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## **Consultation of Additional Licensing of Houses in Multiple Occupation 2015**



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## Introduction

This report provides the findings of the consultation carried out as part of the proposal to renew the HMO Licensing Scheme in operation in Oxford post January 2016. It sets out the responses and key findings of the 10 week statutory consultation which started on the 12<sup>th</sup> June 2015 and concluded on the 24<sup>th</sup> August 2015.

In order to understand the complete picture relating to the licensing of HMOs in Oxford it should be read in conjunction with the report on the review of HMO licensing produced by the Council in June 2015.

## Background

Additional Licensing in Oxford provides a mechanism to secure the improvement of all of the HMO stock in the City and is a significant undertaking by the Council. When it was first introduced the overall purpose of the licensing scheme was to: ***'alleviate the housing situation by setting and maintaining minimum standards across the city in the most vulnerable sector of Oxfords private rental market'***.

This is also a major contributing factor to the Councils Corporate priority of 'Meeting Housing Need' by the number of HMO Licence inspections carried out and by improving conditions in the Private Rented Sector.

The Additional Licensing scheme, introduced in the City in 2011 and 2012, runs for a period of 5 years. This creates a situation where Phase 1 and Phase 2 will expire on different dates (Phase 1 on the 24<sup>th</sup> January 2016 and Phase 2 on the 31<sup>st</sup> January 2017).

Under section 60 of the Act, the Local Authority must "from time to time" review the operation of the designation and if it is appropriate to do so then they may revoke the designation.

In 2014/15 the Council undertook a review of the HMO Licensing scheme which recommended that, post 2016 the Scheme be renewed in its entirety to cover the whole of the City. The two phases of the scheme will be aligned and therefore the expiry date of the proposed new scheme will be the 25<sup>th</sup> January 2021. This will simplify the system for the Council and customers and reduce the financial burden associated with having to revoke Phase 2 of the scheme and re-advertise the new designation for the whole scheme.

In June 2015 the City Executive Board approved these recommendations and approved the commencement of the 10 week statutory consultation, which is now complete.

## What is a HMO?

An HMO (House in Multiple Occupation) is defined in Sections 254 and 257 of the Housing Act 2004. An HMO can be a building or part of a building if it is:

- Occupied by persons who form more than one household, and where those persons share (or lack) one or more basic amenities, such as a WC, personal washing and cooking facilities.
- A converted building containing one or more units of accommodation that do not consist entirely of self-contained flats. (There is no requirement that the occupiers share facilities)
- A converted building consisting entirely of self-contained flats, where the building work undertaken in connection with the conversion did not comply with the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

The HMO must be occupied by more than one household:

- As their only or main residence
- As a refuge by persons escaping domestic violence
- During term time by students

In all cases:

- Occupation of the living accommodation must be the only use of that accommodation
- Rents are payable or other considerations are provided

Under the Housing Act 2004, a **household** comprises:

- A single person
- Co-habiting couples (whether or not of the opposite sex)
- A family (including foster children and children being cared for) and current domestic employees.

Certain types of buildings will not be HMOs for the purpose of the Housing Act. They are:

- Buildings, or parts of buildings, occupied by no more than two households, each of which comprise a single person only (for example, two person house or flat shares)
- Buildings occupied by a resident landlord with up to two tenants
- Buildings managed or owned by a public sector body, such as the police, local authority, registered social landlords, fire and rescue authority and the NHS
- Buildings occupied by religious communities

- Student halls of residence where the education establishment has signed up to an Approved Code of Practice
- Buildings occupied entirely by freeholders or long leaseholder.

## **Key Findings from the Consultation**

### **Online questionnaires**

- Of the 97 people that completed the online questionnaire, 29 (30%) were Home Owners, 27 (28%) were Landlords or owners of HMOs, 13% were Letting or Managing Agents and 9% were tenants who were living, or had lived in a HMO in the past 5 years in Oxford.
- 49% lived in OX4 area, 20% in OX3, 13% Outside of the City, 12% in OX2 and 6% in OX1.
- 98% of respondents were aware of the Scheme.
- 70% of the responses made regarding problems experienced living in HMOs were from Tenants and Students.
- The biggest concerns raised by people living in HMOs were difficulties getting repairs done, lack of contact with the Landlord/Agent, problems associated with certificates, and deposit issues.
- 36% of residents reported serious concerns with poorly managed refuse/untidy overflowing bins in HMOs
- 31% of residents raised less concern about empty unattended HMOs
- 36% of respondents raised concerns about HMO property conditions
- 49% raised serious concerns about external property conditions
- 51% responded to the issue of overgrown gardens indicating it was a problem in the area where they live
- 36% and 39% of residents did not have any major concerns about nuisance and ASB respectively from HMOs
- 53% of respondents either strongly agreed or agreed that there are poorly managed HMO's in the area of Oxford where they live
- There was a slight difference of opinion between landlords and home owners regarding whether HMOs are maintained to a good standard. 35% either strongly agreed or agreed that HMO's are maintained to a good standard whereas 31% felt that this was not the case and either strongly disagreed or disagreed.
- 39% of respondents felt that living conditions in HMOs have improved and 40% either strongly agreed or agreed that the licensing scheme has improved HMOs.
- 36% either strongly disagreed or disagreed that there were no problems with HMOs.

- 48% of respondents strongly agreed that the licensing scheme should be renewed for a further 5 years. 17% strongly disagreed, 16% agreed and 12% disagreed.
- The top four reasons for disagreeing with the renewal of the scheme were the Council should punish rogue landlords more, fees for a licence should be reduced and the process simplified and longer licences are needed.

## Road shows

- 112 people completed a questionnaire during the City wide road shows with 48% indicating they were Home Owners, 15% a Tenant in a rented property that is not a HMO, 9% Home Owner and Landlord, 9% Tenant living in a HMO, 7% Living outside Oxford, 5% Living with parents in Oxford, 4% a Landlord, 2% Students and 1% a Letting or Managing Agent.
- 46% of respondents were from the OX4 area, 29% OX3, 12% outside the City, 10% in OX2 and 4% in OX1.
- Overall 50% of people who completed a questionnaire were aware that the Scheme existed in Oxford.
- The biggest concerns raised by people living in HMOs were fear of reporting repairs for being evicted (13%), deposit issues (15%), lack of contact with landlord/agent (15%), and difficulties getting repairs done (19%).
- The top four problems with HMOs in an area where respondents lived were overgrown gardens (25%) poorly managed refuse (23%), poor property conditions (21%), and poor external appearance of HMOs (20%).
- 31% of respondents either strongly agreed or agreed that there were poorly managed HMOs in the area where they live
- 27% agreed or strongly agreed that HMOs are maintained to a good standard, with 47% providing a neutral response and 26% strongly disagreeing or disagreeing.
- 20% of respondents either strongly agreed or agreed that living conditions in HMOs have improved. 69% were neutral and 12% strongly disagreed or disagreed.
- 46% agreed or strongly agreed that there were not any problems with HMOs in the area where they live and 28% strongly disagreed or disagreed. 26% were neutral.
- 70% of people provided a neutral response to the question of whether the licence scheme has improved HMOs in their area whilst 24% strongly agreed or agreed and 7% strongly disagreed or disagreed.
- Similar high levels of neutral responses (62%) were received to the question of whether the licensing scheme has made no difference at all with 13% either strongly agreeing/agreeing. 26% felt that they strongly disagreed or disagreed with this statement.

- 46% strongly agreed and 26% agreed with the proposal to renew the Scheme in its entirety for a further 5 years. 11% provided a neutral response and 17% either strongly disagreed or disagreed.
- The top four reasons for disagreeing with the renewal of the scheme were the Council should punish rogue landlords more (33%), fees for a licence should be reduced for complaint landlords (27%) and the process simplified, longer licences and HMOs are managed better all scoring 13%.

## Focus Groups

### Landlords

A summary of the key responses provided by Landlords is found below in Table 1. The full SWOT analysis can be found at Appendix 1.

**Table 1 – Key results from Landlords SWOT analysis**

STRENGTHS	WEAKNESSES
Reputation of Scheme – something to be proud of and raises standards and improves safety. Communication – has improved over time and information provided has improved.	Expensive for good landlords Licence period too short Too much paperwork Lack of consistency
OPPORTUNITIES	THREATS
Two way communication Help to tackle rogue landlords More information on location and status of HMOs Morning clinic for advice and information	Lack of housing Over regulation Bureaucracy 'Rogues' ignoring scheme

### Agents

A focus group was held with agents and below is a summary of the key comments and views from the group. The full set of responses can be found at Appendix 2.

- “raising standards is what we all want”
- Support for raising the bar for 5 year licences

- “Make it easier for us”
- Introduce “service standards”
- “evolve the processes and procedures used in HMO to cater for the needs and preference of its customers”
- The Council should charge for accreditation training
- All good landlords have been paying since the beginning of the Scheme
- Link 5 year licences to ‘gold’ standard OCLAS accreditation
- Introduce ‘audit’ checks for 5 year licence holders
- Provide ‘account managers’ as direct point of contact for agents/large portfolio landlords

## Students

A focus group was held with students from Oxford University and below is a summary of their responses. The full set of responses can be found at Appendix 3.

Mixed experience of living in HMOs – some reported good where “landlord has British Gas cover...” and others that “agents is very responsive but the landlord is not so good” to, “difficult to get repairs done” and “sometimes challenging”.

Management issues identified included good practice with one case where “cleaner comes in every week and written into tenancy agreement that a management inspection is completed every 6 months” to “inspection every few months but we have to clean communal areas” to “no management inspections....when report issues agent doesn’t care... communication is not good”.

Most students had low expectations and had “heard a lot of horror stories from friends”. Clear discriminatory approach by agents who have a “just students” mentality and have different offices for students and working professionals. Scaremongering and made to feel under pressure in taking on a property were common themes.

One student reported a change due to the introduction of the licensing scheme because their landlord had asked them to test fire alarms regularly.

More work could be done with students to improve understanding and the requirements of HMO licensing.

## General Comments

In addition to the questionnaire and focus group results a number of individuals and organisations submitted comments via email and in writing. A summary of these is provided below.

National Landlords Association (NLA) – The NLA submitted a document with 14 points in response to the proposal for additional licensing, which can be found at Appendix 4.

The Residential Landlords Association (RLA) – The RLA submitted a consultation response raising 6 general concerns and 6 specific concerns with regard to the following:

- Government review of HMO Licensing
- Independent verification of data
- Room sizes
- Standards
- Costs
- Accreditation

The full response submitted by the RLA is provided at Appendix 5.

The Citizens Advice Bureau (CAB) - The CAB submitted additional information regarding issues they have come across as part of their caseload when dealing with private rented sector tenants in HMOs, which is attached at Appendix 6.

Some of the key concerns raised included:

- Poorly managed properties where health risks caused by disrepair are not addressed
- Retaliatory evictions as a result of complaints
- Failure to protect and return deposits
- Frauds and scams around availability of private rented accommodation

Members from Oxford Community Forum (OCF) submitted a written response to the consultation highlighting the following:

- Accreditation should be made easy and criteria should be certified
- Lack of awareness among landlords re: HMO licensing and accreditation
- Accreditation licence period of 3 to 5 years for accredited landlords
- HMO applications need to be simplified
- More flexibility required when applying standards
- Better cohesion between officers
- Provide guidelines for landlords
- General attitude of staff needs to be improved

- Rogue landlords should be pursued and targeted
- Tenants should be held accountable and responsible
- Subletting is a problem and not always the landlords fault

The full response from OCF can be found at Appendix 7.

A tenant from a licensed HMO in Magdalen Road submitted a written response which has been summarised below.

- There have been a few inspections by the Council over the last few years
- One recommendation was that there should be new kitchen facilities
- The new facilities are much better than, previously, so I am satisfied with that aspect
- New central heating also fitted
- Previous heating was adequate and now I have to pay higher heating costs
- Recommend that in future tenants are consulted on living conditions and proposed works explained

A letter was also received from Wolvercote Neighbourhood Forum which raised a number of problems they had experienced in the Wolvercote ward, in particular:

- Over development of HMOs resulting in run down appearance due to poor state of presentation and repair of some HMOs
- Insufficient space and facilities for tenants of HMOs
- Community integration issues
- Additional vehicles
- Multiple wheelie bins
- Increased risk of fire and other hazards

The full response from WNF can be found at Appendix 13.

## **Supporting Information**

### **Consultation on Licensing of HMOs**

Additional Licensing of HMOs has been in operation in Oxford since 2011 and the Council has recently conducted a review of the Scheme and produced a report that was submitted to the City Executive in June 2015 with recommendations to consult on the renewal of the scheme in its entirety from the 12<sup>th</sup> June to the 24<sup>th</sup> August 2015.

The Council has completed the consultation in line with the statutory requirements laid down by Government and the full sets of results are provided in this report.

### **Purpose**

The Council conducted the consultation in accordance with the requirements laid down by Government and the Housing Act 2004 so that 'all persons likely to be affected by the proposals' could make their views known to the Council before it submits a report to the City Executive Board setting out proposals for the structure of the new designation in October 2015.

### **Methodology**

To offer as many people the opportunity to put forward their views about the impact of the current scheme and proposals for the new designation the Council used a range of consultation techniques.

A questionnaire was developed to determine the status of the person responding and included a series of statements and questions focusing on three key areas:

- Conditions of HMOs
- Management of HMOs
- Impact of HMOs

Respondents were asked to indicate on a range of levels and scores about these areas. The questionnaire was made available on Oxford City Council's website and on websites in the neighbouring authorities.

In addition to the online questionnaire a series of 'road shows' were carried out by officers throughout the City. Details are provided in Table 2 below.

**Table 2 – Road show locations**

LOCATION	DATE
Clarendon Centre and Jericho area – Walton Street	23 <sup>rd</sup> June 2015
Rose Hill – Courtland Road and Templars Square	24 <sup>th</sup> June 2015
Barton – Underhill Circus (nr. Neighbourhood Centre) and Headington – London Road	25 <sup>th</sup> June 2015
Woodfarm – Atkyns Road and Blackbird Leys – Blackbird Leys Road	29 <sup>th</sup> June 2015
Summertown – Banbury Road/Oakthorpe and Marston – Old Marston Road	30 <sup>th</sup> June 2015
East Oxford – Cowley Road nr. Manzil Way	1 <sup>st</sup> July 2015
Botley – La Marsh Road	2 <sup>nd</sup> July 2015
Cowley Library	27 <sup>th</sup> July 2015
Oxford Central Library	27 <sup>th</sup> July 2015
Headington Library	28 <sup>th</sup> July 2015
Blackbird Leys Library	29 <sup>th</sup> July 2015

In total the Council received 209 completed questionnaires. 97 through the online option and 112 from the City wide road shows. This is an excellent response for this type of approach and exceeds the numbers by four times for the levels the Council received when consulting on its budget in 2014. This clearly shows that HMOs are a major concern for tenants and residents of Oxford and those living outside the City.

Targeted consultation of stakeholder groups was also carried out to capture the views of specific interest groups, namely landlords, agents and students.

A Landlord Information Exchange (LIE) was held on the 21<sup>st</sup> July 2015 at the Kassam Stadium and around 80 landlords and agents attended out of the 150 that had originally registered for this event. A series of presentations were given and attendees were split into four groups to conduct a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis facilitated by members of the HMO Enforcement and Licensing Teams. The full set of slides and results from the SWOT analysis are provided at Appendix 8.

A further landlord information exchange was held at the Town Hall in Oxford on the morning of the 5<sup>th</sup> August 2015 and 15 landlords and agents attended out of the 25 that had registered. A summary of the presentations used at the previous event was provided to attendees and a similar

SWOT analysis was conducted. The results of this analysis were incorporated into the full set, which has been provided at Appendix 1.

A focus group was organised in partnership with local agents at the Council's offices in Oxford on the 19<sup>th</sup> August 2015 and 15 people attended from various agents around the City. The meeting was an open debate around a number of defined issues and the results of this have been provided further in this report.

The University of Oxford also arranged for the HMO Enforcement Team Manager to conduct a focus group session with 10 students who had experience of living in HMOs in Oxford over the past five years. The students group was used to gauge their experience of living in HMOs and to see if there had been any impact on this through the introduction of the licensing scheme.

The Council was committed to ensuring that the consultation was targeted to a wider audience as possible and used a variety of methods to promote the project and encourage responses. Poster and flyers were distributed to all agents across the City during June and July and these were also made available in the University schools, student welfare and union offices. Posters were also distributed to other key external agencies such as Shelter, Crisis, Police and Oxfordshire County Council. All emails sent out by the Environmental Health teams had signature banners promoting the consultation and the landlord's event at the Kassam Stadium. A full set of these have been provided at Appendix 9.

A series of adverts were also placed in the local press detailing the date and location of the road shows mentioned earlier. The LIE meeting was also advertised in the local press. Regular updates about these events and general releases promoting the consultation were also put on the main social media sites. Details of these have been provided at Appendix 10.

The Leader of the Council carried out a radio interview with BBC Radio Oxford to respond to issues raised by the National Landlords Association and took the opportunity to encourage people to be involved in the consultation.

Officers also attended the Town Parish Council Meeting to present some of the key findings of the review report and to invite members to encourage their constituents to be involved in the consultation. A series of meetings were also held with ward members and with resident and tenants associations across the City.

## Consultation Results

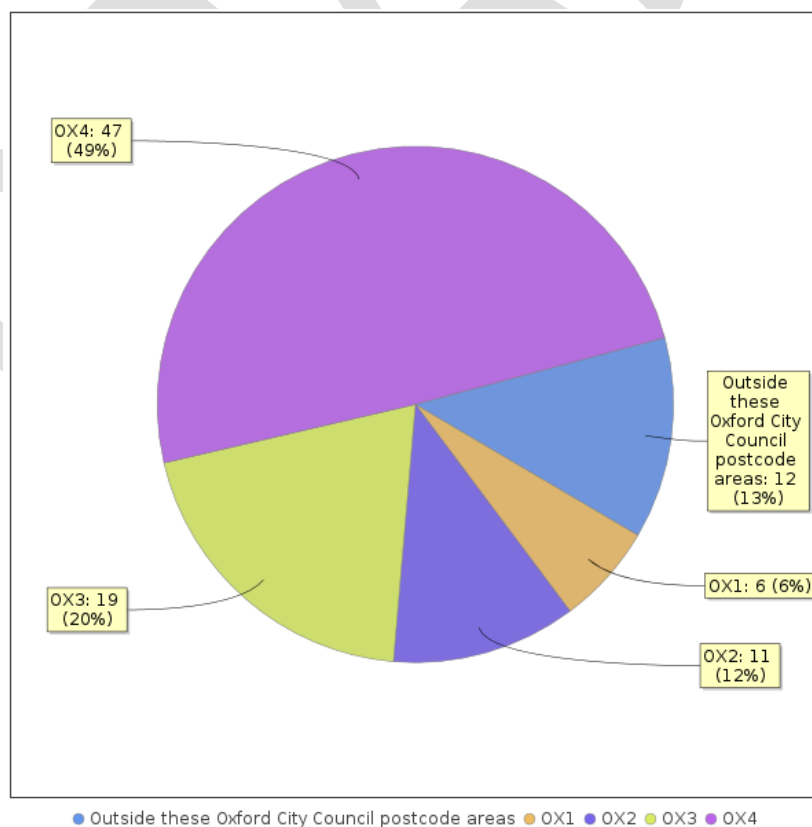
The following provides the results from all of the approaches discussed above. The first set of results, provided directly below, relate to those received from the questionnaires completed online.

### Online Questionnaires

The first question in the online questionnaire asked 'Which postcode area of Oxford City Council do you live in?'

As can be seen from Figure 1 below the majority of respondents (49%) were from the OX4 area of Oxford. This is not surprising given that there is a large concentration of HMOs in this area. The overall results are encouraging given that the approach of questionnaires can sometimes be problematic in obtaining responses.

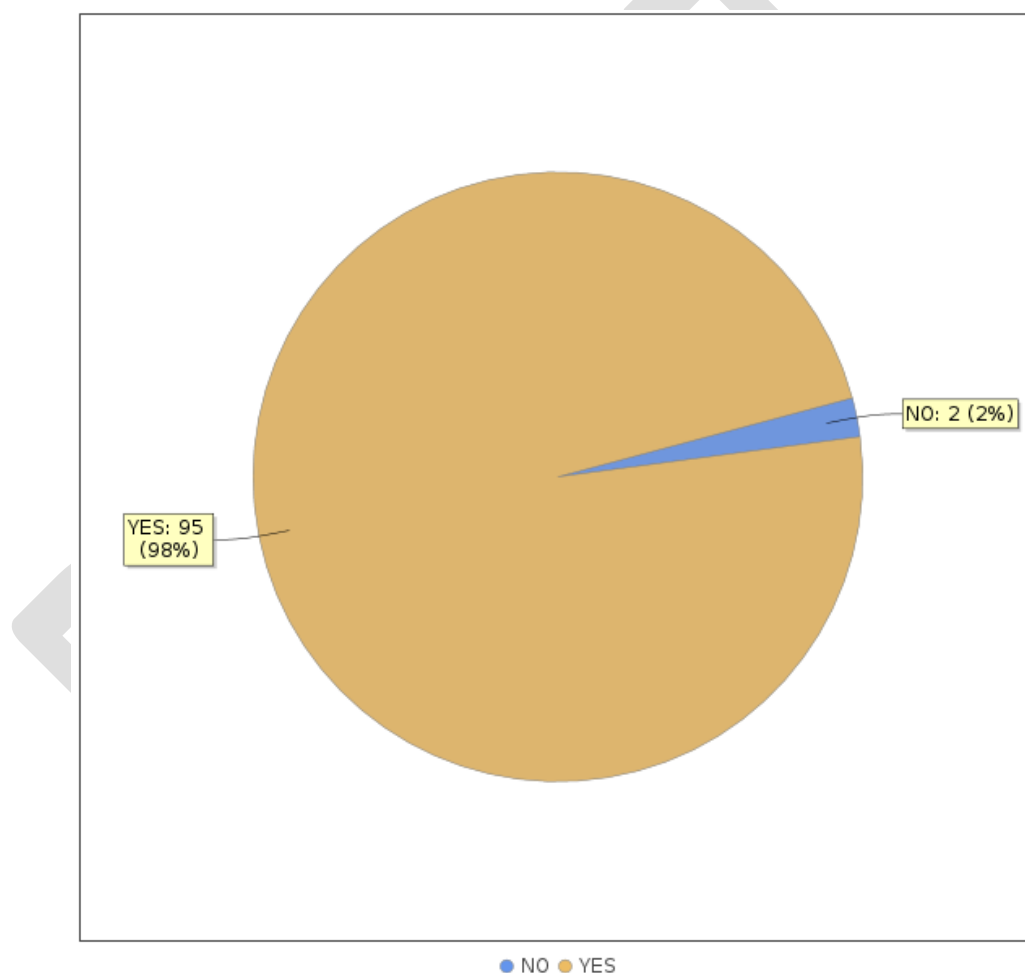
**Figure 1 – Postcode areas**



Question 2 asked people if, before taking part in this consultation, were they aware that the Council had introduced a licensing scheme for all HMOs in 2011.

Figure 2 provides the responses and as can be seen the overall majority of people (98%) were aware of the existence of the scheme before taking part in the consultation. This should provide the Council with some reassurance that the responses provided reflect the situation in the area, particularly for those questions that relate to issues about the impact and future of the scheme.

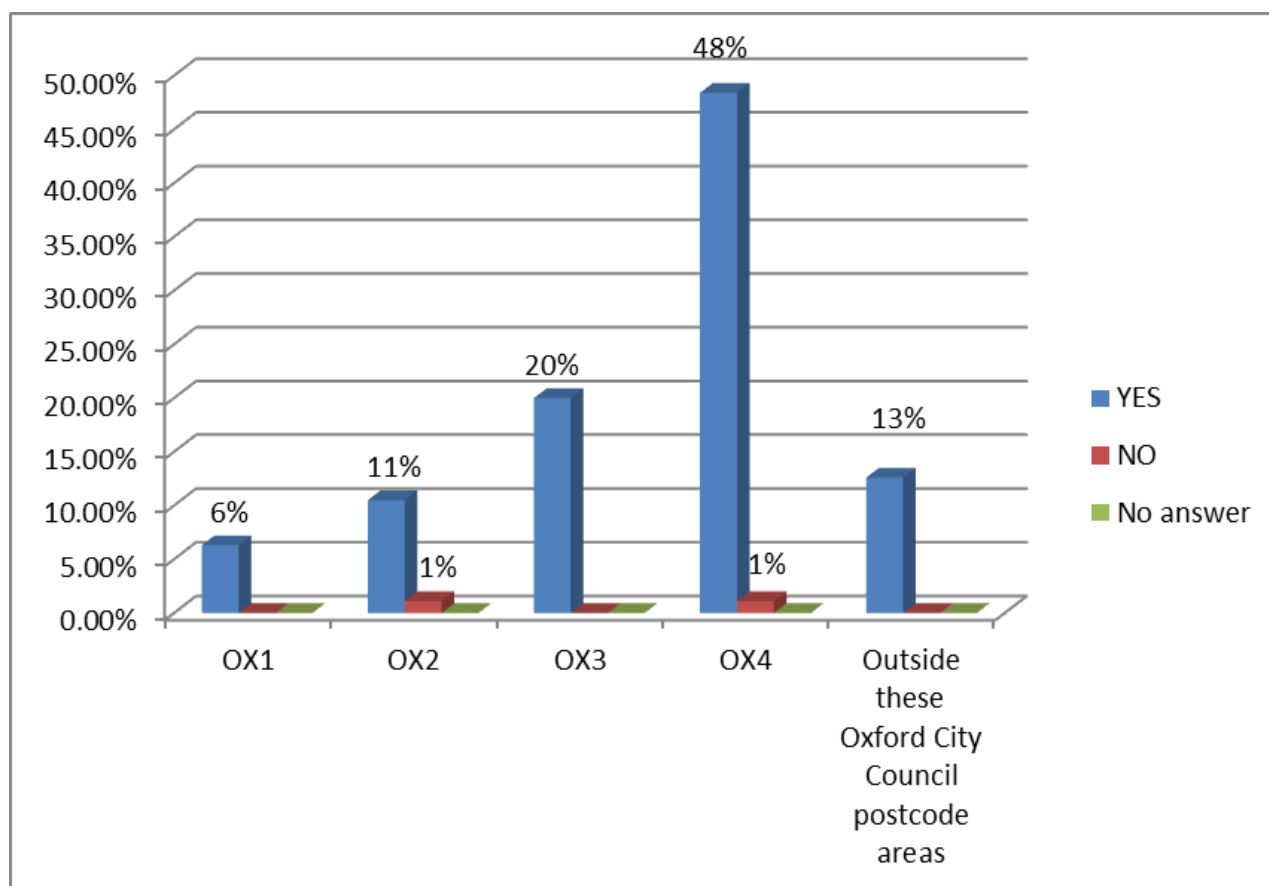
**Figure 2 – Awareness of licensing scheme**



A comparison was carried out to show the relationship between postcode areas and awareness of the scheme to identify if the Council needs to raise awareness in certain areas of the City.

Figure 3 below provides the results and shows that in all postcode areas there is a clear awareness of the scheme including 13% from outside of the City. This is not surprising given that the Scheme has been in operation since 2011 and the Council has made strenuous efforts to ensure there is an awareness and understanding of its effect.

**Figure 3 – Comparison of Knowledge of Scheme by Postcode**

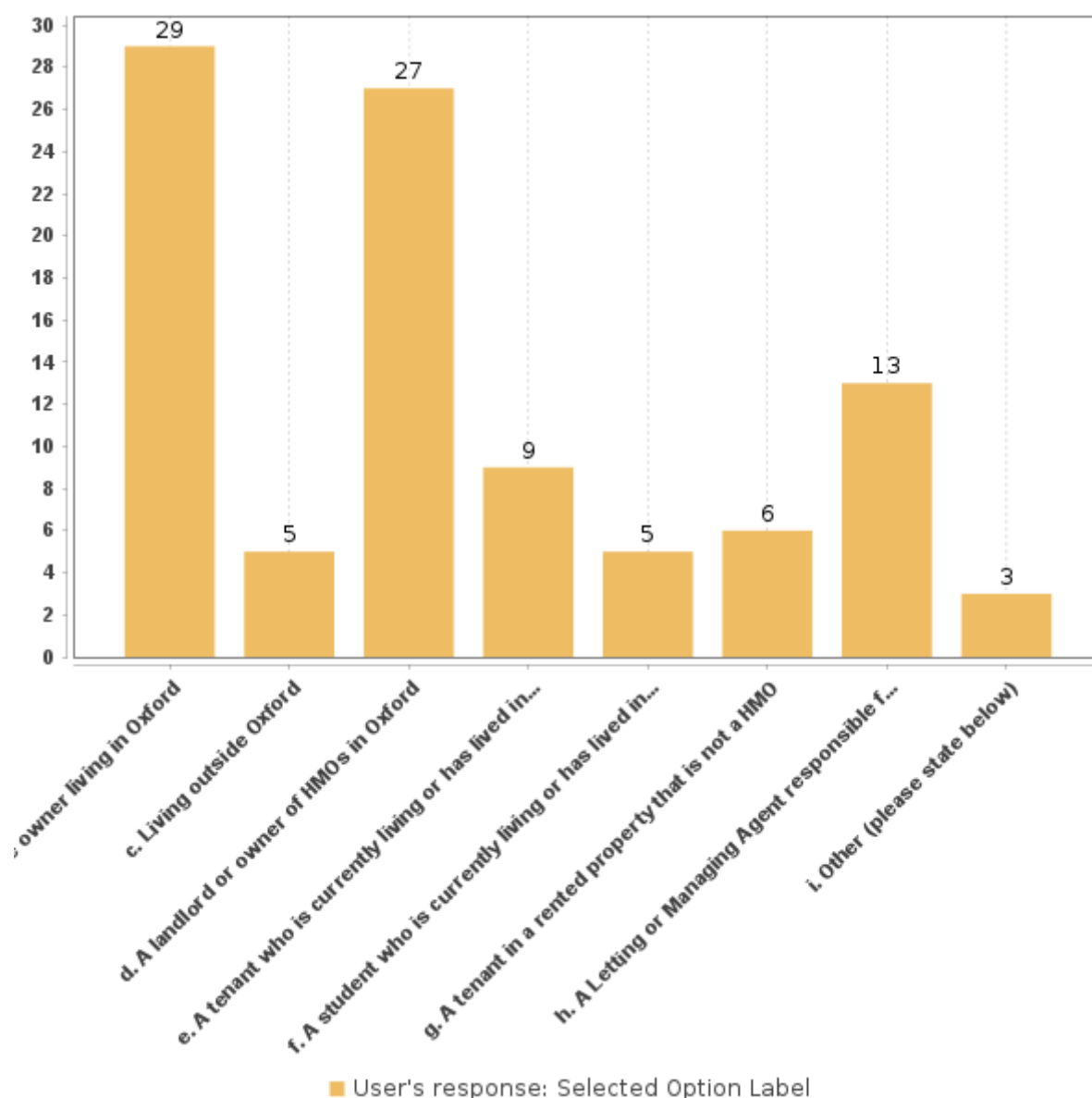


The next question required people to indicate which category best described them. This was used to determine the status of people responding and to lead them to certain questions which were more relevant for them to respond too depending on their response. For example where people indicated they were a landlord or letting agent then they were directed to a specific question for this group to also indicate how many HMOs they owned or managed.

Figure 4 below provides the results. The majority of responses were from residents/home owners in Oxford (30%). The next highest response group was landlords/owners of HMOs at 28% then Letting agents at 13%, closely followed by tenants of HMOs at 9%. Students and those living outside the City made up around 5% respectively.

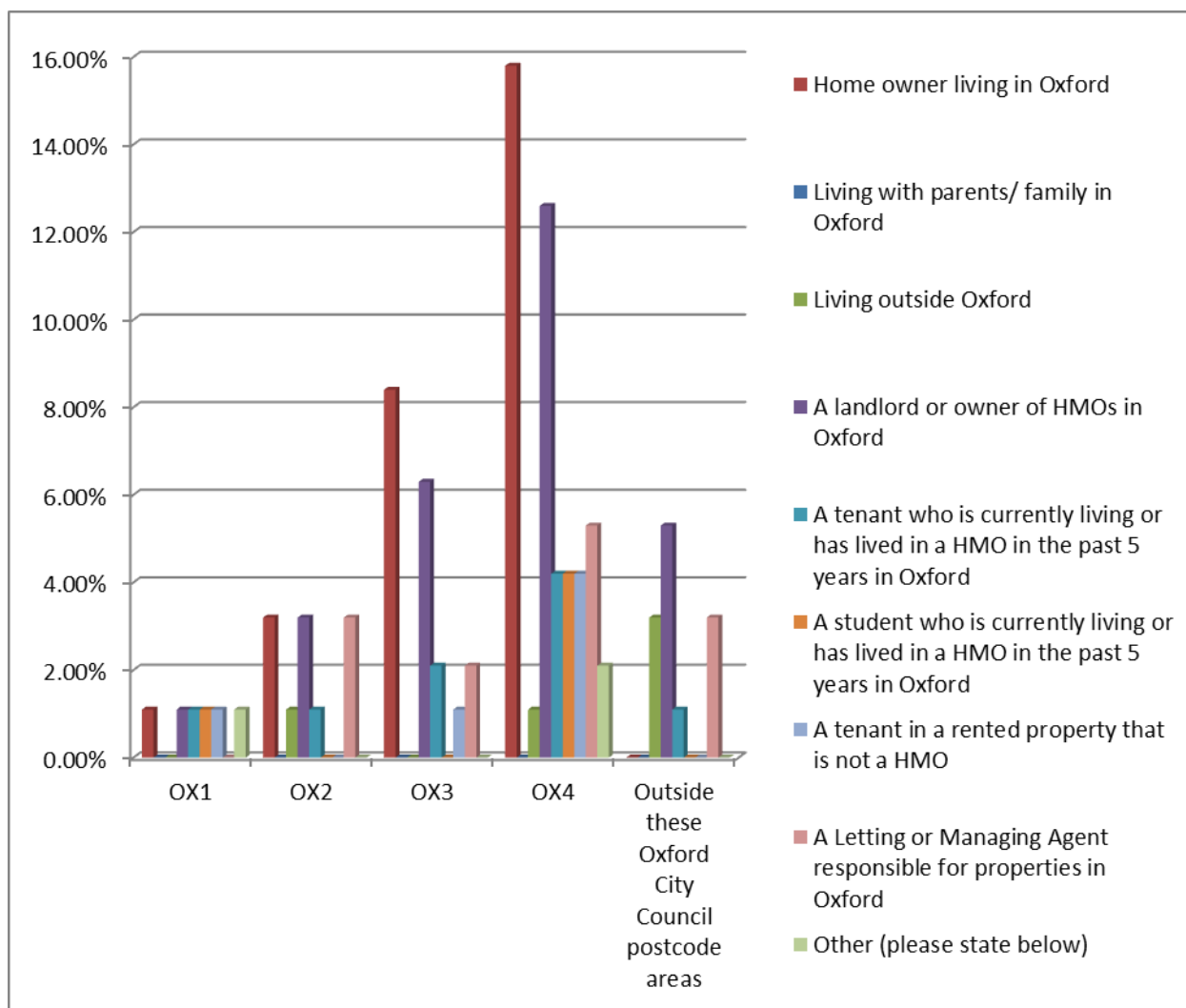
Clearly the categories tenants of HMOs (9%) and students (5%) could be considered the same as they will both live in HMOs and if these response rates were incorporated then they would constitute 14% of the total responses received.

**Figure 4 – Status**



A comparison of the relationship between status and postcode was also carried out to determine the spread of responses in more detail. Figure 5 below shows the results and as can be seen the spread reflects the numbers of responses received from the different target groups in each of the postcode areas and is proportionate to the overall responses shown in Figures 1 and 4.

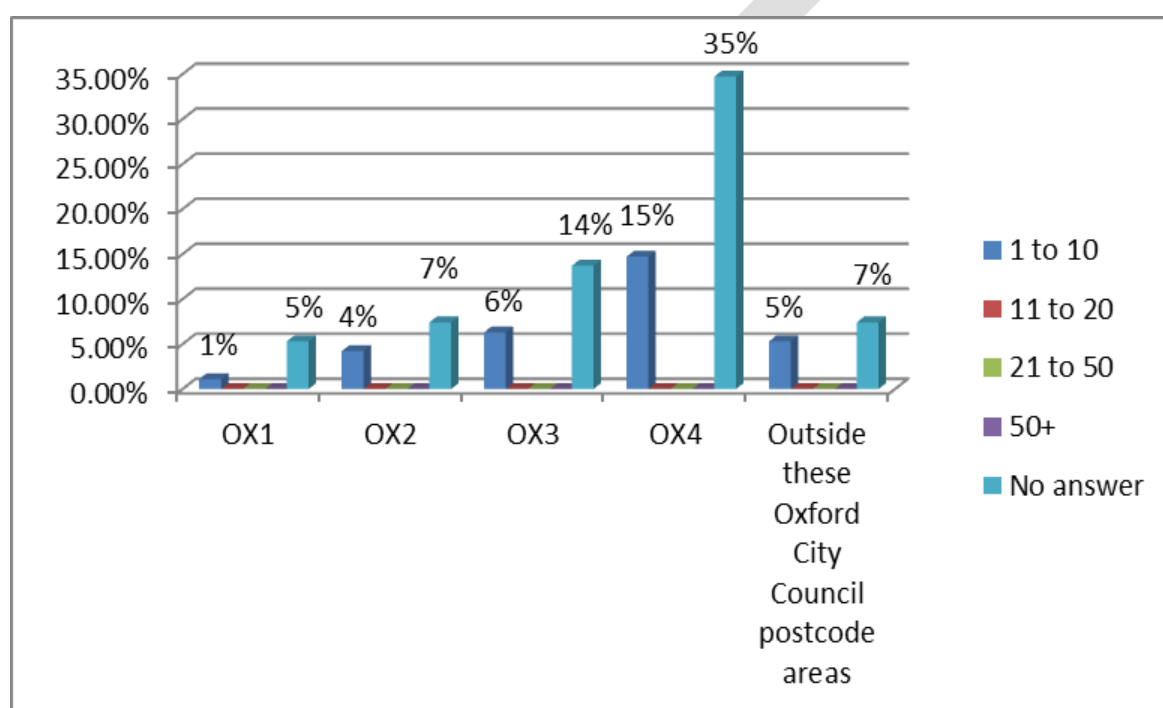
**Figure 5 – Relationship between Status and Postcode**



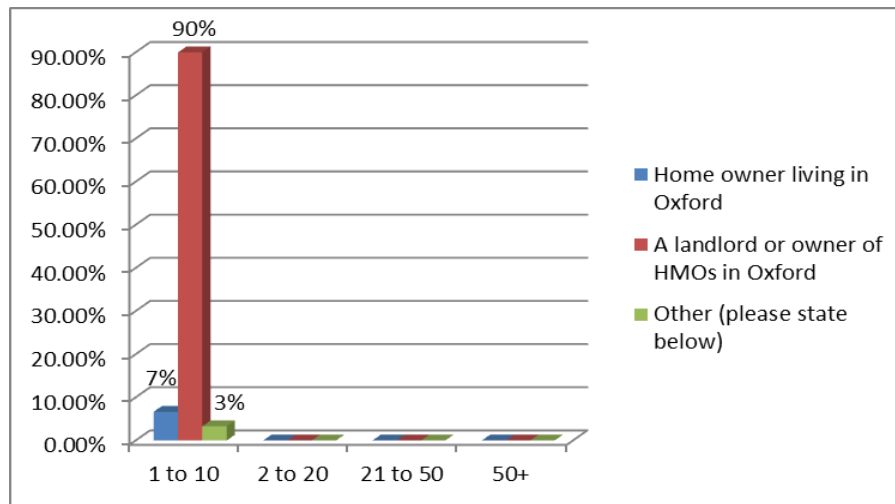
The following question, Question 4 was one of those that was targeted at a particular group of people, in this case landlords. This question asked landlords or owners of HMOs to indicate how many HMOs they owned in the City. The purpose of this, and question 5 shown below, was to try and establish if there was any connection between the issue of management and the number of HMOs owned/ managed by Landlords and Agents. All landlords who responded owned between 1 to 10 HMOs.

In order to determine the validity of the status of those who responded further analysis of the responses to this question was carried out as shown in Figure 6 and 7 below. This confirms that 90% of the responses received were from landlords and that the majority live in the OX4 (15%) and OX3 (6%) postcode areas. 5% of landlords also live outside of the Oxford City postcodes. It is however worth noting, in all cases there was a clear reluctance on the part of landlords to provide details of the number of HMOs they own with 68% returning a response of no answer.

**Figure 6 – Comparison between numbers of HMOs owned by Landlords by Postcode**

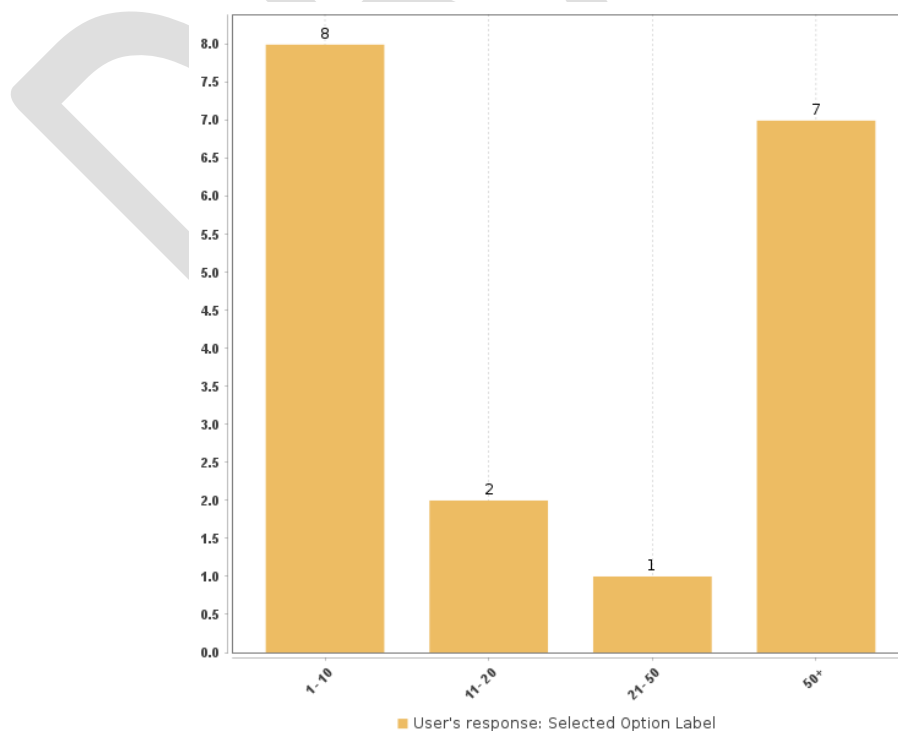


**Figure 7 – Comparison of responses to number of HMOs owned by Status**



Similarly to question 4, agents were asked, in Question 5, to indicate how many HMOs they managed. Figure 8 below provides the results. There is a clear difference between the numbers of HMOs managed by agents with 44% reporting they managed between 1 to 10 HMOs and 39% in excess of 50+ HMOs.

**Figure 8 – Number of HMOs managed by agents**



Again further analysis of the responses to this question was carried out to determine the spread across postcode areas and the results can be seen in Figures 9 and 10 below.

**Figure 9 – Comparison of numbers of HMOs managed by Postcode**

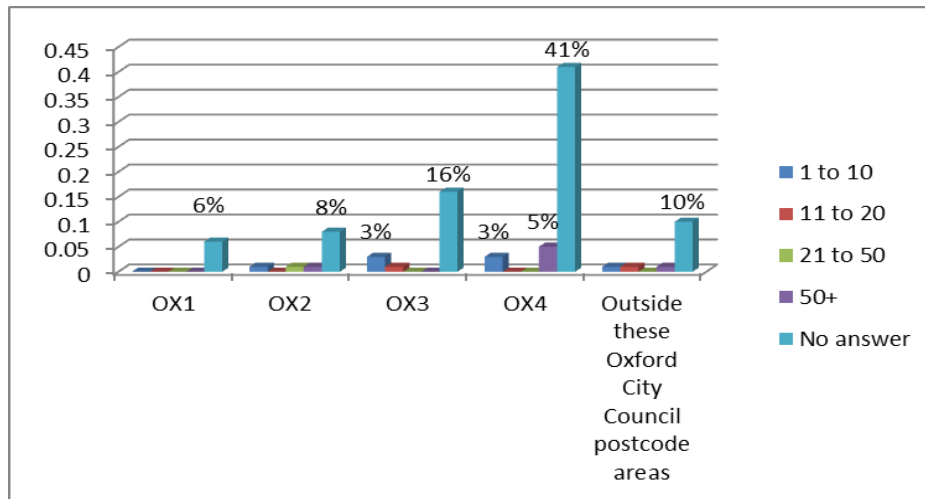


Figure 9 above shows that there is a much larger number of HMOs managed by agents across the City. It should also be noted that as with question 4, put to landlords, there is a clear reluctance on the part of some agents to provide actual figures with 81% overall preferring not to answer.

**Figure 10 – Comparison of responses to numbers of HMOs managed by Status**

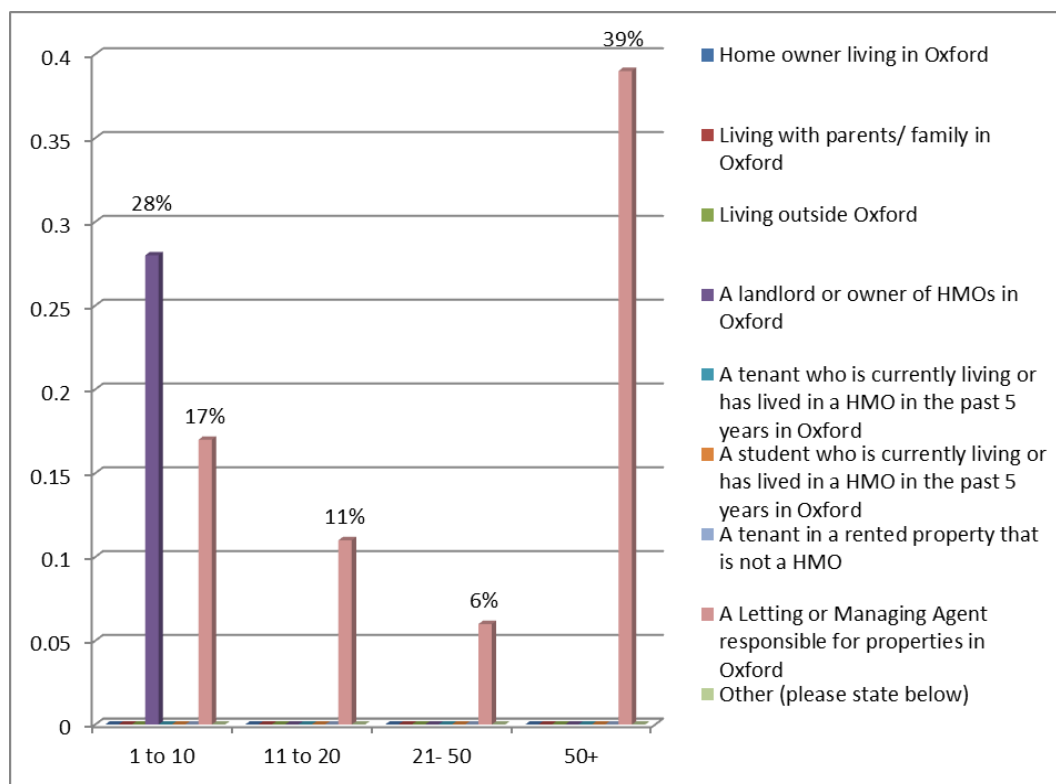


Figure 10 above provides a comparison of responses to the numbers of HMOs managed by status as a cross check. Not surprisingly this clearly shows that the majority of respondents were from managing agents (73%) with a lower number (28%) of landlords responding as a managing agent. If we include the response from landlords that also consider they are a managing agent then this indicates that around 45% of 'agents' manage between 1 to 10 HMOs in Oxford and 39% manage in excess of 50 HMOs each. This would suggest that there are potentially a large number of landlords in Oxford that have small portfolios including less than 10 properties.

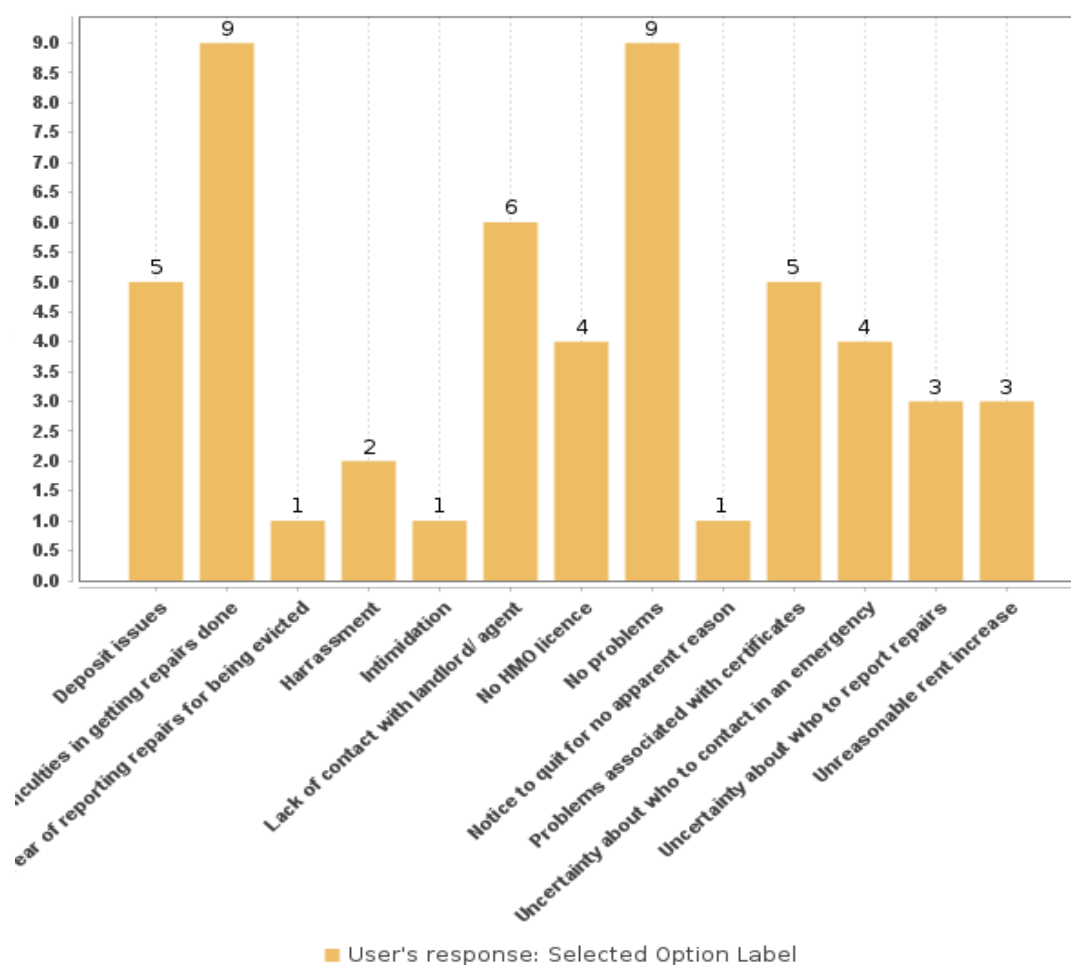
Question 6 was aimed at people who lived or have lived in a HMO in Oxford in the past five years. Those who fell into this category were asked to indicate if they had personal experience of any of the following:

- Fear of reporting repairs for being evicted
- Notice to quit for no apparent reason
- Unreasonable rent increase
- Deposit issues
- Lack of contact with landlord/agent
- Difficulties in getting repairs done

- Intimidation
- Harassment
- Problems associated with certificates
- No HMO licence
- Uncertainty about who to report repairs
- Uncertainty about who to contact in an emergency
- No Problems

Figure 11 below provides the responses made to this question. The majority of respondents felt that out of all the problems they encountered, difficulties in getting repairs done, was the worst. A similar number indicated that there were no problems with HMOs for occupants, however concerns were also raised about the lack of contact with the landlord/agent, deposit issues and problems associated with certificates i.e. gas safety, fire and electrical. There were also problems associated with no HMO licence and uncertainty about who to contact in an emergency.

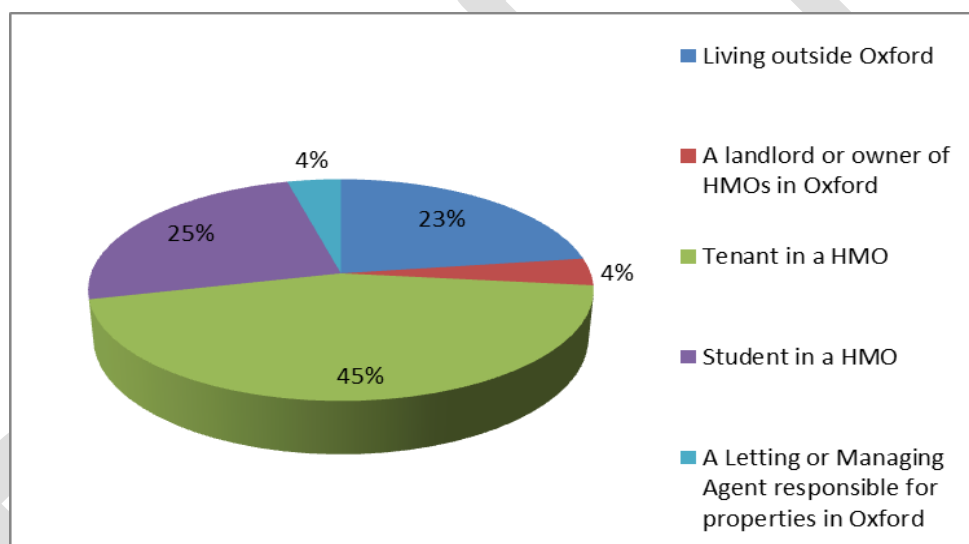
**Figure 11 – Personal Experience of Living in a HMO**



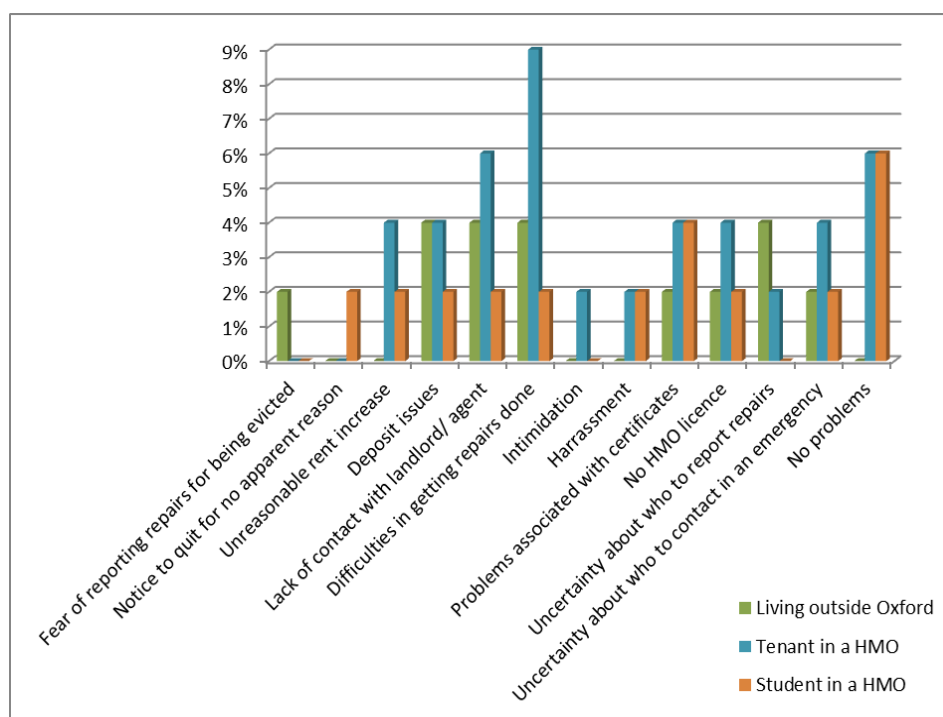
This question was aimed at people who were likely to have experienced these problems when living in a HMO in Oxford so it is important to note the breakdown of responses by status to this question (Figure 12).

As can be seen below the majority of responses (70%) were from tenants and students that were living or had lived in a HMO in the past five years in Oxford. A further 23% of responses were from people living outside of Oxford, which could mean that they had previous experience of living in a HMO and had subsequently moved out of the area. Further analysis was therefore carried out to identify problems experienced by tenants, students and respondents living outside of Oxford, which equates to 93% of the total number of respondents to this question. Figure 13 below provides the findings from this further analysis.

**Figure 12 – Responses to problems experienced living in a HMO by status**



**Figure 13 – Experience of problems living in a HMO by Status**



This further analysis supports the overall findings that the biggest problems experienced living in a HMO in Oxford is in getting repairs done. It also, however, suggests that there are problems associated with certificates, lack of contact with landlord/agent and deposit issues. With the exception of those that now live outside of the City around 6% also reported that there were no problems experienced.

Question 7 asked all people to indicate on a scale of 0 to 10 (with 10 being the most severe) which of the following problems they have experienced with HMOs in the area of Oxford where they live or have lived.

- Poorly managed refuse/ untidy or overflowing bins/ excessive black sacks
- Empty unattended HMOs during term time/ height of summer
- Poor property conditions
- Poor external appearance of properties
- Overgrown gardens
- Nuisance
- Anti-social behavior

This question was open to all respondents irrespective of their status and they were asked to provide a score for each of the problems that were applicable. Varying numbers of respondents provided an answer to the different categories and in some cases not all respondents provided a score. Where no answer was provided a zero was given based on the assumption that they did not have any experience of these problems.

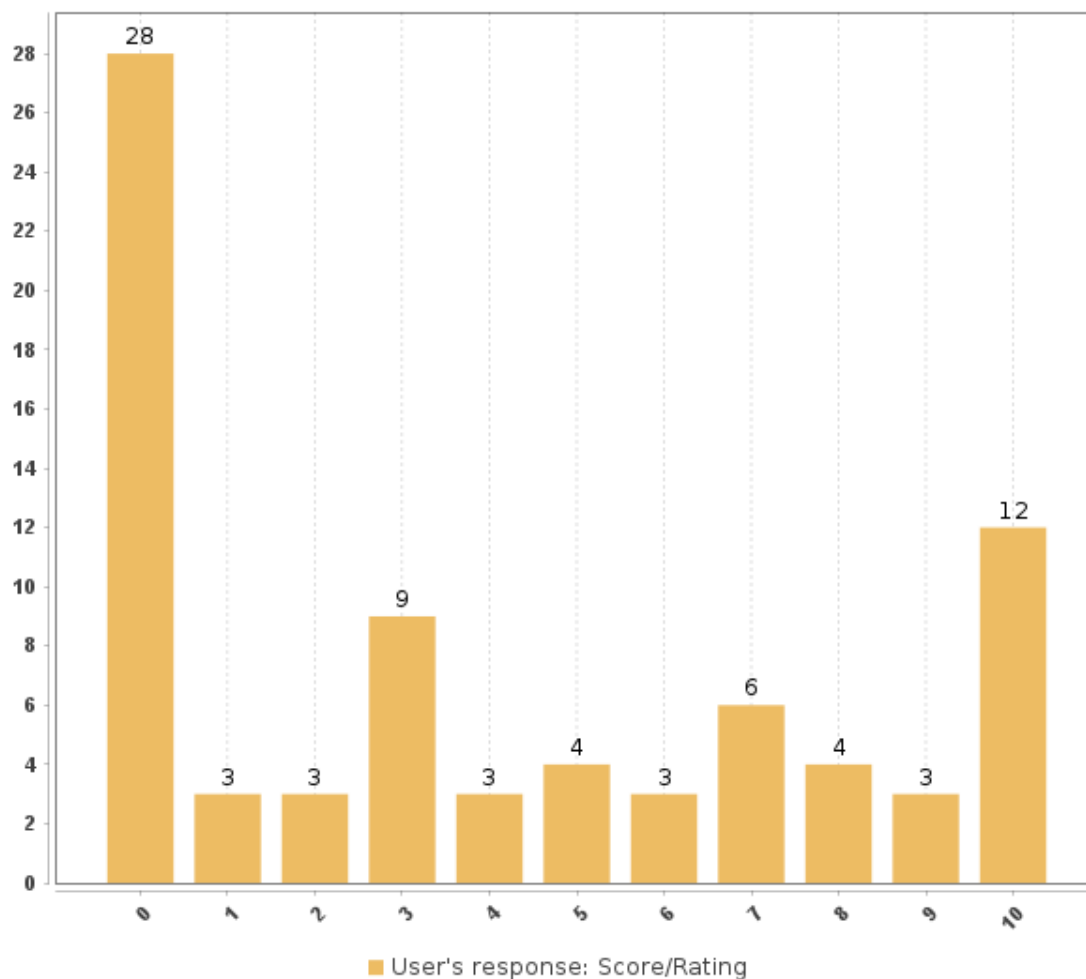
Further interrogation of the responses provided to this question was therefore carried out to determine the percentage of people that scored 1 to 10, suggesting they had answered and had some concerns about the category.

The status of the respondents was also determined because clearly each category provided will affect different people in different ways which in turn is likely to influence the final 'score'.

Figures 14 to 34 show the results in relation to each category, who responded and what score was calculated.

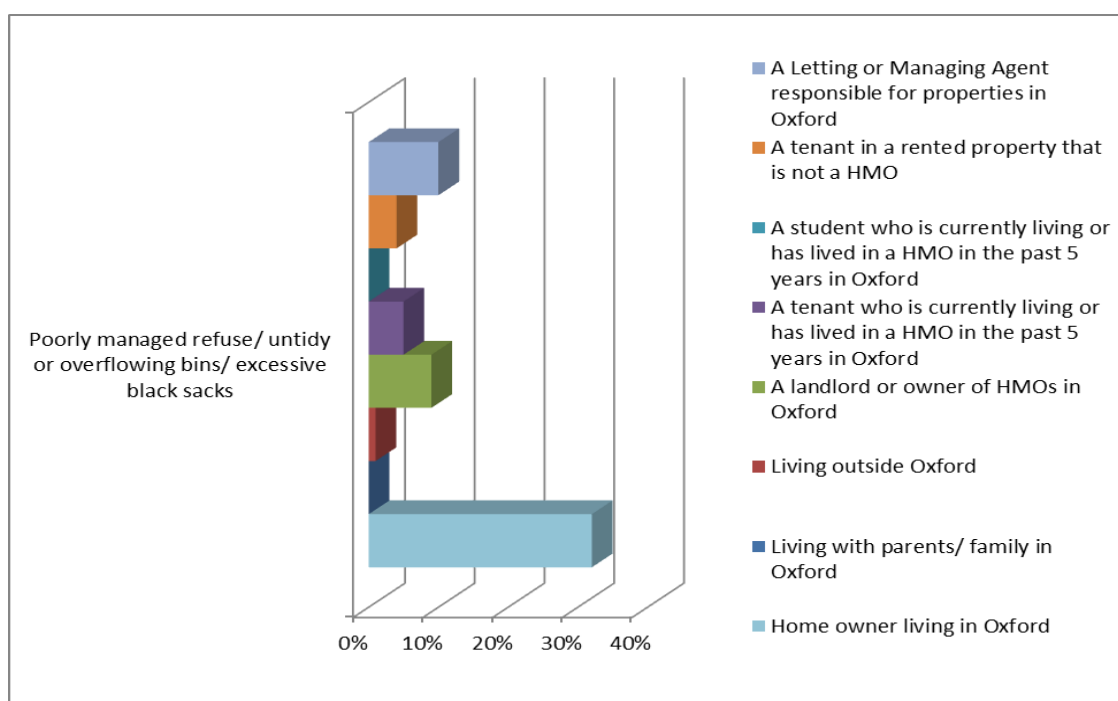
The first category related to poorly managed refuse at HMOs and as can be seen from Figure 14 there were 78 (80%) people that responded to this question providing varying scores. 36% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

Figure 14 – Poorly managed refuse in HMOs



The breakdown of respondents in Figure 15 below shows that the majority were from home owners living in Oxford (30%) followed by letting or managing agents (9%) and landlords (8%). Tenants who are currently living or have lived in a HMO in the past five years in Oxford made up the next highest response.

**Figure 15 – Responses by Status**



The analysis of scores from 1 to 10 is shown below in Figure 16. This ignores any zero scores so is based on the proportion of responses where respondents indicated that there were concerns. Using the findings from Figure 14 this is therefore based on a response rate of 65%.

**Figure 16 – Breakdown of scores from 1 to 10**

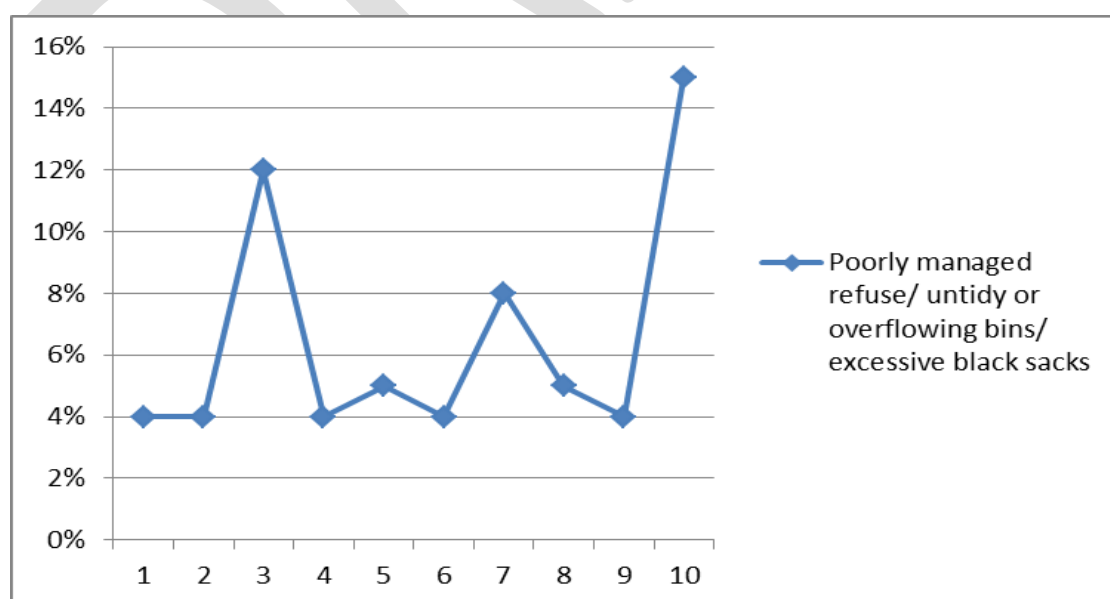
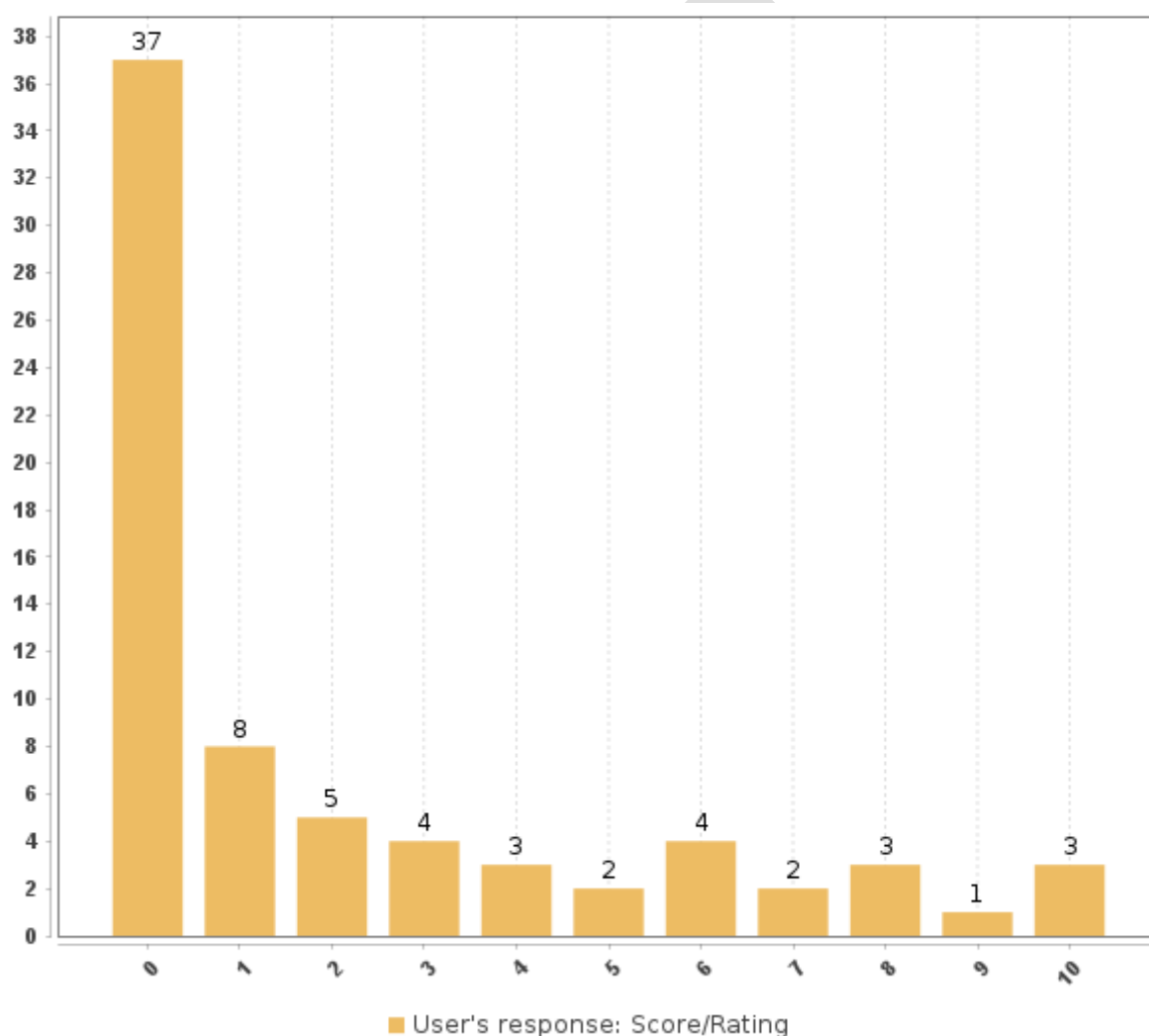


Figure 16 above suggests that out of those that responded around 36% have serious concerns about poorly managed refuse at HMOs by providing a score of 6 or above for this category. The remaining 29% provided a score of 5 or below indicating there was less concern.

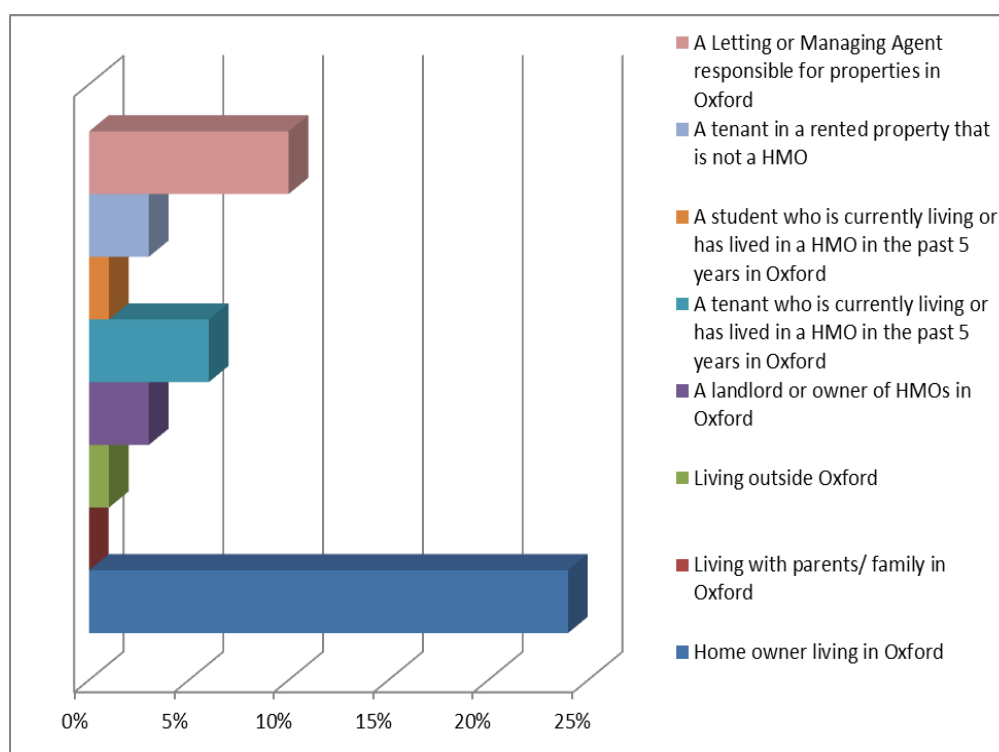
The next category people were asked to consider as part of this question related to the issue of empty unattended HMOs and 72 (74%) participants responded. 51% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question. Figure 17 below.

**Figure 17 – Empty unattended HMOs**



The breakdown of respondents in Figure 18 below shows that the majority (24%) were from home owners living in Oxford followed by letting or managing agents (9%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (6%) then landlords and tenants of non HMOs.

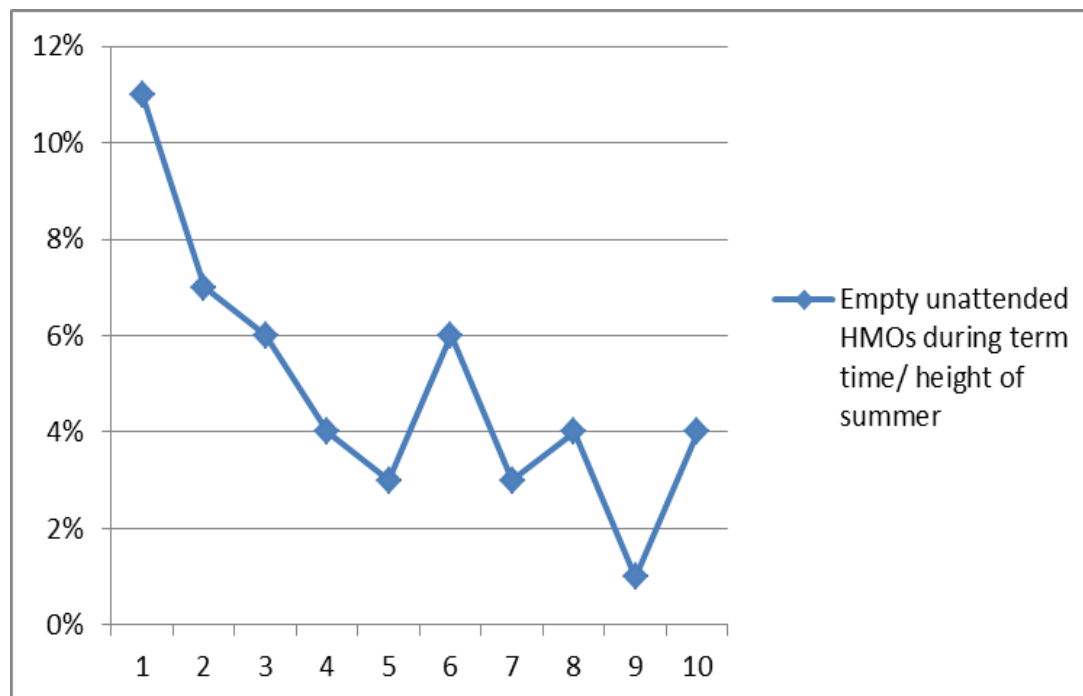
**Figure 18 – Responses by status**



The analysis of scores from 1 to 10 is shown below in Figure 19 and as previously mentioned is based on the proportion of responses where respondents indicated that there were concerns i.e. provided a score of 1 to 10.

In this instance 49% of respondents scored between 1 and 10 for this category, the lowest out of them all, with around 31% of those scoring 5 or less indicating that this is not a major concern for them. The remaining 18% provided a score of 6 or more suggesting they have concerns about this issue.

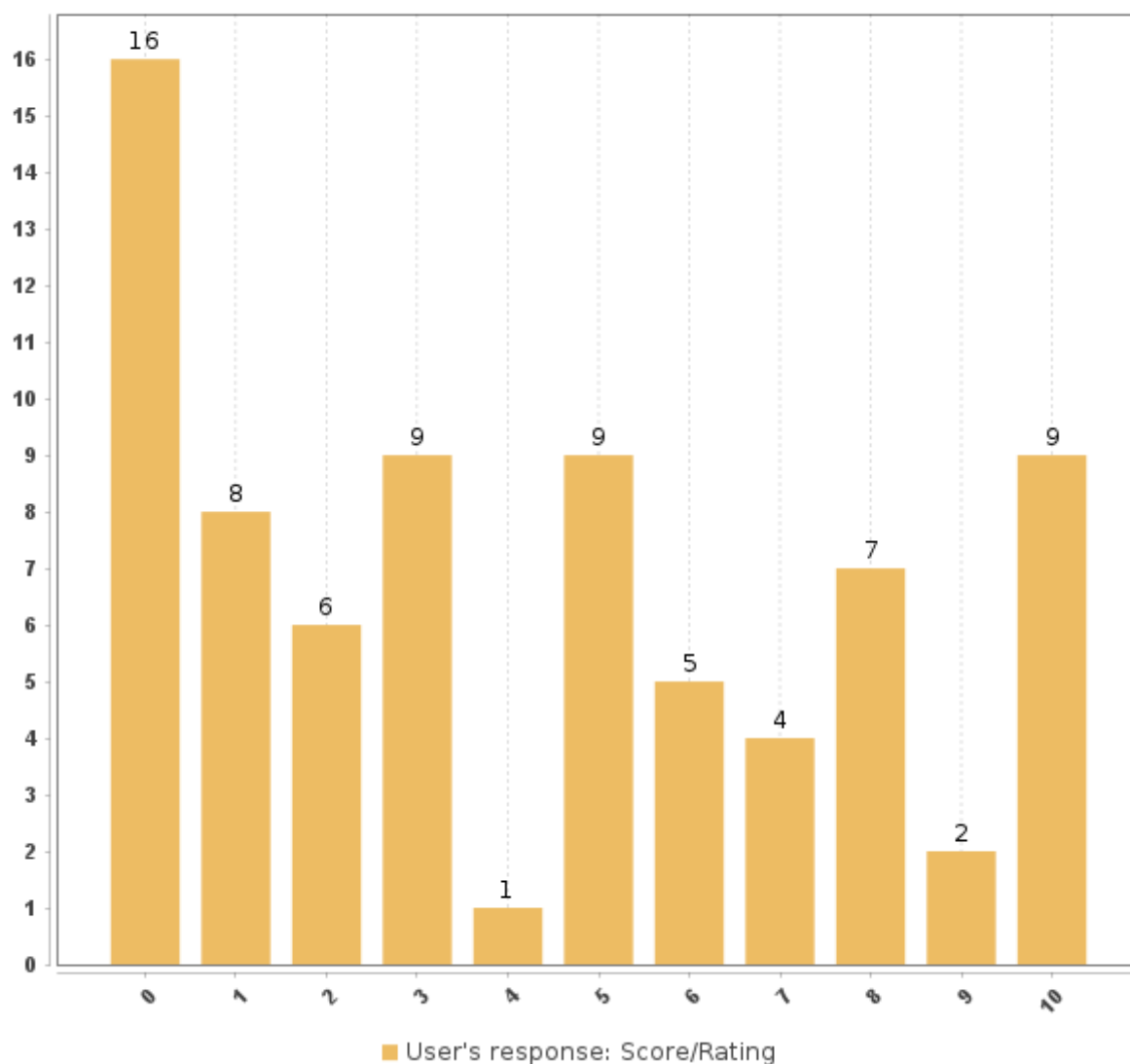
**Figure 19 – Breakdown of scores from 1 to 10**



This clearly suggests that generally there is not a problem with empty HMOs but there are potentially some isolated cases where this happens and causes concern.

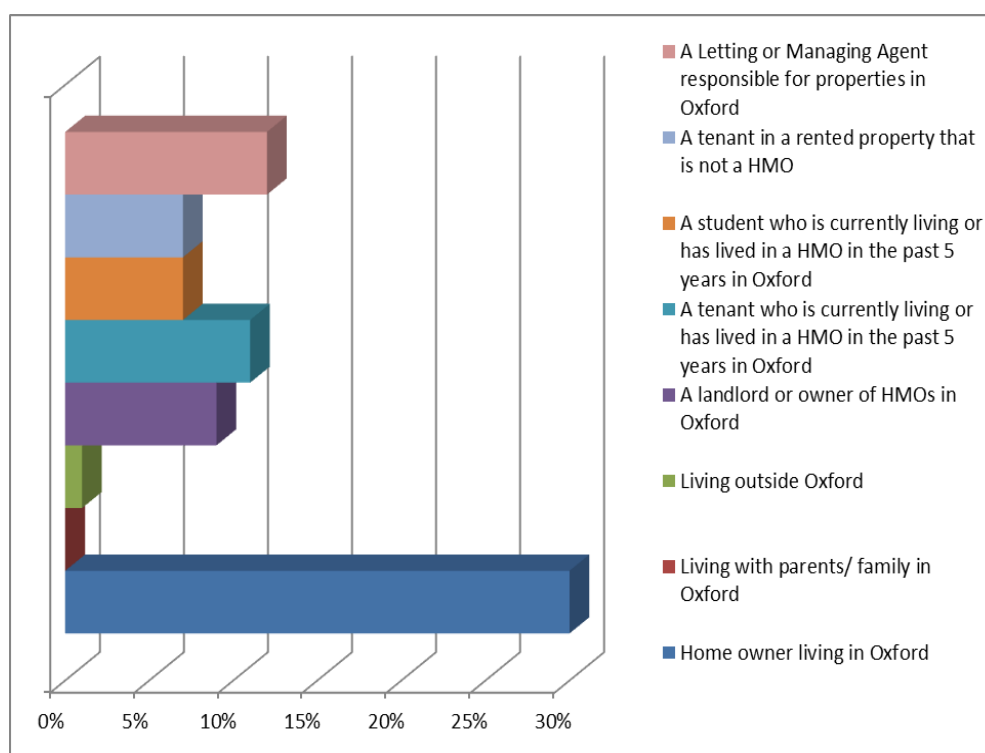
The next category to be considered related to poor conditions in HMOs and as can be seen from Figure 20 below 76 (78%) people responded to this question. 21% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

Figure 20 – Poor property conditions



The breakdown of respondents shown in Figure 21 below indicates that the majority (29%) were from home owners living in Oxford followed by letting or managing agents (12%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (10%), landlords (8%) and finally tenants of non HMOs and students (6% respectively).

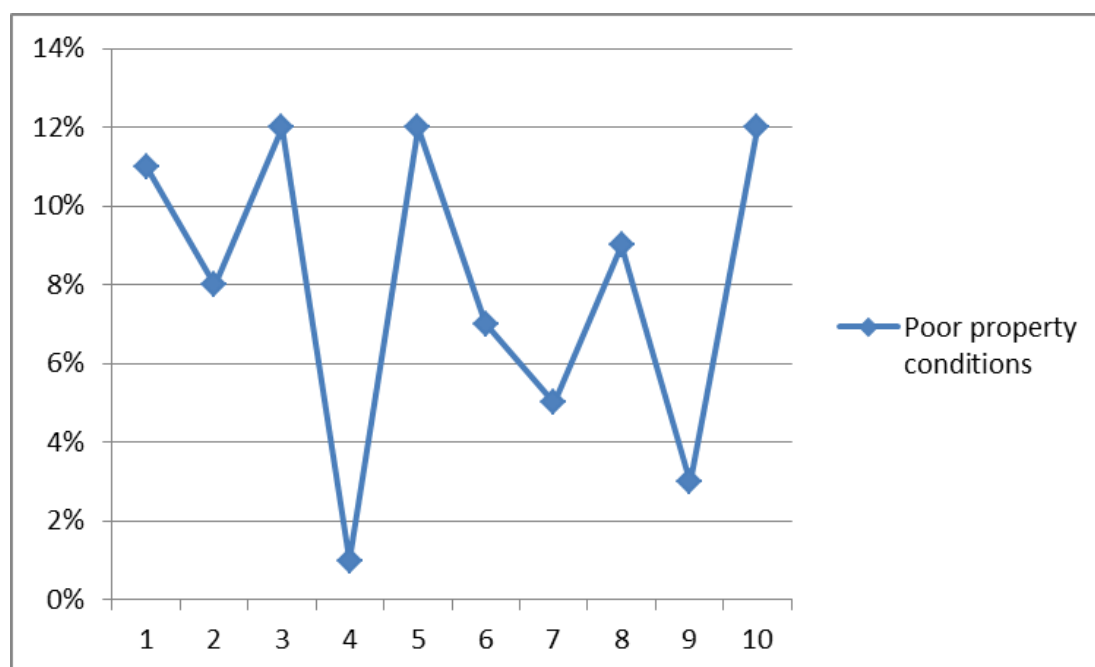
**Figure 21 – Responses by Status**



The analysis of scores from 1 to 10 is shown below in Figure 22 and takes account of the proportion of responses where respondents indicated that there were concerns, which in this case was 78%.

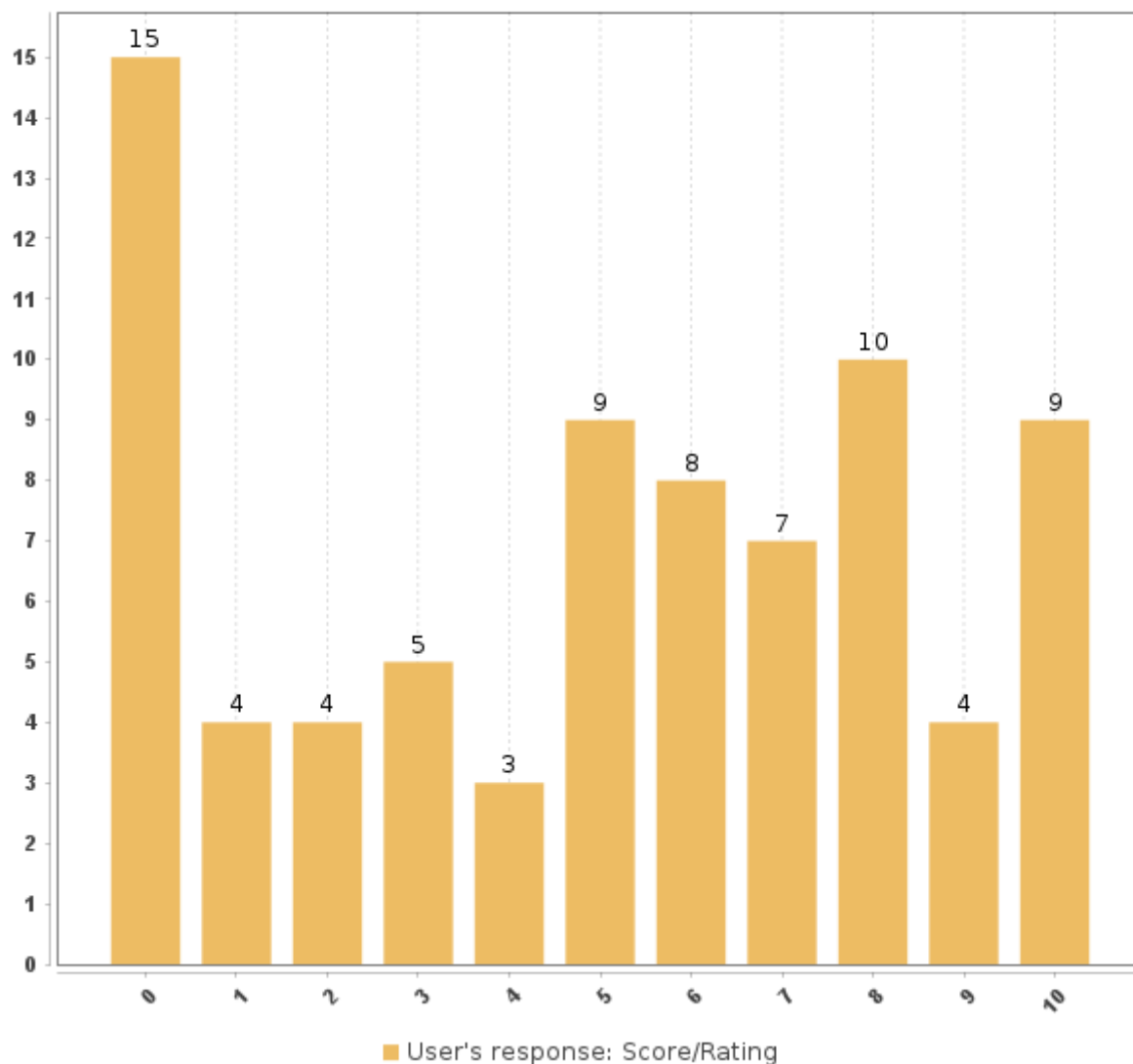
There are clearly a number of concerns about this category but the majority of respondents (44%) provided a score of 5 or less indicating that they are not a major concern for them. The remaining 36% provided a score of 6 or more suggesting they have serious concerns about property conditions.

**Figure 22 – Breakdown of scores from 1 to 10**



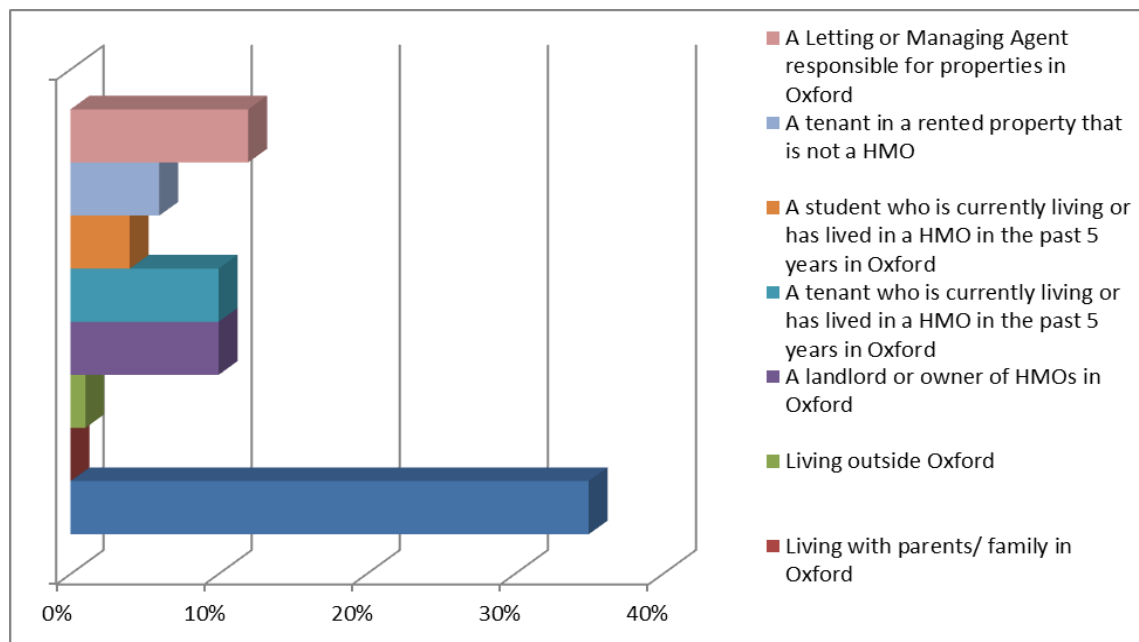
Integral to the previous category the next area of concern was to do with the poor external appearance of HMOs. This, together with the category about poorly managed refuse, resulted in the highest proportion of responses at 80% (78 respondents). Figure 23 below provides the breakdown. In this category 19% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

**Figure 23 – Poor external appearance of HMOs**



The breakdown of respondents in Figure 24 below shows that the majority (35%) were from home owners living in Oxford followed by letting or managing agents (11%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (9%), landlords (9%) and finally tenants of non HMOs (5%) and students (4%).

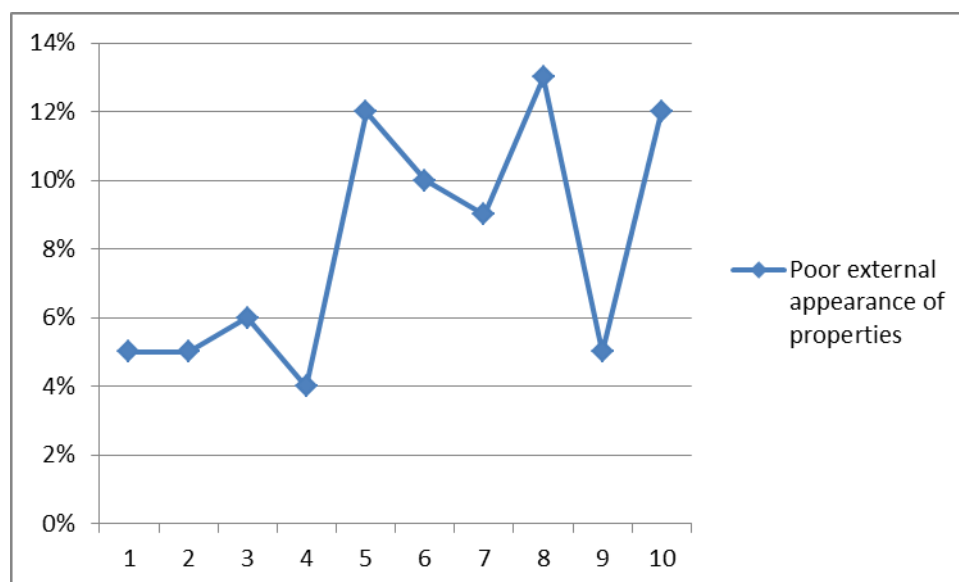
**Figure 24 – Responses by status**



The analysis of scores from 1 to 10 is shown below in Figure 25 using the same approach as previously mentioned. As can be seen there are a number of serious concerns with the vast majority of respondents (49%) providing a score of 6 or higher.

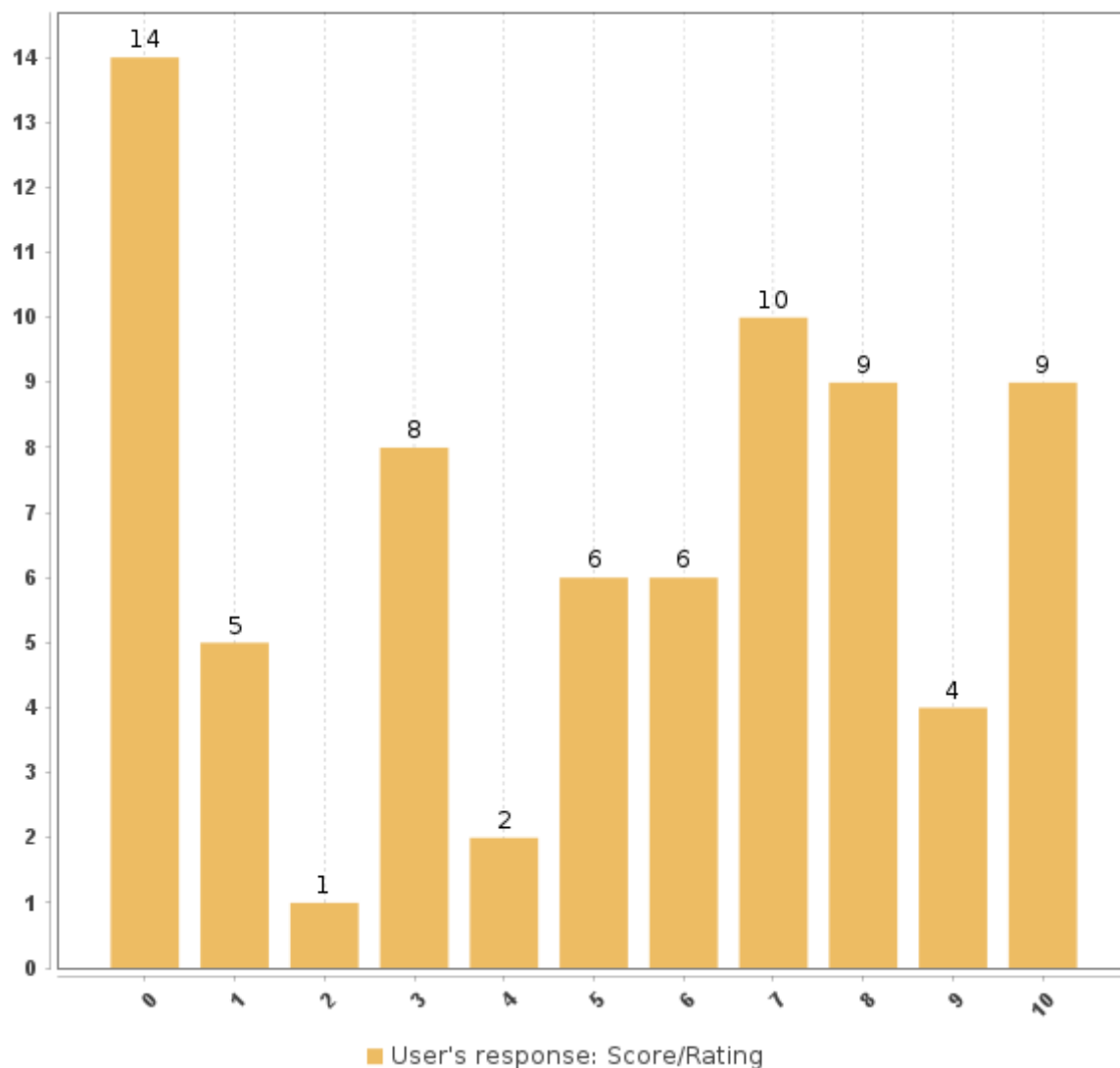
The remaining 31% provided a score of 5 or less suggesting they have less serious concerns about external appearance of HMOs. It is worth noting however, that 12% of those with less concerns scored this category as a 5.

**Figure 25 – Breakdown of scores from 1 to 10**



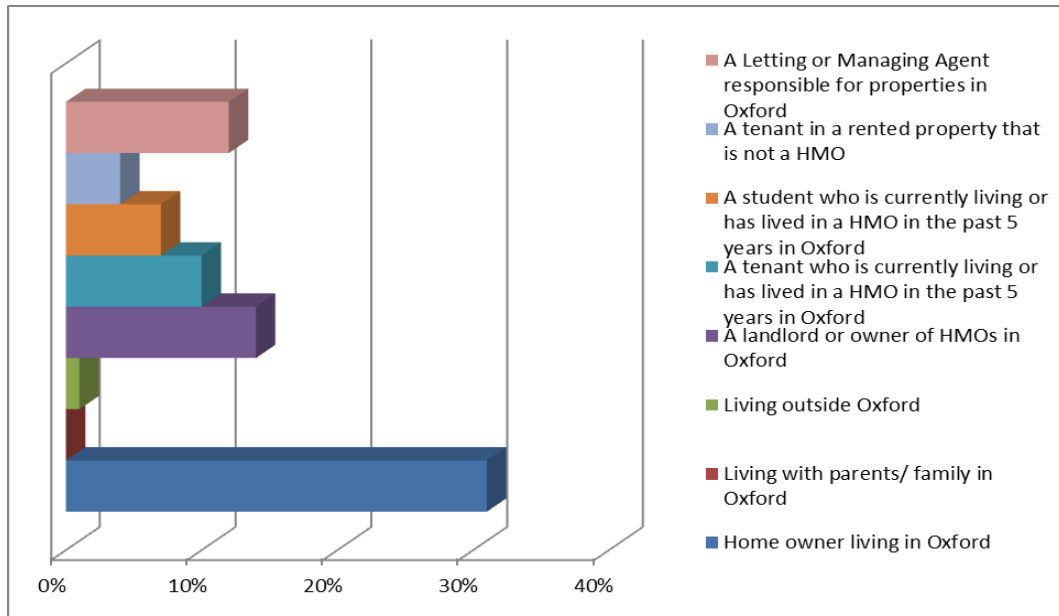
The next category related to the issue of overgrown gardens and 74 (76%) participants responded to this issue (Figure 26 below). 19% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

Figure 26 – Overgrown gardens



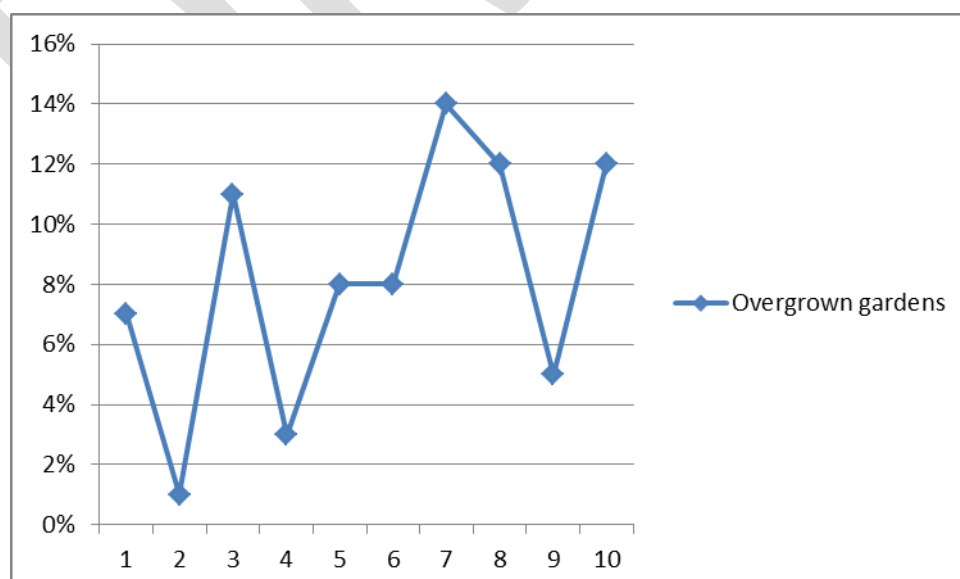
The breakdown of respondents in Figure 27 below shows that the majority (30%) were from home owners living in Oxford followed by landlords (12%), letting or managing agents (11%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (9%), and students (6%).

**Figure 27 – Responses by status – Overgrown gardens**



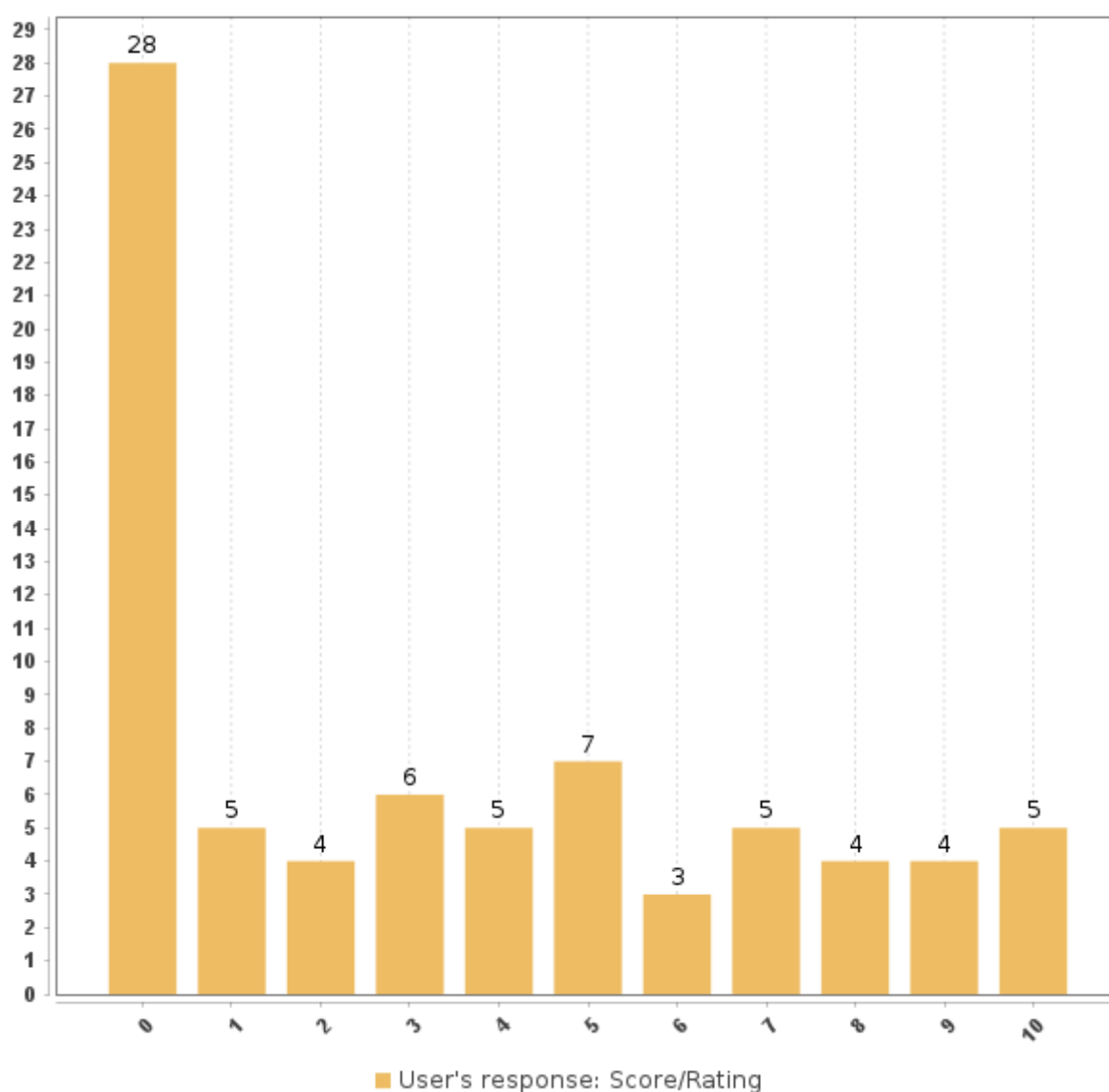
The analysis of scores from 1 to 10, shown below in Figure 28 indicates that there are a number of serious concerns with the majority of respondents (51%) providing a score of 6 or more. The remaining 31% provided a score of 5 or less suggesting they have less serious concerns about overgrown gardens in HMOs.

**Figure 28 – Breakdown of scores from 1 to 10**



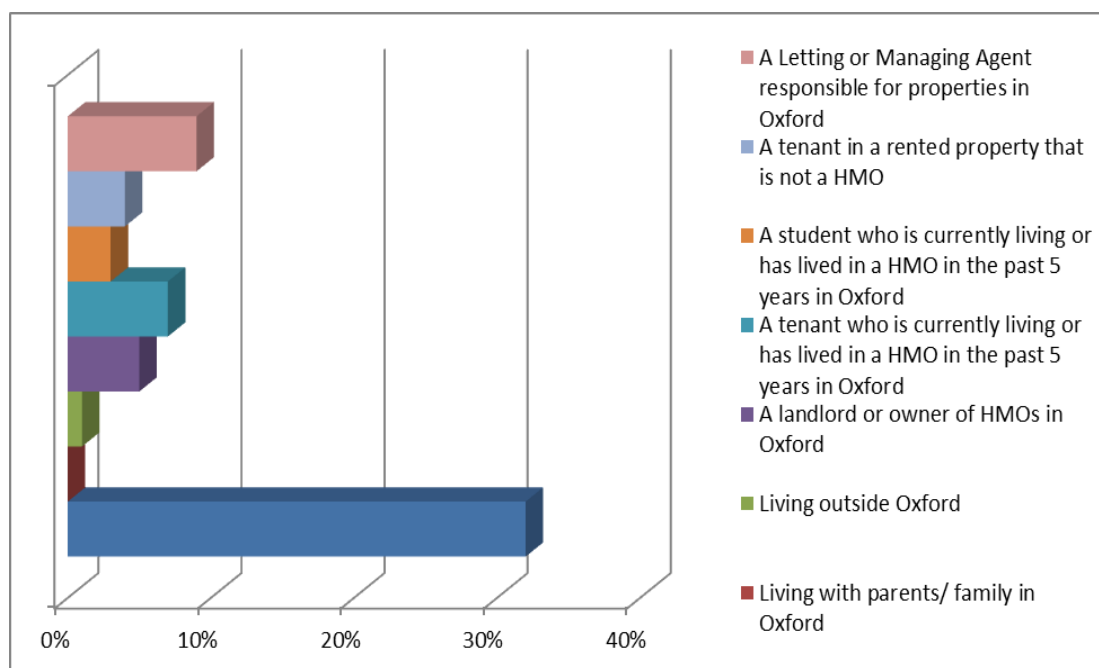
The penultimate category asked to be considered as part of this question related to the issue of nuisance and 76 (78%) participants responded to this issue (Figure 29 below). 37% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

**Figure 29 – Nuisance**



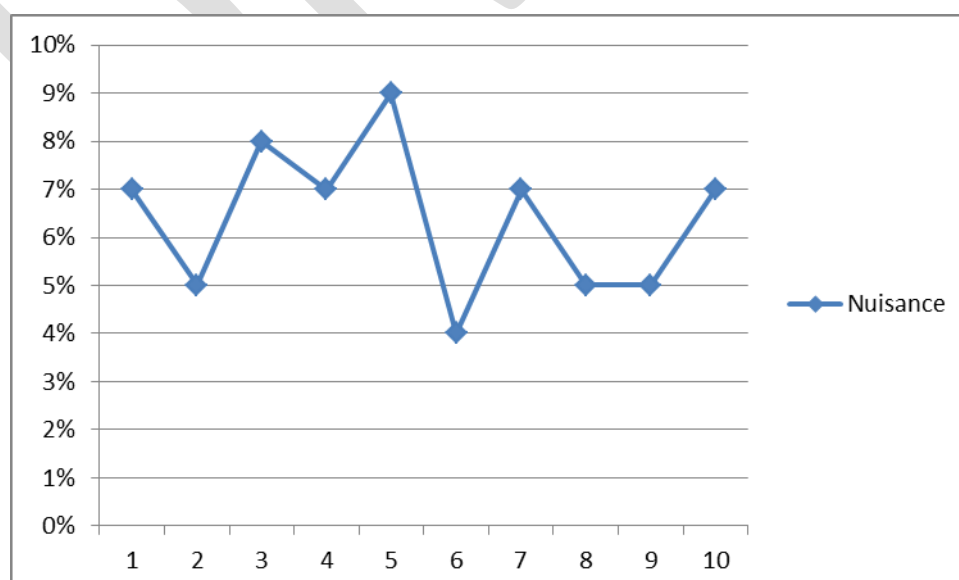
The breakdown of respondents in Figure 30 below shows that the majority (31%) were from home owners living in Oxford followed by letting or managing agents (8%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (7%), landlords (5%) and finally tenants of non HMOs (4%) and students (3%).

**Figure 30 – Responses by status - Nuisance**



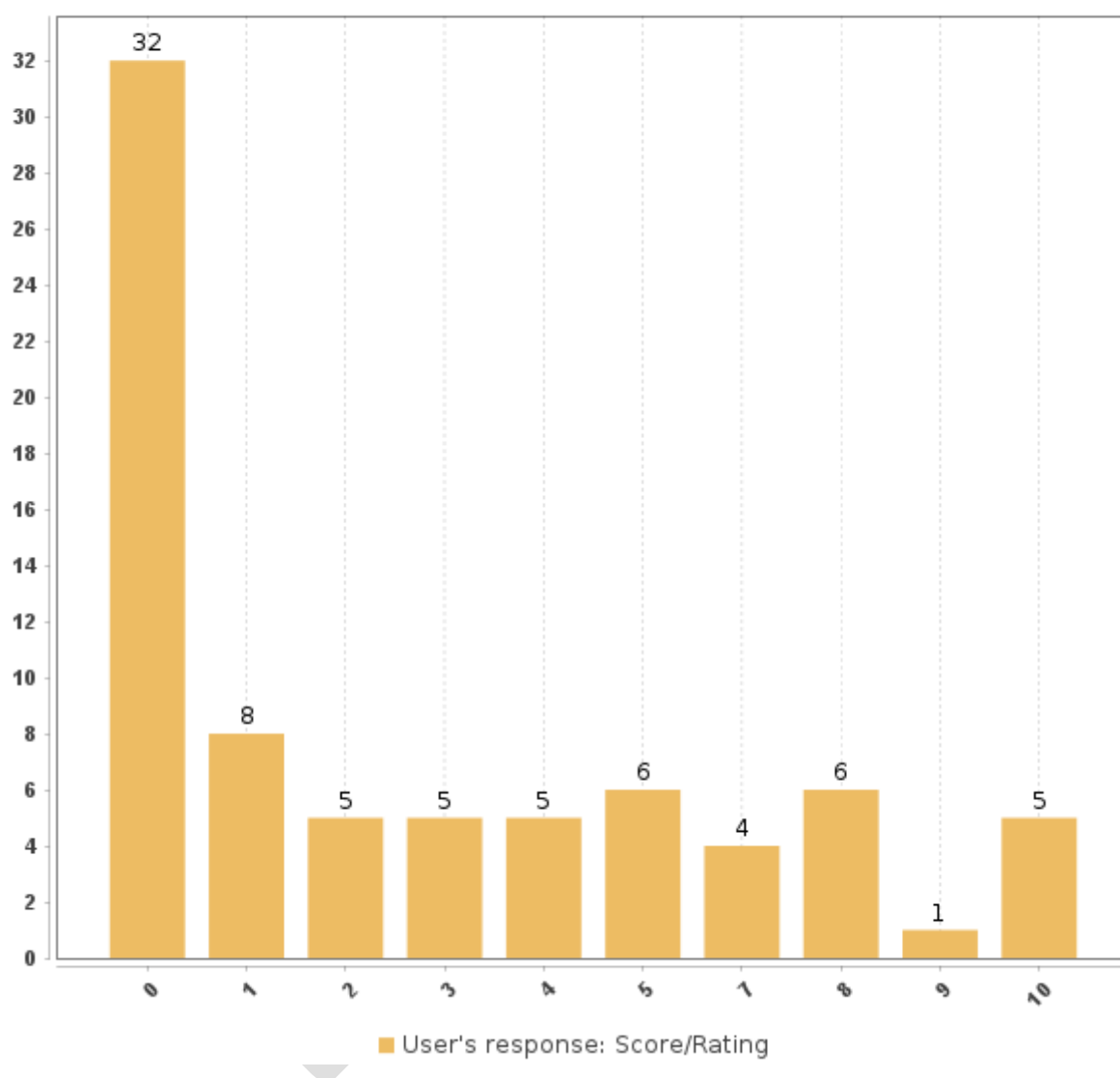
The analysis of scores from 1 to 10 is shown below in Figure 31 indicates that the highest proportion scored 5 with the overall majority of respondents (36%) providing a score of 5 or less. The remaining 28% provided a score of 6 or more suggesting they have some serious concerns regarding nuisance from HMOs.

**Figure 31 – Breakdown of scores from 1 to 10**



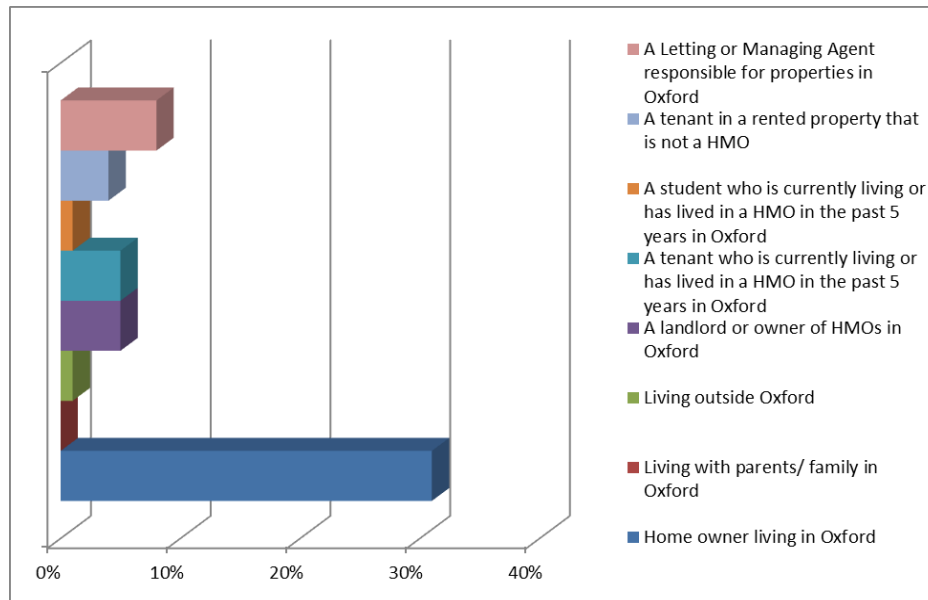
The final category in this question related to the issue of anti-social behaviour (ASB) and 77 (79%) participants responded to this issue (Figure 32 below). 42% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

**Figure 32 – Anti-social behaviour**



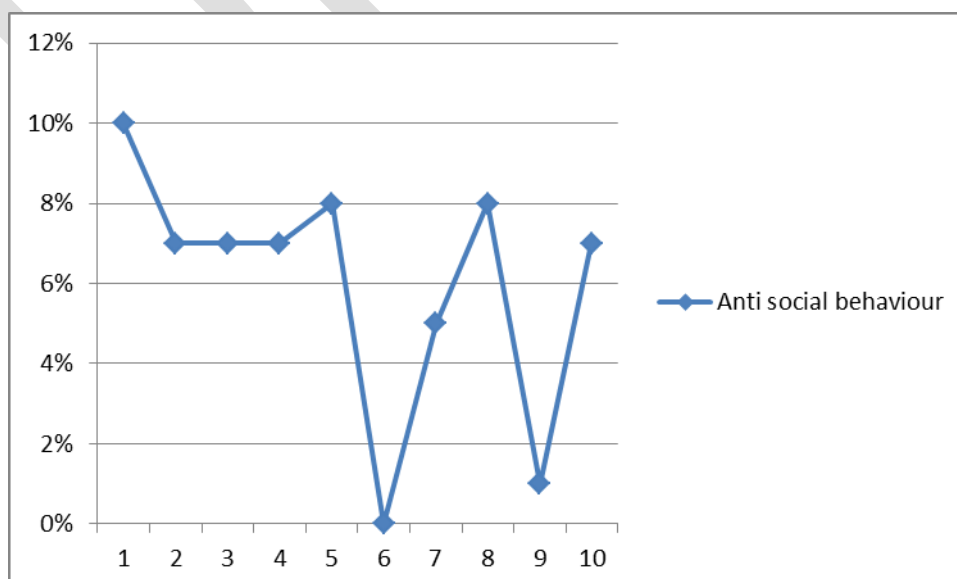
The breakdown of respondents in Figure 33 below shows that the majority were from home owners living in Oxford (30%) followed by letting or managing agents (8%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (5%), landlords (5%) and finally tenants of non HMOs (4%).

**Figure 33 – Responses by status – ASB**



The analysis of scores from 1 to 10 is shown below in Figure 34 taking account of the proportion of responses where respondents indicated that there were concerns, which in this case was 58%. As can be seen the highest proportion scored 1 with the overall majority of respondents (39%) providing a score of 5 or less. The remaining 19% provided a score of 6 or more suggesting they have some serious concerns about ASB in relation to HMOs.

**Figure 34 – Breakdown of scores from 1 to 10 – ASB**



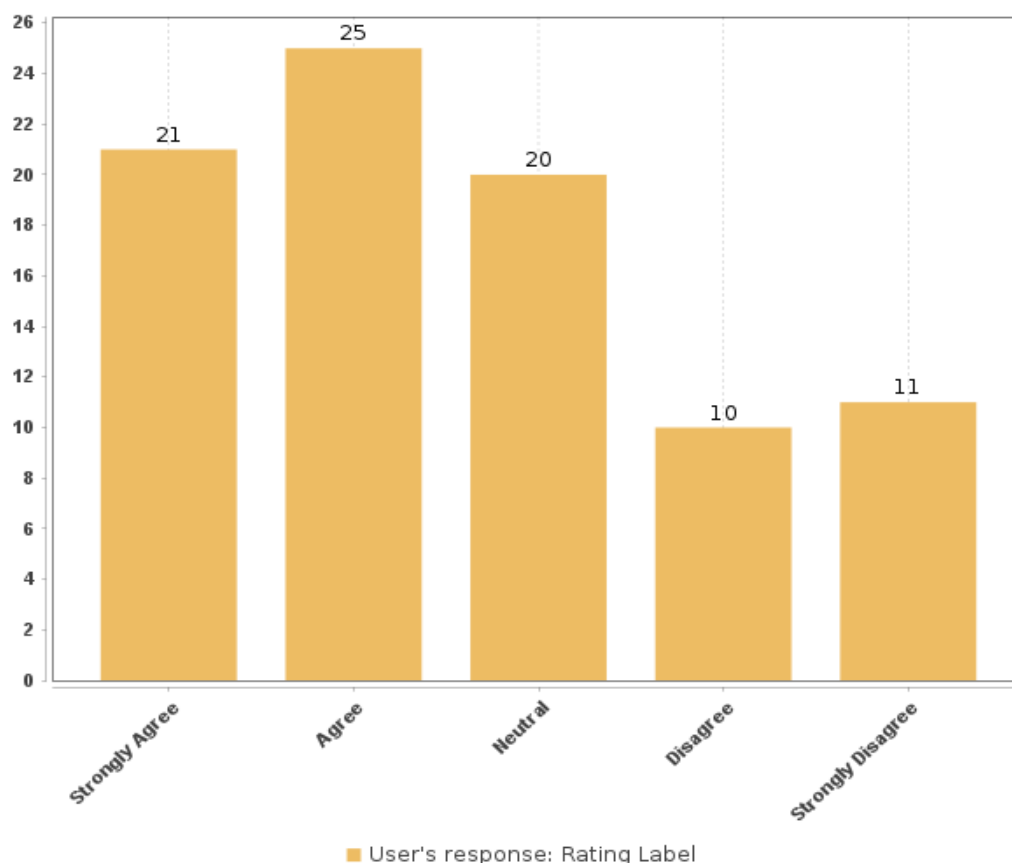
The next question, question 8, asked people to what extent do you agree or disagree with the following statements:

- There are poorly managed HMOs in the area of Oxford where I live
- HMOs are maintained to a good standard in the area of Oxford where I live
- Living conditions in HMOs have improved
- We don't experience any problems with HMOs in the area of Oxford where I live
- The licensing scheme has improved HMOs in the area of Oxford where I live
- The licensing has made no difference at all

Again this question was open to all stakeholders and the results provided below in Figures 35 to 42 shows the responses received to these statements on a scale from strongly agree to strongly disagree. Where possible, cross tabulation has also been carried out to show the status of respondents to take account of different views from the range of target groups.

The first category in this question asked people to indicate how strongly they agreed or disagreed with the statement that there are poorly managed in the area where they live. 87 (89%) of participants responded to this question and as can be seen from Figure 35 below 46 (53%) of respondents either strongly agreed or agreed with this statement. 23% of respondents provided a neutral response and 24% either disagreed or strongly disagreed.

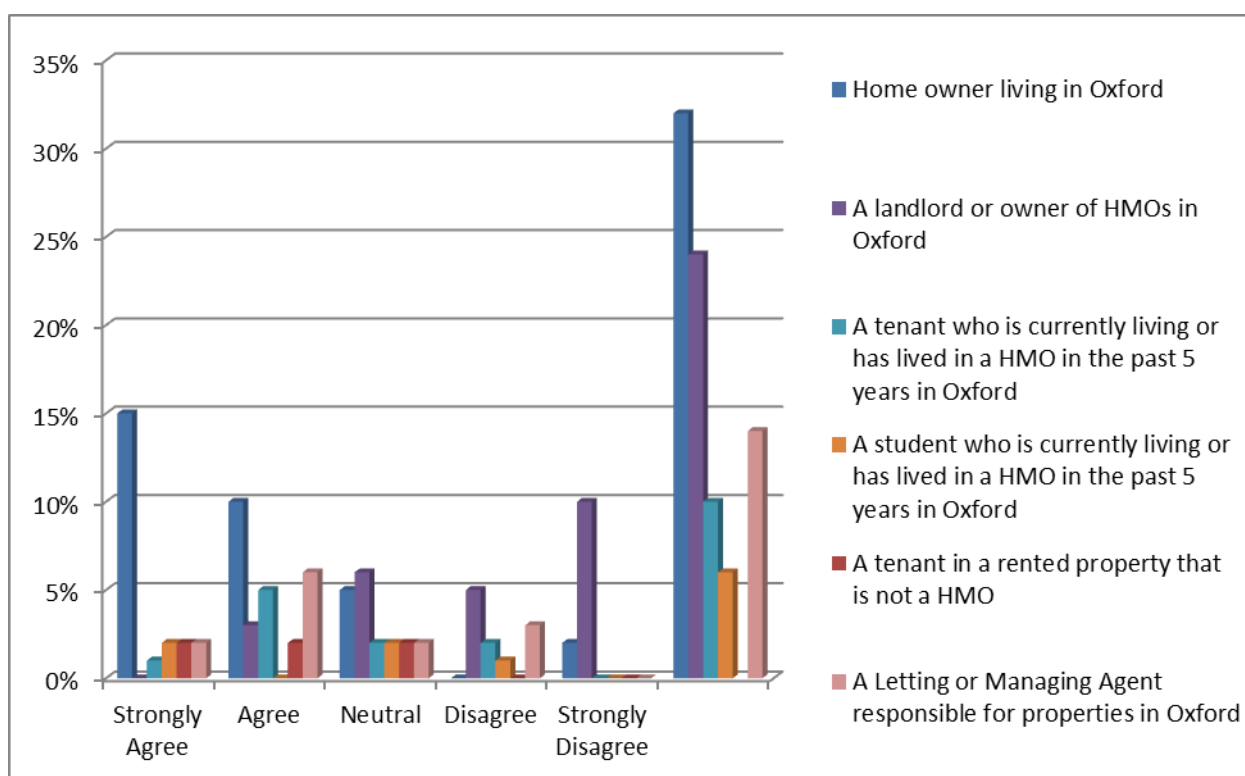
Figure 35 – Poorly managed HMOs in area



The majority of responses to this statement were made by Home owners living in Oxford (32%). Landlords also made a significant proportion of respondents (24%) followed by Letting/Managing Agents (14%) and to a lesser extent Tenants living in HMOs (9%) and finally students (6%). Figure 36 below.

Not surprisingly there is a difference of opinion about this statement with around 10% of landlords strongly disagreeing to almost 15% of home owners strongly agreeing. Letting agents and tenants also agree with this statement (7% and 4% respectively). Around 3% of landlords also agree that there are poorly managed HMO in Oxford.

**Figure 36 – Poorly Managed HMOs by Status**



The next statement sought views from people on how strongly they agreed or disagreed that HMOs are maintained to a good standard in the area where they live.

86% of participants responded to this with 35% indicating that they either strongly agreed or agreed with this statement. A large proportion of respondents (33%) responded with a neutral answer whilst 31% indicated that they either strongly disagreed or disagreed that HMOs are maintained to a good standard in their area. The full set of results can be seen in Figure 37 below.

Figure 37 – HMOs maintained to good standard in area

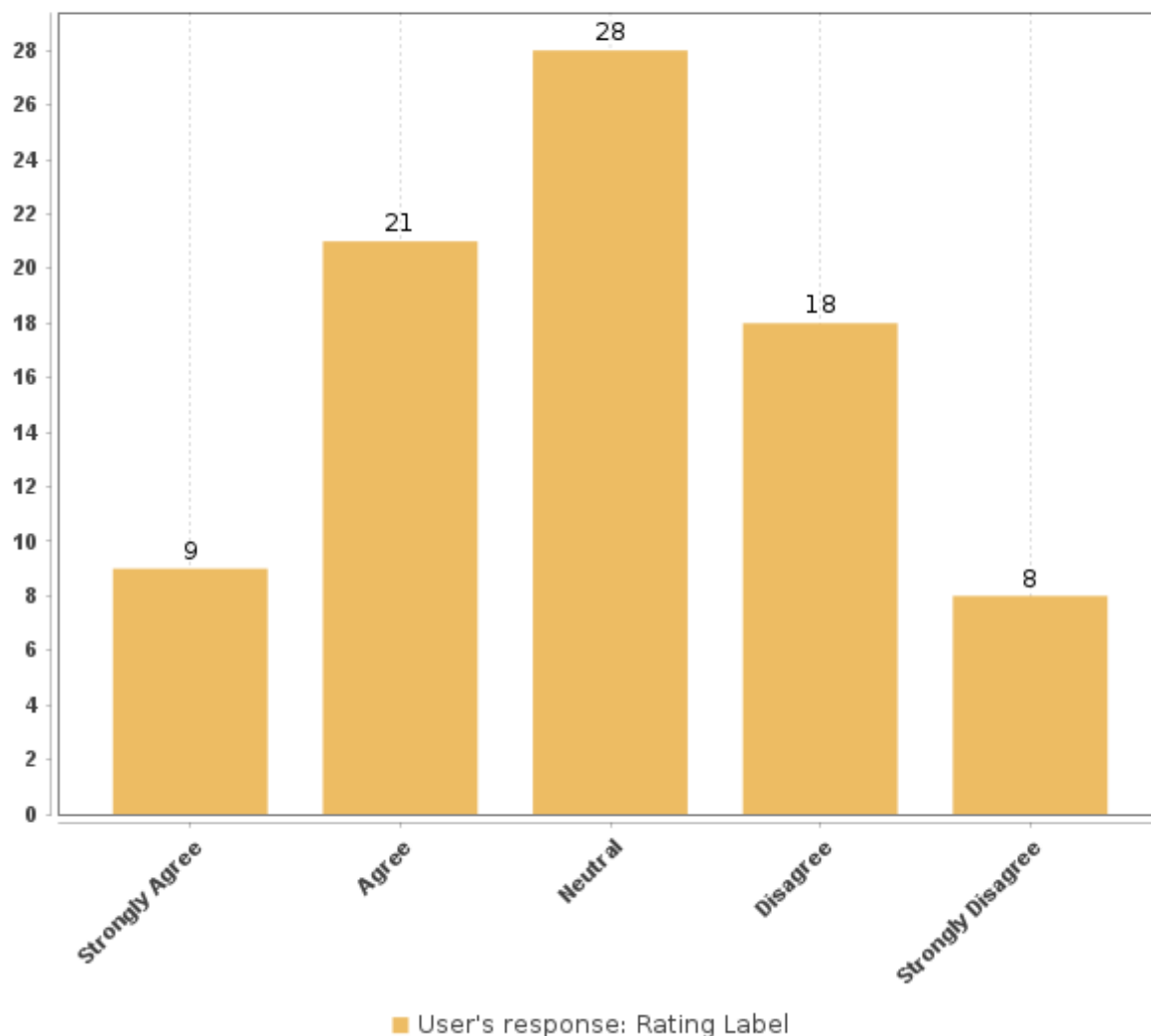
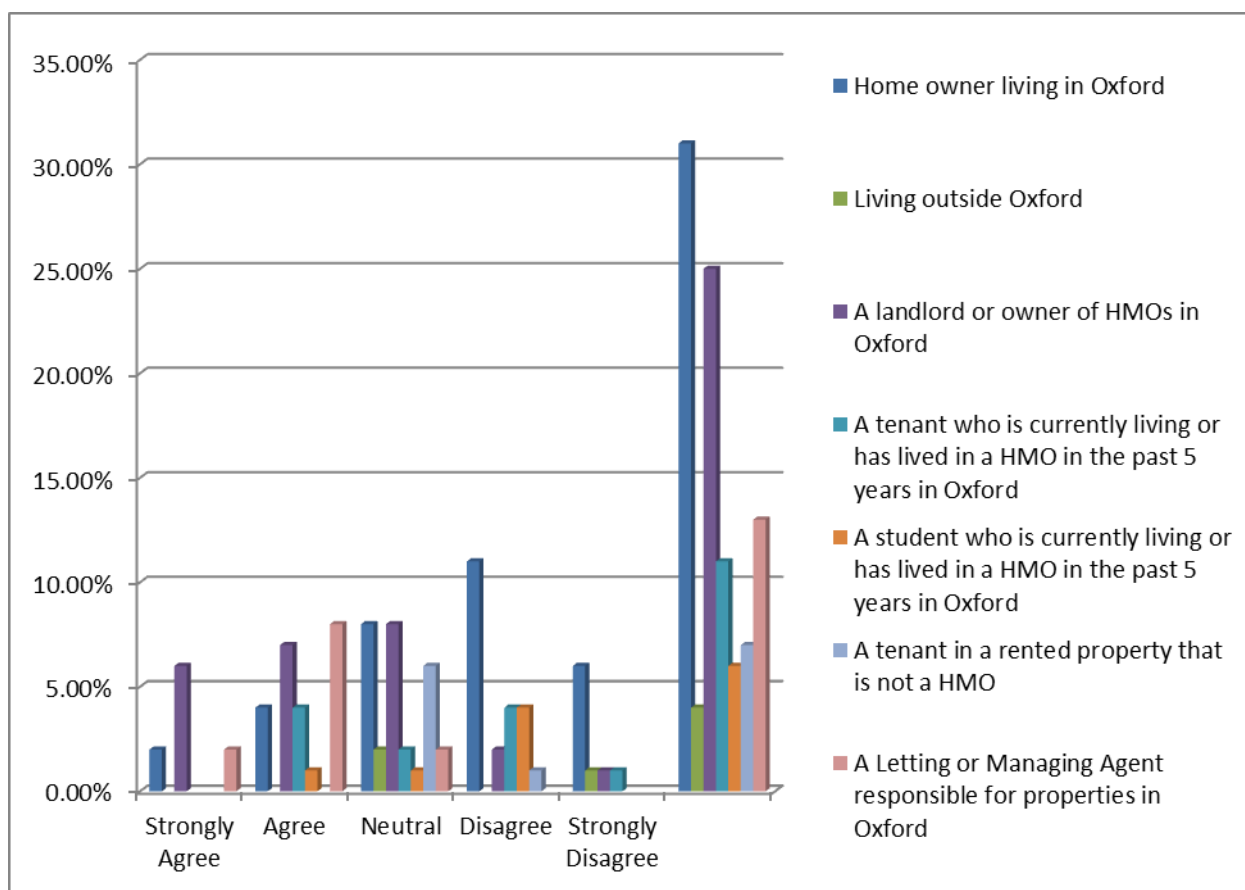
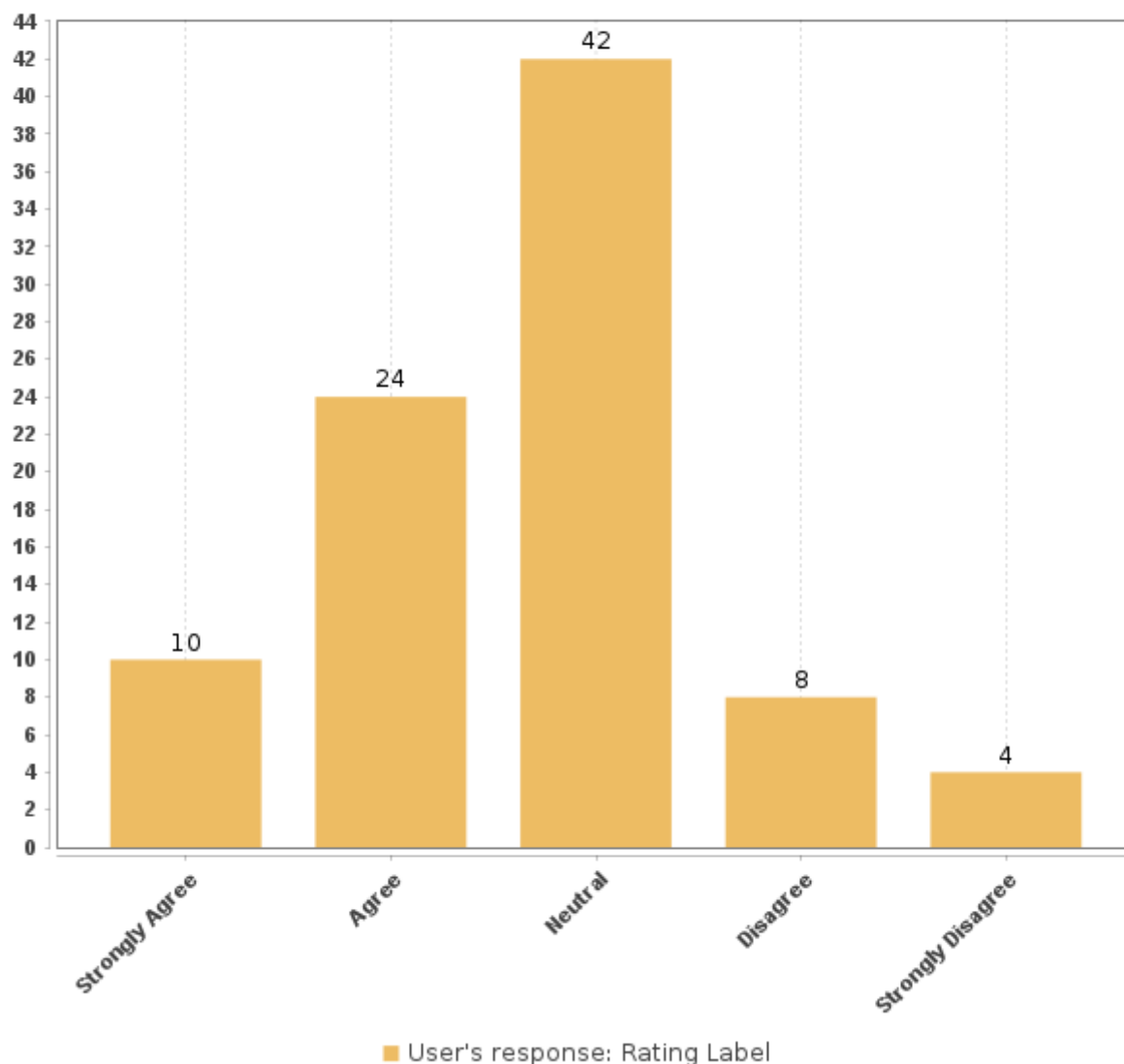


Figure 38 below provides the breakdown of responses to this statement by status. As can be seen there is a similar difference of opinion to that encountered with the previous statement, in that home owners strongly disagree or disagree with this statement whereas landlords either strongly agree or agree. In this instance, agents also agree with this statement, however there are also a large proportion of landlords and home owners who responded with neither agree or disagree.

**Figure 38 – Responses to HMOs maintained to good standard by status**



The next statement to be considered was that of whether there was agreement or disagreement that living conditions in HMOs had improved. The results in Figure 39 below show that 90% of participants responded to this question and 39% either strongly agreed or agreed. The majority of respondents (48%) provided a neutral response to this question and 14% either strongly disagreed or disagreed that living conditions had improved.

**Figure 39 – Living conditions have improved**

Participants were asked to indicate if they agreed or disagreed that there were no problems in their area with HMOs. Figure 40 suggests that out of the 86 (89%) of respondents 36% either strongly disagreed or disagreed with this statement. A further 35% returned a neutral answer with 29% agreeing or strongly agreeing that there were no problems with HMOs in their area.

Figure 40 – No problems in area

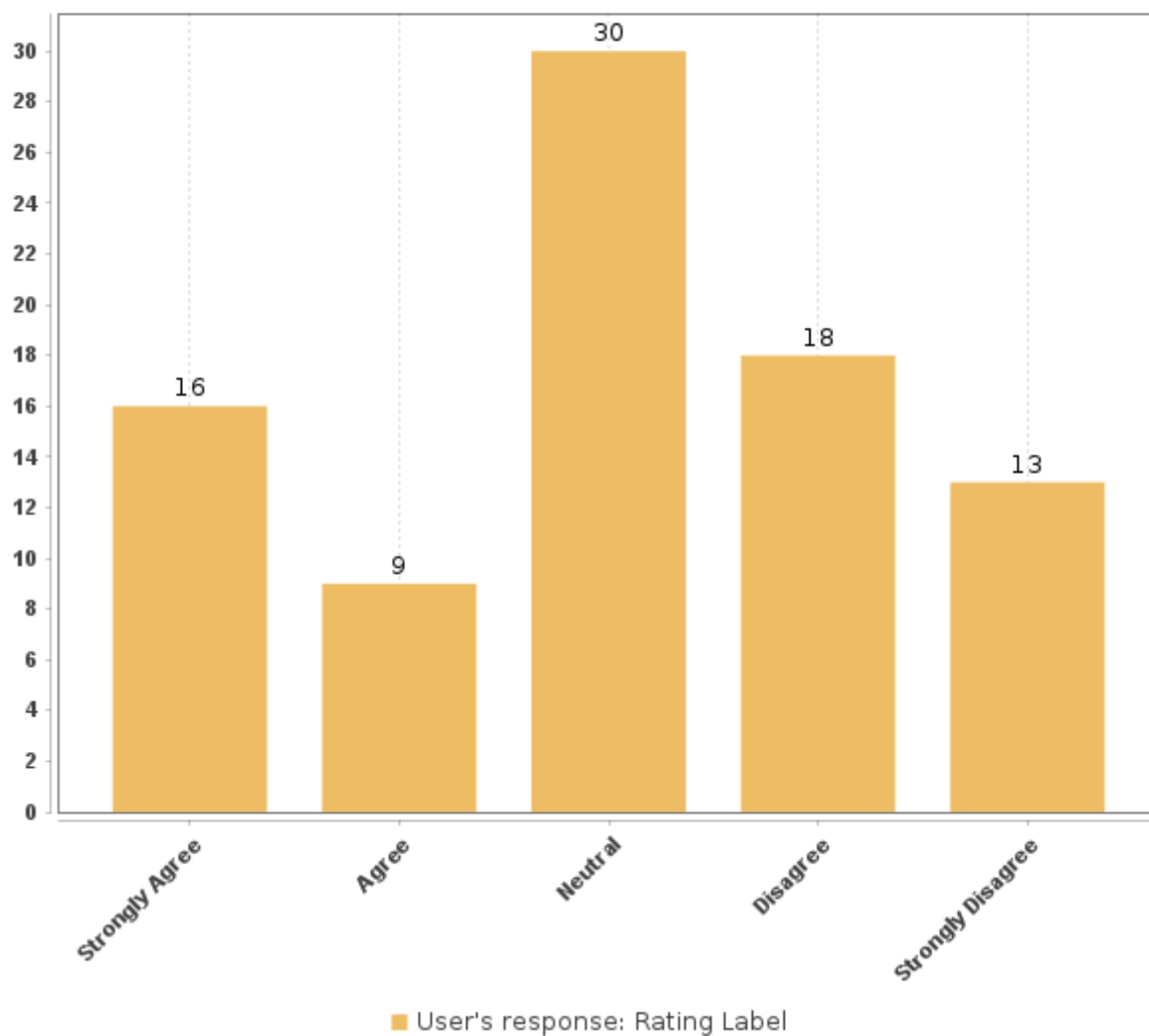
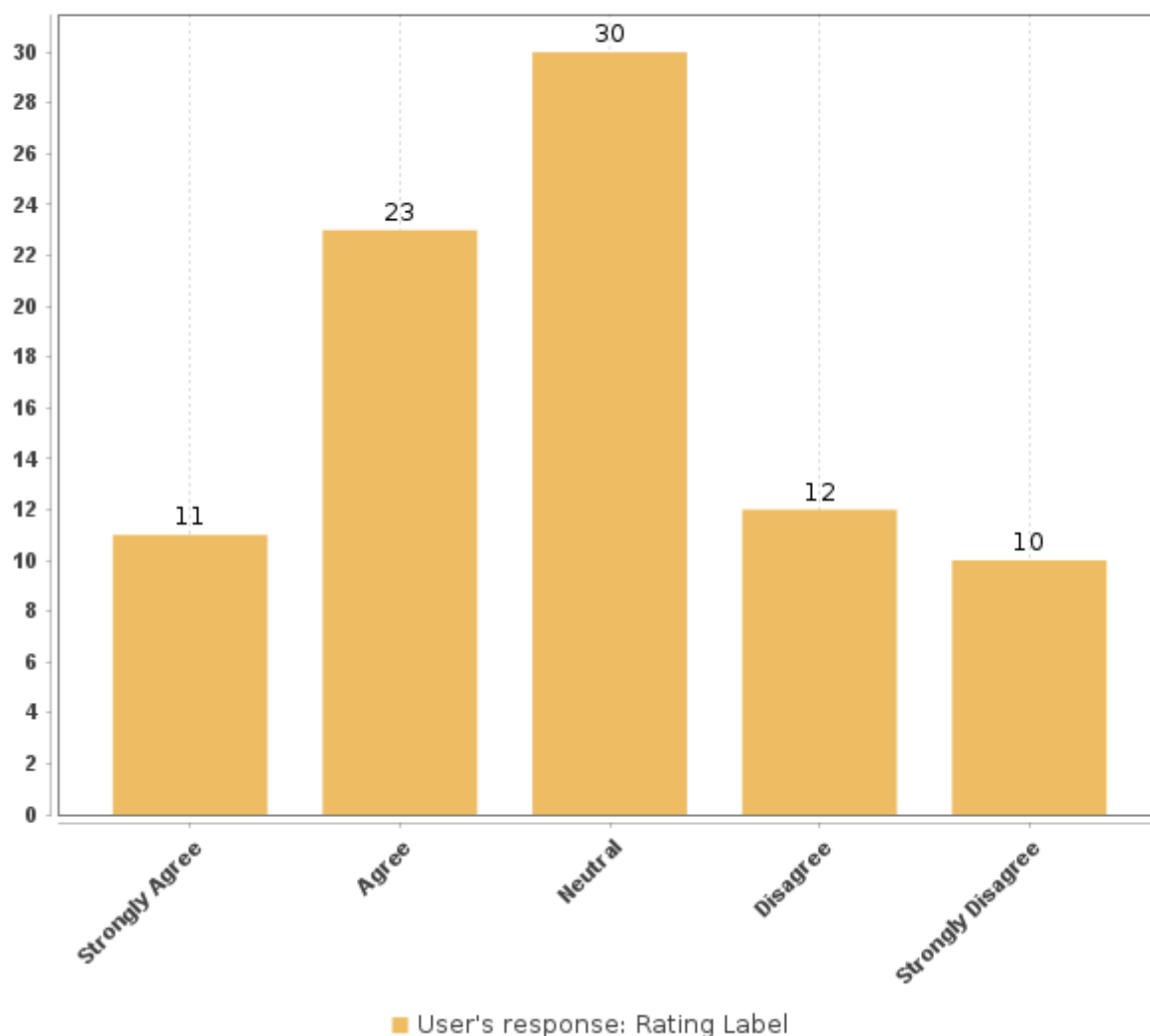


Figure 41 below provides the numbers of responses made on the next statement. As can be seen 86 (89%) of people responded to this statement. 40% agreed or strongly agreed that the scheme has improved HMOs in their area. Conversely 26% either disagreed or strongly disagreed with 35% returning a neutral answer.

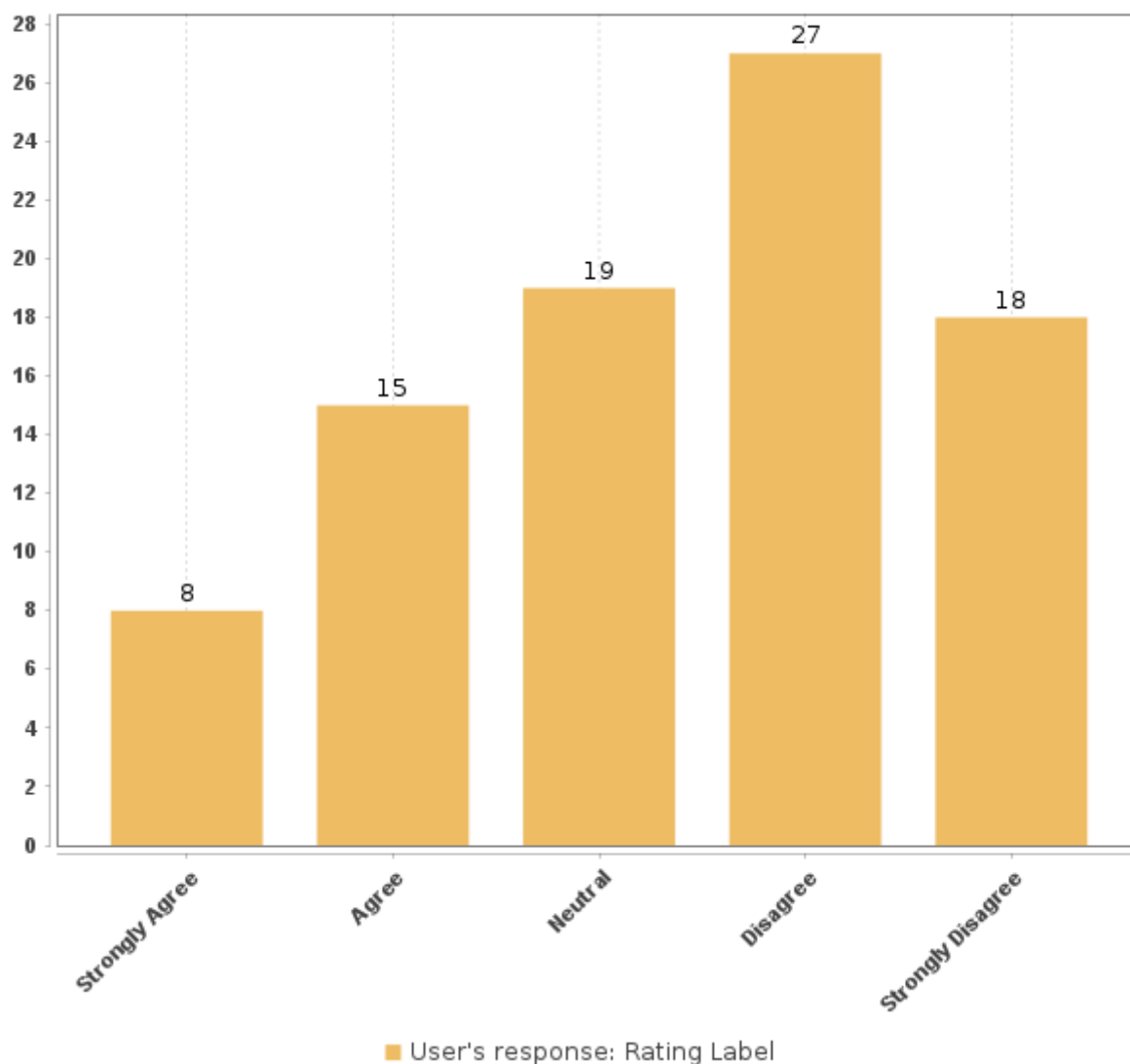
**Figure 41 – Licensing scheme has improved HMOs in area**



The final statement participants were asked to indicate if they agreed or disagreed with was has licensing made no difference at all.

Figure 42 below provides the findings and shows that out of the 87 (90%) of respondents 52% either strongly disagreed or disagreed with this statement. A further 22% returned a neutral answer with 26% agreeing or strongly agreeing that licensing had made no difference at all.

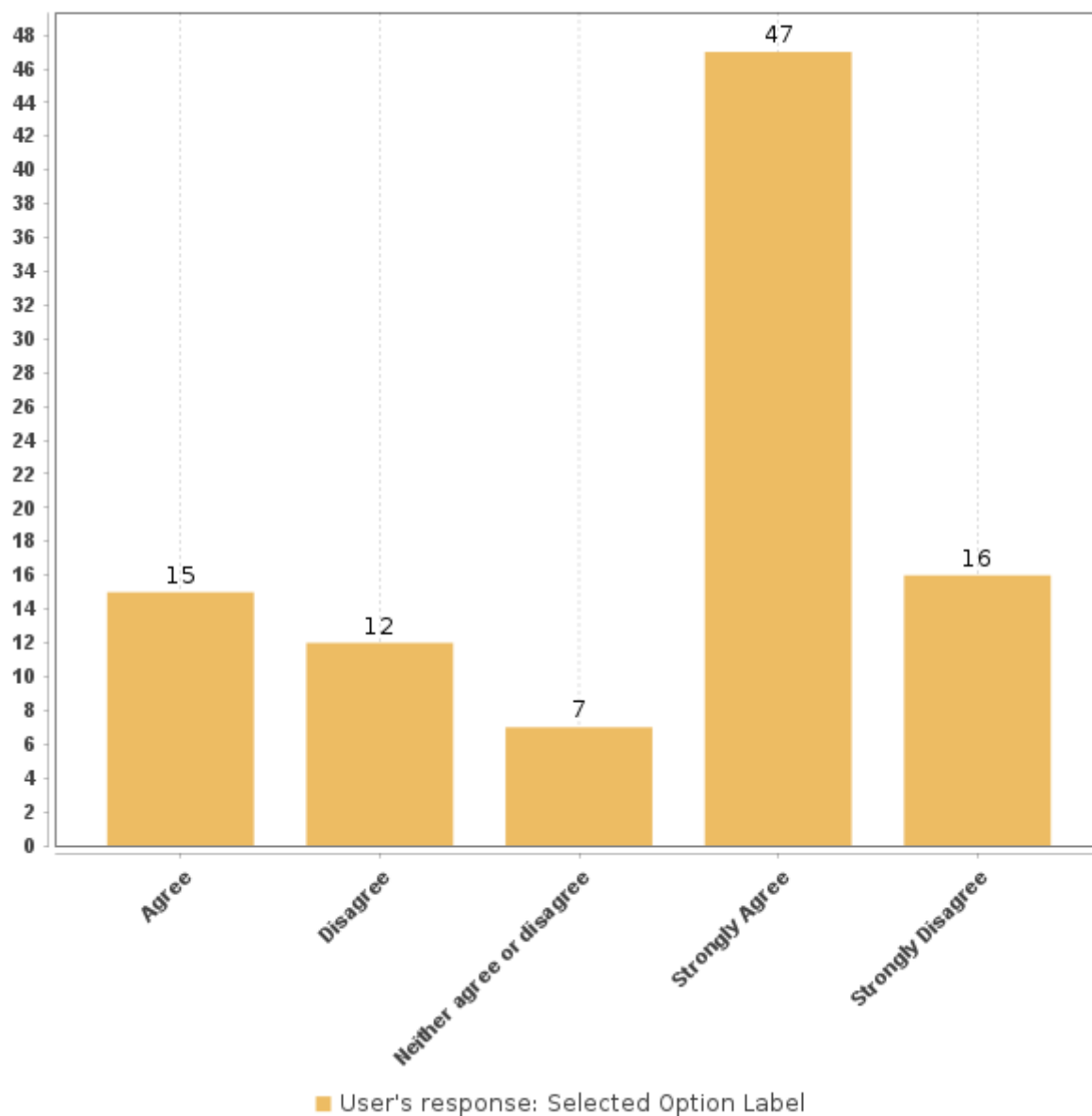
**Figure 42 – Licensing has made no difference**



The last two questions, questions 9 and 10 were linked to each other. Question 9 asked people to indicate how strongly they agreed or disagreed with the proposal to renew the licensing scheme for a further 5 years. 97 (100%) of participants responded to this question and the results are shown below in Figure 43.

49% of respondents strongly agreed and 17% strongly disagreed with this proposal. Out of the other two possible ratings 16% agreed and 12% disagreed with the proposal. 7% neither agreed nor disagreed. Overall this would suggest that there is overwhelming support to renew the scheme for a further 5 years with 65% either strongly agreeing or agreeing compared to 29% strongly disagreeing or disagreeing.

Figure 43 – Renew the licensing scheme for a further 5 years



The final question was a follow on one for respondents to consider if they had either strongly disagreed or disagreed with the proposal to renew the licensing scheme for a further 5 years in question 9.

It asked people to indicate which of the following applies.

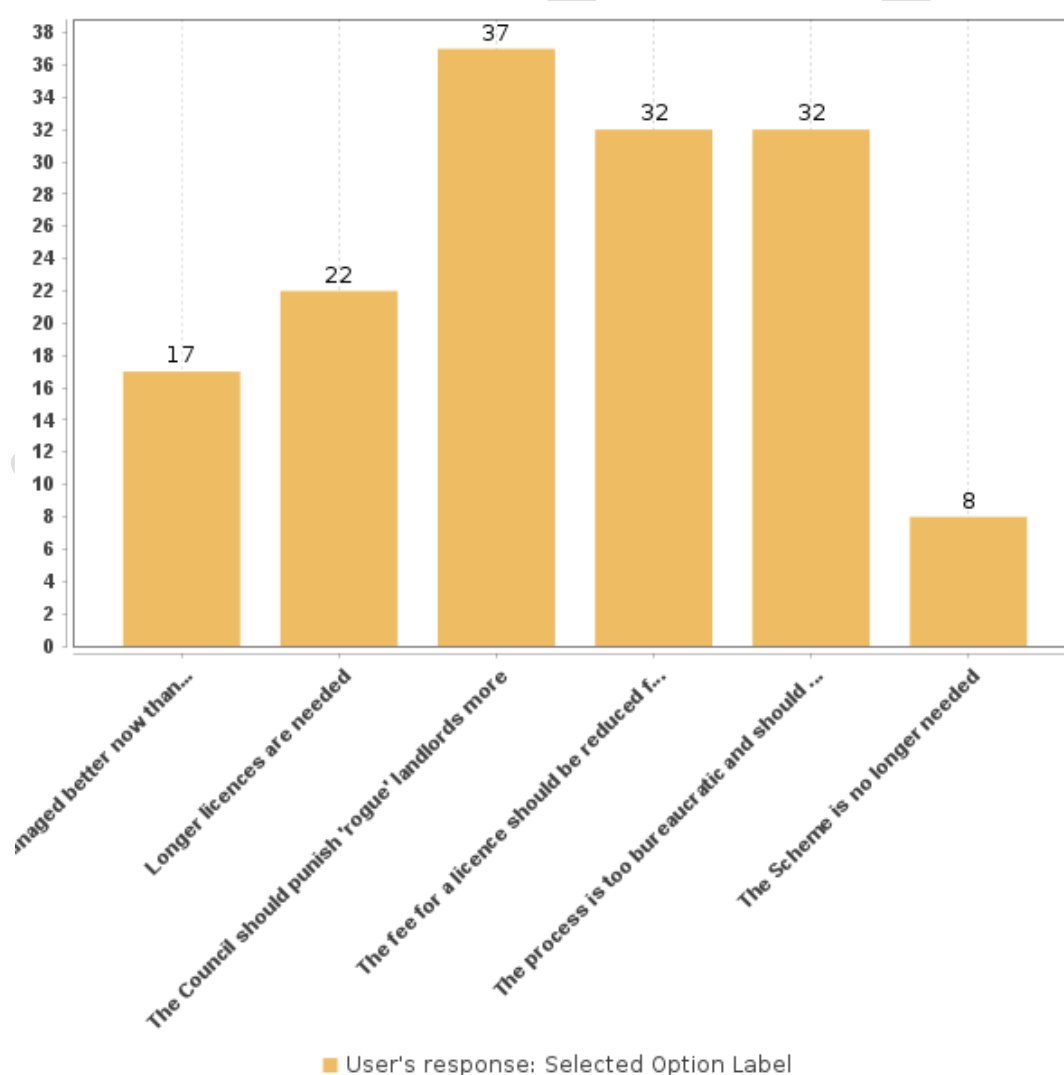
- The scheme is no longer needed
- HMOs in Oxford are managed better now than 5 years ago

- Longer licences are needed
- The fee for a licence should be reduced for compliant landlords
- The process is too bureaucratic and should be simplified
- The Council should punish 'rogue' landlords more

The results are shown in Figure 44 below.

The responses clearly indicate that the three key areas are that the Council should punish rogue landlords more, reduced licence fees for compliant landlords and simplify the system. They represent a larger proportion of responses than those who strongly disagreed or disagreed but provide a clear steer for areas of concern.

**Figure 44 – Applicable categories**

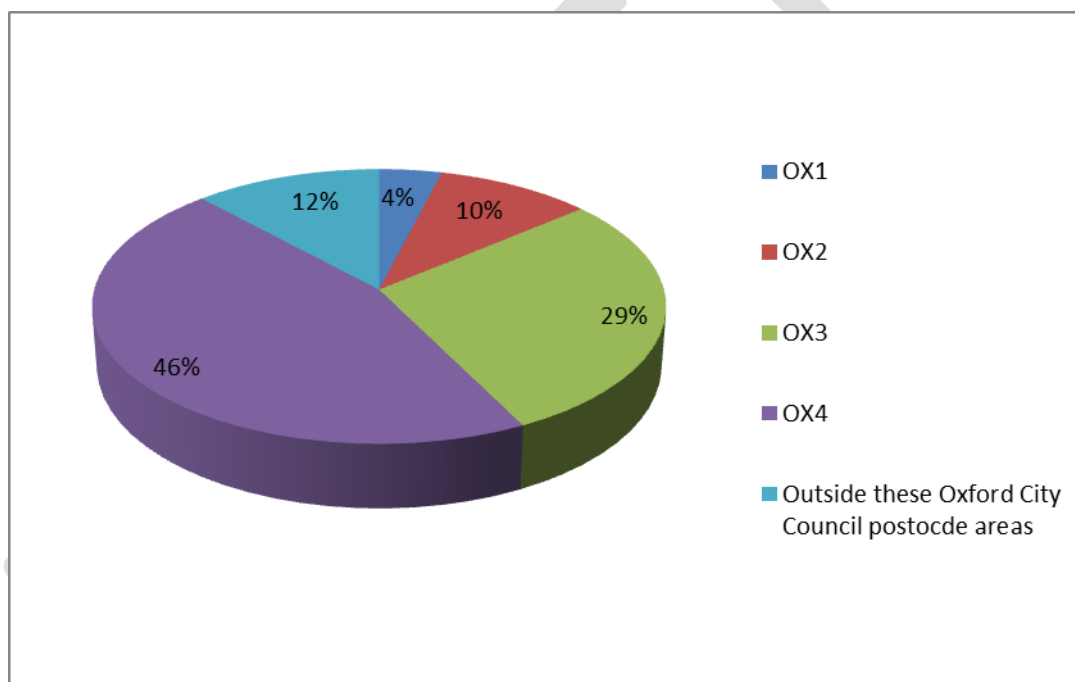


### **Road show Results**

In addition to the online questionnaire a series of road shows were held where members of the public were asked to answer the same questions. The responses provided below are based on 112 paper questionnaires that were completed on a face to face basis in the different parts of the City indicated in Table 2.

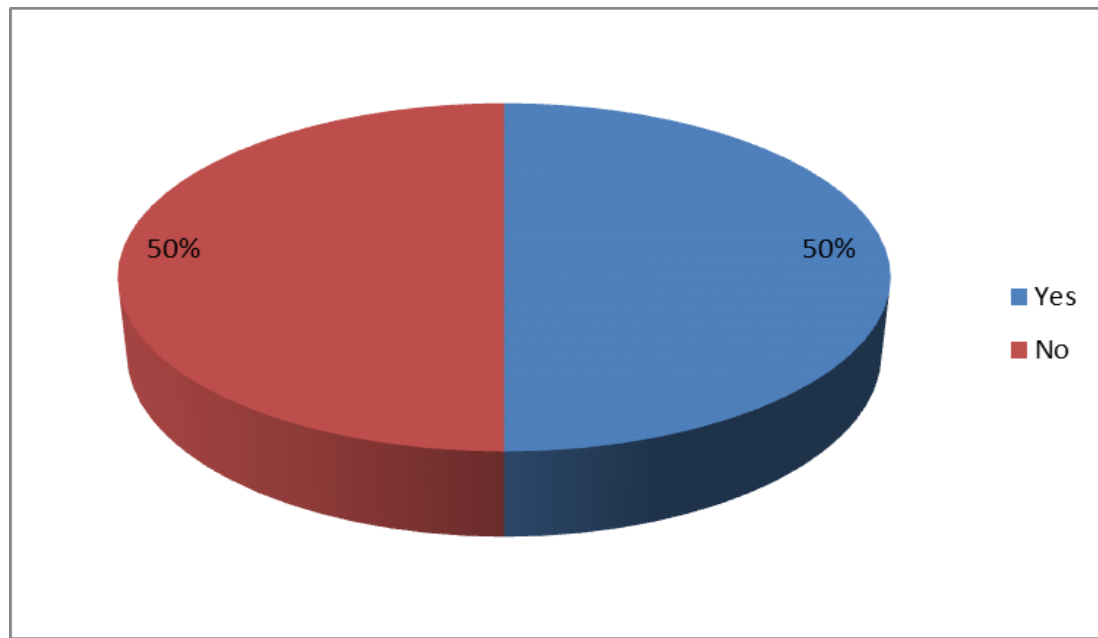
Figure 45 below provides the results of responses by postcode and shows that a large proportion came from the OX4 and OX3 areas.

**Figure 45 – Responses by Postcode**



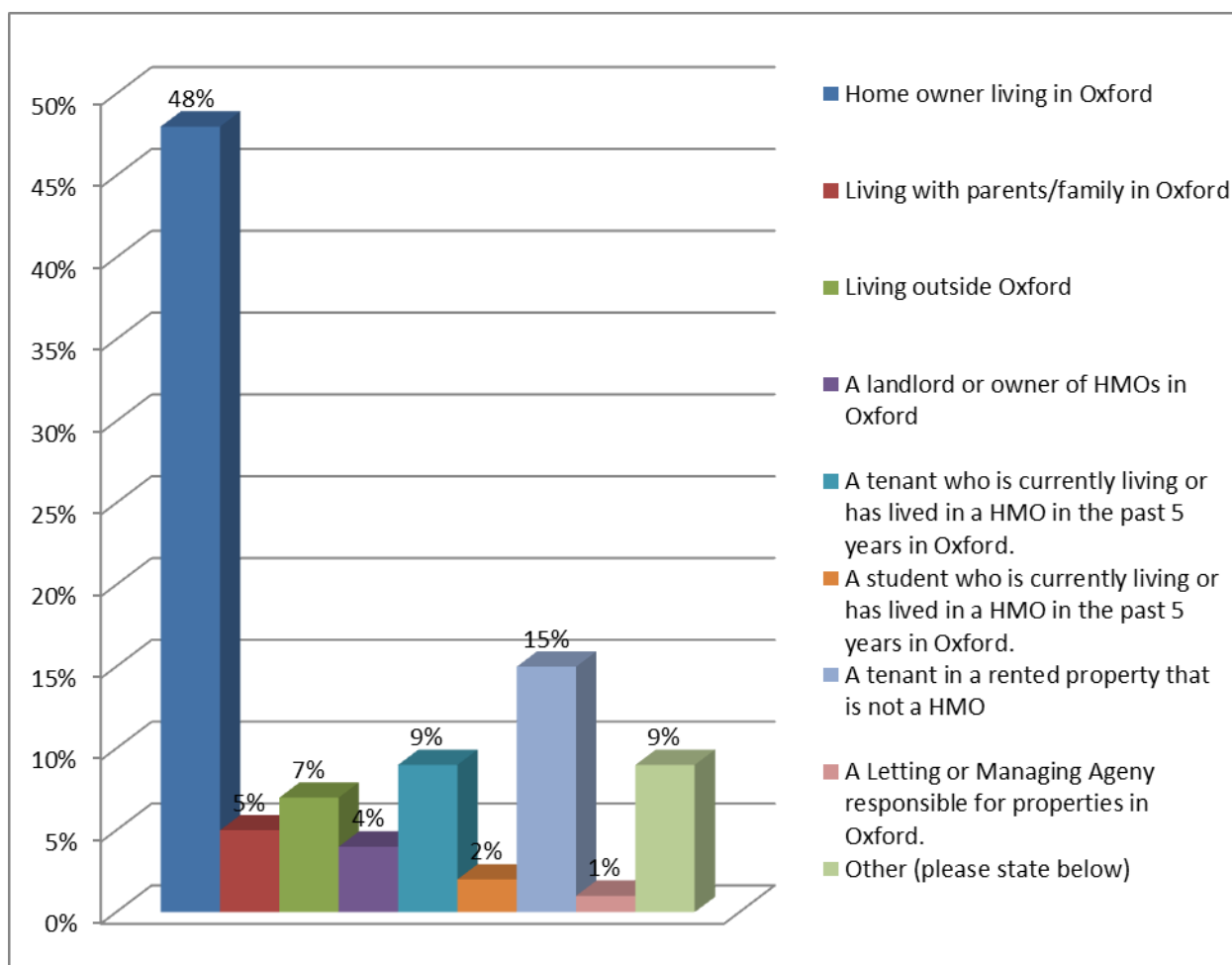
In terms of knowledge of the scheme it appears that less people were aware of the existence of the scheme than those who completed the online questionnaire with a 50% split being reported in Figure 46 below.

**Figure 46 – Knowledge of Scheme**



Analysis of the response received regarding status of the people responding is provided in Figure 47 below which shows that 48% were homeowners living in Oxford, 15% tenants living in non HMOs, 9% tenants living in HMOs and other, 7% living outside the City, 5% living with parents in Oxford, 4% landlords, 2% students and 1% letting/managing agents.

These results are not surprising given that most of the road shows were held in public places where there is likely to be a higher proportion of residents. The vast majority of people who indicated they fell within the status of other were found to be landlords who also owned/managed HMOs in Oxford.

**Figure 47 – Status**


The next set of questions related to people providing personal experience of a number of problems associated with HMOs.

Figure 48 provides the responses from those people who have lived or currently live in HMOs in Oxford. The result show that the biggest problems were those relating to difficulties getting repairs done, lack of contact with the landlord/agent, deposit issues and fear of reporting repairs for being evicted.

Figure 48 – Problems experienced by occupiers of HMOs

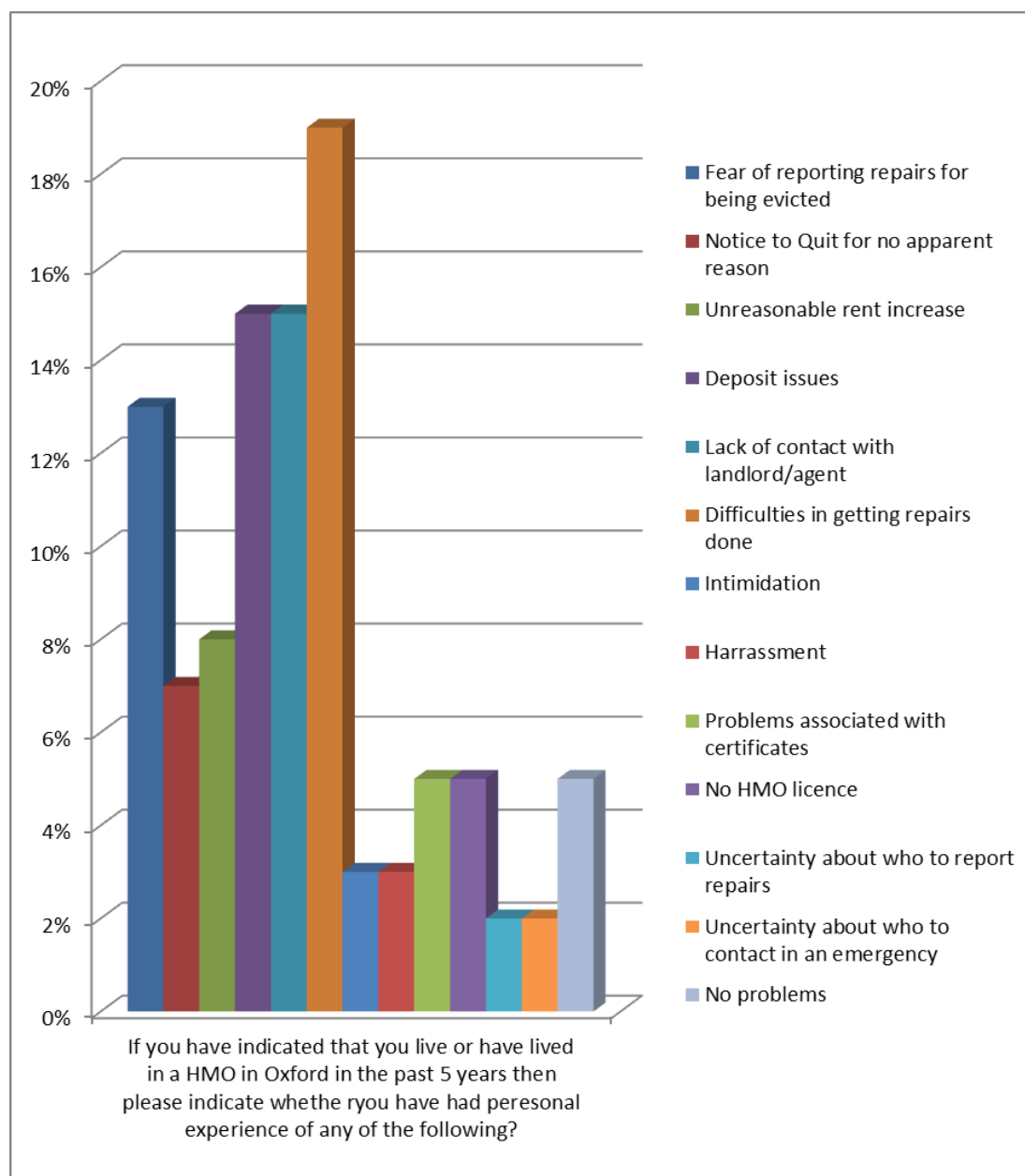
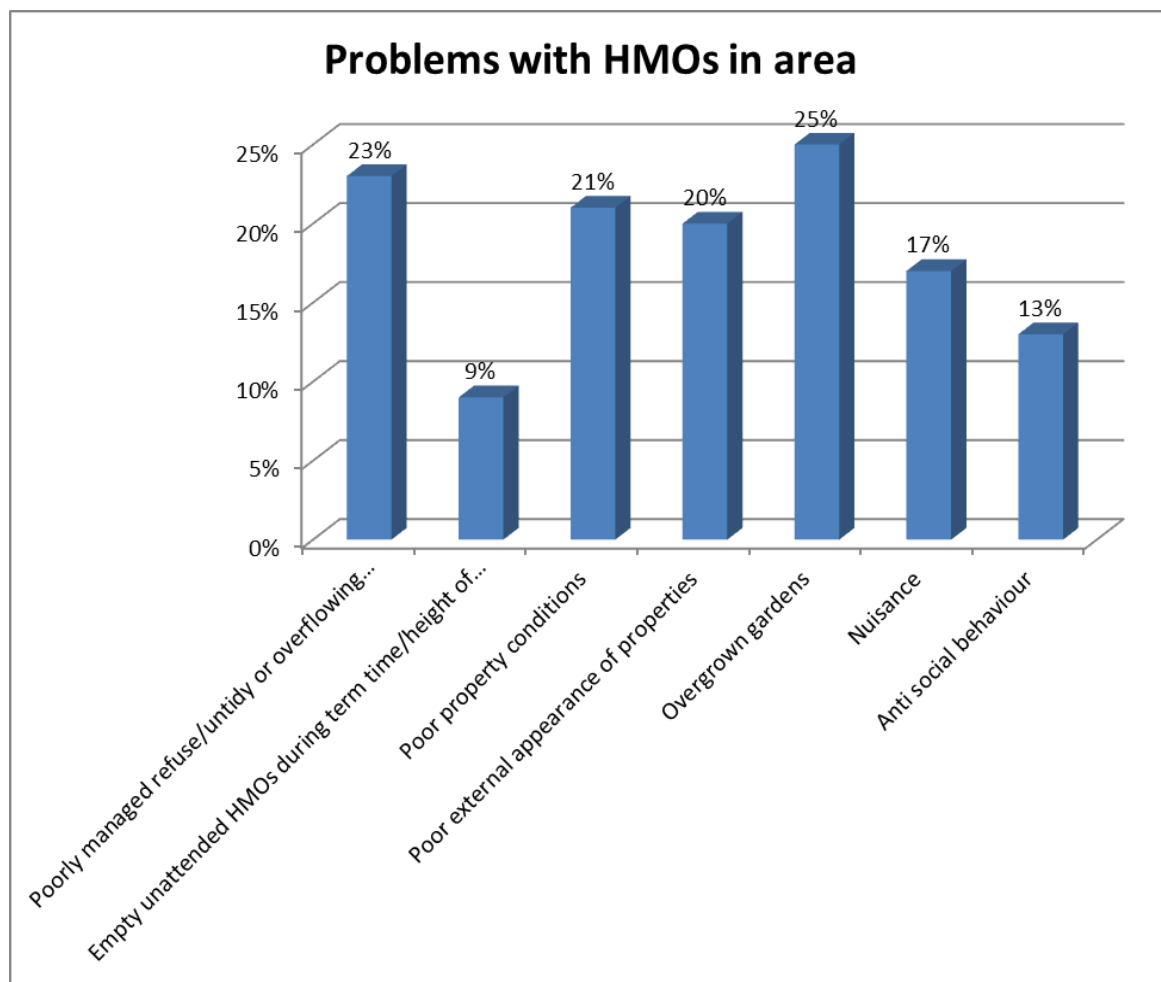


Figure 49 provides the overall responses given for the various statements regarding problems with HMOs in the area where people live. As can be seen the biggest areas for concern were those relating to overgrown gardens, poorly managed refuse, and poor internal and external property conditions.

**Figure 49 – Problems with HMOs in area**



As previously mentioned in the analysis of the results from the online questionnaires a series of statements were put to people to indicate if they strongly agreed or disagreed. These were considered by people responding to the questions as part of the road shows and the results are shown in the following figures.

Figure 50 below suggests that there are problems with poorly managed HMOs in Oxford with 41% of people either strongly agreeing or agreeing with this statement compared to 26% strongly disagreeing or disagreeing.

**Figure 50 – Problems with Poorly Managed HMOs**

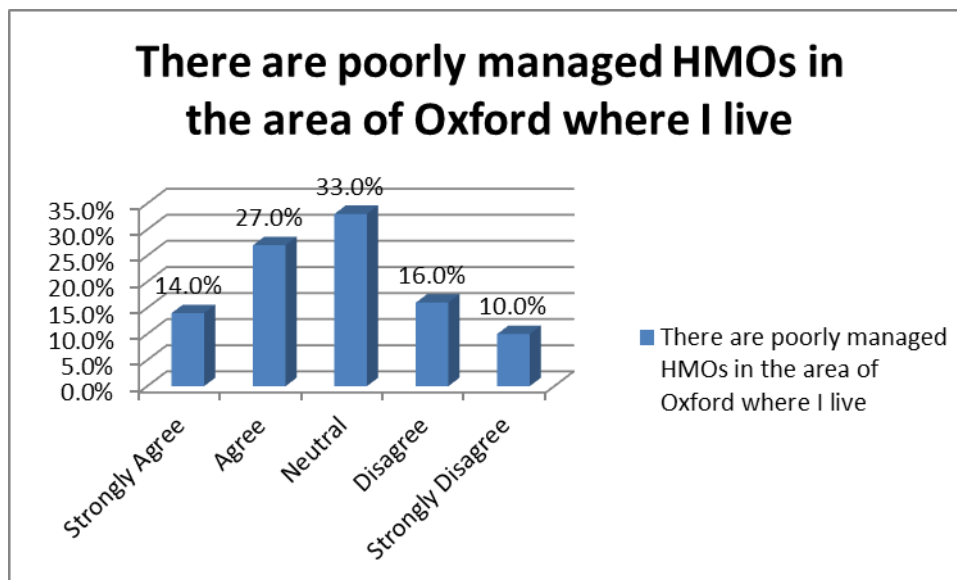
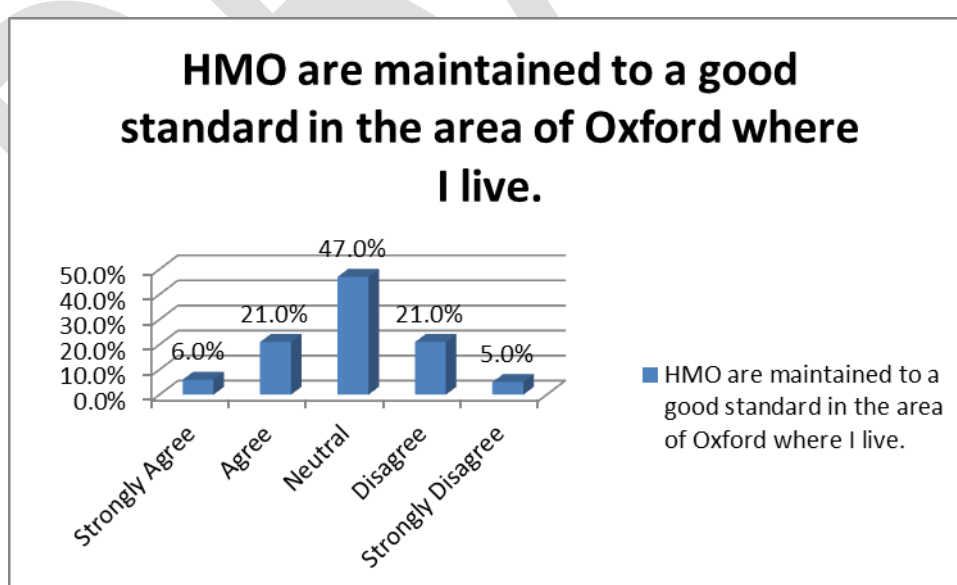


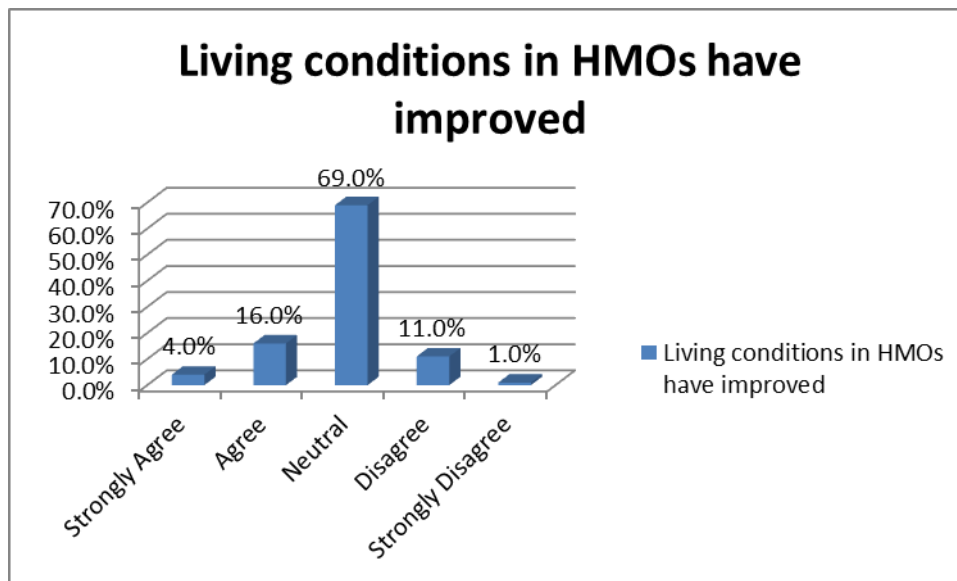
Figure 51 below provides the results to the statement of whether HMOs are maintained to a good standard in the area of Oxford where someone responding lives and clearly shows there are mixed opinions with 27% strongly agreeing and agreeing and 26% strongly disagreeing and disagreeing. 47% of people also provided a neither agree or disagree response.

**Figure 51 – HMO maintained to a good standard**



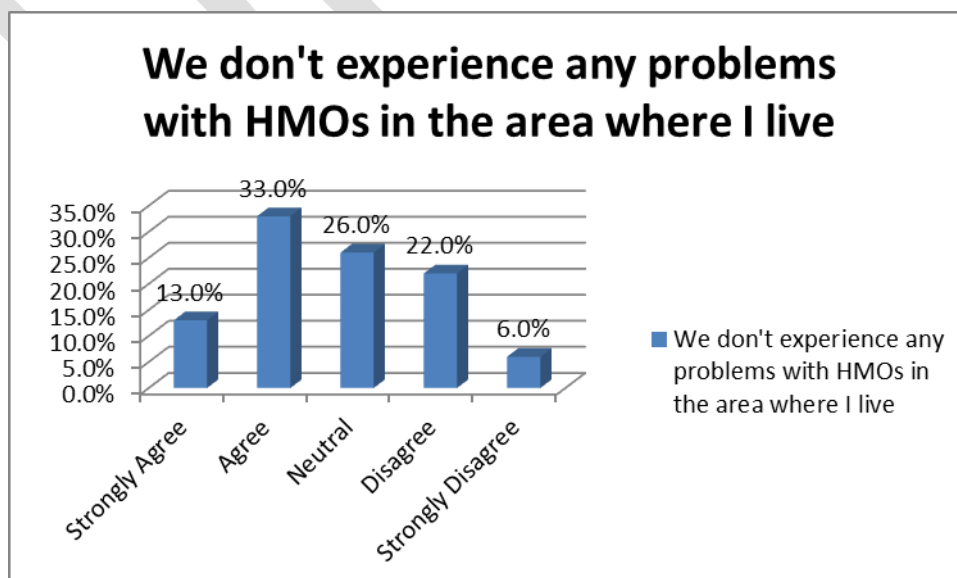
The next statement put to people was whether or not living conditions in HMOs had improved. The results are shown in Figure 52 below and indicate that 20% of people thought they had and 12% did not. A large proportion (69%) neither agreed nor disagreed with this statement.

**Figure 52 – Living Conditions in HMOs have improved**



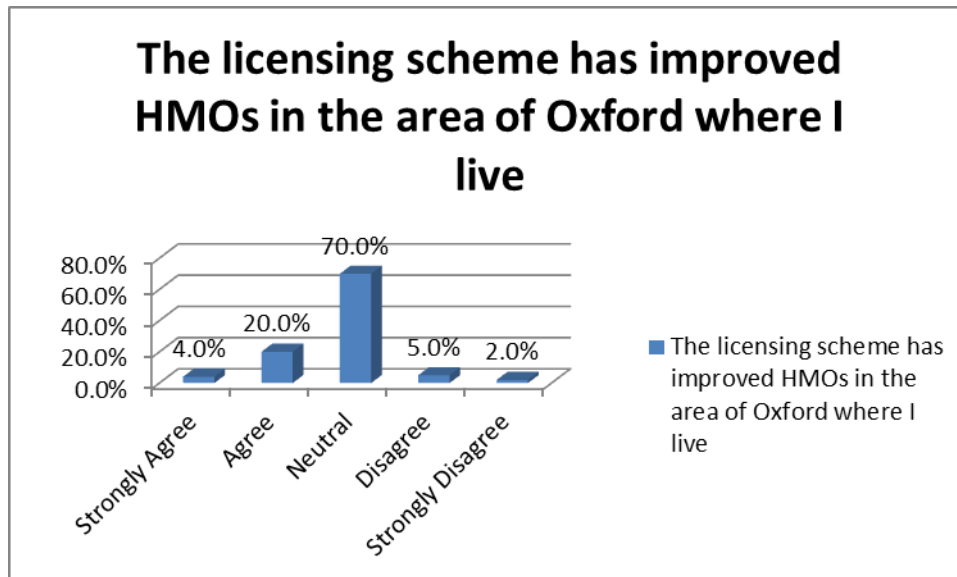
The statement 2 we don't experience any problems with HMOs in the area where I live was next to be considered and again the results were varied. 46% of respondents thought that were no problems with HMOs and 28% thought there were by wither strongly disagreeing or disagreeing to this statement. 26% of respondents neither agreed or disagreed. Figure 53 below provides.

**Figure 53 – No problems with HMOs**



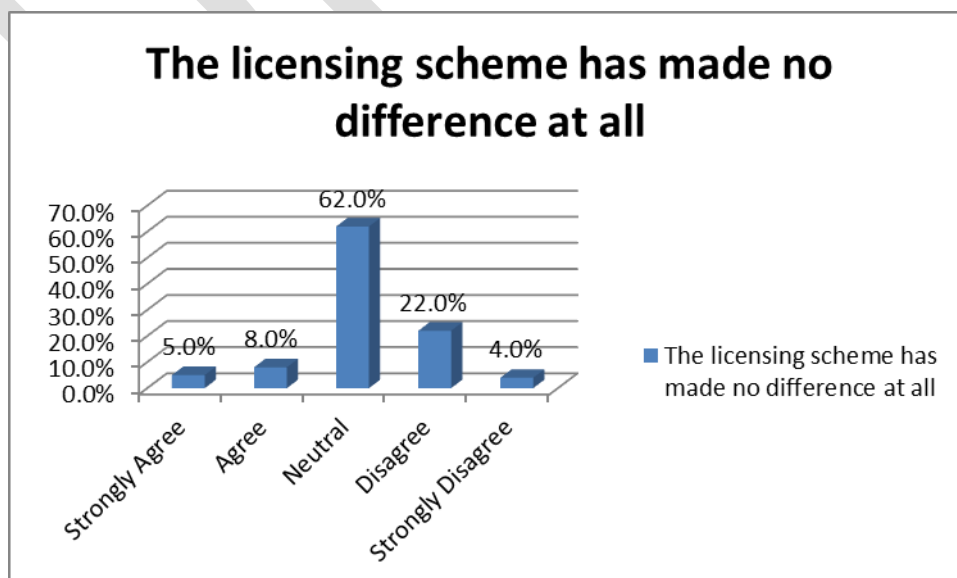
Continuing with the series of statements the net put to respondents was the licensing scheme has improved HMOs in the area of Oxford where I live. Figure 54 clearly shows that large proportion of people (70%) neither agreed or disagreed with this statement. The majority outside of the neutral response agreed that the shemes had improved HMOs (24%) whilst 7% thought that it hadn't.

**Figure 54 – The licensing scheme has improved HMOs**



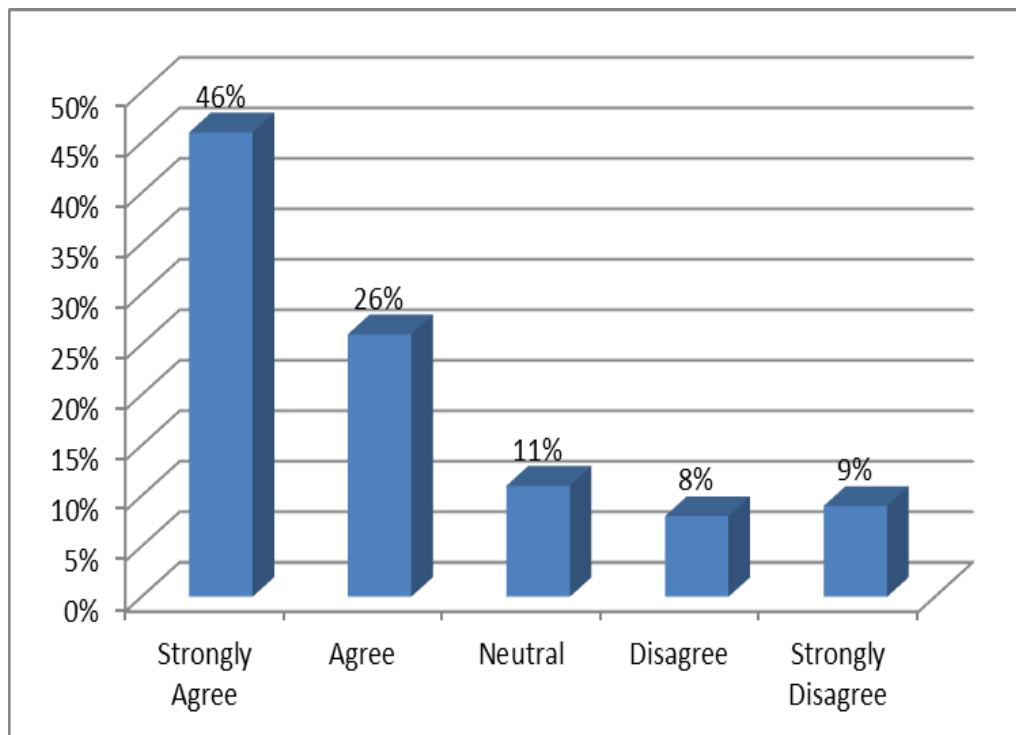
The final statement for people to consider, shown in Figure 55, was the licensing scheme has made no difference at all. 26% of people did not agree whilst 13% did. There was however, as with the previous statement, a large proportion (62%) of people who neither agreed or disagreed.

**Figure 55 – Licensing scheme has made no difference at all**



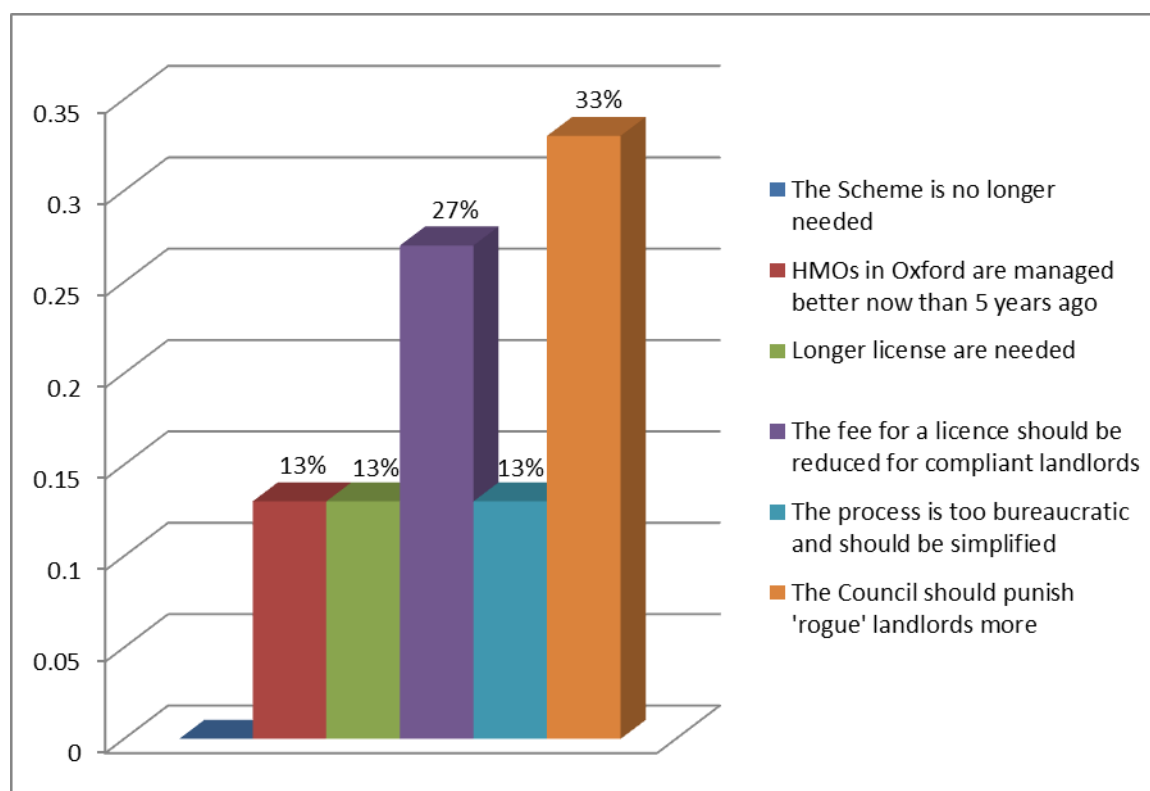
The next question asked people how strongly they agreed or disagreed with the proposal to renew the scheme for the next 5 years. Figure 56 clearly shows that the majority (46%) strongly agreed with this proposal. Furthermore 26% also agreed supporting this approach outright. Only 17% of respondents to this proposal indicated that they either strongly disagreed or disagreed.

**Figure 56 – Renew the Scheme for a further 5 years**



People who had indicated that they strongly disagreed or disagreed with the proposal to renew the scheme for a further 5 years were asked to indicate which statement would apply. The responses provided are set out in Figure 57 below. The top two biggest concerns were that people thought the Council should punish rogue landlords more and the fee for the licence should be reduced for compliant landlords

**Figure 57 – Statements**



### **Focus Groups**

As part of the targeted consultation a series of focus groups were held with stakeholders across the City to capture the views of these specific groups who are likely to be operating under the requirements of the scheme. These included 2 events with landlords and agents, a meeting with students and a separate meeting with agents who predominantly manage HMOs in the City.

### **Landlords and Agents**

The main thrust of the events held with Landlords and Agents was to conduct a SWOT analysis to capture theirs on the strengths, weaknesses, opportunities and threats in relation to HMOs and the Licensing Scheme.

Table 3 below provides the common theme in each of the four parts of the SWOT analysis and the full set of comments are provided as Appendix 1.

**Table 3 – SWOT Analysis**

STRENGTHS	WEAKNESSES
<p>Reputation of Scheme – something to proud of</p> <p>Raises standards and improves safety – fire</p> <p>Communication improved over time</p> <p>Flexibility – advice and practical tips and not just regulation</p> <p>Information provided has improved</p> <p>Landlord events – spreads knowledge</p> <p>Improves tenants confidence</p> <p>Creates awareness</p> <p>Partnership working – online form</p> <p>Massively better joint working – common goal</p> <p>Additional income to fund scheme</p> <p>Self-funding – no cost to tax payer</p> <p>Benefit to Oxford as a growth City</p>	<p>Expensive for ‘good’ landlords</p> <p>Licence period too short</p> <p>Lack of consistency</p> <p>Limited rewards for ‘good’ landlords</p> <p>Council not coping with numbers</p> <p>Too much paperwork – form filling</p> <p>Financial burden on tenants</p> <p>Lack of communication</p> <p>Lack of clarity</p> <p>Deters investment</p> <p>Affordability affected</p> <p>No one on the end of the phone</p> <p>Process drives PRS to ‘rogue’ landlords</p> <p>C3 to C4 impact restricts ability to let</p> <p>Planning/ housing legislation – action taken on one but not the other</p>
OPPORTUNITIES	THREATS
<p>More two way communication</p> <p>More information on location and status of HMOs</p> <p>Easier way to identify and report ‘bad’ landlords</p> <p>Morning clinic for advice and information</p> <p>Clearer breakdown of what is legislation, Oxford requirements and guidance</p> <p>Take a wider area based approach to increase consistency</p> <p>Make renewal and information clearer for non-computer literate people</p> <p>Offer ‘no claims’ discount for good landlords</p> <p>More information for tenants within properties</p> <p>Help to tackle ‘rogue’ landlords</p>	<p>Lack of housing</p> <p>Families being forced out</p> <p>Inadequate resources</p> <p>New legislation</p> <p>Fear of renting – restricting choice</p> <p>Poor IT</p> <p>OCC become overloaded</p> <p>Over regulation</p> <p>Agent – not checking requirements</p> <p>Threatening letters – changing mind</p> <p>Bureaucracy</p> <p>Lack of confidence</p> <p>Management of works</p> <p>High rents</p> <p>Homelessness increase</p> <p>‘Rogues’ ignoring scheme</p> <p>Communication breakdown</p> <p>Losing goodwill of ‘good’ landlords</p> <p>Identifying unlicensed HMOs</p>

A bespoke meeting was also held with members of the Oxford Community Forum to discuss how they are best placed to provide a response to the consultation. A written submission was received from the OCF and is attached at Appendix 7. The main points raised were:

- Accreditation should be easy, criteria should be certified
- Lack of awareness among landlords
- Too much bureaucracy system needs to be simplified
- More flexibility with standards
- Rogue landlords should be pursued and targeted
- Clarification on guidelines, law and best practice

In addition to the meeting with OCF a similar session was also held with agents from around the City including:

- College and County
- North Oxford Property Services
- Finders Keepers
- Lucy's
- Breckon and Breckon
- Premier Lettings
- Scott Fraser

The general consensus from attendees was that "raising standards is what we all want" and the scheme should continue but attempt to provide agents with more leverage when requiring landlords to improve their properties.

This clearly suggests that this group clearly understand what the Council is trying to achieve and are on side with it. It was also apparent that to do this the structure of the scheme needed to be different.

The following provides the main comments and suggestions for improvement.

- Raising the bar
- New software will help
- Sending photos as evidence of compliance with conditions
- System of moderation – 1 weeks' notice would be required prior to visit
- Agent is the representative, they have a duty of care, they are educating clients and can 'strike off' the landlord if they are not cooperating
- Agents to do DBS checks on proposed Licence Holders (if agent not to be the LH)

- Agents to be DBS checked and 50% of their staff trained
- A document can be drafted to explain the responsibilities of each party
- Licence up to 5 years on a pro rata basis
- Good properties – no conditions – roll into 5 year licence
- Costs, if 46% of the stock remain unlicensed can there be a sliding scale of initial licensing fee being higher to claw back evaded fees from the start of the scheme
- All good landlords have been paying since the beginning of the scheme
- OCLAS – agents must be NFPP accredited and 50% of staff trained
- Gold, silver, bronze scale for OCLAS
- Proposal of 1 year and 5 year licences and accredited. Licence up to 5 years with caveat for scheme continuing
- Audit checks – unannounced, to view property files
- Points of contact on both sides i.e.: account managers for letting agents to have as a point of contact in the Council and account managers for the Council to have as a point of contact in the letting agency
- A more robust OCLAS – consensus on paying for training

### **Students**

A similar session was held with students to seek their views on the issues relating to HMO and licensing this type of accommodation in the City.

This focus group was a relatively smaller group comprising of 7 students who had lived in a HMO in Oxford in the past five years.

The group were provided with an overview of what constitutes an HMO and how the licensing scheme came into effect and views were then sought on the range of outcomes in the questionnaire. The final area discussed was that of the future of licensing and if the Scheme was renewed ‘what could be done to improve their experience of living in an HMO?’

The results of this focus group are provided in Table 4 below.

**Table 4 – Results of Student Focus Group**

Areas of Interest	Responses
Understanding of what constitutes a HMO?	Sharing, separate groups, individuals coming together to share bills etc.. living together as a family would
Have you lived in an HMO in Oxford in the past five years?	Yes (7)
Was it licensed?	Yes (5) Not sure (2)
Did you know about the licensing scheme?	Not sure (7) Assumed that certain standards would have to be met.  Didn't check when looking for a property.  Learnt from fellow students about which properties and agents to avoid.  Found out from people moving out.
What was your experience of living in an HMO in Oxford?	Good – the landlord has British Gas cover so any problems are sorted quickly. The previous HMO took a long time to get anything fixed.  Friends have had problems, agent is very responsive but the landlord is not so good.  Not always clear about size of rooms and can mislead to get property let.
What the relationship with landlords like?	Difficult to get repairs done, blame students for damage.  Sometimes challenging  Good landlord  Landlord is 'ok'  (2) Landlords do not give notice before turning up and store stuff in shed and difficult to get repairs done

	(2) Didn't know who their landlord was
How well is the property managed?	<p>Cleaner comes in every week and written into tenancy agreement that a management inspection is completed every 6 months</p> <p>Inspection every few months with 1 week notice but we have to clean communal areas ourselves</p> <p>No management inspections. When report issues agent doesn't care</p> <p>Contract late – had to sit in office to get one</p> <p>Change of occupants – not notified by agent or landlord and someone just turned up and started eating food out of fridge</p> <p>Communication not good</p>
Were your expectations met?	<p>Had low expectations to begin with – lot of horror stories from friends</p> <p>Dealt with differently to working professionals – 'just students' mentality</p> <p>Felt pressured into taking properties on – bidding war created by agent</p> <p>Scaremongering and then change goal posts through gazumping</p> <p>Agents have different standard of offices for different clients</p> <p>'Brick walled' by some agents who 'don't take students'</p>
Have you noticed any impact as a result of the Licensing Scheme?	<p>Can't get something better as a student – noticed much more difference now I'm working professional</p> <p>Found out for self and noticed slight change in that we were asked by landlord to test fire alarm and record</p>
Have standards improved?	Didn't know what was required

	<p>Accept standards because lower rent = lower standards</p> <p>Took on properties in better condition following advice</p> <p>Reputable agent now deals with expectations University provides list of reputable agents</p>
What could be changed / introduced to improve your experience?	<p>Need to know if it is an HMO</p> <p>Checklist of requirements</p> <p>List of Council approved agents</p> <p>Fact sheets on minimum standards</p> <p>Feed into university 'living out guide'</p> <p>Attend fresher's fare</p> <p>30 second video signposting</p> <p>Notification of licence requirements to occupiers</p>

### **General Comments**

As part of the consultation we also received a number of general comments made via email or directly to officers of the Council.

These are provided below.

"The Council should think about a zero tolerance approach and prosecute everyone found operating an unlicensed HMO" – Local solicitors

National Landlords Association (NLA) – The NLA submitted a document with 14 points in response to the proposal for additional licensing, which included a number of statements and comments.

The main issues raised by the NLA were as follows:

- 1) A statement about the Council not reviewing the Article 4 direction in relation to shared housing at the same time as the licensing scheme – “shows a failure in joined up policy”.
- 2) A question asking “why does the Council not pause the consultation until after the Government’s consultation on HMOs, before undertaking such a costly exercise?”
- 3) Statement about costs associated with Additional Licensing scheme being passed to tenants, thus increasing cost further for those who rent in an area, along with the cost of the Council. Thus increasing costs to Oxford residents. This has already been seen with the Council trying to house people on Birmingham, The current policies will make matters worse.
- 4) Concerns about the reasons behind keeping the scheme if it has been a success and if it hasn’t then why undertake a scheme that has failed.
- 5) A statement about how regulation in the PRS should be balanced and reduce any additional cost to landlords and tenants.

The Residential Landlords Association (RLA) – The RLA submitted a consultation response raising 6 general concerns and 6 specific concerns with regard to the following:

- Government review of HMO Licensing
- Independent verification of data
- Room sizes
- Standards
- Costs
- Accreditation

The full response submitted by the RLA is provided at Appendix 5.

The Citizens Advice Bureau (CAB) - The CAB submitted additional information regarding issues they have come across as part of their caseload when dealing with private rented sector tenants in HMOs, which is attached at Appendix 6. Some of the key concerns raised included:

- Poorly managed properties where health risks caused by disrepair are not addressed
- Retaliatory evictions as a result of complaints
- Failure to protect and return deposits
- Frauds and scams around availability of private rented accommodation

## **Conclusions**

In order for the Council to 'renew' the scheme it must proceed through the statutory process as laid out in Section 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010.

Section 56 of the Act places requirements upon the Local Housing Authority when considering a designation for additional licensing of HMOs, in that the Council must:

- Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public; and
- Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn; and
- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area (these codes relate to University managed accommodation).

Section 57 provides further considerations for the Local Authority in that they should ensure that:

- Exercising the designation is consistent with the authority's overall housing strategy; and
- Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behavior affecting the private rented sector as regards combining licensing with other action taken by them or others; and
- Consider whether there are any other courses of action available to them (of whatever nature) 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).

The DCLG General Approval provides the condition that any consultation period for the proposed designation should not be less than 10 weeks.

In February 2010 the DCLG produced general guidance around the approval steps for additional and selective licensing designations in England.

This document provides examples of properties being managed “*sufficiently ineffectively*” including:

- Those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located;
- Those whose internal condition, such as poor amenities, overcrowding etc. adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues;
- Those where there is a significant and persistent problem of anti-social behavior affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems; and
- Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health and safety of residents and/or impacting upon the wider community.

From the recent review of the HMO Licensing Scheme and consultation we have found that there have been successes:

- Issued licenses for **3,440 HMOs**.
- **56% of fully completed applications** were submitted without the Council having to remind applicants to provide additional information.
- **£3.2 million has been invested into improving HMOs** during the life of the Scheme.
- Accredited **94 Landlords and Agents** through the Councils Landlord Accreditation Scheme.
- **34%** of works to **comply with licence conditions** had been completed at the time of a re-inspection

Perceptions of the scheme are also generally positive and residents and tenants, in particular can see clear improvements, 39% of respondents felt that living conditions in HMOs have improved and 40% either strongly agreed or agreed that the licensing scheme has improved HMOs.

There are however issues that the scheme has still not fully addressed:

- 36% of all residents reported serious concerns with poorly managed refuse/untidy overflowing bins and HMO property conditions; 49% raised serious concerns about external property conditions
- 51% responded to the issue of overgrown gardens indicating it was a problem in the area where they live
- 53% of respondents either strongly agreed or agreed that there are poorly managed HMO's in the area of Oxford where they live

There will be a minority of landlords who will never see the overall value of a scheme and so they will never support renewal. Their interest is more focussed on financial terms than benefits to the wider community of the City. It is encouraging however that a number of letting/managing agents can see the benefit of the scheme and support the overall principles of regulation but would like to see improvements made to benefit the compliant landlords more and tighten down on punishing non-compliant landlords.

Additional licensing remains a viable solution for the City. The market in Oxford is evolving and buoyant with the number of HMOs increasing year on year. This approach is also consistent with the priorities set within the Council's Corporate Plan and Housing Strategy.

The link to accreditation forms a key part of the development of the scheme and the proposed introduction of 5 year licences. Accreditation will be given to those landlords and agents who are experienced, knowledgeable in their profession and who meet the criteria set down by the Council and adhere to the good practice principles set out in the Royal Institution of Chartered Surveyors (RICS) Private Rented Sector Code of Practice, which was endorsed by Brandon Lewis, Minister of State for Housing and Planning in July 2015. The RICS Private Rented Sector Code of Practice and the Council's criteria for accreditation are provided at Appendix 11 and 12.

## **Proposed Structure**

### **Fees and Charges**

The power to charge a licence fee is governed by the Housing Act 2004.

Under Section 63 the authority may take into account all costs incurred by the authority in carrying out their functions under this part and all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs. This covers costs associated with the making of Interim and Final Management Orders.

When processing licence applications the authority may, in particular, require the application to be accompanied by a fee fixed by the authority.

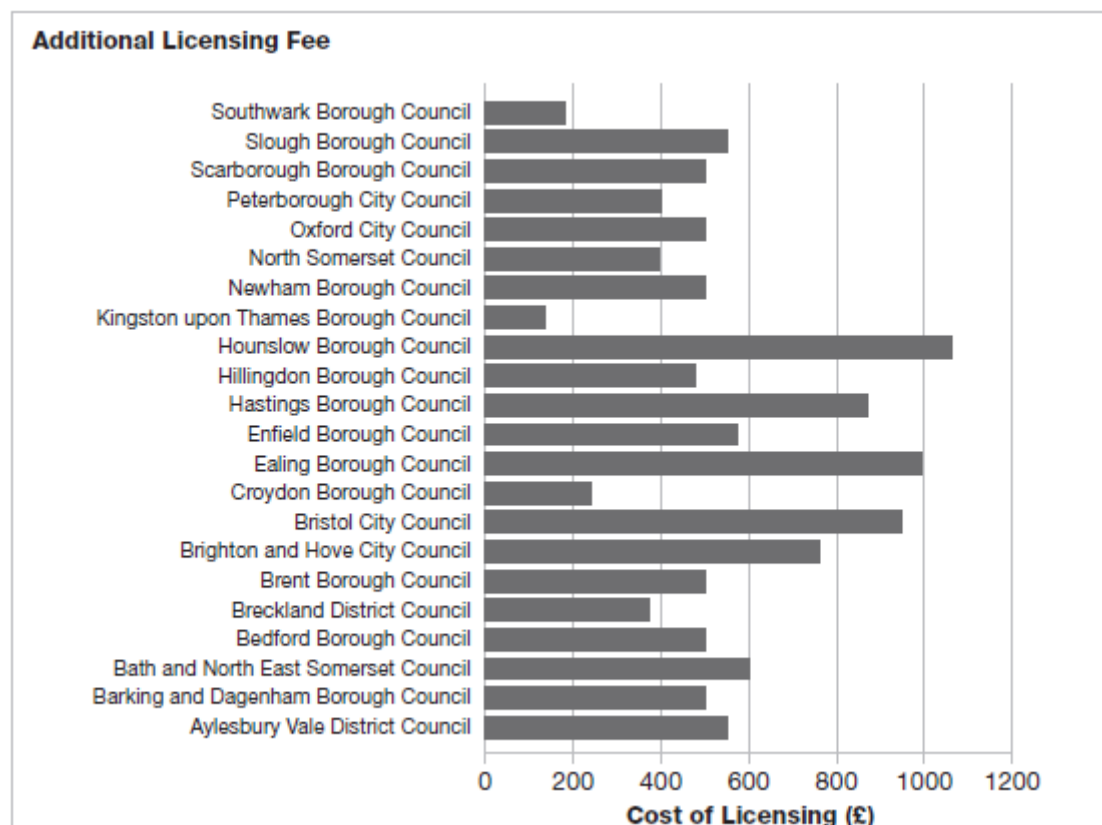
No further regulations exist for the determination of licence fees and so it is for the authority to decide what the cost of licensing will be and to set the fee structure for the scheme accordingly.

Oxford City Council is committed to ensuring that the licensing scheme is self-financing so that all of the costs associated with operating the scheme are borne from the fee structure. This ensures that there is no financial burden placed on the tax payers of Oxford.

The National Landlords Association released an interim report in February 2015 (Landlord Licensing – An overview of the incidence and cost of HMO & Discretionary Licensing schemes in England) which, amongst other things, provided a comparison on the levels of licensing fees charged by Local Authorities, across England, that have introduced Additional Licensing schemes. Figure 58 below provides their findings.

The (NLA) estimates there are around 1.5 million private landlords in the UK and although it works with around 51,000 landlords only 24,800 are paying members, which equates to 1.7% of all the private landlords in the UK.

**Figure 58 – NLA report on cost of licensing**



It is clear from this comparison that Oxford City Council is operating the licensing of HMOs in its District at a similar or lower cost than 16 out of the 22 (73%) of licensing authorities considered. Only 6 (27%) operate schemes at a lower cost than that of Oxford.

It is also worth noting that the scheme in Oxford is somewhat different to the majority of other schemes for two reasons. Firstly, when the scheme was introduced the Council wanted to ensure that it was robust and delivered against the aims and objectives of the scheme and the corporate objective of 'Meeting Housing Need'. To achieve this Council insisted that it would be an annual licence rather than the 'normal' approach of issuing a five years licence. During the early years of the scheme this enabled the Council to gather a wealth of baseline evidence on the condition of HMOs in the City and ensured that the licence was more than 'just a piece of paper'.

Secondly the Scheme in the City is only one of 5 schemes where the designation relates to all areas of the District. The others being Newport City Council, Wrexham Borough Council (both of which are Welsh authorities and were not included in the NLA research), London Borough of Newham and Breckland (Norfolk) District Council.

The cost associated with these schemes is very similar with Breckland operating at a slightly lower cost than that of Oxford and LB Newham and given the former approach adopted by the Council in administering licences it is clear that the fees set are extremely competitive with those of other Local Authorities.

The fee structure can only cover costs associated with the Scheme. This will include consideration of staff costs, training, inspection and administration and publicity and investigatory work involved in identifying unlicensed HMOs.

Currently the Council's fee and charges structure is tailored to reflect that more time is spent dealing with 'bad' landlords than it is with compliant landlords. This will remain the focus of the proposed new fee structure.

The Council will regularly review the fees and charges structure and set its fees to match expected outputs for the following financial year.

The designation of a new scheme has required the Council to undertake a full assessment of the fees and charges structure for this proposed future designation. Table 5 provides the outline of these fees and charges. It is important to note that the Council has set the fees based on the costs associated with delivering the Scheme in its entirety and not necessarily to reflect the actual cost associated with each category of licence. This is to reflect that the Council acknowledges that there should be less financial burdens placed on good landlords and those who comply compared to those who flout their responsibilities and do not take the requirement of complying with the law seriously enough.

**Table 5 – Proposed Fee structure**

Category	Fee	Type	Comments
A	£ 999	Initial Application for a 1 year licence where the owner has been found to be operating an unlicensed HMO for more than 12 weeks.	Increased to reflect increased costs incurred dealing with non-compliant landlords and HMOs in poor condition and the time involved securing a valid application
B	£ 400	Initial Application for a 1 year licence where the owner comes forward to licence voluntarily and is able to demonstrate that the property was acquired and operating as an HMO within the previous 12 weeks	Reduced to reflect reduction in costs dealing with compliant landlords.
C	£ 357	Basic Annual Renewal to reflect need to re inspect due to poor management practices and non-compliance	Where a re-inspection is required because of lack of confidence in management
D	£ 210	Basic Renewal for a 2 year licence	Renewal of an annual licence to a 2 year licence where landlord/agent meets criteria (no inspection required)
E - New	£ 300	5 year or end of scheme licence	5 year licence where landlord/agent meets criteria
F – New*	£300	Fire Risk Assessment Report (requirement for a 2 and 5 year licence).	Inspection and Provision of a Fire Risk Assessment Report

G – New*	£150 per visit	Advisory Visit	Inspection to advise on requirements before property is licensed. Similar to Planning pre-app advice.

\*Optional

### **Eligibility Criteria**

The key changes include the introduction of a 5 year licence for OCLAS Accredited Landlords and Agents. There will no longer be a requirement for 2 year licence holders to be accredited and the Council will be developing the training programme linked to accreditation to provide 2 year licence holders with the opportunity to become accredited and secure a 5 year licence. The Council will, however, no longer accept NLA accreditation as an alternative to OCLAS and as such all landlords that wish to take advantage of a 5 year licence will have to be accredited by the Council. This is likely to affect a very small minority of landlords in Oxford, for those reasons mentioned earlier. In any event there will be no fee to join OCLAS thereby providing landlords with the opportunity to make a cost saving whilst still having the opportunity to secure a 5 year licence.

The Council recognises that the Scheme has evolved since its inception and has developed a structure that reflects the findings of the review and addresses the concerns and issues raised as part of the consultation.

The approach the Council intends to adopt with the determination of new licence will be one where it considers whether the licence holder and manager are eligible for one of the three types of licence shown.

The criteria set out in Table 6 reflect the requirements the Council considers are appropriate for ensuring that HMOs are managed and maintained effectively throughout the City as part of the Licensing Scheme. These factors are based on the experience of the Council over the past five years and suggestions made by participants of the consultation.

**Table 6 – Eligibility Criteria for Proposed Scheme**

<b>Factor</b>	<b>1 year If one criteria applies then will get</b>	<b>2 year Must meet all criteria to obtain 2</b>	<b>5 year Must meet all criteria to obtain 5 year licence</b>
---------------	-------------------------------------------------------------	----------------------------------------------------------	-----------------------------------------------------------------------

	<b>1 year licence</b>	<b>year licence</b>	
Experience	<p>Entry level for new landlord - no previous history to allow judgement on management practice.</p> <p>Poor management – see below</p>	<p>The agent must have full management control to be the licence holder</p> <p>Where the landlord wishes to be the licence holder and has an agent, the agent must have full management control to take advantage of the two year licence</p> <p>Good management – see below</p> <p>Introduce pathway to accreditation – attend one day training</p>	<p>OCLAS Accredited Landlord</p> <p>Sign up to Private Rented Sector Code of Practice July 2015 and adhere to good practice</p> <p>Arrangements in place for regular maintenance / repairs i.e. British Gas Homecare or similar</p> <p>Cleaning contracts</p> <p>Cyclical maintenance programme i.e. similar to requirements of decent homes standard</p> <p>50% of employees on have approved qualifications – part of ‘dip’ check</p> <p>Evidence of CPD for employees - Part of ‘dip’ check</p> <p>Membership of other professional association – RICS, ARLA</p>
Application history	<p>Application history is poor – application, fee, documents not submitted on time.</p> <p>1 or more reminder needed after initial reminded to renew</p> <p>Referral to enforcement to obtain certificates</p>	<p>Good application history</p> <p>All documents submitted on time</p> <p>No subsequent reminders needed after initial reminder</p> <p>Clean ‘Bill of Health’ from other internal and external depts....</p>	<p>No reminders needed - Agent or Landlord takes full responsibility for ensuring certs are uploaded/ provided on an annual basis i.e. gas. Part of ‘dip’ check</p> <p>Provide copy of management arrangement and terms of business</p> <p>Provide DBS check if landlord to be licence holder and agent only management responsibility</p>

	Referral to enforcement to chase application	planning, Building Control, Police, HMRC, Immigration (BA)	
Certificates required during licence	Certificates not submitted on time  Referral to enforcement to obtain certificates	Certificates submitted as per licence conditions	Agreed audit approach  As above in application re: submitting certs without reminders and sign to accept that 'dip' check can be carried out on cases without notice.
Licence conditions	Conditions not completed on time (either at revisit but before new licence or conditions carried over)	Conditions completed on revisit	No additional conditions / no need to revisit.  No properties with EPC F or below
	Fire Safety conditions on licence	No fire safety conditions	
	Amenity conditions on licence (bathroom or kitchen works)	No amenity conditions	
	Serious health and safety / disrepair conditions e.g. trip / fall hazards; heating requirements; windows need replacing	No additional conditions minor issues e.g. decorations, damp due to tenant lifestyle may be accepted if being addressed	
	Repeated requests to extend time to complete work		
Service requests	3 or more justified service requests	1 or 2 justified service request	No justifiable service requests
Inspections	Missed appointments or	No missed appointments	Carry out themselves every 6 months and at beginning and end of tenancy.

	over 10 mins late  Difficult to arrange inspections – keep changing date / time  Access prevented to some rooms – need to go back	Where running late, Council is informed  No difficulty arranging appointments  All rooms available to inspect	Council required to inspect through audit process  ‘Dip’ check to look at Fire Log book
Fire Risk Assessment completed	No	Yes	Yes
Benefits to landlords	Yearly inspections from Council to ensure property is maintained (increased inspection fee)	Reduced fee  Reduced inspection regime  Pathway to accreditation and potential to access 5 year licence	Reduced fee  Reduced inspection regime  Audit / spot check scheme to check compliance – reduced workload  Self-regulation monitored by LA

### **Limitations**

The Scheme operates within the limitations set within the Housing Act 2004 and the requirements placed on the Council as a Local Authority.

The Council has attempted to be fair and consistent with the charges set for the Scheme and the manner in which it is structured and will review this from time to time to ensure that it is operating in accordance with the legal and administrative requirements. This may result in revisions to the fees, which in previous occasions has benefited the compliant and cooperative landlords and agents. Every attempt will be made to limit the financial burden on the compliant sector and punish the non-compliant. This is a key finding from the consultation.

### **Enforcement**

The Council has always taken a proactive approach to carrying out the enforcement of legislation relating to HMOs. This has resulted in it taking more prosecutions than most other authorities

across the country, only the larger metropolitan and London Borough authorities have taken more.

The Council will continue to investigate situations where there are clear breaches of the legislation and will undertake enforcement action in accordance with its enforcement policy and the requirements set out in the various legislative frameworks.

## **Appendices**

- Appendix 1 - SWOT Results from Landlord/ Agent events
- Appendix 2 – Summary notes from Agent Focus Group
- Appendix 3 – Student Focus Group notes
- Appendix 4 – National Landlords Association response
- Appendix 5 – Residential Landlords Association response
- Appendix 6 – Citizens Advice Bureau response
- Appendix 7 – Oxford Community Forum response
- Appendix 8 – Presentations from Landlord/ Agent events
- Appendix 9 – Consultation posters and flyers
- Appendix 10 – Social media material
- Appendix 11 – RICS Private Rented Sector Code of Practice
- Appendix 12 – OCLAS accreditation criteria

Appendix 13 – Wolvercote Neighbourhood Forum response

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