

Private Rented Housing Policy for HMO Licensing and Regulation

Agreed by Islington Executive 03 November 2005



ISLINGTON

1. Introduction

- 1.1 The Housing Act 2004 radically overhauls the way the council regulates standards in private rented housing. It also introduces compulsory licensing of certain houses in multiple occupation (HMO) see 3.2 below for definition. These changes are due to come into force on 6th April 2006.
- 1.2 The council aims to maximise the availability of private rented accommodation in Islington and ensure that it is of a decent standard to protect the health and safety of tenants. The availability of HMO lettings is also important in order to sustain affordable housing. The council sees the new legislation as an opportunity to improve the services provided by private landlords as part of its aim to ensure decent homes for all residents of the borough.
- 1.3 This policy sets out the way Islington will carry out the requirements of the Housing Act 2004 in relation to HMO licensing and health and safety hazards. It also outlines how we intend to use the discretionary powers in the new act to ensure fair and equal enforcement.

(A glossary of terms used in this document can be found in appendix D)

2. Wider Picture

- 2.1 This policy is written in the context of Islington's Housing and Private Sector Housing Strategy. You can view this at:
www.islington.gov.uk/Council/CouncilStructure/Departments/housingandperformance/housingpublications.asp
- 2.2 There is a shortage of housing in Islington and house prices are so high that very few people can afford to become owner-occupiers. Sixteen percent of households rent from private landlords, which is well above the national average. The borough has some of the best and some of the worst private rented housing in the country but with 12 percent of dwellings being unfit, housing conditions are poorer in the private rented sector than in any type of tenure in the borough. Dwellings in poor condition can affect the health and safety of tenants and the quality of the street environment.
- 2.3 The Government has set a target for 70 percent of private sector homes, occupied by vulnerable people, to meet the Decent Homes Standard by 2010. In 2003 only 57 percent of these homes in Islington were decent. We are working towards meeting the government target and our enforcement of the new Housing Act will support this.
- 2.4 The council reviews changes in private sector housing by carrying out a house condition survey of a sample of at least 1,000 dwellings every five years. In addition, street surveys are carried out in at least three wards each year to identify HMOs, non-decent homes and empty properties so that we can tackle poor housing pro-actively.

3. HMO Licensing

- 3.1 The aim of HMO licensing is to ensure the poorest properties in the private rental market meet the legal standards and are properly managed.
- 3.2 An HMO is a building occupied by more than one household and includes houses containing bedsits, hostels and shared houses. The Housing Act 2004 includes a new definition of households, which is families, including single persons and co-habiting couples (whether or not of opposite sex). This has clarified past confusion and means that shared houses will always be HMOs. Islington has over 8,000 HMOs, and we anticipate that 1,200 of these will need to be licensed, including a number of shared houses, which have not been considered to be HMOs in the past.
- 3.3 HMOs of three or more stories, with five or more occupiers will need to be licensed. Social housing and HMOs owned by the police, health authorities, universities and some other listed organisations are exempt, as are buildings converted into flats.
- 3.4 Licences will be granted where the house is reasonably suitable for occupation as an HMO, the management arrangements are satisfactory and the licensee and manager are fit and proper persons. The applicant must be the most appropriate person to hold the licence. A member of the environmental health team may visit before licensing an HMO, to assess compliance with the licensing requirements and the number of people the HMO should be licensed for.
- 3.5 The council is required to assess whether the applicant and any manager and any person associated with them or formerly associated with them* are fit and proper people to own or manage an HMO.

A person will be considered fit and proper if the council is satisfied that:

- they have no unspent convictions** relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
- they have no unspent convictions relating to unlawful discrimination on grounds of sex, race, or disability
- they have no unspent convictions relating to housing or landlord and tenant law
- they have no unspent convictions for breaches of planning, compulsory purchase, environmental protection or other legislation enforced by local authorities
- they have not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the act within the last five years
- they have not been in control of a property subject to an HMO Control Order an Interim Management Order (IMO) or Final Management Order (FMO) or had work in default carried out by a local authority

*If a person associated or formally associated with the applicant or any manager, has done any of the things stated above, the council will only take these issues into account if they are relevant to the applicant or manager being a fit and proper person to manage the house.

** A conviction where the penalty is a fine is spent after five years.

3.6 Licences will be valid for five years and will specify the maximum number of occupiers or households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities. We aim to issue draft licenses within eight weeks of a full application. However an exceptionally high number of applications made just before the statutory deadline will cause delays. This response time will be reviewed after six months.

3.7 The following mandatory conditions must be applied to all licences:

- to provide copies of gas safety certificates annually
- to keep electrical appliances and furniture safe
- to keep smoke alarms in working order
- to provide tenants with a written tenancy agreement.

A draft licence must be served on all interested parties, allowing at least fourteen days for representations before granting the actual licence.

3.8 Following licensing, HMOs will be prioritised for assessment under the Housing Health and Safety Rating System (HHSRS – see below). The owner must deal with all Category 1 hazards within five years of the licence being granted. If they do not, then the council is expected to use their enforcement powers to improve the property. Applicants will be informed of this requirement when the licence is issued and information made available to help them identify and deal with Category One Hazards.

3.9 The council may serve a Temporary Exemption Notice (TEN) where a landlord is, or shortly will be, taking steps to make an HMO non-licensable. A TEN can only be granted for a maximum period of three months. A second three-month TEN can be served in exceptional circumstances. Where a licensable HMO is not licensed, the landlord cannot serve notice to quit until the HMO is licensed.

3.10 Where a landlord fails to license an HMO, the council can take a prosecution case to the Magistrates' Court. On conviction for failure to licence, The Residential Property Tribunal (RPT) has the power to make a Rent Repayment Order requiring that up to 12 months' rent is repaid to the tenant or to the council where a tenant is on housing benefits. The licensee has a right of appeal to the RPT against refusal to licence, licensing conditions and the maximum number of occupiers or households specified on the licence.

3.11 Where there is no prospect of an HMO being licensed, the act requires that the council use its interim management powers. This enables the council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In extreme cases this can be extended to five years, with the council also having the power to grant tenancies. The North London Sub-Region will appoint a preferred partner to manage HMOs subject to management orders.

3.12 If the council finds that there has been a change of circumstances in an HMO since it was licensed, it has the power to vary the licence. If there is a serious breach or there are repeated breaches of the license conditions or the licensee or manager are no longer fit and proper persons, the licence can be revoked. The licence can also be revoked if the property is no longer a licensable HMO or if the condition of the property means it would not be licensable were an application to be made at the later time.

- 3.13 The council has the power to set up additional local area HMO licensing schemes, to enable HMOs, considered to be badly managed, to be licensed.
- 3.14 Many HMOs in Islington will not be licensable. These include houses containing self-contained flats and smaller HMOs. The only additional regulation of these HMOs will be under the proposed HMO Management Regulations. They will need to be free of all Category 1 hazards under the HHSRS, which applies to all dwelling irrespective of whether they are an HMO.

4. Housing Health and Safety Rating System and Enforcement Regime

- 4.1 The fitness standard will be replaced by the Housing Health and Safety Rating System (HHSRS), which is a risk assessment of the effect of housing conditions on the health of occupiers. The HHSRS is more complex than the fitness standard. It involves the assessment of 29 potential hazards (see appendix A) and scoring of their severity to decide whether improvements are needed. If more serious Category 1 hazards are found the council has a duty to require the owner to remedy the defect. If less serious Category 2 hazards are found, the council has discretionary power to require action. Where a fire hazard is identified, the council will consult the fire brigade on works required before taking enforcement action.
- 4.2 The enforcement regime involves a new set of notices to deal with these HHSRS hazards requiring improvement, prohibition of the use of the dwelling or demolition. The notices are similar to those we currently use except that a prohibition notice can be served to prohibit the use of part of a dwelling or use by a description of persons, for example those aged under five or over 60.
- 4.3 When a hazard is identified, the council must decide the most practical course of action. There is no longer a legal requirement for a prior warning notice to be served, so the council will ensure that the landlord and tenant(s) have the opportunity to discuss the council's proposed action before a notice is served.
- 4.4 An improvement notice will be the most practical remedy for most hazards; repair or renewal is generally cost-effective because of the high value of property in Islington. However, prohibition notices may be required on part or all of a dwelling, for example, where there is inadequate natural lighting or there is no fire escape from the top floor.

5. Enforcement Policies

Policy 1 – Fair and Consistent Enforcement

The council is committed to carrying out its duties in a fair and consistent manner. It will follow the council's Public Protection Enforcement Policy in the regulation of the private sector housing.

The enforcement policy adopted by public protection is in appendix B.

The council believes that enforcement alone is unlikely to have much effect on improving standards: our ethos is to work in partnership with landlords, giving advice and financial assistance through grant aid (see "Grants for Landlords" at www.islington.gov.uk/Housing/PrivateHousing/housinggrants.asp). However, where landlords do not co-operate, enforcement action will be taken.

Enforcement action will be based upon receipt of a complaint, a licence application, where an assessment of risk indicates a property is sub-standard or where dwelling does not meet the Decent Home Standard and is occupied by a vulnerable person. In the case of a complaint, the council expects the tenants to have informed the landlord of the problem and allowed time for remedial action, before contacting the service for assistance.

Before serving a notice, we will discuss the need for a notice with the landlord and tenants, where we are able to contact them using reasonable effort; we will also outline the works required.

In addition to carrying out the requirements of the Housing Act 2004, in private sector homes the council has a duty to investigate complaints of statutory nuisance, defective sanitary appliances and drainage and other related matters and serve notice. We also have the power to make a compulsory purchase order to acquire property for housing purposes. This action is only taken where all other means of bringing a property back to use have been explored and where possible, the property will be brought back into use as social housing.

Where notices are not complied with, the council will use its powers to prosecute and to carry out the work in the owner's default, reclaiming the costs. Prosecution will be the preferred initial option, unless the Service Manager considers that there is an urgent need for the works to be carried out to protect the health and safety of the tenant.

Policy 2 – Owner-Occupied Dwellings

Other than in exceptional cases, the council expects owner-occupiers, including long leaseholders, to take their own action to remedy problems of disrepair or nuisance.

Owner-occupiers are in a stronger position to invoke their lease or their statutory rights, whereas short-term tenants of private landlords can lose their homes as a result of invoking their rights. Grants are available to some owner-occupiers for repairs, heating improvements and security works (contact Residential Environmental Health for more details).

The majority of enforcement work is carried out in dwellings owned by private landlords or housing associations. As the council enforces the above statutes, the Public Protection Division has little power to deal with council owned dwellings, including those owned by Homes for Islington.

A principal environmental health officer will decide whether there are exceptional circumstances in which an owner-occupier will be assisted.

6. HMO Licensing Policies

Policy 3 – Encouraging Applications

The council will encourage landlords to apply for licences using a variety of methods.

We will:

- publicise the need to license HMOs
- send letters and reminders to landlords
- provide electronic and paper application forms
- set up a help-line
- arrange drop-in sessions to assist with applications
- offer a service assisting applicants with completion of forms and measuring rooms, where resources permit (an additional fee of £200 will be charged)
- Send letters warning of prosecution and application for a rent repayment order

Policy 4 – Fees For Licences

The council will charge a basic licence fee of £110 per letting. Discounts will apply for early applications and/or where landlords are accredited through the London Landlords Accreditation Scheme (LLAS).

The fees have been set to cover the council's costs of licensing HMOs and are comparable to fees being charged by other inner London boroughs. The discounts aim to reward the more responsible landlords. Full details of fee for five year licences are in Appendix C.

Details of LLAS are available at www.londonlandlords.org.uk/accreditation and on request from Residential Environmental Health.

Policy 5 - Rent Repayment Orders

Where a landlord is convicted for failure to license and the rent is paid as Housing Benefit, the council will apply to the RPT for a Rent Repayment Order (RRO) and will advise tenants to do the same.

The council intends to use its powers under the Act to seek RROs for repayment of twelve months' housing benefit or for the period since the landlord was required to license the HMO. We will provide tenants not on housing benefits with information on how to apply. The service manager will consider any exceptional circumstances where the council should not seek an RRO.

Policy 6 – HMO Standards

The council will determine the number of people an HMO is licensed for in accordance with compliance with the relevant HMO Code of Practice for room sizes and kitchen and bathroom facilities.

These codes of practice are available at www.islington.gov.uk/Housing/PrivateHousing/HMO.asp or on request from Environmental Health. There is a code of practice for bedsit HMOs and another for shared houses. They require bedrooms/bed-sitting rooms to be at least 8 to 15 square metres, depending on whether there is a shared kitchen or whether the kitchen is in the room. In general, bathrooms should be available for every five occupiers. In bedsit HMOs, one kitchen per household should be provided where possible and in shared houses, up to five occupiers can share a kitchen.

Applications will need to include dimensions of rooms and details of the kitchen and bathroom facilities to enable assessment of the number of occupiers permitted in the licence. The council will be reviewing its codes of practice for HMOs in 2006/7.

Policy 7 – Fit and Proper Persons

In addition to the criteria listed in the legislation (see 3.5 above), the council will take into account whether the applicant and any manager is accredited under the London Landlords Accreditation Scheme (LLAS) or other equivalent accreditation before deciding whether to license.

Where an applicant or manager and any person associated with them or formerly associated with them contravenes one or more of the criteria, we will consider any accreditation under the LLAS before deciding whether to license.

Policy 8 – Management Arrangements

We will expect the licensee to have satisfactory arrangements and funding in place for the management of the HMO.

Satisfactory arrangements for management will include:

- a reliable contact for tenants to report defects, including in emergencies, who will arrange for repairs to be carried out within a reasonable period
- where the manager of the HMO is not the owner, the manager must have the authority to fund urgent repairs, when the owner's approval cannot be obtained
- arrangements in place for periodic inspections to identify where repair or maintenance is needed
- a system for dealing with anti-social behaviour caused by tenants or their visitors, which causes nuisance or annoyance people in the locality.

Policy 9 – Discretionary Licence Conditions

In addition to the mandatory licensing conditions (see 3.7 above), the council will apply discretionary conditions to all licences.

These will include:

- the HMO will comply with the statutory Management Regulations* within three months
- to provide copies of reports of fire detection, alarm system and emergency lighting to the council annually
- the name, address and telephone number for licensee or manager is to be displayed in the common parts of the HMO
- a copy of a valid gas safety certificate to be displayed in the common parts
- a copy of the licence to be displayed in the common parts
- that anti-social behaviour caused by tenants or their visitors, which causes nuisance or annoyance to people in the locality is dealt with and possession sought through the courts where other remedies have been exhausted (the local authority can provide informal advice)
- the licensee and any manager must become accredited under LLAS within two years (where these people are accredited under other similar schemes, if the scheme includes similar training and testing, they will be exempt from this condition).

The council may apply other conditions to individual licences with respect to the use, management and occupation of the HMO, where appropriate and may seek evidence of compliance with conditions at any time. *The HMO Management Regulations have not yet been published. The consultation paper on licensing in the private rented sector gives more information and can be found at

[www.odpm.gov.uk/stellent/groups/odpm/housing/documents/](http://www.odpm.gov.uk/stellent/groups/odpm/housing/documents/divisionhomepage/036728.hcsp)

[divisionhomepage/036728.hcsp](http://www.odpm.gov.uk/stellent/groups/odpm/housing/documents/divisionhomepage/036728.hcsp). These regulations will require HMOs to be kept in a reasonable state of repair, all installations and appliances (including those for fire safety) to be in good working order and the common parts to be kept clean and in a reasonable state of decoration.

Policy 10 – Temporary Exemption Notices

The council will not routinely grant more than one three month Temporary Exemption Notice (TEN).

A TEN will be served where an owner of a licensable HMO states in writing that he/she is taking steps to make an HMO non-licensable and states that the HMO will not be licensable within three months. The council does not wish these notices to be used routinely, and therefore a second notice will only be acceptable in exceptional and unforeseen circumstances agreed by the service manager.

Policy 11 – Discretionary HMO Licensing

The council does not intend to set up any additional discretionary licensing schemes for HMOs, but will keep this under review.

We are satisfied that there is no need at present to set up any additional licensing scheme, but we will review this policy annually.

Policy 12 – Bed and Breakfast Hotels

The council will declare bed and breakfast hotels as HMOs if they are housing any people who use the hotel as their main residence for more than 30 days.

We believe that where this accommodation is used as a main residence, the same standards as for other HMOs should be met. People who use a hotel as a main residence are likely to be either homeless and placed there by a local authority or their home will be in another country.

7. Health and Safety Rating System Policies

Policy 13 – Category 2 Hazards

The council will only deal with Category 2 hazards in exceptional circumstances.

We have discretionary powers to deal with Category 2 hazards, but our resources will not allow us to deal with all of them. We will only deal with these hazards in exceptional circumstances where there is hazard scoring over 500 points relating to health, vulnerability, cold and entry by intruders. A principal environmental health officer will verify these exceptional circumstances.

Policy 14 – Improvement Notices

Where an Improvement Notice is served, the council will require sufficient works to abate the hazard for five years.

The law prescribes that the minimum works must abate the hazard. We will require works of a reasonable duration to prevent recurrence. We consider five years to be reasonable.

Appendix A

Housing Health And Safety Rating System Description Of Hazards

- 1) **Damp and Mould Growth** – Exposure to house dust mites, mould or fungal growths resulting from dampness or high humidity.
- 2) **Excess Cold** – A temperature which is less than 18 degrees centigrade.
- 3) **Excess Heat** – A temperature which is more than 25 degrees centigrade.
- 4) **Asbestos and MMF** – Exposure to asbestos fibres or manufactured mineral fibres.
- 5) **Biocides** – Exposure to chemicals used to treat timber and mould growth.
- 6) **Carbon Monoxide and Fuel Combustion Products** – Exposure to carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke.
- 7) **Lead** – The ingestion of lead.
- 8) **Radiation** – Exposure to radon gas.
- 9) **Uncombusted Fuel Gas** – Exposure to uncombusted fuel gas.
- 10) **Volatile Organic Compounds** – Exposure to volatile organic compounds that are gaseous at room temperature.
- 11) **Crowding and Space** – A lack of adequate space for living and sleeping.
- 12) **Entry by Intruders** – Difficulties in keeping the dwelling or HMO secure against unauthorised entry.
- 13) **Lighting** – A lack of adequate lighting.
- 14) **Noise** – Exposure to noise.
- 15) **Domestic Hygiene, Pests and Refuge**
 - a) Poor design, layout or construction such that the dwelling or HMO cannot readily be kept clean.
 - b) Exposure to pests.
 - c) An adequate provision for the hygienic storage and disposal of household waste.
- 16) **Food Safety** – An inadequate provision of facilities for the storage, preparation and cooking of food.
- 17) **Personal Hygiene, Sanitation and Drainage**
 - a) Facilities for maintaining good personal hygiene;
 - b) Sanitation and drainage.
- 18) **Water Supply** – An inadequate supply of water for drinking and other domestic purposes.
- 19) **Falls Associated with Baths** – Falls associated with baths, showers or other washing facilities.
- 20) **Falls on Level Surfaces etc** – Falls on any level surface or falls between surfaces where the change in level is not more than 300 millimetres.
- 21) **Falls Associated with Stairs etc** – Falls on stairs, steps or ramps where the change in level is more than 300 millimetres.

- 22) **Falls between Levels** – Falls between levels where the difference in levels is more than 300 millimetres
- 23) **Electrical Hazards** – Exposure to electricity.
- 24) **Fire** – Exposure to uncontrolled fire.
- 25) **Flames, Hot Surfaces etc Contact with:**
 - a) Controlled fire or flames;
 - b) Hot objects, liquid or vapours.
- 26) **Collision and Entrapment** – Collision with or entrapment of body parts in doors, windows or other architectural features.
- 27) **Explosions** – An explosion at, or near, the dwelling or HMO.
- 28) **Position of amenities etc** – The position and location of amenities, fittings and equipment.
- 29) **Structural Collapse and Falling Elements** – The collapse of the whole or part of the dwelling or HMO.

APPENDIX B

Public Protection Enforcement Policy

Introduction

All local authorities have powers to enable them to enforce legislation intended to protect both the individual and the community as a whole. The public protection division is responsible for exercising these powers in Islington in relation to public health, consumer safety and welfare.

The public protection division encompasses the following service areas:

- pest control
- animal welfare
- trading standards
- street trading
- building control
- food safety
- health and safety at work
- private sector housing
- noise
- pollution
- infectious disease control

It is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so public protection division is responsible for providing help and assistance for this purpose and, for taking action against those who do not meet their responsibilities.

The purpose of this policy is to explain fully how the public protection division will fulfil this role.

Council Aims and Objectives

Each year, Islington council sets out its strategic aims and objectives in its performance plan. These strategic aims and objectives are then used by each department and service area to produce their detailed proposals to ensure that those aims and objectives are met.

The Environment & Regeneration department (of which the public protection division is part) has set part of its aim to:

“deliver high quality environmental services to those who live and come here – delivering a better environment for all - and to work with our partners towards the achievement of the councils overall aims and objectives”.

For the public protection division this means:

- ensuring a fair and safe trading environment for residents, businesses and visitors to the borough
- improving health and safety in the workplace and the environment
- assisting in the provision of safe, secure, warm and affordable housing
- assisting in the delivery of the council’s crime reduction strategy.

Our plans are drawn up in consultation with the public and reflect the needs of Islington as identified through consultation, customer feedback and from the results of our actions.

Copies of the detailed service performance plans for the areas listed above are available from the public protection division.

Approach to Enforcement

A range of activities are used by the public protection division to ensure that there is compliance with the law that they enforce.

Officers carry out inspections of premises on a routine programmed basis, or as a response to complaints and enquiries from the public. In some instances, targets for inspections or actions are set by other agencies and where this happens, the public protection division will aim to meet those targets fully. Where non-compliance with the law is discovered, enforcement options that we will take to ensure compliance include:

- informal action including giving advice or writing warning letters allowing time to comply
- formal action by serving statutory notices and prohibiting activities
- seizing equipment, documents or goods
- issuing licences with conditions
- removing licenses or varying conditions
- issuing a formal caution
- prosecution
- seeking an Injunction

Guidance for officers as to when these actions are appropriate in their service area will be documented in the relevant divisional practice note. All actions are monitored to ensure that they are taken in accordance with the public protection division Enforcement Policy and divisional practice notes.

Enforcement Actions

The decision to use enforcement action will depend on how serious the offence is. Factors that will be taken into consideration include:

- the risk that is posed to the safety, health or welfare of the public or to individuals
- if action was pre-meditated
- a formal notice or order hasn't been complied with
- there is a history of previous warnings or they have committed similar offences before.
- they have tried to stop an officer from doing their work
- they have failed to disclose information or made a false statement
- there has been aggressive behaviour towards the public or staff

All enforcement decisions are documented and, other than when emergency enforcement action is taken, we will always inform people of the action we propose to take. If there are concerns that we have taken an unfair decision, then any person can request that an appropriate manager review the decision. When formal enforcement action is taken, we will always advise people of the appeals process available to them.

Enforcement actions have to be taken within the context of the legal and policy framework set for all enforcement agencies. Islington council has adopted the Enforcement Concordat produced by the Government's Better Regulation Unit, which lays out the principles of good enforcement. These are:

- drawing up clear standards
- setting out the level of service and performance the public and business can expect to receive
- dealing with the public and the business in an open and honest way
- providing a courteous, efficient and helpful service
- responding promptly and positively to complaints about the service
- ensuring that enforcement action is proportionate to the risks to the public
- carrying out duties in a fair, equitable and consistent manner

A full version of the Enforcement Concordat is available from the public protection division or by accessing the Cabinet office's website at www.cabinet-office.gov.uk.

Where a decision to prosecute is made, this decision will be taken in accordance with the Code for Crown Prosecutors, which details the public interest and evidential considerations to be taken in when bringing proceedings. Advice will be provided by the council's legal services, who will initiate proceedings on our behalf. A full copy of the code is available from the Public Protection, 222 Upper Street, Islington, London, N1 1XR.

All enforcement decisions and actions will be made with due regard to the provisions of:

- The Human Rights Act 1998
- The Crime and Disorder Act 1998
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996

- Regulation of Investigatory Powers Act 2000
- Equal rights and anti-discrimination legislation

If it is in the public interest and appropriate, information concerning non-compliance will be shared with other enforcement agencies. Where this takes place, we will ensure that the Data Protection Act 1998 and Human Rights Act 1998 are observed. In some cases we will not be the enforcement agency for a particular matter, and in these cases we will ensure that we refer them on to the right Agency.

Authorisation of Officers

Only officers who we can say are competent will be authorised to take enforcement action. They will hold appropriate qualifications or experience. Officers will also have sufficient training and understanding of this enforcement policy and their area of work to ensure a consistent approach to their duties. We will monitor to ensure that our actions are always in accordance with our policies.

All officers carry identification and an authorisation to show what legislation they are able to enforce. They are required to show these if asked.

All officers are required to carry out their duties in accordance with set procedures. These procedures vary depending on the service area involved.

Openness and Helpfulness

We aim to be open about the work we do and will be available to provide general advice, deal with specific cases and investigate complaints. We view formal enforcement as a last resort and prefer to work with our clients to achieve compliance. We will also provide you with a case officer and their contact details. If English is not your first spoken or written language, we will provide translation and interpretation for you.

If you are dissatisfied with the action that an officer has taken, then a manager will investigate your concerns. The council also has a formal complaints procedure and a form can be obtained from the public protection division if you prefer to take this route or are dissatisfied with the findings of your initial complaint.

This policy was endorsed and adopted by the Environment & Regeneration committee of Islington council on 21 February 2002. It is reviewed periodically and we would be pleased to receive any comments you have on it.

This is a public document. Further copies of this and other documents listed above can be obtained from Jan Hart, Assistant Director - Public Protection, Islington Council, 222 Upper Street, Islington, London, N1 1XR (telephone (020) 7527 3192). Many of the documents can also be found on our website -<http://www.islington.gov.uk>.

We invite your comments on this document, which will be regularly reviewed.

Appendix C

Proposed fees for HMO Licensing

	Fee for five year licence	Comments
Basic Fee	£110 per letting	
Early application	£90 per letting	Full application to be received 31 May 2006*.
Accredited applicant/manager	£90 per letting	Must apply before 06 April 2006*.
Early application and accredited.	£80 per letting	
Assisted application	£200 per HMO	Added to the above assistance with measuring rooms and completing the application form
Renewal or minor variation	£50 per letting	

Fees to be reviewed after six months.

*The licensing legislation will come into force on 06 April 2006 allowing applications to be made. The enforcement sections will be enacted on 03 July 2006. From this date owners of licensable HMOs with no licence application can be prosecuted

Appendix D

Glossary

Category one/Category two hazards

See paragraph 4.1.

Fit and proper person

See paragraph 3.5 and policy 7.

HHSRS

Housing Health and Safety Rating System, see paragraph 4.1 and policies 13 and 14.

HMO

House in multiple occupation, see paragraph 3.2.

Interim Management Order

See paragraph 3.11.

Licensable HMO

See paragraph 3.3 and information on council website at:

<http://www.islington.gov.uk/Housing/PrivateHousing/HMO.asp>

RPT

Residential property tribunal, see paragraph 3.10.

Rent Repayment Order

See paragraph 3.10.

TEN

Temporary exemption notice, see paragraph 3.9.