

Appendix 5

Selective & Additional HMO Licensing Case Studies



Case Study 1

Selective Licensing

Bootle – Linacre Ward

This property is a Victorian mid terrace two-bedroom property of solid wall construction. It is located off a busy main road surrounded by properties of similar construction and age. The property is made up of 2 unrelated occupants, both deemed vulnerable. The current tenants didn't view the property prior to occupation and within a matter of weeks they were concerned regarding the poor housing conditions once they had started to live in the property. As one of the Tenant's already suffered anxiety issues the condition of the premises exacerbated their condition. The Tenant also suffered respiratory problems and they were concerned the damp issues were making the condition worse. The property had recently been painted prior to the Tenant's occupation so when the property was viewed online the full extent of the damp was not evident until they moved in. However, when she complained to the landlord, he issued the Tenant with a Section 21 Notice during the Covid-19 pandemic when Tenants had been given a reprieve from eviction during this period. A Selective Licence application had been submitted and a licensing compliance visit was undertaken.

There were numerous hazards identified in this property on the selective licence inspection visit including: -

Damp & Mould Hazard

There were rising damp issues to the hallway and through lounge and penetrating damp to the front bedroom.



Electrical Hazards

There were a number of issues with respects to the electrical installation in the property. A number of sockets only worked on an intermittent basis.

There were insufficient sockets causing the tenant to overload the use of extension leads to create a trip/falls on the level hazard.

The electrical socket to the cooker was only accessed by removing the cooker away from its static position.

There was an electrical socket that remained in situ in the bathroom that had failed to be isolated.





Socket identified in bathroom

The light fitting to the bathroom was not compliant as did not have an Ingress Protection' (IP) rating where the installation was in close proximity to water.

Personal Hygiene, Sanitation & Drainage Hazard

Rainwater gullies were not fit for purpose and were susceptible to obstruction.



Fire Hazard

The property only had one working smoke detector in place reducing the early warning for the occupants. However, the complex layout of the property also meant the occupants had to pass through a high-risk room in the event of a fire. We had requested for an upgrade from battery smoke to mains operated smoke detection, FD30's in all bedrooms and escape windows to provide early warning and escape route. As an emergency battery smoke detection was requested.



Missing smoke detector

A schedule of works was produced, and the following works were undertaken: -

- A Damp Report was undertaken and provided to the Council and remedial works were carried out to the property followed by plastering of effected walls.



- All Electrical issues were resolved and an EICR Electrical Installation Condition Report was received confirming the electrical safety standard of the property was satisfactory including installation of a cooker switch and providing additional sockets. The bathroom socket was isolated, and a blanking plate installed.



Cooker switch installed

- The downpipe and rainwater gullies were repaired to ensure there was no obstruction and water could safely discharge to the drainage system.



- The bathroom light was changed for one which has a 'Ingress Protection rating of IPX4".



- Due to the cost implications of upgrading the fire precautions we provided the landlord with an alternative solution which involved reinstating the protected route and removing the “inner room” scenario with Building Regulations approval where necessary. The alternative solution then only necessitated battery smoke detection which was acceptable.



Smoke detector fitted

Other Actions

- The occupants were referred to the Council's Housing Options Team to discuss the service by the landlord of the Section 21 Notice which was deemed illegal, and the landlord was notified of his legal obligations regarding the service of eviction notices during this period.
- The occupants were also offered guidance for a referral to the Adult Social Care Team and advice also given on the exceptional hardship fund to help with any rent or Council Tax shortfall as they were both benefit claimant recipients.

Conclusion

It could be argued that if the Council did not have the Selective Licencing scheme in place this property would not have been inspected as the tenants who were vulnerable, may have been too fearful to complain and would not have reported it to the Council. It is likely in this case the Tenant may have been evicted without knowing their rights as a Tenant. The relationship of the Tenant and landlord had become significantly strained and due to the work required, the landlord agreed to reduce the rent during this period as a goodwill gesture and for the inconvenience caused. This is a far contrast to the situation on our initial visit. The Tenant now resides in a property that meets “decent homes standard” and selective licensing has played a part in achieving this.

Case Study 2

Selective Licensing

Bootle – Derby & Linacre Ward

The following case study highlights the positive impact selective licensing has had on one local landlord and their tenants during year 1 of the scheme.

The landlord had operated as a private landlord within the borough for almost 50 years. A business enterprise that has been passed down through the generations. Despite their ageing years the landlord continues to self-manage a fairly sizeable



portfolio of properties. The landlord is what might be described as an 'old school landlord' who has adopted a very 'hands off approach' to property and tenancy management. During the consultation period for the licensing schemes they attended landlord forums and began to engage in the process from the early stages. This was evident in the works that they commissioned on their properties prior to the launch of the licensing scheme in March 2018.

Prior to applying for the licences, every property owned by the landlord within the licensing area had undergone extensive works which included a full Electrical Installation Condition Report, the installation of mains operated smoke detection, and the installation of double-glazed windows throughout in one property. Whilst this highlighted the fact that adequate smoke detection and electrical/gas safety may have been sub-standard for an unknown number of years, it was a positive step forward.

By December 2018, 6 of this landlord's properties had been inspected and a large number of hazards identified including excess cold and structural collapse. A total of 55 deficiencies were identified, contributing to 26 category 2 hazards and 5 category 1 hazards. Deficiencies included a collapsed staircase to the cellar, no heating and defective electrical socket outlets. Four category 1 hazards alone were identified in one property. One property inspection not only identified poor housing standards and no provision of a heating system, it also highlighted the absence of effective property and tenancy management. Furthermore, this landlord informed the officer who carried out the inspection, that they had never stepped foot in the property despite the tenant, who at the age of 74 has resided at the property all his life.

As a result of selective licensing, both category 1 and category 2 hazards have either been reduced or removed from 6 of these properties. Furthermore, 3 tenants have been identified as requiring additional support; these have been referred to the relevant services. In addition to housing standards being positively improved, the landlord has been offered advice and guidance on improving property and tenancy management. A tenant residing in one of these properties has developed issues relating to hoarding behaviours which was contributing to fire safety concerns. Moreover, since this landlord had not been in the property for several years, they were not aware of the issues. Property inspections have been discussed with the landlord and it has since been made a specific condition of the licence for this property to be inspected frequently by the landlord until the hoarding situation improves.

Conclusion

The introduction of the licensing scheme resulted in several positive outcomes for this particular landlord. Housing standards have and will continue to improve, several tenants have been identified as being able to benefit from additional support and this landlord is now fully aware of the condition of their properties and their responsibilities as a landlord going forward.



Case Study 3
Selective Licensing
Bootle – Derby & Linacre Ward

During a routine licensing compliance inspection of a flat above a shop, it was discovered that the landlord had also placed a tenant in a rear annex building at ground floor level, behind the retail unit.

The tenant of this annex could not access the electrics to top up their supply as it was located in the main building. The property also lacked a constant supply of hot water. The only access to the property was via the rear entry, unlit and full of refuse. There were no opening windows to the property. The property was totally uninhabitable. The landlord and tenant were immediately informed that the property should not be used as accommodation.

The tenant was referred to the Council’s Housing Options Team who secured alternative accommodation for them as a matter of urgency.

It was important to make sure, by inspection, that the annex had not been relet and was not suitable for accommodation.

Entrance to Alley /Access to Annex



Only Window (Unusable)



Interior of Annex



Vacated after tenant re-housed by Sefton Council's Housing Options Team



Case Study 4

Selective Licensing

Removal of "Rogue Landlord" from the Private Rented Sector.

A landlord who had 5 properties that required Selective Licences was first identified by the Housing Standards Team during the first year of the Selective Licensing Scheme. No licence applications had been made. Following the Council's Housing Enforcement Policy, officers attempted to engage on an informal basis with the landlord in the first instance, sending letters/emails and allowing reasonable timescales for the applications to be submitted. The landlord who refused to engage with the team and used threatening behaviour to officers, ultimately sold all of the properties and moved out of the sector. All properties continue to be privately rented by other landlords and have since all been licensed. The management standards of these properties are now up to the required standard and some of them have also reached accreditation standard.

Case Study 5

Additional (HMO) Licencing

Southport – Dukess ward

A four-storey detached Victorian property located in a road off The Promenade in Southport situated within the Additional Licensing Area. The premises have been converted into six self-contained flats. Although the date of conversion is not known it pre-dates the 1991 Building Regulations.

The freehold is owned by a Limited Management Company with each flat owner also having a single share in the company. There are six leasehold flats, five of which are tenanted, and one is owner occupied.

During the Additional Licence inspection visit, a large number of Category 1 and Category 2 Hazards were identified and remedial works were specified including:-

Fire Hazard

The premises lacked a full Automatic fire detection system, Emergency lighting, adequate fire separation and means of escape in case of fire.

An 'inner room' situation existed within flat B, as it is necessary to go through a high-risk room (Kitchen) from the bedroom to reach a place of safety. (Although there is an escape window this is considered too high for means of escape in the event of a fire.)

The travel distances from flat C was excessive and therefore it was necessary to provide a protected route out from the flat by ensuring that all the flat doors within the flat (with the exception of the bathroom) are made FD30s Standard.

Damp & Mould Hazard

There was excessive dampness and excessive mould growth within the top Flat (Flat C) which was a direct result of the defective roof.



Excess Cold Hazard

There was insufficient heating within Flat C some of the heaters within the rooms were unsuitable to provide sufficient heating. There was no heating to one of the bedrooms and no heating to the bathroom.



Falling on stairs Hazard

The staircase within flat C and to the rear of the premises leading up to flat A and Flat C represented a fall on stairs hazard and both required a handrail.



Flames & Hot surfaces Hazard

There was exposed pipework within flat B which should be covered or boxed in.



A full report of all hazards identified was sent to all leaseholders and it was suggested that the freeholder and leaseholders work together to remedy the hazards. Although it is sometimes argued in this type of House in Multiple Occupation that only the leaseholders that rent out their flats should have the work done and pay for it, some of the works required, particularly in respect of fire precautions benefit everyone living in the premises and therefore there is a need to work together.

The responsibility for having works done can fall to either the freeholder or the individual leaseholders depending what work is required.

The owners worked together to achieve a satisfactory outcome.

- The Automatic Fire Detection and Alarm System and the Emergency Lighting have been installed.
- The owners of Flat 2 did not want to lose kitchen space by providing a partition as suggested. Further discussions took place with the Housing Standards Team and it



was agreed an Automatic Mist System would be installed instead. This has now been provided and installed at a cost of £3420 +vat.

- Extensive work has been carried out to Flat C internally and the roof has been overhauled and made watertight.
- Insulation has been provided internally in Flat C and the owners took advantage of a Government Scheme to help with the cost.
- The required handrail to the external steps has been provided and the pipework to Flat B has been boxed in.
- The Fire Doors (FD30S) have all been installed as requested with combined intumescent strips, cold smoke seals and self-closers.

Conclusion

If the Authority had not introduced an Additional Licensing Scheme in April 2018 many of the Hazards identified in these premises on the compliance inspection would not have come to the attention of the Team.

This is just one Section 257 HMO that was identified as requiring an Additional Licence and a large amount of remedial work. Sefton has many Victorian buildings that are too large for single families to live in these days. There are now limited options for such buildings. Previously those which are located near the seafront in Southport were used as traditional seaside bed and breakfast establishments. With the building of new hotels, self-catering accommodation and the move to more foreign travel, this type of Victorian buildings have over the past fifty years been poorly converted into flats. Many were also converted to residential care facilities which have for a number of years been closing with a view to building purpose built residential care facilities to meet current government standards and these former care facilities have also been poorly converted to flats.

Case Study 6 Additional (HMO) Licencing Southport – Cambridge ward

A detached Victorian property situated within one of the designated Additional (HMO) Licensing Areas. The premises has been converted into 7 self-contained flats without 1991 or subsequent Building Regulations. The premises falls within the definition of a Section 257 House in Multiple Occupation.

There was, at the time the first Additional Licence application was submitted, a single freeholder who owned and rented out two of the leasehold flats. The basement flat is owner occupied. The remaining leasehold flats are also rented with one particular landlord owning two flats that have previously been brought to the attention of the Housing Standards Team due to poor housing conditions and Environmental Health for being in a filthy & verminous. In addition, complaints had also been received regarding rubbish being left in the front garden area and poor management of the premises in general.



An Additional Licence application was received in early 2019 and contained very little documentation in respect of the tenanted flats.

Merseyside Fire & Rescue Service in conjunction with a local Councillor, Merseyside Police and local residents raised concerns regarding fire precautions within the premises, anti-social behaviour and drug activity. This also attracted non-residents to the premises at various times of the day and night and was very worrying to the other residents including a family with young children.

An initial visit to the premises confirmed that there was only battery- operated smoke detectors in the common parts and that it would be necessary to carry out a full inspection under Notice of Entry to fully identify all hazards.

Notice of Entry was served on all tenants and flat owners with a view to inspecting the premises. Unfortunately, events overtook this course of action and Merseyside police requested that Housing Standards attend the premises and inspect two of the flats whose occupants were known for anti-social behaviour. Sefton's Housing Standards Team work with the Police and Fire & Rescue Service in situations such as this.

Neither flat had an electricity supply as this had been turned off by Scottish Power due to the meters being tampered with. Flat 6 had no running water as this had been turned off due to a radiator being partly pulled off the wall and was leaking and an overflow pipe constantly running down the external wall. The gas supply had also been turned off. Poor sanitary conditions existed due to a lack of running water.

Similar conditions existed in Flat 1, but it still had a water supply.

In the circumstances the Local Housing Authority issued an Emergency Prohibition Order on each flat.

The landlord of the two flats was trying to sell them and was not co-operating with the Housing Standards Team.

The tenant of Flat 1 vacated the property, leaving the premises vacant and insecure. The tenants of Flat 6 took the opportunity to enter Flat 1 to obtain some water. They allegedly found the flat on fire and Merseyside Fire and Rescue Service along with Merseyside Police attended. The fire was extinguished but this caused anxiety and fear in all of the other residents.

The landlord of Flat 1 was contacted but refused to attend or secure the premises. The premises were secured by Merseyside Police. The landlord attended the following morning and removed the boarding up and once again left it insecure. Housing Standards were made aware of the incident and contacted the freeholder who arranged to secure the door to Flat 1.

Housing Standards returned to the premises with Merseyside Police the morning after the fire and the occupants of Flat 6 vacated the flat voluntarily. The owner of these two particular flats was happy for them to remain vacant and intended to sell them as soon as possible.

The freeholder of the premises was also hoping to sell both of his flats and sell the freehold.



Sadly, this is what can happen in premises where different landlords own different leasehold flats, and nobody is taking overall control to remedy the problems that evolve.

A full inspection was carried out by the Housing Standards Team to identify the hazards in all of the flats and the common parts. This included the owner-occupied basement flat. The freeholder sold the freehold and one of their flats and both of the two problem flats were also sold to the new freeholder.

A new Additional Licence application was submitted by the new freeholder.

The full inspection report was sent to the new freeholder and all the other flat leaseholders. A total of 31 deficiencies were identified, contributing to 4 Category 1 Hazards, Damp & Mould, Excess cold, Fire Safety and Water Supply, and 5 Category 2 hazards, Entry by Intruders, Lighting, Food Safety, Personal Hygiene, Sanitation & Drainage.

Conclusion

The new freeholder who is also the new leaseholder for flats 1 & 6 has completely renovated the two flats to a good standard and has installed the Automatic Fire Detection and Alarm System throughout the building.

Other works have been completed to bring the premises up to a satisfactory standard based on the hazards identified during the licensing inspection, removing or reducing the hazards to an acceptable level.

All tenants and leaseholders are now happy that the anti-social behaviour has stopped, and their fears have been alleviated.

