

Salford City Council

Landlord Licensing – HMO's

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What is Landlord Licensing?

- Introduced under Housing Act 2004
- Properties licences issued with conditions – improve management standards in PRS
- Citywide Mandatory HMO Licensing
 - 5 or more tenants forming 2 or more households
- Citywide Additional HMO Licensing
 - 3 or 4 tenants forming 2 or more households
- Selective Licensing – designated area's
 - Covers all rented properties

Mandatory HMO Licensing

- Rolling scheme – licensed renewed every 5 years
- 3 storey rule scrapped in 2018 – applies now to any property type including flats with 5 or more unrelated tenants
- Approximately 663 across the City (licensed and pending applications)

Additional HMO Licensing

- Discretionary power to introduce a scheme based on evidence
- 5 year schemes
- Citywide covering all 3 or 4 person small HMOs (including flats)
- Scheme started 19 July 2021 and is enforceable from 19 October 2021
- To date, 689 applications received, and further 178 small HMO identified and landlords contacted

Selective Licensing

- Discretionary power to introduce a scheme in a designated area based on evidence
- 5 year schemes
- Covers any privately rented property in the designated area
- Current schemes in
 - Charlestown and Lower Kersal – expiry 15 November 2022 – 645 licensed properties
 - Langworthy, Weaste and Seedley – expiry 20 November 2024 – 974 licensed properties
 - Recent schemes expired in Broughton and Eccles and Barton – review impacts
 - Report to Cabinet 25 May to designate a further scheme in Eccles, Winton and Barton

What Licensing covers?

- Licence Holder is a fit and proper person – consideration of convictions
- Property Manager is a fit and proper person – consideration of convictions
- Satisfactory Management Arrangements are in place

For HMO's only

- Property meets minimum HMO safety requirements and has suitable amenities – room sizes, number of kitchens/bathrooms, fire safety measures met

What Licensing covers?

- HMO Licences are issued with conditions covering:
 - Prescribed conditions in legislation – Gas, Portable appliances, Electrical, Fire Alarm, Tenancy Agreement, bin provision, Max occupancy level specified per room
 - LA's can add further discretionary conditions relating to management or occupation of HMO - Property condition, Management arrangements and information, Security, addressing anti-social behaviour, Occupation levels, environmental management/amenity of area.

Mandatory Scheme information and Conditions can be found –

<https://www.salford.gov.uk/housing/information-for-landlords/hmo-definition/>

Additional Scheme information and Conditions can be found -

<https://www.salford.gov.uk/housing/information-for-landlords/landlord-licensing/additional-hmo-licensing/>

What Licensing can't cover?

- A property being converted into an HMO
- Not a tool that can control spread or numbers on a particular street/road/area – but can ensure HMOs are safe and well managed
- Set rules for refusal – residents' objections not a consideration

Landlord Licensing information online

- Dedicated HMO webpage – standards, regulation and requirements, links to Planning pages, HMO advice service

<https://www.salford.gov.uk/housing/information-for-landlords/hmo-definition/>

- Public Registers showing all licences that are issued

<https://www.salford.gov.uk/licensing-and-permits/licensing-and-permits-public-register/>

- Online maps of licensed properties

<https://map.salford.gov.uk/#12/53.4792/-2.3629>

- Online Report an HMO form

<https://www.salford.gov.uk/housing/housing-advice-and-support/make-a-complaint-about-a-rented-property/>

Other powers – Housing Act 2004

- HMO Management Regulations – Property Manager responsible for compliance
- HHSRS – property condition
 - Hazard Awareness Notice
 - Improvement Notices
 - Emergency Remedial Action
 - Prohibition Orders
 - Enforced Sale
 - CPO's

Sanctions

- Criminal Offence or Civil Penalty of upto £30k
 - Failing to obtain a licence
 - Failing to comply with conditions
 - Allowing HMO to be occupied by more persons than licence allows
 - Providing false or misleading information
- Rent Repayment Order
- Management Order
- Rogue Landlord Database
- Banning Order

Civil Penalties to date

2017/2018:	3 Civil Penalties issued; total income £12,500
2018/19:	24 Civil Penalties issued; total income £299,450
2019/20:	20 Civil Penalties issued; total income £321,100
20/21:	19 Civil Penalties issued; total income £449,699
21/22:	11 Civil Penalties issued: total income £267,300
22/23:	2 Civil Penalties issued: total income £18,500

Offences include breach of HMO Management Regulations, failing to obtain Mandatory HMO Licence, failing to obtain Selective Licence, allow HMO to be occupied by more persons than licence allows, breach of licence conditions