

Item

Adoption of The Private Rented Sector Housing Standard



To:

Councillor Kevin Price Executive Councillor for Housing

Housing Scrutiny Committee 19th June 2018

Report by:

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Wards affected:

ALL

Not a Key Decision

1. Executive Summary

- 1.1 The private rented sector currently comprises approximately 26% of the housing market within Cambridge. With the average house prices well above the national average figure the demand for rental accommodation remains high. It is vital therefore that the Council continues to focus on improving and indeed sustaining standards within this sector.
- 1.2 It is acknowledged that current private rented standards and guidance are outdated and that responsible landlords / property managers do not always understand which apply to the rental accommodation that they are responsible for. This leads to a reliance on Council Enforcement Officers from within the Residential Team, Environmental Health

Department Environmental Services to explain standards requirements upon receipt of service requests from them seeking compliance.

- 1.3 It is vital therefore that property professionals operating within Cambridge City are provided with clear and relevant information in order to assist them to comply with relevant legislation and accepted guidance standards and thus provide safe and suitable accommodation. This in turn will promote the wellbeing of their tenants, contributing towards the Council's vision of making Cambridge a great place in which to live.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 Approve the adoption of the Cambridge City Council Private Rented Sector Housing Standard, (a copy of the Standard document is attached as appendix a).

3. Background

- 3.1. Private rented sector standards and guidance produced by the Council in relation to rental accommodation within the City are outdated and have required review for a significant period of time. This has made it difficult to signpost landlords and other property professionals requesting this information. This in turn places an increased burden on Enforcement Officers within the Residential Team in terms of frequent explanation around the interpretation of current minimum requirements to stakeholders accessing the service.
- 3.2 A high proportion of the private rented sector within Cambridge City comprises Houses in Multiple Occupation (HMO's) which are defined under the Housing Act 2004 to be those properties that are occupied by three or more persons in two or more households sharing a basic amenity within the dwelling e.g. kitchen facilities and / or bathroom facilities.
- 3.3 The Residential Team is currently aware of several thousand private rental properties that are occupied as HMO's, 340 of which are licensed to date under current prescribed mandatory HMO licensing criteria.
- 3.4 The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 was made and laid before parliament in February 2018. This statutory instrument, the content of which is due to be implemented from 1st October 2018, increases the prescribed

description of HMOs that are required to be licensed by Local Housing Authorities within England. HMO licensing is a statutory function under the provisions contained within Part 2 of the Housing Act 2004.

- 3.5 It is anticipated that this proposed change in legislation will mean that an additional figure of in the region of 1100 properties will fall into the scope of mandatory HMO licensing criteria leading to increased levels of statutory duties for existing Enforcement Officers within the Residential Team for which we need to compensate where possible by reducing the burden on officer time.
- 3.6 Minimum national standards for HMOs are prescribed in Management Regulations under the Housing Act 2004. These relate to provision of bathrooms, WCs, kitchens, fire safety measures and heating within HMOs and seeking to ensure that properties occupied in this manner are safe and suitable to live in.
- 3.7 Additionally in line with the Government's changes to legislation in relation to the scope of HMO licensing national minimum room sizes in relation to rooms used for sleeping accommodation in HMO's have been proposed for which there will be a requirement that licences are granted with a condition stating the maximum number of persons who may occupy specified rooms as sleeping accommodation.
- 3.8 The Government have stated within their Houses in Multiple Occupation and residential property licensing reforms response released December 2017 that the prescribed national room size standards are the absolute minimum which will apply, but these can be built upon by Local authorities who can seek higher room size standards which reflect the layout, space and amenities in the HMO in question and more generally conditions of stock and housing need in their areas as part of their own recommended standards.
- 3.9 Indeed section 65 of the Housing Act 2004 makes provision for more detailed local HMO standards to be set reflecting local housing conditions, provided they do not fall below the national standards.
- 3.10 Following the cessation of the Property Accreditation Scheme at the end of March 2018 from which the staffing resource was moved over to assist with regards to housing enforcement, the Residential Team acknowledge that there is a continued need to support good Landlords and property managers operating within the City to provide safe and

suitable accommodation that is compliant with relevant national legislation.

- 3.11 The Residential Team recognise the importance of continuing to work with a range of Landlords and Property Managers to improve housing standards within private rented housing via a range of actions including offering informal advice and encouragement. It is anticipated that the proposed Private Rented Sector Housing Standard would assist a range of such stakeholders with in terms of continuation of this work.
- 3.12 The key content areas of the proposed standard are:
- the definition of house in multiple occupation (HMO) under the Housing Act 2004
 - HMO licensing criteria
 - fire safety standards
 - amenities standards
 - minimum space standards in terms of sleeping rooms.
- 3.13 Proposed minimum local standards are detailed against each of the key content areas within the proposed Standard document. In drafting the proposed Private Rented Sector Housing Standard regard has been had to existing national standards for HMO's as prescribed within Management Regulations where appropriate.
- 3.14 Please note that the proposed fire safety standards are based around the LACORS – Housing Fire Safety guidance criteria which is referenced as benchmark fire safety preventative and protective measures agreed between authorities within the current Memorandum of Understanding between Cambridge City Council and Cambridgeshire Fire & Rescue Service.
- 3.15 Please also note that the following has been taken into account in terms of the proposed space standards within private sector rental accommodation for adoption within Cambridge in terms of sleeping rooms:
- The Governments proposed national minimum room size standards in terms of licensable HMO's.
 - Minimum bedroom size standards detailed within the Local Plan.
 - The nature of housing stock provision forming the private rented sector within Cambridge City.

- Housing demand for private rented sector accommodation and the associated need to prevent social exclusion.
 - The need to safeguard the health, safety and welfare of tenants renting within the private sector throughout the City.
 - The need for tenants to be provided with functional rooms in relation to their shape and layout.
- 3.16 A consultation aimed at anyone within the wider community who may be affected by the introduction of The Private Rented Sector Housing Standard was publicised and then launched on 8th May 2018 and was open for response until 29th May.
- 3.17 Consideration of the 57 responses received to this consultation from a representative sample of landlords, property agents / managers, private rented sector tenants and local residents has revealed that 'Space Standards' was the content area of The Private Rented Sector Housing Standard that received the highest level of response as well as the majority of specific comments from respondents.
- 3.18 It is considered appropriate therefore for an options appraisal to be included within this report in relation to this matter.
- 3.19 The options for consideration in terms of approval in relation to this matter are as follows:

Option 1: Approval of the 'Space Standards' detailed on page 20 within The Private Rented Sector Housing Standard 'draft' with no amendments:

One Person Units

Minimum 6.51 m² for a sleeping room occupied by 1 individual, (an adult or a child over the age of 10), where there is separate living space available within the dwelling in the form of a kitchen / diner and / or living room / dining room.

Minimum 7.5 m² for a sleeping room occupied by 1 individual, (an adult or a child over the age of 10), where there is no separate living space available within the dwelling other than a kitchen.

Sleeping Rooms & Children

Please Note: Within a licensable HMO a room with a useable floor area between 4.64m² and 6.51m² may be occupied as a sleeping room by 1 child under the age of 10.

Two Person Units

Minimum 10.22 m² for a sleeping room let to and occupied by 2 persons where there is separate living space available within the dwelling in the form of a kitchen diner and / or living room / dining room.

Minimum 11.5 m² for a sleeping room let to and occupied by 2 persons where there is no separate living space available within the dwelling other than a shared kitchen.

Option 2: Approval of the proposed 'Space Standards' currently detailed on page 20 within The Private Rented Sector Housing Standard, appendix a to this report, that has been amended from the draft to include the following:

Within non-licensable HMO's of up to 2 story's that are rented to a defined group of up to 4 occupiers and where there is separate living space available within the dwelling - there will be an acceptance of one sleeping room for use by 1 individual of which the useable floor space measures less than 6.5m² but no less than 4.64m² as the absolute minimum.

Option 3: 'Space Standards' for inclusion within The Private Rented Sector Housing Standard to consist of compliance across the board in relation to the national minimum room size standards for HMO's only, these being 6.5m² for a sleeping room occupied by 1 individual, 10.22m² for a sleeping room occupied by up to 2 individuals and a habitable room with a floor area between 4.64m² and 6.51m² may be occupied as a sleeping room by only 1 child under the age of 10.

Option 4: 'Space Standards' for inclusion within The Private Rented Sector Housing Standard to consist of compliance in terms of licensable HMO's in relation to the national minimum room size standards for HMO's in terms of sleeping rooms occupied by 1 individual and those occupied by up to 2 individuals, (as detailed within option 3 above) as well as the addition of the following:

Within non-licensable HMO's of up to 2 story's that are rented to a defined group of up to 4 occupiers and where there is separate living space available within the dwelling - there will be an acceptance of one sleeping room for use by 1 individual of which the useable floor space measures less than 6.5m² but no less than 4.64m² as the absolute minimum.

- 3.20 Option 2 would be that preferred by Officers to be incorporated within The Private Rented Housing Standard. This option takes into consideration specific accepted comments made by consultation respondents in relation to this matter that also relate more generally to the conditions of housing stock and housing need within Cambridge City. This option also ensures that clear, consistent baseline minimum 'Space Standards' are set which take into account national minimum room size standards in relation to licensable HMO's and the reasonableness of space available to permanent occupiers within individual properties as a whole.
- 3.21 Taking into account the above information and the consultation responses obtained from the wider community as detailed within appendix b, it is recommended that The Private Rented Sector Housing Standard document, appendix a to this report, that has been amended to replace the draft standard is adopted by The Council thus ensuring that both licensable and non-licensable HMOs within Cambridge City provide a good standard of accommodation and facilities to occupiers and do not fall foul of national legislative standards / requirements.
- 3.22 Once adopted it is anticipated that The Private Rented Sector Housing Standard would be used for advice and enforcement purposes by The Council as necessary and in particular by Enforcement Officers within the Residential Team. Properties will continue to be considered case by case according to their own individual merit, with a degree of considered flexibility being applied where deemed appropriate / necessary.

4. Implications

(a) Financial Implications

There are not anticipated to be any financial implications with regards to this proposal.

(b) Staffing Implications

There are not anticipated to be any staffing implications with regards to this proposal. Availability of the proposed Private Rented Sector Housing Standard should lead to a reduction in the burden on Enforcement Officers within the Residential Team in terms of volume of service requests for preliminary information regarding minimum acceptable private rented sector housing standards. This will enable increased concentration of focus on dealing with rogue landlords and pursuing enforcement action where necessary in terms of non - compliance.

(c) Equality and Poverty Implications

Please refer to the EqIA, Background Paper (d).

(d) Environmental Implications

The proposed Private Rented Sector Housing Standard makes reference to private rented properties complying with correct standards for heating and insulation including current energy efficiency requirements and the provision of an Energy Performance Certificate where appropriate. This can only assist with regards to improving energy efficiency standards across the City.

(e) Procurement Implications

There are no procurement implications in relation to this proposal.

(f) Community Safety Implications

The proposed Private Rented Sector Housing Standard is a continuation of Cambridge City Council's work to protect the health, safety and general wellbeing of tenants within the private rented sector in particular by providing landlords / property managers with a clear and consistent local standard that will assist them in providing safe and suitable accommodation in compliance with relevant national legislation.

5. Consultation and communication considerations

The Environmental Health Manager and the Residential Team including Project Officer and Enforcement Officers have been consulted and involved in the development of the proposed standard.

Proposed Space Standards from the draft Private Rented Sector Housing Standard were presented and discussed during the most recent Landlord Forum on 21st February 2018.

A public consultation regarding the proposed Standard was launched on the 8th May, running until 29th May 2018 from which views were sought from anyone who may be affected by the introduction of the new standard. As stated within paragraph 3.19 consultation responses have been considered prior to submission of this report to which the final proposed Private Rented Sector Housing Standard as well as Consultation Response are attached as Appendices a & b respectively.

Should approval be sought with regards to adoption of the Private Rented Sector Housing Standard the decision can be widely publicised via various means including: the Council website where the Housing Standard can be made available to stake-holders.

Launch of the standard can be announced via social media, press release as well as within a Landlord Newsletter due to be sent out towards the end of June 2018.

6. Background papers

Background papers used in the preparation of this report:

(a) Housing Act 2004

<http://www.legislation.gov.uk/ukpga/2004/34/contents>

(b) HMO (Prescribed Description) (England) Order 2018

<http://www.legislation.gov.uk/uksi/2018/221/made>

(c) Extending mandatory licensing of houses in multiple occupation and related reforms

<https://www.gov.uk/government/consultations/extending-mandatory-licensing-of-houses-in-multiple-occupation-and-related-reforms>

(d) EqIA

7. Appendices

(a) Private Rented Sector Housing Standard

(b) Private Rented Sector Housing Standard Consultation Response

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Claire Adelizzi, Team Manager - Residential, tel: 01223 457724, email: claire.adelizzi@cambridge.gov.uk.