

## Appendix A

### **Evidence for Private Rented Sector Improvement Proposals**

Looking at Houses in Multiple Occupation in particular, the best estimate of the number of HMOs in the City is 2,931, (823 in Hull Road Ward). 454 of these are already subject to a mandatory licence and 153 are registered with the accreditation scheme, 129 of which are not existing licenced HMOs. The Council is therefore already actively involved in the management of 607 HMO properties, about 21%.

Local Authorities who have recently introduced additional licensing schemes have sought evidence to support the introduction. These have usually been the subject of challenges and any evidence base used to justify such measures would need to be tested legally.

Nottingham City Council developed evidence criteria for proposed designated areas for additional licensing based around output areas containing at least 10 or more non-mandatory licensable HMOs where 20% or more of those HMOs had received at least one relevant complaint between 1st January 2008 – 1st October 2012.

#### **Desk top analysis of Complaints**

To test the potential for the introduction of additional licensing in York, we have examined data available for student HMOs in the Hull Road Ward. These have been identified and mapped using Council Tax exemption data for property addresses. Hull Road Ward has a high proportion of HMOs (823) and was identified in the 2008 Private Sector Stock Condition Survey as having the highest rate of non decent homes, 37% against a city average of 19.2%; the second lowest SAP rating, 48 against a city average of 65; the highest rate of dissatisfaction with accommodation, 5.7% against a city average of 1.5% and the highest rate of non compliance with DHS energy efficiency, 30% against 9% city average.

In particular, we have examined three streets in Hull Road Ward, Siward Street, Newland Park Drive, and Hadrian Avenue, representing different types of properties, tenures and having varying proportions of student HMOs at 70%, 30% and 20% respectively.

We have examined complaints reported regarding property condition and management issues; EPU received noise complaints; ASB complaints, and recently received complaints regarding the dumping of rubbish and recycling.

On Siward Street there are 49 properties of which 34 are identified as student HMOs. Of these 10 are already licensed through the mandatory scheme and 1 of these along with 3 other HMOs are listed with the accreditation scheme.

Over the last 5 years there have been 6 EPU noise complaints, 3 relating to alarms, one general call regarding loud music and 2 property specific complaints regarding parties, one in January, 2010 and one in June, 2014.

There have been 16 ASB reports relating to the street in the last 5 years, only 3 of which are specific to HMO addresses. (8 of these related to a single non-HMO property).

There are no complaints relating to Housing standards in HMOs, and where properties have been licensed, all requirements to meet standards have been complied with.

There have been 2 complaints regarding the dumping of rubbish in relation to the street over the last two months, which is a significant period when students move out of properties at the end of the academic year.

Using Siward Street as an example, under Nottingham's criteria, there are 24 non-mandatory licensable HMOs and only 8% (2) have had a relevant complaint over the past 5 years. Newland Park Drive, which covers a larger number of properties, including 28 non-mandatory licensable HMOs out of 132 properties in a more mixed residential / private rented sector area reaches a score of 21% (6 HMOs with complaints in 5 years) and Hadrian Avenue, an area of mixed tenure,

0%. This equates to an average of 9.7% across parts of Hull Road Ward.

Viewing the low level of significant issues within this data, including what is probably the street with the highest proportion of HMOs in the City, it can be seen that it could well be extremely difficult to make a case that supports “a significant proportion of the HMOs of that description are being managed sufficiently ineffectively as to give rise, or be likely to give rise, to one or more particular problems either for occupiers or members of the public”. At the very least this points to the need for significant consultation.

### Street Survey

In addition to examining data relating to Hull Road Ward, we have undertaken a street survey to identify HMOs in parts of the Micklegate Ward, based on historic data. This ward was also identified in the Private Stock Condition Survey as having above average rates of poor conditions. This area is less popular with students but has a higher than average proportion of HMOs. When confirmed as living in an HMO, tenants were asked to rate the performance of their landlord / agent and to identify any concerns they had with the property. This allowed us to identify issues which could be tackled by conditions attached to an additional licensing scheme, should evidence support its introduction.

109 properties were visited and where available, tenants were asked if they rented from a landlord or agent; to rate the way the property was managed by the landlord or agent and were asked if they were concerned regarding any of the following issues –

- Fire safety
- Gas safety
- Electrical safety
- Security
- Heating
- Damp / mould
- Refuse
- Poor repair
- Too little space/too many people
- Losing your home/notice to quit

Nuisance noise  
Anti social behaviour  
Tenancy deposit  
Other

If tenants were not in a note was left asking them to contact the Council's Housing Standards team.

At least 19 properties were found to no longer be HMOs.

15 responses were obtained from HMOs / potential HMOs, a 16% return. 7 properties were managed by the landlord themselves and 8 by letting agents.

Management Rating	Private Landlord	Letting Agent
Excellent	4	
Good	2	5
Average		2
Poor	1	1
Very Poor		

9 properties were concerned about one or more issues, 3 managed by landlords and 6 by letting agents. 8 properties mentioned damp and mould as a concern, which is consistent with the age and type of property and the number of residents.

No significant hazards were discovered as a result of this work.

#### University of York Survey

The Universities' Student Unions have carried out a "rate your property" survey for the last two years. In 2012, 70% of accommodation was rated as excellent or good and in 2013, 68.4% was rated similarly.

In 2012 less than 10% of property was rated as poor or terrible and 10.3% in 2013.

Overall in 2012, 60% of landlords and agents were rated as excellent or good and 62.1% in 2013.

In 2012, 15% of landlords and agents were rated as poor or terrible and 18% in 2013.

In 2013, 79.5% of respondents had not received any complaints from neighbours regarding noise nuisance, ASB, parking, the condition of gardens, refuse and rubbish or other issues.

### Summary of Evidence

From this available data, an argument could be made that the level of issues found would mean that the Council would struggle to justify the introduction of additional HMO licensing, should it want to consider this.. The grounds selected would also be challenged, as part of the consultation process and beyond. A number of local authorities, such as Nottingham, are currently facing or have faced judicial reviews following the introduction of schemes. The resulting resource implications and negative perceptions may be disproportionate to the advantages of the issues tackled, and which could be tackled in other ways.