

Briefing note on HMO Licensing and Fire Safety in HMOs

At the September meeting, the Committee requested further information on HMO licensing.

HMO - definitions

An HMO is defined as a house/flat if:

- at least 3 tenants live there, forming more than 1 household
- the tenants share toilet, bathroom or kitchen facilities with other tenants

The council operates two licensing schemes - mandatory and additional.

Mandatory licenses are required if:

- they occupy at least 3 storeys
- at least 5 tenants live there, forming more than 1 household
- tenants share toilet, bathroom or kitchen facilities with other tenants

The council implemented an additional HMO licensing scheme in September 2015 for all HMOs in Caledonian Road and Holloway Road.

Number of HMOs in Islington

Mandatory Licences	= 322
Additional Licences	= 214

Estimated number of HMOs that do not require a licence = 1,211

Fire Safety in HMOs

All HMOs are required to have adequate means of escape in case of fire and mandatory and additional licensing enables the council to require landlords to submit details of fire safety and means of escape arrangements as part of their licence application process.

At the application stage the applicant must submit:

- a plan of the premises showing escape routes
- details of any automatic fire detection system
- certificates for automatic fire detection system
- certificates for emergency lighting systems

If an applicant is unable to submit these details, the Environmental Health team will either:

- Refuse the application – and undertake follow up enforcement action for operating and unlicensed HMO
- Issue the licence with a condition requiring the landlord to implement fire safety measures, usually within 1-3 months – and take follow up enforcement action if these works are not carried out.

In practice, Environmental Health officers consider that there is a high level of compliance with fire safety requirements for licensed HMOs.

The additional HMO Licensing Scheme that was introduced in September 2015 covering all HMOs in Holloway Road and Caledonian Road. This resulted in 1 application being refused, 46 were issued with conditions requiring within 1-3 months and 100% compliance was achieved.

Unlicensed HMOs

The council uses various sources of information and intelligence to identify HMOs where the landlord has failed to apply for a licence. Once an unlicensed HMO has been identified Environmental Health will conduct a full inspection of the premises to:

- Identify all hazards that tenants are exposed to
- Identify non-compliance with HMO management standards
- Take immediate action to deal with imminent risks to tenants safety (including fire safety)
- Collect evidence for prosecution for failing to licence the HMO
- Commence enforcement action to secure compliance and reduce hazards

HMOs that do not require a licence

Not all HMOs require a licence, non-licensable HMOs include HMOs with 4 occupiers or less and HMOs only occupying 1 or 2 stories. Although all HMOs on Holloway and Caledonian Road require licence.

What has been achieved?

Since January 2016 the council has carried out 7 prosecutions for failing to license an HMO, 4 of these HMOs had fire safety hazards which were legally required to be improved.

323 HMOs have been inspected and 63 significant fire safety hazards have been reduced.

In December 2016, the council recovered £39,000 in housing benefit paid to landlord who failed to licence a HMO where significant fire safety hazards existed.

Next Steps

The key actions to take forward from the additional scheme evaluation are to invest in software that can automate the process of issuing HMO licences, this will reduce the cost of issuing licences. It would also redress the balance of resources spent on processing licences so that more resources can be spent on monitoring and improving housing conditions in HMOs.

Officers expect that a new definition of a licensable HMO will come into force in April 2018. HMOs over one storey or more and occupied by 5 or more persons will likely require a licence. It is anticipated that at least 200 additional properties will be required to be licensed.

The Environmental Health team is currently analysing data to identify where these HMOs in the borough are. Officers are also using data to identify if any wards meet any of the assessment criteria required to make the case to the Secretary of State that an additional HMO licensing scheme is required.

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