

# **HULL CITY COUNCIL**

# **Private Sector Housing**

# **Fees & Charges Policy**

**for the Regulation of Housing Standards**

**2019-20**

# CONTENTS

<b>1. Introduction</b>	Page 3
<b>2. Purpose of the Fees &amp; Charges Policy</b>	Page 3
<b>3. Principles underpinning the Policy</b>	Page 4
<b>4. Calculating the Fees and Charges</b>	Page 4
<b>5. Licensing of Houses in Multiple Occupation</b>	Page 5
Cost of the initial HMO Licence	Page 5
Cost of renewing an HMO Licence	Page 6
Purchase of an existing licensed HMO	Page 6
Additional charges	Page 6
<b>6. Housing Enforcement</b>	Page 6
The formal process	Page 7
Carrying out Works in Default	Page 7
Empty Properties	Page 7
<b>7. Discretionary Services</b>	Page 8
<b>8. Debt Recovery</b>	Page 8
<b>9. Guidance</b>	Page 8
<b>9. Appendix A – Fees &amp; Charges</b>	Page 10 - 12
Private Sector Housing Fees & Charges Policy	

## **1. Introduction**

- 1.1 Hull City Council is committed to improving standards in private sector housing, bringing empty properties back into use and ensuring that all private rented accommodation is well managed, properly maintained, safe and habitable.
- 1.2 It is also committed to ensuring that all Houses in Multiple Occupation (HMOs) that require a licence are licensed and comply with the relevant conditions.
- 1.3 Although Hull has some excellent landlords and letting agents, the Council has a vital role to play in tackling criminal, rogue and irresponsible landlords and preventing them from profiting from their non-compliance.
- 1.4 In order to regulate private sector housing, the Council's Private Housing (Environmental Health) Team will request information, carry out inspections, process licence applications, provide owners and landlords with advice and information, investigate possible offences and, where appropriate, take enforcement action and prosecute offenders.

## **2. Purpose of the Fees & Charges Policy**

- 2.1 The law allows Councils to charge for the licensing of Houses in Multiple Occupation and the cost of the enforcement action it takes in relation to private sector housing.
- 2.2 Although the Council values the very important role that the private rented sector plays in meeting the high demand for housing in Hull, it also recognises the need to take robust action against those landlords whose behaviour is putting tenants' health and wellbeing at risk, spoiling local neighbourhoods and placing an additional financial burden on public services.
- 2.3 In order to support and complement Hull's Private Housing Enforcement Policy 2018-22\*, this Fees & Charges Policy is designed to encourage good and responsible behaviour and ensure that, where possible, the cost of enforcement is borne by the offender, rather than by the taxpayer and responsible landlords.
- 2.4 This Policy reflects the current cost of enforcement actions and processes, and it sets out an approach that is designed to ensure transparency, consistency and fairness in how fees and charges are applied.
- 2.5 The Fees & Charges Policy should be read in conjunction with other policies including, for example, the Private Housing Enforcement Policy 2018-22\* and the Civil Penalties Policy.

### 3. Principles underpinning the Policy

3.1 Hull's Fees & Charges Policy is based on the following principles:

- The Council will enforce the law efficiently and effectively without imposing unnecessary burdens on responsible owners, landlords, agents and occupiers;
- All fees and charges will be calculated on the basis of what it costs the Council to license HMOs, take enforcement action, carry out works in default and provide advice and written reports;
- Owners and landlords (including the owners of long-term and problematic empty properties) who are served with formal Notice(s) by the Council will be required to bear the full cost of enforcement in line with this Policy. Where it is necessary for the Council to carry out works in default, the Council will seek to recover all of its costs (including the cost of the works) from the owner or landlord at the earliest opportunity; and the Council will ensure its fees and charges are as low as possible by improving efficiency and making effective use of information technology.

### 4. Calculating the Fees & Charges

4.1 Cabinet agreed on 23 April 2018 to adopt the proposed fees relating to the licensing of Houses in Multiple Occupation (HMOs).

4.2 In August 2018 a High Court ruling (*R(Gaskin) v LB Richmond Upon Thames(2018)*) gave substantial guidance on licensing fees. As a result the licence must now be collected in two stages. The first fee of £180 covers the cost of processing the application and the second fee, calculated on the number of bedrooms, relates to issuing the licence and checking its compliance. As a result the fees in relation to HMO licensing will apply to all applications received from 1 September 2018.

4.3 The proposed fees and charges – set out in **Appendix A** – take into account the true cost of the work involved which has been calculated by determining the average number of hours taken to complete a range of tasks and charging the hourly rate of the Officers involved.

4.4 An annual review of the fees and charges for Private Sector Housing will be carried out, to ensure that they reflect the true cost of the work involved. The proposed fees and charges will come into effect immediately.

## **5. Licensing of Houses in Multiple Occupation**

- 5.1 Although a large proportion of licensable Mandatory HMOs are licensed, the Council is continually uncovering Mandatory HMOs that are being operated, unlawfully, without an HMO licence.
- 5.2 It is a criminal offence if a person controlling or managing an HMO does not have the required licence. Failure to comply with any condition attached to a licence is also an offence. The Council will consider all available enforcement options when dealing with unlicensed HMOs and breaches of the licence conditions.
- 5.3 If a licensable HMO does not have a licence, any Section 21 Notice (a notice seeking possession) that the landlord serves on the tenants is likely to be invalid. Identifying and targeting licensable HMOs that are operating without a licence, therefore, will not only help the Council to tackle criminal, rogue and irresponsible landlords, but it will also reduce homelessness.
- 5.4 Although enforcement action has an important role to play in ensuring that HMOs are properly managed and meet the required standards – and the Council is firmly committed to ensuring that the cost of such action is borne by the offenders.

### **Cost of the initial HMO Licence**

- 5.5 The cost of the licence will depend upon the number of bedrooms within the HMO.
- 5.6 The license fee is for a 5 year period. The license fee is non-refundable should the applicant sell the property during that time.

### **Cost of renewing an HMO Licence**

- 5.7 The cost of renewing an HMO licence remains the same as applying for the initial licence due to the requirement to undertake the necessary fit and proper person checks.

### **Purchase of an existing licensed HMO**

- 5.8 An existing HMO licence cannot be transferred to the new owner when the HMO is sold. As such a new application must be made and relevant fees paid.

### **Additional charges**

- 5.9 In September 2018 the Council introduced online applications for HMO licensing. All HMO licence applications (including licence renewals) and payments are now made online.
- 5.10 Where it is necessary for an Officer to sit with the applicant to complete their licence application online, the Council will normally charge them £50 for this.

5.11 A charge of £150 was introduced in September 2018 if the applicant required accompanying plans. The cost equates to 3 hours work and is purely to cover the cost of the officer's time and is not for the purposes of making a profit. Experience has shown that this fee is an accurate reflection of the time spent drawing the plan if the property is of an average size. However for larger properties officers are spending more time onsite and in drawing the plan using AutoCAD. As such an additional fee of £15 per bedroom above 5 will be introduced.

## **6. Housing Enforcement**

6.1 The Council's Private Housing (Environmental Health) Team will respond to complaints from tenants and other residents about private housing and it will prioritise the complaints on the basis of an assessment of the risk and seriousness.

6.2 The Housing, Health and Safety Rating System (HHSRS), set out in Part 1 of the Housing Act 2004, is a method of assessing how likely it is that the condition of a property will cause an unacceptable hazard to the health of the occupant(s) of the property or neighbouring properties.

6.3 The HMO licensing regime includes arrangements for assessing the suitability of the premises for the number of occupants, including the adequacy of the amenities. It also provides for the assessment of the fitness of a person to be the licence holder and the potential management arrangements of the premises.

### **The formal process**

6.4 When taking enforcement action, the Council will use a variety of regulatory powers and will normally charge offenders for the cost of taking this action. The amount charged reflects the true cost of the work and takes into account the average number of hours taken to complete the task, the hourly rate of the Officers involved and the service on-costs.

6.5 In exceptional circumstances, the Council may exercise its discretion and decide not to charge an offender for the cost of enforcement. Such decisions will be made by the Principal Environmental Health Officers and will be based on the individual circumstances and merits of each case.

### **Carrying out Works in Default**

6.6 The Council has been given powers under the Housing Act 2004 and other legislation to carry out works in default where a person has been required to do works but has failed to do so.

6.7 In some instances, a person will be given notice of the Council's intention to carry out works in default. As soon as the Council has commenced the works, it is an offence for any person to obstruct the Council or any of the contractors or agents that have been employed to carry out the works.

- 6.8 The full cost of the works will be recovered in accordance with the relevant statutory provisions. A Charge will be placed on the property and the debt will be pursued. If interest can be charged while the debt remains unpaid, this will be added to the debt.
- 6.9 In order to encourage owners and landlords to undertake the work themselves, the Council's charges for arranging works in default [see **Appendix A**] reflect the true cost of organising and paying for the work. These costs must be met by the offender.
- 6.10 The Council is not obliged to carry out the works and reserves the right not to do so where the cost of the works is likely to be high or there may be difficulties recovering the costs. Works may be considered to remove serious hazards only.

### **Empty Properties**

- 6.11 There is a high demand for accommodation in Hull. As well as being a wasted source of housing, empty properties can be an eyesore, damage adjoining properties, blight neighbourhoods and attract anti-social behaviour.
- 6.12 The Council will identify, risk assess and prioritise long-term, problematic and nuisance empty properties, using the full range of informal and formal action (including works in default, enforced sales and, where appropriate, compulsory purchase) in order to bring them back into use.

### **7. Discretionary Services**

- 7.1 Where the Council is asked to provide a discretionary service in relation to private housing (Environmental Health) – such as an Immigration Compliance Visit & Report – it will make a reasonable charge that reflects the true cost of the work.
- 7.2 Although the Private Housing (Environmental Health) Team will continue to provide owners and landlords with advice and guidance, this will be provided mainly through the Council's website. Site visits will continue to be undertaken but, if customers require written reports or scaled drawings, the Council will normally charge for these.

### **8. Debt Recovery**

- 8.1 Where a charge is made for enforcement action, the debt will be registered as a local land charge against the owner's property. This means that, when the property is sold, the whole debt (including the interest that has accrued) will have to be repaid. This charge will also be subject to interest charges.
- 8.2 The Council will not allow a charge to sit against a property until it is sold as a matter of course but will vigorously pursue all debts that are owed to it in relation to its enforcement activity, works in default and other charges.

8.3 In order to recover outstanding debts, the Council may:

- Use databases and tracing agencies to track down debtors with a view to securing money judgments against them and appointing court bailiffs to recover the debt.
- Demand that rents are paid to the Council, rather than the landlord, where the law allows and it is appropriate to do so
- Use the enforced sale procedure under the Law of Property Act 1925, where appropriate, to force the sale of the property in order to recover the money that is owed.

## **9. Guidance**

9.1 A wide range of guidance on licensing and enforcement has been issued by the Government and other agencies, and the Council will continue to have regard to all relevant guidance when formulating its policies and procedures.

## APPENDIX A – PRIVATE SECTOR HOUSING FEES & CHARGES

From 1st April 2019 until 31 March 2020, (HMO licensing fees from 1 September 2018 until 31 March 2020) Hull City Council's Private Sector Housing Fees & Charges will be as follows

<b>Element</b>	<b>Description</b>	<b>Amount</b>
<b>Standard HMO Licence Fee</b>	The fee charged for a new HMO licence (or the late renewal of an HMO licence that has already expired).	£180 + £570 3 bedrooms £180 + £595 4 bedrooms £180 + £620 5 bedrooms £180 + £645 6 bedrooms £180 + £670 7 bedrooms £180 + £695 8 bedrooms £180 + £720 9 bedrooms £180 + £745 10 bedrooms +£25 per additional bedroom above 10
<b>Standard HMO Licence Renewal Fee</b>	The fee charged for the renewal of an existing HMO licence.	£180 + £570 3 bedrooms £180 + £595 4 bedrooms £180 + £620 5 bedrooms £180 + £645 6 bedrooms £180 + £670 7 bedrooms £180 + £695 8 bedrooms £180 + £720 9 bedrooms £180 + £745 10 bedrooms +£25 per additional bedroom above 10
<b>Practical help and support in completing a licence application</b>	The charge made when it is necessary for an Officer to sit with the applicant to help them complete their licence application.	£50
<b>Request for copy of floor plans</b>	The charge made when a copy of an existing floor plan is requested.	£50
<b>Request to draw new scale plan</b>	The charge made when requested to draw a new scale plan.	£150 5 bedrooms +£15 per additional bedroom above 5
<b>Request for visit to provide advice on fire precautions, amenities etc.</b>	The charge made when an owner/agent requests an advice visit and report on fire precautions, amenities etc.	£150
<b>Request for advice visit and to draw a scale plan</b>	The charge made when an owner/agent requests a visit, report and scale plan.	£250
<b>Request for copy of licence and conditions</b>	The charge made when requested to provide a copy of the licence certificate or conditions.	£50

<b>Request for confirmation that property does not require a licence in writing</b>	The charge made when a request is made to confirm that an HMO licence is not required in writing.	£50
<b>Request for written copy of the licensing register</b>	The charge made when a request is made to receive a copy of the HMO licence register in writing.	£50
<b>Service of an Improvement Notice or a Suspended Improvement Notice</b>	The charge made when it is necessary for the Council to serve an Improvement Notice or Suspended Improvement Notice because the owner or landlord has failed to engage with the Council or it is unlikely that a pre-formal process will result in a satisfactory resolution.	Hourly rate
<b>Service of a Prohibition Order</b>	The charge made when it is necessary for the Council to serve a Prohibition Order because all or part of the property cannot be occupied safely and resolution cannot be achieved by way of an informal agreement.	Hourly rate
<b>Service of an Emergency Prohibition Order</b>	The charge made when it is necessary for the Council to serve an Emergency Prohibition Order because there is an imminent risk of serious harm to the health and safety of the occupier(s) in all or part of the property.	Hourly rate
<b>Request to remove or revoke a Prohibition or Emergency Prohibition Order</b>	The charge made when the Council is requested to revoke or remove prohibition / emergency prohibition orders – this will always entail a visit to the premises.	Hourly rate
<b>Emergency Remedial Action</b>	The charge made when it is necessary for the Council to undertake Emergency Remedial Action because there is an immediate risk of serious harm to the health and	Hourly rate plus the cost of the works

	safety of occupier(s) in all or part of the property.	
<b>Works in Default</b>	The charge made when it is necessary for the Council to carry out works because the owner or landlord of the property has failed to comply with a statutory notice and, on its own, prosecution would not ensure the health and safety of the occupier(s). The full cost of the works will be recovered in line with the relevant statutory provisions, a land charge will be placed on the property and the debt will be pursued. If interest can be charged while the debt remains unpaid, this will be added to the debt.	Cost of the works plus hourly rate
<b>Immigration Compliance Visit &amp; Report</b>	The charge made when the Council is asked to provide a report on the suitability of a home to accommodate someone from abroad who is applying to reside in the UK.	£150
<b>Gas safety letter</b>	Letters sent to the tenant and landlord requesting access is allowed for the gas safety inspection to take place.	£50.44
<b>Warrant for access</b>	Application to the court for a warrant to gain entry to enable works to be completed. Executing warrant.	£252.20