



Decision Ref. No:			
Service Area:	Housing and Communities	Date:	25 April 2024
Contact Name:	Matthew King, Private Sector Housing Manager	Tel No:	01202 128505
E-mail:	Matthew.king@bcpcouncil.gov.uk		
Subject:	Alteration to House in Multiple Occupation (HMO) Amenity Standards		
Decision taken:			
<p>To amend the House in Multiple Occupation (HMO) Amenity Standards to:</p> <ol style="list-style-type: none">1. ensure they are clearer, strengthened in their enforceability and fit-for-purpose for the size of property, number of occupants and type of tenancy within licensed HMO's.2. align the standards with those required by similar Local Authority areas. <p>The standards are based on the prescribed and recommended legislative standards and ensure that facilities within shared accommodation are suitable for the occupants.</p>			
Reasons for the decision:			
<p>There has been ambiguity and inconsistency in the enforcement of amenity standards for a number of years. In 2018 the Housing Act was amended to require a wider range of HMOs to be licensed, to include all properties with 5 or more people. Since this date there have been seemingly over-zealous requirements of washing facilities, in particular for smaller properties, and this has caused confusion with officers and licence holders.</p> <p>Research of other similar Local Authority areas, such as Portsmouth and Bristol, illustrate that the standards required prior to the alteration of legislation in 2018, should not necessarily be expected to automatically apply to smaller properties, some of which have been occupied safely and appropriately for many years.</p> <p>Prior to this change, larger HMOs (at least 3-storeys) were required to be licensed and in many cases these properties were let room by room and there was often less social interaction between occupants prior to occupation. Many of the smaller properties now licensable since the Legislation changed are occupied by groups of friends on a single tenancy agreement and the requirements are needed to reflect this, as in other Local Authority areas, particularly those with high student populations.</p> <p>The previous requirements that appear over-zealous and are not supported by a risk assessment, are: two bathrooms and two separate w/cs for 6 sharing occupants, yet 4</p>			

sharers can share one combined bathroom and toilet. This alteration seeks to address this in a clearer and fairer way for all, with no harm to occupants of HMOs.

Background:

1. Licensed HMO properties are subject to some prescribed and locally adopted standards known as Amenity Standards. The prescribed standards apply to the provision of facilities and room sizes permitted in properties with sharing occupants, while many other amenities are to be agreed locally to meet suitable or adequate provision.
2. Approximately 1,000 additional properties across BCP became licensable in October 2018 when the Legislation was altered, to include all properties with 5 or more sharing occupants. Previously this was only where the properties were 3 storeys or greater.
3. While the prescribed room sizes are not being changed, there is a proposed change to the amount of separate w/cs required in a property that is operating as a shared house with groups of people who are signed to a single tenancy and know each other socially prior to occupation.
4. The prescribed standards in Legislation state:

SI2007/1903 (8)

2.—(1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household—

(a) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing for the number of persons sharing those facilities; and

(b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms.”

5. This differs from when the standards were first implemented in 2006 and the Council's amenity standards have not been updated to reflect the need for adequate numbers of bathrooms, toilets and wash hand basins, instead rigidly asking for the previous repealed prescribed standard of 1 bathroom and 1 separate w/c for every 5 sharing occupants.
6. In practice this meant that a separate w/c and bathroom was required as soon as the occupancy levels went to 6 persons or greater.
7. It is the view of the officers that this previous standard placed an unnecessary burden on landlords where their occupants are renting the property as a group who know each other socially and this is reflected in many of the Council's researched. There is a clear difference with how a friend would interact with someone who is in a bathroom compared to someone letting only a room with other persons unknown.

8. In addition to the above, there has been a generally accepted view for many years, in Legacy Bournemouth Council particularly, that bed-sit type rooms can be accepted on a Licence with up to 10% less floor space than required on the Amenity Standards. Many rooms have been accepted on a Licence to be let out at a lesser size than those which had been officially required as per the standards. This alteration now provides an absolute minimum size for the type of unit of accommodation making it clearer for officers, landlords and tenants, while ensuring suitable rooms are not left empty and unavailable for those with a housing need.
9. There has been little clarity in previous Amenity Standards for properties that are let as a shared house where groups of people live together as friends and are signed to one single joint tenancy agreement. Many other similar Local Authority areas make this clear distinction in their amenity standards and their requirements reflect this.

Alterations to Requirements

10. The requirements of previous Amenity Standards of BCP have been extensive in comparison to many other similar Local Authority areas. However, in practice, not all of them have been enforced due to a previous operational decision to relax some requirements, particularly where 6 or 7 occupants share.
11. In practice this had led to little or no harm to residents of those properties and most affected HMOs were occupied by sharers on a single tenancy who likely know each other prior to occupation. The alterations to the requirements now seek to address this as below:
 - Addition of a table of washing facilities and toilet requirements for properties occupied by tenants who are on one single tenancy agreement.
 - More detailed categories in terms of number of occupants sharing to acknowledge 6 or 7 people do not need the same facilities as 9 or 10.
 - Reduction of absolute minimum floor sizes in bed-sit rooms to reflect 10% allowance permitted for many years. This includes the addition of a caveat that the room must still be fit for purpose and of a suitable layout to function as intended.
 - To clarify that a wash hand basin is required in every room containing a w/c.
12. The previous Amenity Standards are at Appendix A, the proposed new Amenity Standards are at Appendix B and a comparison table of other Local Authority requirements is at Appendix C.

Consultations undertaken:

- There is no legal requirement to consult with stakeholders over minor changes to amenity standards. Many newly Licensed HMOs in 2018 have been accepted to have less amenities than previously required and there has been little or no harm to occupants and most are managed well and fit to be occupied. This will therefore be implemented immediately and any cases where the Council now require additional facilities to what they may have five years ago will be assessed, always ensuring the health and safety of the occupants is the priority and standards are improved.

Note: It is the responsibility of the 'Responsible Officer' – that is the Officer making the decision – to obtain the comments and signature of the Chief Finance Officer and Monitoring Officer **before** taking the decision and then send the completed record of the decision to Democratic Services for publication.

Finance and Resourcing Implications:

There are no financial implications to this change.

Name: Adam Richens **Date:** 29/4/24

Signature (of Chief Finance Officer):



Legal Implications:

The legal basis is as detailed within the body of the report. The alteration to the relevant standards can be set locally.

Name: Janie Berry **Date:** 29 April 2024

Signature (of Monitoring Officer):



Risk Assessment:

1. A standard in relation to bathrooms and separate w/cs is proposed to be altered for 6-7 persons so that an additional separate w/c is not required where occupants are signed to one single tenancy agreement and generally know each other on a social level.
2. The potential harm from this alteration is minimal to none as two bathrooms with a w/c in each are still required. The standard also states that 4 sharing occupiers can use 1 combined bathroom and the proposed alteration requires 2 full bathrooms for up to 8 people meaning 4 occupants can share 1 bathroom. This is also replicated in many of the Councils compared with similar HMO stock. This is a pragmatic and reasonable approach and will be welcomed by landlords. Some tenants have also advised in previous times that they would prefer a bigger combined bathroom with w/c than a smaller bathroom and very small w/c where the room has had to be split in two to meet the previous requirement.
3. There is a potential risk of challenge by Licence holders who were subject to enforcement of previous standards, although research suggests this will be very small, if any, due to the informal relaxation of enforcement for properties with certain numbers of occupants in 2018.

Name: Matthew King **Date:** 25/4/2024

Signature (of Officer Completing Assessment): M.King

Impact Assessments:

Note:

- An equality impact assessment screening in relation to the new proposed standards is at Appendix D.

Information for publication / not for publication

Note:

- For publication

Background Papers

Appendix A: Previous Amenity Standards for BCP

Appendix B: Proposed Amenity Standards for BCP

Appendix C: Comparison table of similar Local Authority requirements

Appendix D: Equality Impact Assessment Screening

Any declaration of interest by the Officer responsible for the decision	Nature of Interest
Yes/No*	

Note: No Officer having an personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.

Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
Yes/No*			

Decision taken by: (print name and designation)

Signature:



Date of Decision: 08/05/2024

Date Decision Effective: 8/5/2024

Date of Publication of record of decision: (to be inserted by Democratic Services)

Note: A record of this decision should be kept by the Service Area within which the decision falls.