

A photograph of the Southampton City Council building, a large, light-colored stone structure with a central clock tower and a prominent arched entrance. The building is set against a clear sky, with green trees in the foreground and a well-maintained lawn in front of it. A sign for the council is visible on the right side of the building.

Private Housing enforcement in Southampton

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A city of growth and opportunity, where everyone thrives

Private Housing enforcement in Southampton

- Enforcement of the sector in the City – issues, demand, our approach
- HMO licensing in Southampton – Mandatory & additional – effectiveness of schemes on sector
- Present & future challenges – new legislation & regulation

Southampton's private sector

Private rented sector accounts for approx. 28,000 properties

Spread throughout all wards across the city.

Mixed tenure and property types. From bedsits to large HMOs.

Huge variation in age and quality of stock, from pre-war terrace to modern purpose-built blocks & houses

Variable standards in terms of repair and upkeep

Provides an integral part of the housing market ensuring there is accommodation for the needs of the population.

Enforcing the City's private sector

- **Reactive inspection of properties using Housing Act 2004 part 1 powers (HHSRS)**
- **These are only where tenants have made complaints or raised issues**
- **This includes HMOs (not covered by licensing) & all other private rented accommodation (excluding social housing)**
- **Proactive programme of inspection and enforcement of high-rise fire safety risks (cladding) in partnership with Fire authority**
- **SCC has received some funding from DLUHC for this programme of work**
- **Mandatory HMO licensing**
- **Additional HMO licensing. No current scheme but part of future plans**

Enforcing the City's private sector

- All work carried out across two teams – Private Sector Housing & HMO licensing.
- PSH team consists of 3.5FTE & currently 2FTE EHO apprentices largely providing support for the High-Rise fire safety programme. All staff are funded from the Capital fund.
- HMO licensing team of 6.5FTE funded by licence fees.
- 10 FTE covering enforcement of sector of approximately 28,000 properties.
- Demand for services & lack of resources means that all PSH service requests are triaged.

Enforcing the City's private sector

- Service demand – consistent year on year

Case Type	19/20	20/21	21/22	22/23	23/24	Grand Total
Housing - Disrepair of HMO	67	45	54	80	72	318
Housing - Disrepair of Non-HMO	219	160	172	235	193	979
Housing - Empty Properties	60	62	57	87	88	354
Housing - Immigration	18	9	7	12	6	52
Housing - Overcrowding	87	124	66	59	84	420
Hsg Advice/Information Only	4	10	5	16	22	57
Grand Total	455	410	361	489	465	2180

Enforcing the City's private sector

- **Inspections of properties**

	2019/20	2020/21	2021/22	2022/23	2023/24	Total
HHSRS inspections	48	24	42	88	63 (so far)	265

- **Pandemic had significant impact from 2020 to 2022.**
- **All service requests are triaged, and inspection is only carried out where likelihood of significant hazard (Cat 1, HHSRS) is identified.**
- **Numbers indicate less than 20% of complaints lead to inspection.**
- **Housing cases are often lengthy & prolonged due to legislative rules.**
- **Officers will have to visit property multiple times to serve notices and check compliance**

Enforcing the City's private sector

- Main issues affecting the private stock
- Damp & Mould – significant increase over last two winters
- Excess cold – lack of effective fixed heating or broken and poorly performing appliances. Lack of insulation.
- Electrical safety
- Vermin

	2019/20	2020/21	2021/22	2022/23	2023/24
Damp & mould	71	47	48	103	116
Broken heating & electrics	36	32	27	30	52
Rats or bedbugs	12	29	15	25	25

Enforcing the City's private sector

- **Where significant hazards (Cat 1 HHSRS) are identified the LA is required to take enforcement action.**
- **Various enforcement notices available under Housing Act 2004**
- **Most commonly used are Improvement & prohibition notices**
- **Failure to comply with notices is an offence and can lead to prosecution and or service of Civil Penalty Notices.**
- **Approach published in Private Sector Housing Enforcement Policy, including Civil Penalty Policy.**
- **Civil penalties are a relatively new power and SCC is yet to issue one. This will change going forward.**
- **Income from Civil Penalties can be used to support Private housing enforcement.**

Enforcing the City's private sector

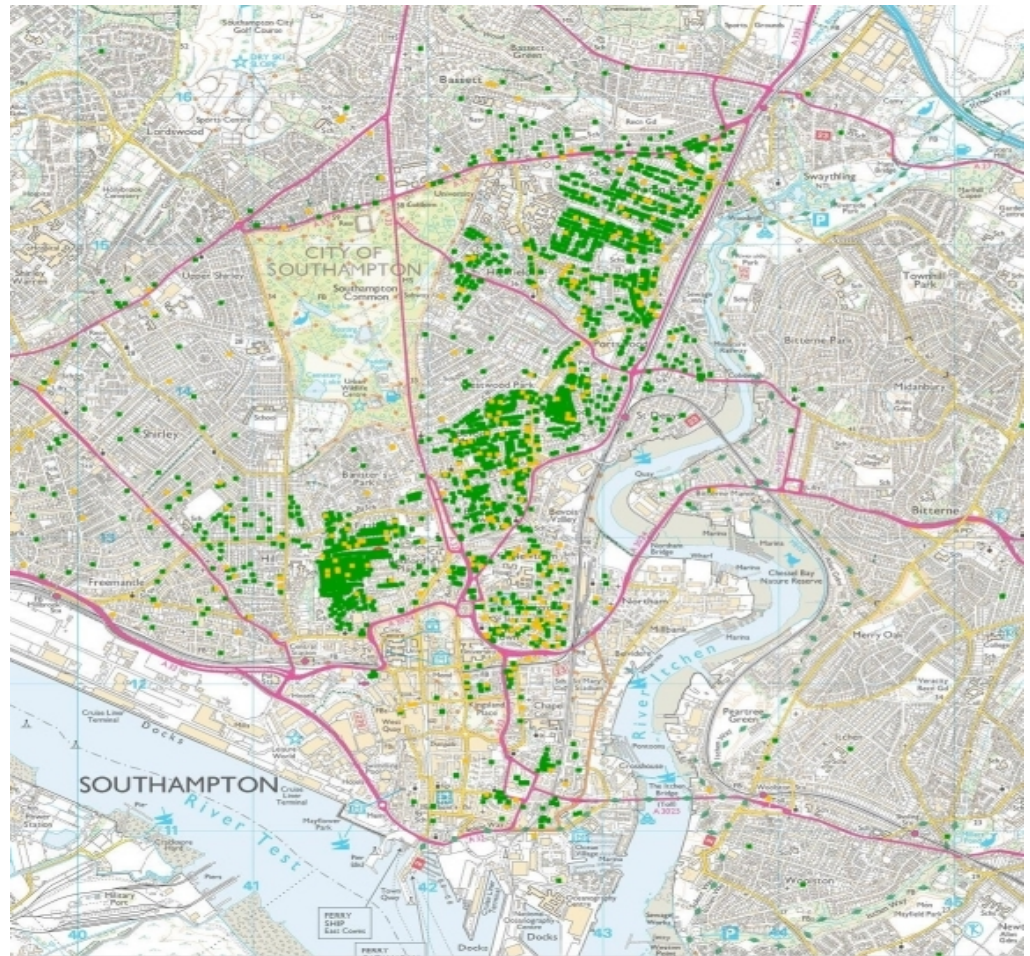
- **Enforcement notices served by PSH team**

Case Type	19/20	20/21	21/22	22/23	23/24	Grand Total
Housing Act 2004 s11	15	2	9	6	14	46
Housing Act 2004 s20 - Prohibition Order	1		2		3	6
Housing Act 2004 s239 - Intended Entry	1	1	2			4
Housing Act 2004 s43 - Emergency PO			1		1	2
Housing Act 2004, Section 12			1		1	2
Housing Smoke + CO2 Alarm Regs 2015	8	2	2			12
Grand Total	25	5	17	6	19	72

- **Notices are generally issued after required work is not completed**
- **Landlord is charged for notice**
- **Failure to comply is an offence and can lead to prosecution**
- **Fortunately, compliance rates are very high and prosecution levels are very low currently. Two in past five years.**

Mandatory HMO licensing

- There are approximately 6000-7000 HMOs in Southampton.
- In the city we have between 2300- 2500 Mandatory HMOs, which require licensing every five years.
- The majority of the HMOs are situated within the central wards of the city, predominantly in Bevois, Bargate & Portswood.



Mandatory HMO licensing

- Legal requirement for LAs to license larger HMOs in their area
- This covers all HMOs with 5 or more residents from 2 or more households. There are some exemptions such as those owned or managed by Educational establishments.
- Regulations impose certain mandatory conditions that HMOs and licence holders must meet.
- These include standards for minimum rooms sizes (sleeping accommodation), fire safety & provision of gas safety certificate
- [Housing Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- <https://www.legislation.gov.uk/ukxi/2018/221/made>
- In addition LAs can set local licence conditions in relation to management, use and occupation of the HMO

Mandatory HMO licensing

- Southampton CC has its own published HMO standards that cover all HMOs in the city, including those not requiring licensing.
- See [Guidance on standards for Houses in Multiple Occupation \(HMOs\) \(southampton.gov.uk\)](https://www.southampton.gov.uk)
- This sets out the requirements for room sizes, amenities, fire safety, conditions & management.
- Requirements will vary depending on HMO type, e.g. shared tenancy, bed sit type etc.
- SCC uses the Mandatory minimum room sizes for all HMOs.
- Fire safety requirements based on LACORS guidance [guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf \(cieh.org\)](https://www.cieh.org) and Fire risk assessment (which landlords must carry out)

Mandatory HMO licensing

- Breakdown of Mandatory HMOs by ward
- Wards not listed have <30 HMOs

Ward	No of licensed Mandatory HMOs
Bevois	600
Portswood	540
Bargate	430
Swaythling	300
Freemantle	170
Bassett	100
Banister & Polygon	72
Shirley	49

Mandatory HMO licensing

- **Every HMO is inspected prior to licence being issued.**
- **Either by SCC HMO surveyor or Accredited independent surveyor (CIEH or RICS certified)**
- **Landlord has option if application is within 3 months of property becoming licensable or renewal date.**
- **Landlord pays reduced fee if using independent surveyor.**
- **Independent surveyor issues 'certificate of compliance' to verify HMO meets SCC standards, in order to obtain full licence.**
- **SCC carries out auditing of percentage of these properties to ensure standards are met**

Mandatory HMO licensing

- **SCC HMO surveyor may issue the HMO licences with specific conditions attached. E.g. improve fire detection within specified time period.**
- **These conditions are then checked to ensure compliance.**
- **This conditions monitoring is a vital part of the licensing programme.**
- **Failure to comply with any condition is a breach of the licence and can result in enforcement action & ultimately the revocation of the licence.**
- **Could result in issue of Civil Penalty Notice and or prosecution.**
- **Successful prosecutions can lead to banning orders.**
- **15 HMO landlords have been prosecuted since 2014**
- **Compliance now very high**

Mandatory HMO licensing

- **HMO licensing is an effective tool in managing the condition and impact of HMOs**
- **In Southampton, licensing of HMOs has led to a 75% reduction in complaints from tenants relating to their conditions.**
- **50% reduction in complaints about HMOs from neighbours and residents. Particularly in regards noise nuisance, waste and anti-social behaviour.**
- **This has been achieved through Mandatory & Additional HMO licensing over the past 10 years**

Additional HMO Licensing

- **Southampton City Council has also operated three additional HMO licensing in certain wards within the city over the past ten years.**
- **Additional licensing schemes (under part 2 of the Housing Act 2004) allow LAs to licence smaller HMOs, and 'cluster flats within purpose-built student blocks.**
- **Any HMO with 3 or more persons forming 2 or more households. Essentially any HMO not captured by the Mandatory scheme**
- **Schemes have covered the four central wards of Bevois, Bargate, Portswood & Swaythling and also the western wards of Shirley, Freemantle, Bassett & Millbrook.**
- **The most recent scheme covering the central wards ended on September 30th.**

Additional HMO Licensing

- **Additional schemes can only run for five years & run on a ‘cost recovery’ basis.**
- **Schemes cannot be ‘renewed’. An Additional HMO licensing scheme is designated under delegated powers & requires public consultation & Cabinet approval.**
- **Scheme must meet with prescribed conditions set out in the Housing Act 2004 part 2. e.g. must meet the legal threshold. [Housing Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)**
- **Schemes can be subject to Secretary of State approval & withdrawn if legal threshold is not sufficiently met.**

Additional HMO licensing

- **Designation of Additional HMO licensing scheme dependant on meeting legal test. Most notably;**
- **A Local Authority must consider that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.**
- **An LA must have also considered whether there were any other courses of action available to them, that might provide an effective method of dealing with the problem or problems in question, and**
- **that making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).**

Additional HMO Licensing

- **First designation made in 2013. Majority of evidence used for justification came from 2008/9 Stock Condition & HMO survey of City.**
- **Estimated approx. 4000 HMOs would be licensed.**
- **Scheme saw approx. 3600 licensed**
- **At end of 5 years, compliance rate with conditions at 62%**
- **Successful but still work to do.**
- **Second designation in western wards (Shirley, Freemantle, Millbrook & Bassett) introduced in 2015.**
- **Estimated approx. 1500 HMOs, but only 600 licensed by end of scheme in 2020.**
- **Compliance very high at 80%.**

Additional HMO Licensing

- **Third designation introduced in Autumn 2018 covering same central four wards as first scheme (2013).**
- **Justification for further scheme due to compliance rate (62%) indicating that management of some HMOs was still not sufficient.**
- **Scheme was smaller than first designation, reducing from approx. 3600 to 2200 HMOs due to changes in Mandatory licensing in 2018.**
- **Scheme was as previously well supported and overall compliance very high, ending at approx. 90%. So a significant improvement from 2018.**
- **Success of scheme however makes further designations less easy to justify.**
- **In order to satisfy the legal tests, robust case needed that licensing is the most effective tool to ensure sufficient management of HMOs**

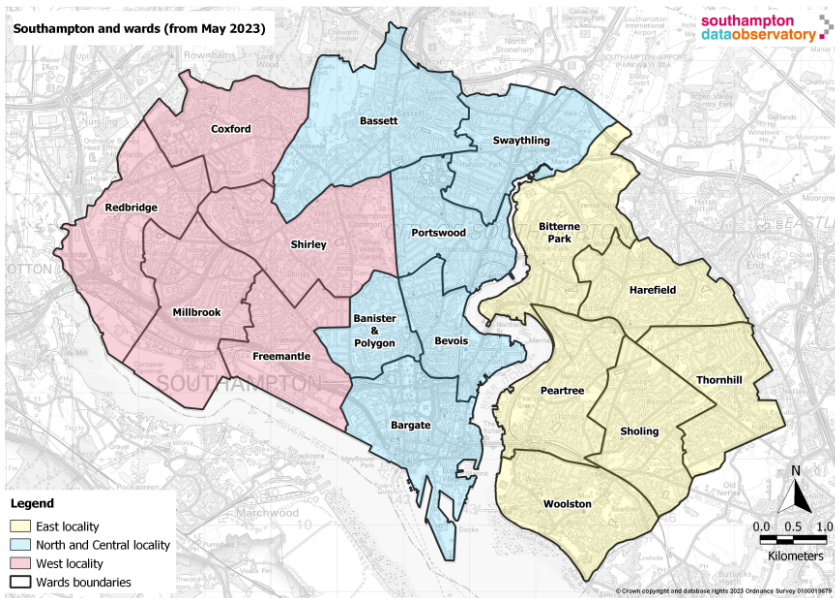
Additional HMO licensing – past & future

2013-2018 - first Additional HMO licensing designation, covering Bargate, Bevois, Portswood & Swaythling – approx. 3600 HMOs

2015-2019 – second additional HMO licensing designation, covering Freemantle, Shirley, Millbrook & Bassett – approx. 600 HMOs

2018-2023 – Third designation, covering same four wards as designation one (Bevois, Bargate, Portswood & Swaythling) – approx. 2,200 HMOs

2024-2029 – Current proposals looking at an Additional HMO licensing designation covering, Bargate, Banister & Polygon, Bevois, Freemantle, Shirley, Portswood, Swaythling & Bassett. This incorporates all areas previously covered by past schemes – would capture approx. 2,800-3000 HMOs



Additional HMO Licensing – future plans

- **Previous additional licensing has captured approx. 2800 HMOs across the city. (Mostly within central spine)**
- **In conjunction with Mandatory it has resulted in approx. 5000 HMOs of the estimated 6-7000 in the city being covered by licensing.**
- **Very effective tool to ensure HMO stock is safe and well managed**
- **Now looking at proposing a further additional designation in 2024 to capture the majority of the City's HMOs & keep standards high.**

Additional HMO Licensing – future plans

- **Data from past schemes shows us where the HMOs are located (wards)**
- **98% of the City's known HMOs could be licensed by designating a new scheme covering 8 wards;**
 - Banister & Polygon
 - Bevois
 - Bargate
 - Swaythling
 - Portswood
 - Bassett
 - Shirley
 - Freemantle

Additional HMO Licensing – future plans

- Designation would capture between 2800-3000 HMOs including all of the Purpose-Built Student accommodation blocks.
- Ideally SCC would have new data sets for the city from a more recent stock condition survey to support the case for a new designation.
- So far this has not been commissioned due to costs far exceeding budget. (Cost circa £500k, budget £125K)
- Report can however go forward for Cabinet approval and public consultation using HMO data from past ten years of licensing.
- Risk of challenge, but support has been strong previously from crucial partners and supporters.
- Hopefully benefits of new scheme are clear and would be supported by the Scrutiny committee?

Selective licensing

- **The committee has heard case studies from other LAs on the use of Selective licensing.**
- **Can be used separately or in parallel with Additional HMO licensing**
- **Requires legal tests to be met, similar but not the same as additional HMO licensing.**
- **More challenging to gather evidence, lots of data required, ideally stock condition survey needed beforehand.**
- **Has potential to target parts of sector that are otherwise hard to reach or engage with, smaller non-HMO market.**
- **Can be used to raise income for private sector housing enforcement work and lead to increased enforcement activity**
- **Resource intensive & costly to set up, but options to ‘outsource’.**

Selective licensing

- Circa 20,000 Private rented properties not covered by HMO licensing schemes.
- No landlord registration required so sector can slip under the radar.
- Selective licensing can target some or all of these, depending on ambition of LA.
- Larger schemes capturing more than 20% of sector require SoS approval but small schemes do not.
- Many LAs start small e.g. targeting a small number of certain wards
- In Southampton the wards most likely to meet criteria would be the central areas.
- This could mean certain wards require all PSH & HMOs to be licensed.
- Selective licensing could be a useful tool to tackle the sector in our city

Future plans & challenges

- **Additional HMO licensing has been very successful in Southampton & further designations should hopefully continue to ensure that the HMO sector is well managed and provides safe accommodation.**
- **The schemes pay for themselves (cost recovery) and we already have a well established team in place & through additional scheme income, ability to increase resources.**
- **Selective licensing has the potential to help regulate other parts of the private rented sector**
- **A small scheme should be justifiable and would allow us to gauge its effectiveness as a tool in our City.**
- **However consideration is needed on whether this is out-sourced or completed in-house. There are of course significant financial implications in the introduction of selective licensing.**

Future plans & challenges

- **Current and future work programme around high-rise fire safety (cladding) is putting pressure on already stretched resources.**
- **Work needs to continue through 2024/25 to address issues on several blocks within the city.**
- **New guidance on damp and mould and changes to HHSRS – Changes already introduced for social housing, private sector likely to follow. Landlords have already been issued new guidance. Complaints have effectively doubled over past two years and this is stretching resources.**
- **Renters Reform Bill will see biggest shake up in years to private renting. Increased focus on rent repayment orders likely to see increased demand on PSH team resources.**
- **Decent homes standard extended to PRS – would likely impact PSH team**

Renters reform Bill – Decent Homes standard

- **Likely to see implementation in late 2024**
- **Biggest changes to rental sector in years**
- **New powers to require landlords to make properties decent**
- **Expectation that LAs will prioritise PRS enforcement**
- **Legislation likely to be brought in as part of Renters (Reform) Bill**
- **Will see Decent Homes Standard applying to all PRS & will have a major impact on sector.**
- **Probability that many houses will not meet standards and demand for inspection and assessment will be high.**

Renters Reform Bill - Decent Homes standards

- **Impact on LAs (SCC)**
- **Government will be publishing new operating & enforcement guidance for LAs**
- **Proposing changes to the HHSRS to produce a simpler means of banding the results of assessments**
- **Potential for significant impact on PSH team and SCC resources.**
- **Hopefully the extent of the impact will be identified prior to new law**
- **Ideally additional funding will be made available to LAs to resource this work.**

Going forward

- **The PRS will continue to be integral and a large part of the housing market and need in Southampton**
- **Demand likely to rise**
- **Standards at risk of falling if enforcement of sector is not prioritised appropriately**
- **Service therefore needs to be effectively resourced and all available enforcement tools need to be considered.**
- **Future additional HMO licensing and selective licensing within the city are the most appropriate tools currently available and need to be considered**

Any questions?

Thank you. If you have any issues relating to HMOs please contact HMO@Southampton.gov.uk for other housing issues email private.housing@southampton.gov.uk

