 HMO (HMO with shared facilities)</b>	£970	£700	£270	£25	10% of licence fee
<b>New Application – section 257 HMO</b>	£1,235	£975	£260	N/A	10% of licence fee
<b>Advice visit</b>	£150				

This fee reflects cost recovery only.

Registered charities providing accommodation solely for vulnerable persons will be required to apply for a licence but will not be charged a fee.

A Landlord who fails to apply within three months of the start of the scheme will not be eligible for a discount, nor where unlicensed HMOs are brought to the attention of the landlord by the council.

Instalment payments are not available.

If the licence is revoked on the holder's request before the end of the licence period, then no compensation will be paid for the unused part of the licence.