Housing Sub Committee

Date: Thursday 2 November 2017
Time: 7:30 pm
Place: The Guildhall, High Street, Kingston KT1 1EU

Members of the Committee

Councillor Cathy Roberts (Chair), Councillor Maria Netley (Vice Chair), Councillor Paul Bedforth, Councillor Bill Brisbane, Councillor Linsey Cottington, Councillor Kevin Davis and Councillor Margaret Thompson

Advisory members:

a) leaseholders representative – Libby Goodsearles
b) private sector landlords representative
c) residents associations representative – Harry Hall
d) registered providers representative – Robin Oliver
e) sheltered housing residents representative – one member to attend from a pool of four representatives: Jenny McNamara, Margaret Lloyd, Maria Wise and Tom Wood [only one member from this pool of representatives may serve as the advisory member at each meeting]

Everyone is welcome to attend the meeting

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You can also access this agenda through the Modern.gov app or by scanning the QR code with your smartphone. Free Wifi is available in the Council Chamber (which can be accessed with the user name: rbk public and the password: freewifi)
Agenda

1. Public Question Time

2. Apologies for Absence and Attendance of Substitute Members

3. Declarations of interest

4. Minutes of the last meeting

   (1) To confirm the Minutes of the meeting held on 7 September 2017 are a correct record

   (2) To confirm (with reference to Minute 12) that an amendment can be made to Annex 3 of Appendix A (‘Freeholders and Leaseholders Decant Policy’) on page A59 Section 2 (‘Resolution’) (first sentence) to delete the word ‘Cabinet’ from the following phrase ‘...the case for a CPO being presented to the Council’s Cabinet for decision’ so that it reads ‘...the case for a CPO being presented to the Council for decision’ – as this more correctly reflects the governance arrangements of this Council.

5. Designation of a borough wide Additional House in Multiple Occupation Scheme

   Appendix A

   To obtain approval to redesignate an Additional House in Multiple Occupation Licensing (AHMOL) Scheme (which has both financial and legal implications for the Council).

6. Kingston Residents Scrutiny Panel (KRiSP) Sheltered Housing

   Appendix B

   To consider the recommendations of KRiSP on Sheltered Housing and the senior management response and to agree the way forward.

7. KRiSP Value for Money Report & Annual Appraisal

   Appendix C

   To consider the Annual Review & Value for Money (VfM) Report for the Kingston Residents Scrutiny Panel (KRiSP)

8. The Future Delivery Model for Housing Services

   Appendix D

   To inform the Committee of proposals about a New Housing Model and seek approval to consult on these proposals.

9. Urgent items authorised by the Chair

   To consider any items which, in the view of the Chair, should be dealt with as a matter of urgency because of special circumstances in accordance with S100B(4) of the Local Government Act 1972.
10. **Exclusion of the press and public**
The following resolution is included if any exempt matter is to be considered at the meeting for which the Sub-Committee wish to resolve to exclude the press and public:

To exclude the public from the meeting under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it is likely that exempt information, as defined in paragraph *….of Part I of Schedule 12A to the Act, would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(*relevant regulatory paragraph to be indicated)
Welcome to this meeting.

The following information explains the way some things are done at the meeting and some of the procedures.

Information about the Sub-Committee

The Sub-Committee is made up of your local elected Councillors and includes non-voting advisory members. It has overall responsibility for the Council’s housing functions, including council housing, homelessness, allocations and standards of housing in the area. Specific responsibilities include:

(a) the Council’s Housing Strategy;
(b) homelessness and the allocation of housing;
(c) the commissioning or delivery of landlord functions in relation to council owned housing;
(d) all matters related to the regulation of private sector housing;
(e) housing licensing and housing enforcement;
(f) housing loans and grants.

In addition the Sub-Committee:

(g) oversees the Housing Revenue Account, making recommendations to the Adults and Children's Committee on its management;
(h) contributes to the development and delivery of the estate regeneration programme and is responsible for the policies and processes required to implement the programme, where they relate to residents and leaseholders;
(i) considers and makes recommendations to the Adults and Children's Committee on matters relating to the Council’s wider health and wellbeing policies and programmes.

Public participation during the meeting

Do you want to ask a question?

There is a Question Time of up to 30 minutes from 7.30pm – 8pm. Questions may be submitted in writing before the meeting or handed in at the start of the meeting on the green forms provided. (There are some green slips on the chairs and there are more copies.) Please fill in the relevant part and hand this in to the Committee Officer at the top table.

Where a full reply cannot be given at the meeting, a written reply will be sent to the questioner, members of the Committee and the local press. The Chair may disallow any question which, in his/her opinion, is scurrilous, capricious, irrelevant or otherwise objectionable.

Running order

Are you here for a particular item? Items may be taken in a different order depending on the interests of the members of the public present at the meeting. Please fill out a green form at the start of the meeting and hand this to the Committee Officer if you would like to request that a particular item is heard earlier in the meeting.

Taking part in the meeting

During the course of the meeting, the Chair, at his/her discretion, may allow contributions, on items listed on the agenda. To attract the Chair’s attention, please raise your hand.

Speaking at meetings

Speaking at a meeting can be a daunting prospect and every effort is made to make this as easy as possible. Speech-friendly arrangements will take account of people who may have a speech impairment, e.g. they may have a stammer. If you have any individual requirements or feel that standing or addressing the meeting may present a difficulty, please let us know beforehand. Arrangements will be made to help you as far as reasonably possible.
More meeting information

Accessibility

- All meetings have access for people who may have mobility difficulties. If there are stairs, a lift or stairlift is available. Disabled parking spaces are available on site.
- Toilet facilities will be easily accessible from the meeting room.
- For people who are deaf or have hearing impairments, there is an induction loop (depending on the building, this may only be available in the first 2 or 3 rows).
- **A large print copy of the agenda can be requested in advance.**

Emergency evacuation arrangements

If the fire alarm sounds, please leave the building by the nearest exit. If you require assistance, please remain seated and an Officer will assist you from the building.

Webcasting of the meeting

This meeting will be webcast live on [https://kingston.public-i.tv/core/portal/home](https://kingston.public-i.tv/core/portal/home) and a recording will also be available to watch back a few hours afterwards. Recordings are accessible for a period of 12 months. Members of the public sitting in the public seating area will not generally be in direct camera shot but we cannot always guarantee this, so please note that, by attending the meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

Filming

Residents and journalists/media wishing to film meetings are permitted to do so but are asked to give advance notice of this and respect any concerns expressed by people on being filmed.

Interests

Councillors must say if they have an interest in any of the items on the agenda. Interests may be personal or pecuniary. Depending on the interests declared, it might be necessary for the Councillor to leave the meeting. The detail on interests is in Part 5A of the Constitution - Members’ Code of Conduct.

Call In

Most of the decisions made at the Committee, except on decisions on planning applications/planning enforcement/tree preservation orders and any licensing applications, can be called in for review by 100 people who live, work or study in the Borough. The call in period is 10 days after the meeting and the deadline for the call in of any decisions will be set out on the relevant report. Decisions are not, therefore, acted upon until it is clear that they are not going to be called in.

The call in means the decision will be reviewed by a full meeting of the Council. The Council at this meeting cannot change the original decision; it may decide that no further action is necessary, in which case the decision will be implemented, or it will refer the issue back to the Committee with its views and a request that the decision is reconsidered taking account of these views.

Minutes

The minutes briefly summarise the item and record the decision. They do not record who said what during the debate.
Housing Sub-Committee
2 November 2017

Additional HMO Licensing Scheme
Director of Place

Call-in deadline 16 November 2017 (ten working days after the meeting)

<table>
<thead>
<tr>
<th>Purpose</th>
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<tbody>
<tr>
<td>To obtain approval to redesignate an Additional House in Multiple Occupation Licensing (AHMOL) Scheme (which has both financial and legal implications for the Council).</td>
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<table>
<thead>
<tr>
<th>Recommendations of the Portfolio Holder for Adults Social Care and Health</th>
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<tr>
<td>To Resolve that -</td>
</tr>
<tr>
<td>1. the outcome of the consultation (ref paras. 23-32 and Annexes) on the redesignation of the Additional Houses in Multiple Occupation Scheme (AHMOs) (summarised in paragraphs 20-22) is noted;</td>
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<tr>
<td>2. the designation of an Additional HMO Licensing Scheme, which would cover all Houses in Multiple Occupation (HMOs) occupied by at least five people who do not form a single household, regardless of storey height, and all HMOs that are three or more storeys in height and occupied by three or more unrelated individuals, as set out in this report, is approved; and</td>
</tr>
<tr>
<td>3. the designation of the whole of the Royal Borough of Kingston upon Thames as being subject to the Additional HMO Licensing Scheme in accordance with the criteria set out in recommendation (2) above, is approved.</td>
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<thead>
<tr>
<th>Key Points</th>
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<tbody>
<tr>
<td>A. The Royal Borough of Kingston’s Additional Houses in Multiple Occupation Licensing (AHMOL) Scheme ends in December 2017. It is proposed that the scheme is redesignated as is, which would cover all HMOs occupied by at least five people who do not form a single household, regardless of storey height, and all HMOs that are three or more storeys in height and occupied by three or more unrelated individuals.</td>
</tr>
<tr>
<td>B. The Council proposes to redesignate the current scheme to tackle the problems associated with poor management and inadequate conditions in smaller HMOs.</td>
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<td>C. It is a legal requirement to carry out a consultation exercise before designating an area for additional licensing. The Council is confident it has complied with its statutory duty to consult and has acted in accordance with guidance issued by the Department for Communities and Local Government.</td>
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<tr>
<td>D. The results of the consultation are summarised within the report with full details found in Annexes 1-8 of the report.</td>
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<tr>
<td>E. Should an Additional HMO Licensing Scheme be agreed, the Housing Act 2004 states that the designated scheme must not come into force any earlier than three months following the designation of the Scheme. The target date for commencement of the Additional HMO Licensing Scheme would be 1 March 2018.</td>
</tr>
<tr>
<td>F. The redesignation of the AHMOL Scheme supports the aims of the Council’s Housing Strategy Priority to make the best use of existing stock within the borough.</td>
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</table>
1. A House in Multiple Occupation (HMO) is defined in section 254 of the Housing Act 2004. Broadly, it is a property which is rented, as their only or main residence, by three or more people from two or more families and where facilities such as kitchens and/or bathrooms are shared. It may include bedsit houses, shared houses and some self-contained flats.

2. An option for regulating standards in HMOs is HMO licensing. Part 2 of the Act introduced mandatory HMO licensing (MHMOL) to England and Wales. From 6 April 2006, there was a statutory duty on all landlords to license larger higher risk HMOs of three or more storeys housing five or more unrelated persons. These properties are seen as higher risk, both because of the nature and condition of the properties, and the vulnerability of their occupants.

3. HMOs generally provide a cheaper form of rented accommodation than renting a flat or a house as a single household. They are, therefore, one of the main forms of housing in the private rented sector for people on lower incomes or living on benefits. They are also often the only source of housing for certain groups, such as students, people on low income or foreign nationals. Tenants can be vulnerable because of their age, lifestyle, and nationality or immigration status.

4. Many landlords and agents do an excellent job in managing their HMOs to high professional standards, but that is far from universal. Failure to effectively manage HMOs properly can adversely affect the health and safety of tenants within the building and can have a wider impact on the local community in which the HMO is located. However, there are a number of landlords who do not simply fail to manage their HMOs properly, but positively exploit their tenants and often the public purse through housing benefit, by renting substandard and dangerous accommodation to vulnerable tenants, sometimes in overcrowded conditions.

5. Kingston has a large student population in the private rented sector and, with more families, foreign nationals, and vulnerable people living in the sector, it is an increasing priority to ensure smaller HMOs are adequately protected and properly managed.

6. Part 2 of the Act gives local authorities the discretion to introduce an additional HMO licensing (AHMOL) scheme. An AHMOL scheme can be viewed as an extension to cover smaller HMOs not in the MHMOL scheme, but the scheme can only be brought in to try to resolve problems that exist as a consequence of poor HMO management. In Kingston it was seen as a proportionate response to proactively improve property standards and management in this type of accommodation.

7. Before making an AHMOL designation for a particular type of HMO, or for a particular area, the Council must introduce it in line with the specific requirements in sections 56, 57 and 58 of the Act. Consultation must take place and the scheme must be consistent with the Council’s overall housing strategy.

8. Primarily, 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 to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

9. The Council reviewed the current scheme in 2016 and details of that review can be found in Annex 11.
10. The council consulted on the proposal to redesignate the existing AHMOL after it expires in December 2012 for a further 5 years. From the consultation 68% of respondents agreed that licensing improved standards in the private rented sector.

11. As of September 2017, the Council has licensed 224 HMO’s under the Additional licensing scheme and 234 HMO’s under the Mandatory licensing scheme. The average cost of an AHMOL is £800. The average cost of a MHMOL is £1,200.

12. HMO’s continue to remain a high priority for the Council. Since May 2016 the Council have received a total of 633 complaints regarding private sector housing of which 296 have been related to HMO’s (46%). Of the complaints received about HMO’s, 20 complaints relate to issues of anti-social behaviour from HMO’s, including complaints of excessive noise and an excess of refuse that is not being appropriately disposed of. 142 of the complaints about HMO’s related to complaints about disrepair and overcrowding. The Council received information concerning four fires in HMO’s in this time.

13. As a result of these complaints, the Council have served 32 Preliminary Improvement Notices under the Housing Act 2004 relating to 23 HMO’s. The enforcement action was to improve fire safety standards, reduce overcrowding, and to tackle poor management and disrepair. Of the HMO’s in which enforcement action was initiated, 20 were licensable HMO’s.

14. Kingston has a large student population of which about 7,000 live in the private rented sector in the borough.

15. In November 2015 the Government consulted on changing the criteria for Mandatory licensing and in the consultation document stated that it considered five or more residents in HMO’s the appropriate threshold for applying HMO licensing, supporting Kingston’s rationale for the AHMOL. The revision to mandatory licensing has been delayed by the changes to Government but remains in the current Government’s manifesto. As there is uncertainty around the changes to mandatory licensing, the Council has opted to propose continuing the AHMOL.

16. The Housing and Planning Act 2016 introduced the use of Civil Penalties for Housing Act offences. The Council adopted these powers in October 2017 as a further enforcement tool to tackle landlords that do not comply with their legislative obligations. Licensing is a proactive way to improve standards by working with landlords to ensure compliance rather than taking enforcement action when problems occur.

Proposal and Options

17. To ensure all landlords who operate HMOs in the borough are providing safe, healthy and well managed accommodation, the Council is seeking to use its powers to implement a borough wide Additional HMO Licensing Scheme.

18. The alternative options available to the Council include:
   - do nothing
   - do the minimum - intervention in the smaller HMO sector limited to a basic reactive ‘complaint response’ service
   - informal area action - setting up an action area as an impetus for action
   - targeted use of Interim Management Orders and Final Management Orders
   - Article 4 direction under Planning legislation to control the number of HMO’s
• area based voluntary accreditation of landlords
• borough-wide accreditation scheme
• area based additional licensing scheme across the whole borough or limited to specific wards.

19. These options were considered in the Stage 2 report at Annex 9 and were presented to a panel of members in March 2017. The decision was taken to consult on redesignating the scheme as existing.

20. The Council proposes that any HMO subject to the criteria set out below within the Royal Borough of Kingston would require a licence under the Additional scheme:
   a) All HMOs occupied by five or more people living as two or more households, regardless of storey height;
   b) All HMOs that are three or more storeys in height (occupied by three or more unrelated individuals).

21. The main reasons that the Council has set out the criteria as outlined above are:
   a) There is concern that overcrowding of properties often starts when three bedroom dwellings are occupied by five or more people.
   b) The fire risk associated with three plus storey HMOs is far greater and therefore all these HMOs should be safety checked, regardless of the number of occupiers.

22. The Council proposes to reduce overcrowding by specifying permitted occupancy levels for each licensable property. The Council also proposes to include conditions on property and tenancy management in order to control anti-social behaviour and ensure that local landlords provide safe accommodation that is of a decent standard.

Consultations

23. On 15 June 2017 the Council began a 15 week consultation with residents and other stakeholders on the proposal to redesignate the AHMOL scheme on its expiry.

24. The Council wrote or emailed details of the proposal to 466 current HMO Licence holders and their agents, and 1073 landlords of student households and their agents.

25. A further 456 stakeholders were also notified of the proposal and invited to comment. These included the London Fire and Emergency Planning Association (LFEPA), Landlord bodies such as the NLA and RLA, neighbouring boroughs private sector housing leads, Kingston University and College, the Greater London Authority and Chartered Institute of Environmental Health.

26. The consultation was publicised on the Council’s website and was also a news item on Radio Jackie. The Council held an event on 17 July where all stakeholders were invited to discuss the proposal and comment. A presentation was also given at the Council’s Landlord Forum on 13 September.
The responses received are contained in Annexes 1-10 and summarised below.

The Council received 119 responses to its online survey. The composition of the survey respondents was as follows:

<table>
<thead>
<tr>
<th></th>
<th>Number of responses</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>Landlord</td>
<td>29</td>
<td>24%</td>
</tr>
<tr>
<td>HMO landlord</td>
<td>49</td>
<td>41%</td>
</tr>
<tr>
<td>Tenant</td>
<td>14</td>
<td>11%</td>
</tr>
<tr>
<td>Other stakeholder</td>
<td>26</td>
<td>21%</td>
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</table>

Respondents were asked if they believed that three storeys and five occupiers was the right threshold for licensing and responded as below:

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<thead>
<tr>
<th>Criteria</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>3 storey or more</td>
<td>67%</td>
<td>49%</td>
</tr>
<tr>
<td>5 or more occupants</td>
<td>46%</td>
<td>54%</td>
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68% of respondents felt that licensing improved standards in the private rented sector.

The Council also received extensive written responses from the National Landlords Association (NLA), the National Approved Letting Scheme (NALS), and the Residential Landlords Association (RLA) all of which opposed the scheme and these comments are enclosed as Annexes 3, 4 and 5 of the report.

Comments from respondents are varied but follow themes:

1. A number of stakeholders and tenants stated that licensing should be extended to all private rented properties as it improves standards and safety. It also helps to tackle anti-social behaviour of tenants.

2. All HMOs should be licensed in a student town such as Kingston to protect vulnerable young adults who are often exploited by unscrupulous landlords.

3. The Professional Landlord and Letting Agents representatives stated that licensing is not an effective tool to regulate the sector and that the council should use alternative enforcement powers. In Kingston the AHMOL has set a framework of expected standards to enable landlords to work in collaboration with the council to enable them to achieve compliance with legislation.

4. The cost of the scheme is ultimately passed onto the tenants driving up private rented costs or making it prohibitive for landlords to form HMO’s. The legislation allows the council to charge a fee. The cost of 5 year licence is approximately £800 per property which equates to under £3.50 per week. The Council issued 36 new AHMO licenses in 2016/7 as HMO’s were created to meet demand.

5. The Government proposes to extend mandatory licensing which will incorporate those HMO’s that fall into the AHMOL scheme. As yet no
A6

announcement has been formally made concerning this, however subject to legislation the council proposes to passport any licenced properties into any revised government scheme.

6. There were mixed views on the number of occupants needed to licence the property. Some felt 5 was too many and others felt all property should be licensed regardless of occupation levels. 5 is the number considered appropriate for mandatory licensing.

Timescale

33. Should an Additional HMO Licensing Scheme be agreed, section 58 Housing Act 2004 states that the designated scheme must not come into force any earlier than three months following the designation of the Scheme. The target date for commencement of an Additional HMO Licensing Scheme would be 1st March 2018.

Resource Implications

34. The Additional HMO licensing scheme would be self-financing. The current fee structure is contained in Annex 12 of the report.

Legal Implications

35. The Additional HMO Licensing scheme commenced on 21 December 2012 and can remain in force for a maximum of 5 years. It therefore ceases on 20 December 2017.

36. The Housing Act 2004 requires a review to take place to decide whether the scheme should continue, or if it has achieved its purpose be revoked. This took place in 2016.

37. The Act also requires a statutory consultation and an extensive consultation took place over a 15 week period in June 2017.

Risk Assessment

38. There is a risk to the Council in not introducing a Scheme that it does not comply with its general duties under the Housing Act 2004 to keep its housing conditions under review and to take action in respect to Category 1 hazards (under the Housing Health and Safety Rating System).

39. If the Council does introduce an Additional HMO Licensing Scheme, there is a risk it could be seen as over regulatory in a sector that is already highly regulated eg. Energy Performance Certificates, Tenancy Deposit Protection, annual Gas Safe checks. In turn, this could drive landlords out of the sector. However, the actual cost of a typical licence for a five room HMO is relatively low, and the cost can be offset against profit. The licence fee is not seen as a significant cost, especially in relation to increasing rents.

Equalities Impact Assessment

40. The redesignation of the AHMOL scheme is a continuation of a current scheme and therefore a Equalities Impact Assessment is not required.

Background papers - held by author of the report - Fiona Meads, Team Leader Residential Email: fiona.meads@sutton.gov.uk Telephone: 020 8770 5935
   o None other than those referred to in this report
Project Report
18 May 2017 - 26 September 2017

Kingston Conversations
Licensing scheme for houses with multiple occupants

Visitors Summary

<table>
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Highlights

- **TOTAL VISITS**: 463
- **MAX VISITORS PER DAY**: 44
- **NEW REGISTRATIONS**: 12
- **ENGAGED VISITORS**: 114
- **INFORMED VISITORS**: 181
- **AWARE VISITORS**: 342
### ENGAGEMENT TOOLS SUMMARY

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Survey Tool: Fill in our short survey to have your say on licensing ho...
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ENGAGEMENT TOOL: SURVEY TOOL

Fill in our short survey to have your say on licensing houses with multiple occupants

<table>
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<tr>
<th>VISITORS</th>
<th>182</th>
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<tr>
<td>CONTRIBUTORS</td>
<td>114</td>
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<tr>
<td>CONTRIBUTIONS</td>
<td>119</td>
</tr>
</tbody>
</table>

Are you a landlord, tenant or other stakeholder?

( responses | skipped)

- Landlord: 79 (66.4%)
- Tenant: 14 (11.8%)
- Other stakeholder: 26 (21.8%)

Do you manage HMOs?

Optional question ( responses | skipped)

- Yes: 49 (62.8%)
- No: 29 (37.2%)
Kingston Conversations: Summary Report for 18 May 2017 to 26 September 2017

Do you manage licensable HMOs?
Optional question (responses skipped)

- Yes: 39 (49.4%)
- No: 40 (50.6%)

Do you live in the borough?
Optional question (responses skipped)

- Yes: 12 (92.3%)
- No: 1 (7.7%)
Do you live in a HMO?

*Optional question (responses skipped)*

- Yes: 9 (69.2%)
- No: 4 (30.8%)
- Don't know: 2 (22.2%)

Is the HMO licensed?

*Optional question (responses skipped)*

- Yes: 2 (22.2%)
- No: 5 (55.6%)
- Don't know: 2 (22.2%)
When you moved into the property did you receive one or more of the following?

(Optional question (responses/skipped)

- Contact details of your landlord: 7
- Copy of the Gas Safety Certificate: 3
- Copy of an Electrical Safety Certificate: 3
- Tenancy deposit details: 4

On a scale of 1 meaning 'strongly influenced' and 5 meaning 'no influence at all', what made you select your current accommodation?

(Optional question (responses/skipped)

- Price: 2
- Location: 4
- Property was licensed: 6
- Condition of property: 5
- Provision of safety certificates (fire/electric/gas): 8
- Accredited landlord: 10

Question options
(Click items to hide)

- 1
- 2
- 3
- 4
- 5
How would you best describe yourself?

Optional question (responses/skipped)

- Resident: 8 (30.8%)
- Interested party: 7 (26.9%)
- Authority: 6 (23.1%)
- Other: 5 (19.2%)

Have you been affected by a HMO in your area?

Optional question (responses/skipped)

- Yes: 14 (53.8%)
- No: 12 (46.2%)
Do you feel licensing improves standards in the private rented sector?

Optional question (responses | skipped)

- Yes: 68 (57.6%)
- No: 50 (42.4%)

Is five tenants or more the right number of tenants which mean a licence is required?

Optional question (responses | skipped)

- Yes: 54 (46.2%)
- No: 63 (53.8%)
Should all three storey HMOs be licensed?

Optional question (responses | skipped)

Yes: 67 (57.8%)
No: 49 (42.2%)

On a scale of 1 meaning 'strongly influenced' and 5 meaning 'no influence at all', what made you select your current accommodation?

This question was deleted, so it would have lesser number of responses (responses | skipped)

No Data to show
## Landlords responses to the consultation (Not HMO landlords)

<table>
<thead>
<tr>
<th>Do you feel licensing improves standards in the private rented sector?</th>
<th>Why?</th>
<th>Is five tenants or more the right number of tenants which mean a licence is required?</th>
<th>Why?</th>
<th>Should all three storey HMOs be licensed?</th>
<th>Why?</th>
<th>Any other comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>No</td>
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</table>

1. The licence is effectively a piece of paper and the responsibility to police and review compliance will introduce additional cost and bureaucracy without any benefit to the tax payer landlord or tenant.

2. Brings up standards in all areas

3. Every Landlord already has to comply with so much legislation, that it is not necessary to have a license as well as all the other legislation.

4. Landlords have to provide smoke alarms, CO2 detectors and in light of the recent council run block which had a fire this
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<tr>
<td>5</td>
<td>No</td>
<td>Licensing is just a way for unscrupulous landlord to illegally increase the amount of people living in registered HMO's as the council just takes the money and then the property is pretty much ignored. Many property owners have to rent their houses due to temporary relocation for work, increase in family size etc. It is not always possible or desirable to sell their homes. However many young professional people cannot afford to rent individual properties in this borough as rents are exceptionally high. They need to share. Where responsible landlords have put all the fire safety measures in place then it should be possible for them to rent their homes without making them HMOs which inevitably, once they do come to sell, are devalued. Surely the tenant, some of whom by the way are no</td>
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<td></td>
<td>No</td>
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</tbody>
</table>
|   | No |   | A loft extension can be just one room. A flat can be in a block 10 storeys high. As long as the relevant fire precautions are in place why should it matter?

proves it is not individual dwellings which are badly looked after but large blocks of flats.
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>6</td>
<td>It denotes that property is under the control of the local government authority which overlooks such lettings.</td>
<td>less than 5 tenants would be too low a number.</td>
<td>Yes</td>
<td>because there are more risks than two storeys or less,</td>
<td>The council should not charge landlords for the operation of these services which in the main give to councils more information for their own use.</td>
</tr>
<tr>
<td>7</td>
<td>I believe the landlords who does not respect the law do not care what ever the law says. By making more laws it create more hazels for the law binding good landlords only.</td>
<td>These numbers does not mean any thing. Only it matters if the property is multi Story buildings, i.e four or more floor levels with fire escapes.</td>
<td>No</td>
<td>From Three story buildings it is easily can get out in case of a fire, not like multi story buildings.</td>
<td>Generally any blocks of flats are maintained by a maintenance Company and they must be responsible for arranging the garbage collection and maintenance of the relation ships with the neighbours etc. Laws after laws does not work, but it is important to educate</td>
</tr>
<tr>
<td>No</td>
<td>Yes/No</td>
<td>Reason</td>
<td>Yes/No</td>
<td>Reason</td>
<td>No/Yes</td>
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<tr>
<td>8</td>
<td>Yes</td>
<td>Improves service to tenants.</td>
<td>Yes</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>9</td>
<td>No</td>
<td>There will always be landlords offering poor accommodation and always tenants willing to pay lower rents.</td>
<td>No</td>
<td>Five singles yes. But it should not apply to couples in shared houses. Or go by no. Of bedrooms let.</td>
<td>No</td>
</tr>
<tr>
<td>10</td>
<td>No</td>
<td>Because licensing alone does not ensure that standards are maintained. There should be periodic inspection by estate agents who should be made responsible for reporting poor standards and any deterioration of the property to the landlord.</td>
<td>Yes</td>
<td>As long as each tenant has a separate bedroom.</td>
<td>No</td>
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<td>No.</td>
<td>Option</td>
<td>Statement</td>
<td>Proactive Action</td>
<td>Reasoning</td>
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<tr>
<td>11</td>
<td>Yes</td>
<td>sets standards</td>
<td>No</td>
<td>blunt instrument</td>
<td></td>
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</table>
|     |        |                                                                           |                  | Our properties are managed by a management company who don’t need the council to oversee them. We regard ourselves as good compliant landlords however the costs of licencing prohibit us from making HMOs in the Kingston area. They become commercially unviable. The landlords who break the law are unlikely to be deterred by a requirement for Licenced HMOs as they are unlikely to respect the need to comply or to apply. This simply drives them underground. Where there is a professional management company known to meet agreed HMO standards (WHICH WE ALREADY PAY FOR) we should not ALSO have to pay on top the high price of Council HMO’S
| 12  | No     | We regard ourselves as good compliant landlords however the costs of licencing prohibit us from making HMOs in the Kingston area. They become commercially unviable. The landlords who break the law are unlikely to be deterred by a requirement for Licenced HMOs as they are unlikely to respect the need to comply or to apply. This simply drives them underground. | No               | See above, this is too proscriptive, it should be based on facilities and adequate means of access and egress to cope with the occupancy. Again this is too proscriptive. Some town houses are 3 story and should not fall into the need for licencing. see above. You are not asking the right questions. Ask how can we discourage bad landlords whilst encouraging good landlords without making compliance commercially unviable. The consequence of the current system of Licencing is simply to reduce the private rented multiple occupation housing stock, there is already a shortage. Government and local authorities should be providing more rented housing stock, they are not in sufficient numbers. Good compliant private landlords who are
addressing a demand are being penalised.

The system is too proscriptive and too expensive, all it does is drive bad landlords underground and stops good landlords from seeking to meet a housing need that is not being delivered by LAs and central government.

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<tbody>
<tr>
<td>13</td>
<td>Yes</td>
<td>ensures that the relevant safety standards are adhered to.</td>
<td>Yes</td>
<td>n/a</td>
</tr>
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<td></td>
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<td></td>
<td>No</td>
<td>there might be 2 families in a 3 storey HMO, and licensing produces an unreasonable burden on a landlord.</td>
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</table>

<p>| 14 | Yes | Helps eradicating rogue landlords and gives other landlords a level playing field. Also ensures that tenants are not exploited. | Yes | As a landlord letting to students I believe that with houses up to four then the chances are that they are a group of friends who happily share one house, one kitchen, one living/common room. When you get five or more it is more likely to have a group where some tenants are not known to each other, there are issues re bathrooms and kitchens, more likelihood of tensions and would therefore benefit with minimum standards being ensured. | Yes | Fire regulation enforcement. |</p>
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Supervision is a useful control</th>
<th>Yes</th>
<th>5 or more tenants are likely to live independently</th>
<th>Yes</th>
<th>Danger of fire if not supervised regularly</th>
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<tr>
<td>15</td>
<td>Yes</td>
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<td>Yes</td>
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<td>17</td>
<td>Yes</td>
<td>It imposes rules that improve the general living standards of Tenants</td>
<td>Yes</td>
<td>Four people sharing are likely to be a group of friends that are merely interested in saving on rental/other costs</td>
<td>No</td>
<td>I think the height of the property is a less important consideration. Other factors such as bedrooms the sizes of these etc. could be contemplated</td>
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<td>18</td>
<td>Yes</td>
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Hello,

We strongly feel that we should have another category to HMO licences, specifically tailored for the houses where supported living services are delivered. Our residents receive support from our on site staff, in our homes the fridges, cookers and utilities are mainly managed by staff therefore it is not necessary to have more than one fridge or cooker. We hope that you will consider this suggestion.

Best regards

As a Landlord who is likely to come into possession of a property that could benefit from being let out to multiple Tenants, I may be somewhat impartial.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th>I have had experience of a council intervening when a landlord operated an unlicensed HMO in a property which was sub-standard. This was a good outcome for the tenants.</th>
<th>There is still risk with fewer tenants and I would leave the number at three</th>
<th>The more floors, the more tenants, the greater risk</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Yes</td>
<td>The local authority ensures that the property meets with the regulatory requirements</td>
<td>Not sure what this questions requires - are you trying to establish where LL's understand the mandatory licensing requirements or asking an opinion whether any more than 5 tenants in a property means it should be licenced? I think that all HMOs should be licensed - the smaller properties can be more hazardous and overcrowded</td>
<td>There is a higher risk of harm from fire when living in a 3 storey property</td>
<td>Once again you have not mentioned anything about the number of people living in the 3 storey property you are assuming your responders understand the mandatory licensing requirements, or the definition of a HMO</td>
</tr>
<tr>
<td>20</td>
<td>Yes</td>
<td>I reported the most disgusting uninhabitable property my Son rented, provided photos of moulded broken white goods rusting fridges. Inspection was made and apart from instructing heating be added to a loft, no action was taken they continued to live in squaller</td>
<td>4 should be the minimum</td>
<td>The Council just don't monitor them properly so in effect you are taking money but not having an impact on the standard of living conditions</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>No</td>
<td></td>
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<td></td>
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<tr>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Fire risk.</td>
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<tr>
<td>22</td>
<td>Because rogue landlords will avoid licensing schemes.</td>
<td>Yes</td>
<td>It would depend on the Size and quality of the accommodation, if roomy and well equipped there should be no problems. But cramped and scruffy even for small numbers might be a good idea.</td>
<td>No</td>
<td>Depends on the construction. Well built buildings with good maintenance should not necessarily need it. It would depend on the property</td>
</tr>
<tr>
<td>23</td>
<td>It means the supplies like electricity and gas can be regularly checked for safety and the accommodation is kept up to a good standard. Kingston university has been running a headed tenancy scheme for many years that provides these standards and making university headed tenancy accommodation that is already regularly checked 3 times a year and demands regular certification of gas and electricity and requiring this accommodation to also be HMO would be onerous and Unnessessary.</td>
<td>No</td>
<td>Many extended families are bigger than this. It stops landlords letting to larger groups</td>
<td>Yes</td>
<td>Fire precautions, or rather the lack of them. There needs to be training for landlords on what they should be doing and then fines for those who dont comply with safety precautions</td>
</tr>
<tr>
<td>24</td>
<td>all it does is prove that on a specific day someone ticked all the boxes. Proper enforcement checks into complaints and help for tenants to make complaints is what is needed.</td>
<td>No</td>
<td>Should be two or more, to avoid conflict with who is actually causing anti social behavior ,and again fully tie the landlord down to control his tenants .</td>
<td>Yes</td>
<td>Again to make the landlords fully responsible for their tenants behavior .</td>
</tr>
<tr>
<td>25</td>
<td>It should hold the landlord responsible for his tenants actions, especially considering neighbour issues relating to noise, rubbish, parking etc.</td>
<td>No</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>26</td>
<td></td>
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<tr>
<td>We have a shortage of housing full stop. No restrictions should be made whilst this is the case since all it will achieve is further shortages, and the most important consideration of all is that a person can find shelter of any description. Housing standards will only improve when competition drives landlords to improve standards, and competition can only happen when there are alternatives available to tenants. That can only happen when there is more accommodation in the</td>
<td>It is irrelevant - see above.</td>
<td></td>
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<tr>
<td>No</td>
<td>No</td>
<td>see above.</td>
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</table>
market. So stop wasting money on such worthless schemes. Stop bullying landlords and start building please! Incidentally, I am a good landlord. I have a million pound house furnished to a high spec and I have charged the same level of rent for the past 15 years so I think I offer a good service to the community.

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<tbody>
<tr>
<td>27</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>28</td>
<td>Yes</td>
<td>We need to have a system in place that ensures landlords do not house too many people in a property. No</td>
<td>It should be two or more. Yes</td>
</tr>
<tr>
<td>29</td>
<td>Yes</td>
<td>provides a basic set of rules to follow which provides a consistent outcome No</td>
<td>6 is better. Many 3 bedroom flats have 2 couples and a single person living in them. So these landlords are caught up in the rules. This will then have the knock on affect of mortgage funding, the Mortgage Lenders HMO criteria puts the costs of finance up; which are then in turn often passed onto the tenant or worst still result in the lack of property maintenance resulting in poor housing. No</td>
</tr>
<tr>
<td>No.</td>
<td>Question</td>
<td>Answer</td>
<td>Description</td>
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<td>30</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>31</td>
<td>No</td>
<td>I think you still get poor quality accommodation and poor landlords with or without HMO licensing.</td>
<td>Yes</td>
</tr>
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</table>
Proposed Additional Licensing Scheme in the London Borough of Kingston upon Thames

National Approved Letting Scheme (NALS) Consultation Response

15 September 2017

An Introduction to NALS
NALS is an accrediting organisation for lettings and management agents in the private rented sector. NALS was established in 1999 by the Empty Homes Agency, with backing from the Royal Institution of Chartered Surveyors (RICS) the Association of Residential Lettings Agents (ARLA) and the National Association of Estate Agents (NAEA). NALS provides an overarching quality mark, easily recognised by consumers, with minimum entry requirements for agents.

NALS agents are required to:
- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Agents must provide evidence that they continue to meet NALS criteria on an annual basis in order to retain their licence. The scheme operates UK wide and has 1500 firms with over 2000 offices, including a number of agents within the London Borough of Kinston upon Thames.

NALS was recognised by the GLA as an approved body for the London Rental Standard. We have also become a co-regulation partner with Liverpool City Council and a recognised training provider under the Rent Smart Wales scheme.

NALS also administers the SAFEagent campaign (www.safeagents.co.uk), the purpose of which is to raise consumer awareness of the need to ensure that landlords and tenants should only use agents who are part of a Client Money Protection Scheme which offers reimbursement in the event that an agent misappropriates their money. The campaign is recognised by Government and the SAFEagent logo appears in their How to Rent guide (www.gov.uk/government/publications/how-to-rent).

We very much welcome the opportunity to contribute to this consultation exercise.

Overview
We understand that Kingston Council is undertaking a consultation on proposals to extend the additional licensing scheme for a further five years.

The Housing Act 2004 and associated guidance places certain responsibilities on the council when consulting on a proposed licensing scheme. The consultation should include a detailed explanation covering the reasons for the designation,
how it will tackle perceived problems and how the licensing scheme would improve matters. Alternative options should also be explored.

We do not think that the council’s evidence base demonstrates a significant proportion of HMOs in the area are being poorly managed or what other courses of action have been considered that might provide an effective method of dealing with the problem. Following the rollout of new civil penalty powers to make housing enforcement action self-funding without the need for licensing, the report fails to consider this as a viable alternative option.

Regarding the consultation questionnaire, we believe the questions are so limited they provide no realistic prospect of generating any meaningful results.

In the absence of any clear business case for introducing a new additional licensing scheme, we object to the licensing proposal set out in the consultation.

As the council will know, Enfield Council had their additional and selective licensing schemes quashed in a Judicial Review after deficiencies were identified with their consultation exercise. Having regularly contributed to licensing consultations across the country, we feel there are deficiencies in the Kingston consultation exercise which may place the council at risk of legal challenge. We would urge the council to step back and think again, allowing time to develop a more comprehensive and meaningful consultation and engage constructively with all relevant stakeholders.

In addition to these overarching observations, we have further specific comments about the consultation, as outlined below.

Government proposals to expand the mandatory HMO licensing scheme
Following the government’s decision to expand the mandatory HMO licensing scheme to all properties with five or more occupants, the council’s business case for additional licensing needs to be much more focused on HMOs with only three or four occupants.

The evidence base needs to demonstrate what if any problems are associated with these lower occupancy properties when deciding whether an additional licensing scheme is needed. To date, no such evidence has been provided.

Section 257 HMOs (certain converted blocks of flats)
The consultation exercise does not explain whether section 257 HMOs are included in the proposed scheme. We understand they are excluded from the current scheme and have therefore assumed there is no proposal to change this arrangement.

As such, we welcome the council’s decision to exclude the licensing of section 257 HMOs from the proposed scheme.

The evidence base
We have examined the evidence base published on the council’s website. Whilst we are pleased the council strongly support accreditation schemes to help drive up standards in the private rented sector, we would draw your attention to our
accreditation scheme for NALS’ members which has not been referenced in the report.

In section 7 of the evidence base the council have acknowledged the requirement to show:

- that a significant proportion of the HMOs in the area are being ineffectively managed to as to cause problems to the occupants or members of the public; and
- what other courses of action are available to the Council that might provide an effective method of dealing with the problem.

Whilst this is a fundamental requirement before an additional licensing scheme can be introduced, we can find no evidence to satisfy these requirements in the report.

We would not agree with the statement in section 6 that licensing is the principle tool for regulating standards in HMOs. It is one of many tools at the council’s disposal. Whilst only certain HMO are subject to licensing, all HMOs are required to comply with the HMO Management Regulations and the council has strong powers to tackle serious hazards in all rented accommodation through Part 1 of the Housing Act 2004.

The report indicates that the additional licensing scheme helps to protect 7,000 Kingston University students living in shared accommodation. The supporting table indicates there are 4,876 converted or shared dwellings in the borough. When the current scheme was implemented in 2012, we understand the council expected to license 500 to 1,000 properties. We cannot find any updated estimate in the report. We are concerned that section 9 of the evidence base indicates only 210 properties have been licensed since the scheme came into force. It seems that many landlords have not applied for a licence, which calls into question the value of the licensing scheme.

Section 10 lists issues that the licensing scheme was designed to address. The reports does not explain how successful the scheme has been in resolving these issues, which issues remain outstanding, why a further scheme is needed and why so little enforcement action has been taken against those that failed to apply for a licence.

We are unsure the reason for listing the Camden, Croydon and Hounslow licensing schemes in section 11, given there are 16 additional licensing schemes currently operating in London. Croydon ended their additional licensing scheme and now only operate selective licensing.

**Licensing fees**

We are pleased the council is proposing to set a lower fee for licence renewals. We think this is appropriate given that most information will already be known to the council and less work is involved when relicensing a property.

We note the council offers a discounted fee to accredited landlords and we are pleased that this discount has been extended to situations where either the licence holder or manager is accredited through an approved scheme. We would
request confirmation that the discount applies if the manager is an accredited NALS’ agent.

**Licence Conditions**
The council has not published a proposed list of licence conditions and so we have been unable to comment.

**Scheme evaluation**
When it comes to renewal of an existing licensing scheme, it is important to evaluate the previous scheme and establish how successful it has been in tackling perceived problems. Having looked on the council’s website, we can find no such evaluation report.

It is also important for the council to think about how any future licensing scheme would be evaluated. The council should publish a clear set of quantitative and qualitative criteria supported by baseline data against which scheme performance can be assessed.

We would request that the proposed evaluation methodology is set out in any subsequent Cabinet report, together with a commitment to publish an annual performance update throughout the life of any future licensing scheme.

**Inspection regime**
The consultation does not make clear the council’s proposed inspection methodology when receiving applications for new licences or renewals. We would ask the council to make clear their proposals in this regard.

In doing so, it is vital that the council has sufficient officers available to conduct any inspections in a timely manner so that licence approvals are not unreasonably delayed.

We would ask the council to publish clear service standards setting out the timescale for processing and approving licence applications and to publish regular updates so that performance in this area can be monitored.

**Delivering effective enforcement and compliance**
When the additional licensing scheme was implemented in 2012, we understand the council estimated there would be 500 to 1,000 properties that required licensing. A successful scheme should aim to license most properties whilst robust enforcement activity is targeted at those landlords and agents that seek to evade the scheme completely.

With so few licence applications submitted in Kingston, we would expect to see the council undertaking a high level of enforcement activity. However, figures published by London Property Licensing indicate that only one housing prosecution has been taken by the council in the five years from April 2011 to March 2016. Thus, it appears the scheme is being widely ignored with no perceived threat of enforcement action against those that fail to comply.

This creates unfair competition for NALS members who seek to comply with all their legal responsibilities. They are saddled with extra costs associated with the
licensure application process and relicensing, whilst many others evade the scheme and operate under the radar.

Before seeking to implement a new licensing scheme, we would encourage the council to utilise the enforcement powers already at your disposal and demonstrate how a step change in enforcement activity would be achieved if a new licensing scheme was introduced. This should include utilising the new civil penalty regime introduced under the Housing and Planning Act 2016.

**Recognising the important role of letting agents**

Letting agents have a critical role to play in effective management of the private rented sector. We would encourage the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents such as NALS’ licensed firms.

**Exploring opportunities for co-regulation**

Following our successful co-regulation partnership arrangement with Liverpool City Council, we would encourage the council to consider adopting a similar approach in order to achieve more balanced and effective regulation of the private rented sector.

Co-regulation can facilitate a light-touch approach to monitoring compliance amongst regulated letting agents, whilst freeing up local authority resources to tackle the minority of rogue landlords and agents that seek to evade their responsibilities and place their tenants’ lives at risk. In describing this innovative co-regulation approach, a Liverpool City Council Councillor said:

> “It is a win-win for everyone, because their members benefit from a reduced fee and we are able to target our resources at those landlords who we know aren’t meeting the standards.”

We would be very happy to meet with Kingston Council to explore options for developing a co-regulation model that helps to deliver better regulation of the private rented sector.

**Regulation of letting agents**

To achieve better regulation of the private rented sector and improve consumer protection, it is important that the council takes a holistic approach that extends far beyond the proposed licensing scheme.

Since October 2014, it has been a requirement for all letting agents and property managers to belong to a government-approved redress scheme. In May 2015, a further requirement was introduced requiring agents to display all relevant landlord and tenant fees, the redress scheme they belong to and whether they belong to a client money protection scheme, both in-store and on the company’s website.

We would like to see Kingston Council commit to proactive enforcement of these rules including, where appropriate, serving civil penalty notices, the income from which can help to fund the enforcement activity. By effectively regulating letting
agents that operate within the borough, it will help to ensure the properties are more effectively managed and improve consumer protection.

In June 2016, NALS published an Effective Enforcement Toolkit to assist local authorities with this task. The toolkit can be downloaded free of charge from the NALS website (www.nalscheme.co.uk).

Should you wish to discuss any aspect of this consultation response, please do not hesitate to contact me. Can you also please confirm the outcome of the consultation exercise in due course.

Isobel Thomson
Chief Executive

National Approved Letting Scheme
Cheltenham Office Park
Hatherley Lane
Cheltenham
GL51 6SH

Tel: 01242 581712
Email: Isobel.Thomson@nalscheme.co.uk
Website: www.nalscheme.co.uk

15 September 2017
National Landlords Association:

Response to Kingston-upon-Thames Council’s proposal for additional licensing

August 2017
• The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.

• More than 72,000 individual landlords from around the United Kingdom are members of our organization. We provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.

• The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

Overview

1. The ability to introduce additional licensing is a powerful tool. If used correctly by Kingston-upon-Thames Council, it could resolve specific issues. By renewing the scheme, you are indicating that the previous scheme did not work satisfactorily, or that it has not eliminated all the problems that you identified. Why are you renewing the scheme, when a different approach would be more appropriate if problems are persistent?

2. As well as this, your scheme is currently due to end this year. This proposal should be put on hold until the government has unveiled its proposal, which will be within the same period as the council’s, to avoid confusion.

3. One of the dangers of the proposed additional licensing scheme is that the costs may be passed on to tenants, thus increasing costs to Kingston-upon-Thames residents, especially the most vulnerable, along with the Council’s costs.

4. In many places, such as Newham, Oxford and Bath, where an article 4 direction was introduced in addition to the additional licensing, the result has been a reduction in the amount of shared housing that is available. This has resulted in councils looking to house many local people outside their boundaries, increasing costs for tenants and for the councils.

5. This policy could also have an impact on house prices in the area, with the market placing a premium on those with permitted development rights. This has been seen in other areas of the country.

6. The scheme does not take into account Airbnb or those who practice rent-to-rent. These matters have to be addressed, if the scheme is to work. Subletting is a problem for landlords. What policies will the council put in place to support landlords who are the victims of tenants who sublet or who permit overcrowding to take place?

Resources

7. Areas that have seen the introduction (perpetuation) of additional licensing have also seen mortgages being withdrawn (by the Nat West and RBS). This could have an impact on the
housing market, as the housing type could become stigmatised. It could increase the cost to tenants and the council in those areas where it is maintained, and students will price out those who are in receipt of welfare. The council will incur additional costs in housing people; this can already be seen in the council’s homelessness budget. What analysis of this has been undertaken, and of the potential effect on the council’s homelessness budget?

8. The council should consider schemes such as the Home Safe scheme in Doncaster and SEAL in Southend. Both offer alternatives which the council has not reviewed. This involves management of the landlords and tenants, and thus management of the whole situation, which would be a more appropriate outcome. This would also save the council money.

Societal impact

9. In addition to young professionals and students, migrants make up an important part of the shared housing market in Kingston. For obvious financial reasons and for flexibility, shared housing is an important housing segment for these groups. However, demand is not static. Thus, the impact of these policies will have an impact on the less well-off within Kingston-upon-Thames. What measures are the council taking to mitigate these issues (including increases in housing costs)?

10. The issue of overcrowding is difficult for a landlord to manage. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or to allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant’s welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor tenants’ household activities every day, or their sleeping arrangements. Where overcrowding does take place, they know what they are doing and are criminals, not landlords.

11. The cost to rent via local housing allowance in Kingston-upon-Thames is lower than in central London. A policy such as this will further limit supply at the same time as it prices out local people, but shared housing will still be available in inner London boroughs due to the higher rate available to them.

12. Schemes such as additional licensing have put houses that are shared at a premium; that added value depends on them remaining shared. The council’s continuation of the policy will prevent new entries into the market, thus creating a monopoly. Properties that have shared usage will have a higher value than those that do not. Landlords will be disinclined to return them to family use, as they have higher value in shared usage and landlords will wish to preserve that status.

13. The use of additional licensing that is landlord/property-based will not resolve many of the issues that are caused by tenants – they are tenant-based issues. Landlords have limited powers to address them, as any direct action by the landlord to address issues such as ASB can be considered by the tenant to be harassment.
14. The NLA believes that any regulation of the private rented sector must be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords and the quality of private rented stock, and driving out the criminals who blight the sector. The shared objectives of all parties should be to facilitate the best possible outcomes for landlords and tenants. As such, good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In the current economic climate, the last thing that good landlords need is yet more regulations or the continuation of licensing schemes, particularly where there appear to be limited direct or immediate benefits to landlords or to tenants.

Creating tension in relationships

15. In relation to ASB reduction and the authority landlords have to tackle such activity within their properties, it should be pointed out that landlords and agents can only enforce a contract. They cannot manage behaviour (ref: House of Commons briefing note SN/SP 264, paragraph 1.1). In most circumstances, the only remedy available to landlords who are confronted with cases of serious ASB in one of their properties will be to seek vacant possession and, in many instances, they will need to serve a Section 21 notice, rather than a Section 8 notice which identifies the grounds for possession. The former is simpler and cheaper and repossession (at present) is more certain. No reason need be given for serving a Section 21 notice and, in this case, the perpetrator tenant can hypothetically approach the local authority for assistance to be re-housed (ref: Homelessness Guidelines cl 8.2). Crucially, no affected party needs to offer evidence against an anti-social householder, thereby reducing the risk of intimidation, harassment and, ultimately, unsuccessful possession claims. The issue of ASB will thus not appear as a factor in the repossession. However, in providing evidence to support a licensing application, the document should clarify, for the respondents, the position of all the relevant issues under landlord and tenant law.

16. Landlords are usually not experienced in the management of anti-social behaviour and do not have the professional capacity to resolve tenants’ mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. ASB), even if the tenant has any of the above issues, a landlord ending the tenancy will have complied with their obligations under the additional licensing scheme. This moves the problems around Kingston-upon-Thames but does not actually help the tenant, who could become lost within the system. There is no obligation within additional licensing for the landlord to solve an ASB allegation. Rather, a landlord has a tenancy agreement with the tenant, and this is the only thing that the landlord can legally enforce.

17. This was reaffirmed in February 2017 when the House of Commons library published a briefing paper entitled ‘Anti-social neighbours living in private housing (England)’. This explains: ‘As a general rule, private landlords are not responsible for the anti-social behaviour of their tenants.’¹

¹ http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01012
18. It would be useful if the council could clarify its policies and put in place a guidance document which would outline the council’s position on helping landlords to remove tenants who are causing anti-social behaviour. This is worse in shared housing, when a tenant has to share parts of the house with other tenants.

19. The NLA would like further explanation of how the council will work with landlords to mitigate the losses when tenants leave a property early, but where they still have a tenancy. If a landlord has problems with a tenant, how will the council help the landlord?

20. The ability of a landlord to enforce the law against a tenant who is causing anti-social behaviour comes from the civil court, where the burden of evidence differs from that of a criminal court. Although the burden is lower, the length of this process will often exceed the period of the tenancy. Why would a landlord continue to pursue a case against a person who is no longer a tenant? A landlord also risks the tenant causing damage to the property by starting legal proceedings against the tenant. The fact that a landlord has started such a process will not appear on any council document, so how will the council expect to measure this?

Conclusion

21. The NLA agrees that some landlords, most often due to ignorance rather than criminal intent, do not use their legal powers effectively in the management of their properties. A more appropriate response would be to identify issues and help landlords to develop the required knowledge and skills to improve the sector through schemes such as the NLA Accredited Landlord Scheme. This would enable Kingston-upon-Thames Council to target criminals, where a joint approach is required.

22. Any continuation of additional licensing could further reduce the amount of shared housing. This would probably increase the costs for those who rent, as it would prevent new entries into the market. A more erudite approach to dealing with nuisance, and a separate policy to tackle criminals, would be a better way to resolve the issues. Enforcement is required against those landlords who do not meet housing standards. The proposed policy will increase the council’s costs.

23. Again, the NLA thanks Kingston-upon-Thames Council for the opportunity to respond to this consultation. We hope you find our comments useful.
Dear Sir/Madam

Kingston Upon Thames Additional Licensing Proposal – Consultation Response

Thank you for the opportunity to respond to the above consultation.

Though we at The RLA respect that the London housing market is growing fast and is changing rapidly, implementing more complex and time consuming licensing schemes to the vital supply of PRS housing is not the answer.

The RLA believes that the Council is premature in bringing forward proposals. The Housing and Planning Act 2016, which commenced on 6th April, and with further measures to be introduced in October, gives local authorities substantial new powers to tackle breaches of housing legislation and drive the criminal operators from the sector. The council should wait until the impact of these new powers can be assessed before pressing on with more regulation in the form of additional licensing.

I have read through your consultation documents, and though I appreciate the issues that the Council have mentioned and the effect they can have on tenants, landlords and the housing market, however licensing is not the way to tackle these issues.

The RLA is opposed to the scheme and has a number of general objections to Licensing, which are attached as an appendix to this letter. Licensing schemes rarely meet their objectives. Good landlords will apply for licences and, in all likelihood, pass the cost on to tenants in the form of increased rents, doing nothing to address affordability, while the worst landlords – the criminal operators – will simply ignore the scheme, as they do many other regulations.

Within the Consultation Proposal interest is paid to addressing poor management and property standards. There is little evidence that licensing schemes improve housing standards. The focus of staff becomes the processing and issue of licenses, while prosecutions centre on whether a property is licensed or not, rather than management standards and property conditions.

The Council already has the necessary tools to tackle poor housing management and conditions in the PRS. Rather than introduce a bureaucratic licensing scheme that will see staff time wasted processing applications, it should continue to direct its limited resources at effective enforcement activity.

Landlords, especially those with properties outside the licence area will become risk averse in terms of the tenants they let to. Tenant problems such as anti-social behaviour are impossible for the landlord to address alone and landlords will not wish to risk a breach of licensing conditions that may affect their ability to let properties elsewhere. Some may seek
to evict already challenging tenants. This could mean additional costs to other council services, as they pick up the pieces created by the disruption to the lives of already vulnerable tenants.

Likewise, if licensing costs are passed on to tenants in the form of rent increases, then some tenants may struggle, particularly those on benefits, affected by welfare reform and frozen housing allowances. Rent increases could provide very damaging to the borough’s high number of medical and student population, who are rapidly being priced out of the London rental market.

In the consultation documents the council admits that it has received 71 complaints in regards to unlicensed HMOs. However, the council has failed to reveal what enforcement action it has undertaken. This information is vital to our ability to give our advice and opinions on this scheme’s success effectively. Enforcement action is key to the success of any licensing scheme and we urge the council to consider whether it has fully prepared for the what a licensing scheme will demand of them, especially when it comes to the funding and man-power needed for enforcement.

In conclusion. Rather than an ineffective licensing scheme, the council should use cross-departmental and multi-agency working and effective use of existing housing legislation to support tenants and landlords in maintaining tenancies, housing condition and management standards.

There are alternatives to licensing. The RLA supports a system of self-regulation for landlords whereby compliant landlords join a co-regulation scheme which deals with standards and complaints in the first instance, while those outside the scheme remain under the scope of local authority enforcement. More information can be supplied if required.

We also support the use of the council tax registration process to identify private rented properties and landlords. Unlike licensing, this does not require self-identification by landlords, making it harder for so-called rogues to operate under the radar.

Yours Sincerely,

India Cocking
Local Government Officer
Residential Landlord Association
india.cocking@rla.org.uk

Appendix – RLA General Licensing Concerns

The RLA has several areas of concern in regards to selective licensing, namely:
i. Worrying trends are emerging in the case of discretionary licensing. Licensing entails a huge bureaucracy and much time, effort and expense is taken up in setting up and administering these schemes; rather than spending it on the ground and flushing out criminal landlords.

ii. Increasingly, discretionary licensing is being misused to fund cash strapped housing enforcement services. The recent Westminster sex shop Court of Appeal (Hemming (t/a Simply Pleasure) Limited v Westminster City Council) has brought such funding into question.

iii. Discretionary licensing is not being used for its intended purpose of a short period of intensive care; rather it is being used by the back door to regulate the PRS.

iv. The level of fees which are ultimately passed on to tenants to pay is a major worry so far as it affects landlords.

v. Despite high fee levels local authorities still lack the will and resources to properly implement licensing.

vi. Little has been done to improve property management. Opportunities to require training have been ignored. As always it has become an obsession with regard to physical standards with very detailed conditions being laid down. No action is taken against criminal landlords.

vii. We believe that a significant number of landlords are still operating under the radar without being licensed.

viii. As always it is the compliant landlord who is affected by the schemes. They pay the high fees involved but do not need regulation of this kind.

ix. Licensing is not being used alongside regeneration or improvement of the relevant areas. Insufficient resources are being employed to improve the areas.

x. Where areas are designated for selective licensing this highlights that they can be “sink” areas. This could well mean it would be harder to obtain a mortgage to buy a property in these areas.

xi. Schemes are not laying down clear objectives to enable decisions to be made whether or not these have been achieved. Proper monitoring is not being put into place to see if schemes are successful or not.

xii. There is little use of “fit and proper person” powers to exclude bad landlords.

India Cocking
Local Government Policy Officer
Residential Landlords Association
www.ria.org.uk

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# Tenants responses to consultation

<table>
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<tr>
<th>Do you feel licensing improves standards in the private rented sector?</th>
<th>Why?</th>
<th>Is five tenants or more the right number of tenants which mean a licence is required?</th>
<th>Why?</th>
<th>Should all three storey HMOs be licensed?</th>
<th>Why?</th>
<th>Any other comments</th>
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<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>Helps target rogue landlords and poor quality housing</td>
<td>Yes</td>
<td>Strikes a balance between offering the most benefits and targeting the most at risk properties</td>
<td>Yes</td>
<td></td>
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<td>2</td>
<td>No</td>
<td>the agents tell me I cant have a house if I move as a big group because the landlords are unwilling to rent to sharers due to licensing. with a family they don’t need a license</td>
<td>Yes</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>No</td>
<td>From our experience, irrespective of a licence there is no control on the type of tenant. The licence should have significant enforceable conditions with</td>
<td>No</td>
<td>Should be reduced to cover any number of tenants. Our neighbouring property started with 5 tenants on 3 floors and ended up with over 10 on all floors</td>
<td>Yes</td>
<td>Why on earth would you licence only 2 or less floors of a 3 storey property?</td>
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</table>
Mews under landlord Jerome Wilcox. For all day and night every day and night we suffered loud talking and shouting, music, slamming doors and cannabis smoking. We understand the tenancy was for 5 people, although over 10 lived there. We understand the property is licensed as an HMO. However the conditions inside were disgusting, one of the tenants parents provided over 40 images to the council, but was ignored. In addition there was regular fly tipping by the landlord, a rubbish tip for a garden, cigarette butts and rubbish outside. The tenants were aggressive and intimidating as indeed is the landlord. No respect by landlord or tenants for other residents. No support from Council or university. Complete
|   | No | Responsible landlords will always ensure that the property is in good condition. They do not need Council’s intervention. I had experience of a landlord who had a HMO license where the property was in a worse condition (though met the minimum standards) than the one I am living in at the moment which does not have a license. My current property is in immaculate condition and my landlords even come down to do my gardening and this is nothing to do with licensing or policing from Kingston Council. | No | Number of tenants does not automatically makes the property high risk or low risk. What other factors have been considered? i.e.: What independent research exists to support the assumption that properties with five or more tenants are higher risk? Can the Council confirm that any survey conducted by the Council included a selection of properties (not only five or more tenanted properties) to ensure a balanced view? I am aware of properties with only two tenants and they are in horrendous condition. | No | Overall I agree that the Council should focus on ensuring that all properties which require mandatory license are licensed. However, I still believe that this criteria is narrow. The Council need to decide on key risk factors and gather independent evidence to confirm if licensing three storey buildings improve standards. I have not been able to confirm if the Council have considered options other than licensing and I find this very worrying. Can this be another source of disgrace. We are promised more of the same by the landlord once he has completed repairing the damage caused by previous tenants. | Please respond to the following queries:  
1: As far as I aware, there is no other area with additional licensing requirements, therefore can the Council confirm what evidence exist to prove beyond reasonable doubt that licensing improve standards.  
2: How the Council have used the revenue collected through licensing and what proportion has been used to address the risks related to multiple occupancy? i.e. provided free pest control, additional waste collection provisions, support for... |
of income for the Council.

landlords and tenants, streamlined access to Council officers (rather than having to speak to five different people who do not talk to each other).

3: What work has been done to consider the impact of licensing on the housing market within the borough? i.e. cost implications for tenants and landlords, burden of paper work and paper chase.

4: Can someone confirm how the proposed licensing helps with the operational issues such as fly-tipping, waste collection and what steps have been taken to ensure different parts of the Council are working together in a streamlined way.

5: Where the results of the consultation will be published, when the
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<th>decision will be made and who will make the decision?</th>
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## Stakeholder responses to consultation

<table>
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<tr>
<th>How would you best describe yourself?</th>
<th>Have you been affected by a HMO in your area?</th>
<th>Do you feel licensing improves standards in the private rented sector?</th>
<th>Why?</th>
<th>Is five tenants or more the right number of tenants which mean a licence is required?</th>
<th>Why?</th>
<th>Should all three storey HMOs be licensed?</th>
<th>Why?</th>
<th>Any other comments</th>
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<tbody>
<tr>
<td>Other</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
<td>1. 3 occupants only. 2. Waste management and conservation needs to be stricter. None waste collection. Wheelie bins need to be mandatory. 3. Retrospective planning should not be allowed as its a fire hazard. Larger fines for breach of rules. 4. Neighbours should be invited to consult if they feel its suitable because they have to live with the fallout of poor management.</td>
</tr>
<tr>
<td>Interested party</td>
<td>No</td>
<td>Yes</td>
<td></td>
<td>No</td>
<td></td>
<td>Yes</td>
<td></td>
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<tr>
<td>Other</td>
<td>Yes</td>
<td>I have cause to inspect a number of properties for valuation purposes to find HMO's not</td>
<td>Yes</td>
<td>Definitely - by virtue of the potential penalties. Many Landlords are simply unaware of the</td>
<td>No</td>
<td>Three tenants</td>
<td>Yes</td>
<td>Because of the additional risks in case of fire - and</td>
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<tr>
<td>Resident</td>
<td>Yes</td>
<td>Noise nuisance. Deterioration in appearance of HMO houses e.g. front gardens becoming overgrown as neither the landlords or the tenants care. Deterioration in maintenance. Transient people reduce any sense of community.</td>
<td>Yes</td>
<td>See Selective licensing for local authorities: A good practice guide</td>
<td>No</td>
<td>Too high. &quot;If I was given the opportunity to change one single word in the 2004 Act, I would change the word ‘and’ to ‘or’, in the definition of a mandatory licensable HMO. If the definition was three storeys or five people it would take an awful lot of the grey area away from us, because we have a large number of three storey HMOs in ... but, you know, when we go and inspect these properties, or when we make enquiries, we are told there are only four people in there. That</td>
<td>Yes</td>
<td>Additional fire and evacuation risk.</td>
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</table>
sometimes is the case, but we feel that sometimes that is not the case, landlords are fully aware of what the legislation says so if they turn round and say well there's only four people in there, effectively that brings it outside the licence. (Implementation officer, CS8)"

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<thead>
<tr>
<th>Resident</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
<th>In the light of current events, fire safety in these properties should be a priority for all local authorities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interested party</td>
<td>No</td>
<td>Yes</td>
<td>Encourages self regulation and allows resources to be targeted towards rogue landlords.</td>
<td>No</td>
<td>All HMOs should be licensed in a student town such as Kingston to protect vulnerable young adults who are often exploited by unscrupulous landlords.</td>
<td>Yes</td>
</tr>
<tr>
<td>Resident</td>
<td>No</td>
<td>Yes</td>
<td>To ensure safety standards are of the highest order and overcrowding does not take place</td>
<td>Yes</td>
<td>It's at that level that checks need to Be made</td>
<td>Yes</td>
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<td></td>
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<td></td>
<td>For the reasons given above</td>
<td>Some two story buildings have been extended to allow more sleeping areas on ground floor with sharing of a kitchen area</td>
</tr>
<tr>
<td>Resident</td>
<td>No</td>
<td>Yes</td>
<td>Keeps a record of all types of landlords</td>
<td>No</td>
<td>Depends on the size and type of accommodation</td>
<td>Yes</td>
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<tr>
<td>Other</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Interested party</td>
<td>No</td>
<td>Yes</td>
<td>Setting a minimum standard in anything is always a good idea.</td>
<td>No</td>
<td>I would say that any number over three tenants should need a licence.</td>
<td>Yes</td>
</tr>
<tr>
<td>Authority</td>
<td>No</td>
<td>Yes</td>
<td>It ensures standardisation of private rented accommodation.</td>
<td>Yes</td>
<td>any less I would assume the tenants would be operating as a family unit.</td>
<td>Yes</td>
</tr>
<tr>
<td>Authority</td>
<td>Yes</td>
<td>I lived in one.</td>
<td>Yes</td>
<td>It ensures that properties are not &quot;getting away with&quot; having poor conditions and keeps them in the authority's eye.</td>
<td>Yes</td>
<td>No</td>
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</tr>
<tr>
<td>Authority</td>
<td>Yes</td>
<td>Anti social behaviour and unsociable interaction with neighbours</td>
<td>Yes</td>
<td>There is an authority to ensure landlords are kept to account</td>
<td>No</td>
<td>This should be less, more like 3</td>
</tr>
<tr>
<td>Other</td>
<td>No</td>
<td></td>
<td>No</td>
<td>Licensing imposes additional cost on good landlords. Rogue landlords continue to exploit tenants.</td>
<td>Yes</td>
<td>It prevents two couples sharing a house being included in additional licensing.</td>
</tr>
<tr>
<td>Authority</td>
<td>Yes</td>
<td>Have had to take enforcement action on numerous occasions</td>
<td>Yes</td>
<td>In saying yes it really depends on the available resources. Just licensing alone will not improve the standards unless it is accompanied by the</td>
<td>No</td>
<td>I think whatever definition of a HMO the Government decides then all HMOs falling into that definition</td>
</tr>
<tr>
<td>Authority</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Yes</td>
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<tr>
<td>Authority</td>
<td>Yes</td>
<td>the existence of a number of poorly managed properties under our radar. In our case it is for the most part migrant workers' accommodation.</td>
<td>Yes</td>
<td>because the landlord should be bringing their HMO to our attention rather than us searching them out. Then if we need to take formal action, it adds another failure to the list of the non compliances. And there usually is a list...</td>
<td>Yes</td>
<td>One has to pick a number and that seems about right.</td>
</tr>
<tr>
<td>Resident</td>
<td>Yes</td>
<td>Apparently the house we bought</td>
<td>Yes</td>
<td>If people have to get a license then they</td>
<td>No</td>
<td>5 is quite a lot, I think it should be</td>
</tr>
</tbody>
</table>

NB it is 'an HMO not a HMO'. Perhaps do a find and replace on that one.

There should not be an apostrophe in 'it's' on your page. 'It's' means 'it is' as an apostrophe denotes that a letter is missing, and you don't mean 'the RBKuT is considering redesignating it is A/L scheme', do you.

Thanks for sending an EHCNET out; yes it is very wise to consult fully as folk will always find fault if they can. I do recall discovering that a fax had been sent to the Chief Exec because I had misspelt licence, by a chap who had been so nice on the phone and had praised me for being helpful. I never made that mistake again.
several years ago was at one time an HMO. Despite sending several forms to the council saying it is not an HMO (it is a normal family house with young children!) the council this year decided they had to send someone round to check we weren't lying!

<table>
<thead>
<tr>
<th>Interested party</th>
<th>No</th>
<th>No</th>
<th>unwarranted interference by council</th>
<th>No</th>
<th>should be over 5</th>
<th>No</th>
<th>a lot of Surbiton houses have loft conversions they are still good houses</th>
<th>this is a biased survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interested party</td>
<td>No</td>
<td>Yes</td>
<td>More powers to deal with rogue landlords</td>
<td>No</td>
<td>I believe four should be the threshold</td>
<td>Yes</td>
<td>Increased fire risk</td>
<td></td>
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<tr>
<td>Other</td>
<td>No</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
<td>No</td>
<td></td>
<td>How are you taking into account the Government proposals to extend HMO licensing to one and two storey properties? Why does your website state that the scheme will end in December 2017?</td>
</tr>
<tr>
<td>Resident</td>
<td>Yes</td>
<td>Yes</td>
<td>I have had HMO's on each side of me &amp; it has seriously affected my health.</td>
<td>Yes</td>
<td>At least with licencing numbers are restricted. Landlords should be</td>
<td>Yes</td>
<td>No more than six please in a nice estate like Blenheim</td>
<td>They should be licensed &amp; kept under supervision.</td>
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<td></td>
<td></td>
<td>Yes</td>
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<td></td>
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<td></td>
<td>As above.</td>
</tr>
<tr>
<td>Interested party</td>
<td>Yes</td>
<td>By exceptionally bad landlord that empties previous tenants rubbish in the garden where it has collected for many many years.</td>
<td>Yes</td>
<td>Regulation is vital. It protects not only the tenant but adjoining properties and the environment. Who can complain over well managed and maintained premises it is good for the environment, the community and for safety.</td>
<td>No</td>
<td>This should be 3 unrelated adults.</td>
<td>Yes</td>
<td>See part B of the building regulations. When a storey is over 4.5m stricter fire prevention measures</td>
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</tr>
<tr>
<td>Resident</td>
<td>Yes</td>
<td>Unfit condition of neighboring property</td>
<td>Yes</td>
<td>A 3rd party authority to whom</td>
<td>No</td>
<td>Too many</td>
<td>Yes</td>
<td>For safety reasons</td>
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<tr>
<td></td>
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<td>held responsible for recycling &amp; behaviour of tenants. The landlord should go through the recycling requirements with their tenants.</td>
<td></td>
<td>Gardens. We live in very close proximity to each other and can hear everything through the walls. As secretary of the Residents’ Association exhausted by reminding tenants HMO’s regarding rubbish &amp; noise.</td>
<td></td>
<td></td>
<td></td>
<td>We are aware or the housing shortage but HMO’s are not improving our quality of life &amp; lowering our standards.</td>
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Noise is no longer a problem but recycling, general maintenance of a property & lifestyle certainly is. HMO's are a money making racket & should be either stopped or efficiently supervised. They can make life hell for neighbours.
<table>
<thead>
<tr>
<th>Interested party</th>
<th>No</th>
<th>Yes</th>
<th>Ensures landlords comply with safety measures</th>
<th>No</th>
<th>If any property is let out to two or more individuals in an HMO, this should be regulated</th>
<th>Yes</th>
<th>All HMO’s should be licensed regardless of how many floors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident</td>
<td>Yes</td>
<td>No</td>
<td>The property in my street (15 Ash Close) is a disgrace. Despite our complaints about overcrowding, no one from the Council has ever been to check. A system is only effective if it is checked for breaches and this is clearly not happening.</td>
<td>Yes</td>
<td>It definitely needs scrutiny and regulation; but my concern is that no checks are ever done, to ensure no over occupation, even when the council has been made aware. The HMO in our street certainly exceeds its 5 person license.</td>
<td>Yes</td>
<td>HMO licenses should not be allowed without neighbour consultation (in the same way as planning applications) We were not even informed that one was going to be in our street. The Council should stop pandering to unscrupulous landlords (who can get more money from an HMO than single dwelling) and consider the impact it will have on neighbours first. There has to be consultant ion and an assessment of appropriateness.</td>
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We can look to supervise everything
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<tr>
<th></th>
<th>Do you feel licensing improves standards in the private rented sector?</th>
<th>Why?</th>
<th>Is five tenants or more the right number of tenants which mean a licence is required?</th>
<th>Why?</th>
<th>Should all three storey HMOs be licensed?</th>
<th>Why?</th>
<th>Any other comments</th>
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<tbody>
<tr>
<td>1</td>
<td>No</td>
<td>I have been renting for many years and in my experience, regulation increase cost and not standards. My current property is not licensed but much better than many where I lived before and they were licences.</td>
<td>No</td>
<td>See my comments above.</td>
<td>No</td>
<td>See my comments above.</td>
<td>Generally speaking, private sector properties tend to be in much better condition than Council owned and this was laid bare in recent tragic events at the Grenfall tower so why further regulate the sector which does not need to. This will only increase cost of renting. Instead LG</td>
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<tr>
<td>No</td>
<td>Good landlords will always be good landlords and bad landlords will always be bad landlords &amp; find a way around regulations.</td>
<td>The Council are driving up the cost of rental, these costs are being passed on to us the tenants by responsible landlords. We need these Landlords to keep their costs low &amp; set an example. Council housing stock is the worst having rented in both sectors. I suspect the council is only interested in money &amp; not raising standards. 1 &amp; 2 story buildings should be exempt unless they have more then 7 people. 3 story buildings &amp; above with 5 or more tenants should require regulation. These properties are most at risk especially as the council has under 10% of the HMO market</td>
<td>3 story &amp; above properties with the greatest risk. The council have regulated under 10% of all HMO's in the borough, 450 out of an estimated 5000 by their own estimates. Use your limited resources to catch irresponsible landlords with 3 story properties and above. 1 &amp; 2 story properties can wait as they are very much lower risk.</td>
<td>As a tenant in a 2 story building I've met your HMO inspectors on only 1 occasion. They added no value, inconvenienced both us the tenants &amp; our Landlord with a pointless visit that offered no value. Our Landlord has told us he's going to rent to a family instead of us next year as he can't stand how he's one of the only participants &amp; how costly it has become for him. The only way he can continue renting to us is by driving up his costs &amp; he doesn't want to do that. Our house is great &amp; 10 times better then our previous house we rented from Kingston Council. Leave 2</td>
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<td>3</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>4</td>
<td>No</td>
<td>it will be more difficult for sharer and students to find accommodation and it will life is difficult. Also professional does not earn too much money but they cannot get also house of benefit unless they cheat students are not allow to get house of benefit anyway. Instead of HMO it would be better to check standard of all the flats, it does not matter who live there as family or sharer it must be in decent condition for human being to live. Also I don’t understand why don’t you spent same effort for house of benefit cheater instead you are coming harsh to people who does not</td>
<td>No</td>
<td>As long as people happy to live what is the point forcing people instead you should allow people using this option instead of claiming house of benefit. i believe you must support the landlord who rent their properties to sharer because if we can’t find a property to rent as sharer the only option is to claim house of benefit and as you know there are lots of people abuse the house of benefit system and you don’t do anything for them is so annoying, people who abuse the system instead of feeling shy they even talking in a way you think you are</td>
<td>No</td>
<td>All the flat or houses must be in a good condition it does not matter how many stories. You should stop trying to get extra money for house of benefit cheaters</td>
<td>Regardless what is the situations all the flats or houses must be in decent conditions I don’t think it must be necessary to ask to the landlords who rent their property to sharer to pay extra fee</td>
</tr>
<tr>
<td>No/Yes</td>
<td>Claim and try to stand on their foot</td>
<td>an idiot because you work like donkey to earn money to pay your rent instead of getting help from council</td>
<td>Yes</td>
<td>regardless how many people live the accommodation place must be decent for human being to live</td>
<td>No</td>
<td>it matters how many people lives there</td>
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<tr>
<td>5</td>
<td>No</td>
<td>it will just make it much more difficult to find a room to live in and also much more expensive than before probably i might need to go to council and ask for help</td>
<td>Yes</td>
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<td>6</td>
<td>No</td>
<td>Have lived in licensed property before nad the landlord didn't do any repairs. Need a different scheme to protect tenants rights in law not a local license scheme which just drives up the rent</td>
<td>Yes</td>
<td>Should stop overcrowding but really some big families can’t afford the right size place. My friend has kids and both sets of in laws living with him in a 3 bed that he owns. they are badly overcrowded but no one deals with it cause he owns it. They can’t afford to live anywhere else cause the rents are so high as landlords don’t want the hassle of licensing so charge more and let to fewer tenants</td>
<td>No</td>
<td>It is hard given all the issues of fire. I think there needs to be a fire certificate for all properties whether let or privately owned. my parent brought us up in a council owned three story which was a fire trap!</td>
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</tr>
<tr>
<td></td>
<td>Yes</td>
<td>as there are set guidelines that landlords must follow to ensure safety</td>
<td>No</td>
<td>should be four as nearly all properties are 4 bedroom. 5 or more are hard to come by</td>
<td>Yes</td>
<td>as they require more safety procedures</td>
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<tr>
<td>8</td>
<td>Yes</td>
<td>as there are set guidelines that landlords must follow to ensure safety</td>
<td>No</td>
<td>should be four as nearly all properties are 4 bedroom. 5 or more are hard to come by</td>
<td>Yes</td>
<td>as they require more safety procedures</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Yes</td>
<td>brings landlords to account</td>
<td>No</td>
<td>all let properties should be accountable</td>
<td>Yes</td>
<td>as above</td>
<td></td>
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</tbody>
</table>


## Landlord responses to consultation

<table>
<thead>
<tr>
<th>Do you feel licensing improves standards in the private rented sector?</th>
<th>Why?</th>
<th>Is five tenants or more the right number of tenants which mean a licence is required?</th>
<th>Why?</th>
<th>Should all three storey HMOs be licensed?</th>
<th>Why?</th>
<th>Any other comments</th>
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<td>1</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>2</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>3</td>
<td>No</td>
<td>Most properties especially new builds already comply with legislation requirements for HMO's. The council should concentrate on standards in their own housing stock after recent events rather then targeting relatively well maintained small scale private housing stock.</td>
<td>No</td>
<td>Licences should be for 7 tenants &amp; also target 3 or more story buildings. The costs associated with implementing the HMO scheme is high. The council should target 3 story buildings &amp; above as there is only 450 HMO licenses from a estimated 4,870 estimated HMO's in their own 2011 census. Concentrate on catching the big fish instead of picking on small landlords who are easy targets. The compliance rate is shocking &amp; those who do voluntarily comply with HMO legislation</td>
<td>Yes</td>
<td>3 story buildings possess the biggest risk, the council should concentrate compliance in this type of property rather then targeting 2 story buildings &amp; small scale landlords. 2 story buildings should not require HMO licences as they are more safer then any family home. These 2 story HMO properties already now have fire boarded staircases, mains operated fire alarms, fire doors etc.</td>
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<td>4</td>
<td>Yes</td>
<td>House has to be maintained to a recommended standard</td>
<td>No</td>
<td>Standards should be maintained regardless of numbers</td>
<td>Yes</td>
<td>As above</td>
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<td>5</td>
<td>Yes</td>
<td>Quite simply it regulates and monitors the quality and safety of properties in the borough. RBKT should be proud of their properties that have a HMO and this is the way to do it. There is no reason why it should cost the council either, a fee could be charged that would justify 1 person running a database and checking the quality of the properties say on a 2 yearly basis. Any proud landlord would have no problem in paying saying £100 for a license and inspection of his property every 2 years.</td>
<td>Yes</td>
<td>I would say 4 tenants in one property is the correct number for each house that needs to be regulated.</td>
<td>Yes</td>
<td>More stairways means more hazards particularly fire hazards. You cannot compromise SAFETY I WOULD LOVE TO MEET SOMEONE TO DISCUSS MY THOUGHTS MORE FULLY</td>
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<tr>
<td>6</td>
<td>No</td>
<td>Because it's just a rip off to take money without anything back</td>
<td>No</td>
<td>Should be 20 plus</td>
<td>No</td>
<td>Because some are just ground floor entrances</td>
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<tr>
<td>7</td>
<td>No</td>
<td>the existing regulations such as the existing housing act covers the requirements</td>
<td>No</td>
<td>the existing regulations such as the existing housing act covers the requirements</td>
<td>No</td>
<td>the existing regulations such as the existing housing act covers the requirements most of the antisocial behaviour of the tenants also the how the property is treated by the tenants is not addressed !</td>
</tr>
<tr>
<td>8</td>
<td>Yes</td>
<td>It gives Landlords guidance on regulations which they may be unaware of. Forces poor landlords to conform.</td>
<td>Yes</td>
<td>Landlord Guidance.</td>
<td>Yes</td>
<td>Safety</td>
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<tr>
<td>9</td>
<td>Yes</td>
<td>I see this as an equivocal and trick question, and as such, I do NOT want the unqualified answers to this used for statistics, because IN MY OPINION: Whilst I strictly have to answer ‘yes’ because the scheme does get responsible landlords to be even more responsible, it doesn’t take into account the problem of rogue landlords and therefore the answer of ‘yes’ is misleading. Apparently the scheme has insufficient funds to deal with rogue landlords with their dangerous and squalid properties, and who have scant care for regulations, and the welfare of their tenants and neighbours. As such, I feel the fee system has got it completely the wrong way round: The scheme should be financed by fines from these antisocial rogues, not responsible landlords. This</td>
<td>Yes</td>
<td>I feel fewer tenants pose less risk. But I refer to my point above. The scheme should be geared and financed to make it unprofitable for rogue landlords, whatever the size or number of tenants. Once there are insufficient funds from rogues, then introduce fees.</td>
<td>Yes</td>
<td>I feel in the event of fire, higher tenants pose greater risk of escape for tenants. But I refer to my previous point. The scheme should be geared and financed to make it unprofitable for rogue landlords. Once there are insufficient funds from rogues, then introduce fees.</td>
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</tbody>
</table>
would send out the right message that being a rogue doesn’t pay. Instead, it burdens the responsible landlords with yet more costs, while the rogues can continue with impunity. If so, then this is a thoroughly shameful weakness. Of course, rogues should be given the chance to improve, but for obvious severe failings, they should be heavily fined immediately. One does not want to encourage or open the door to the council trying to trip up good landlords to get their penalty fees. It should hunt out those slum landlords who create human misery, with swingeing fines, possible property confiscation, banning from being landlords for the worst offenders, and even custodial sentencing. THAT would improve standards big time. Personally, over many years, I have been very happy with your staff, which has helped me improve my properties to standards I might not have otherwise known. Their
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<tr>
<td>10</td>
<td>Yes</td>
<td>As minimum safety levels are required, landlords who are unwilling to incur expenditure to bring their property to the required standard should not be permitted to let the property out to larger groups.</td>
<td>Yes</td>
<td>But I think that the test of 5 persons should be for 3 floors - not 2 floors. If two floors, adequate fire safety, bathrooms and cooking facilities should be deemed acceptable.</td>
<td>Yes</td>
<td>There should be adequate fire safety measures for the top floor</td>
<td>I've heard that several Landlords have been arguing against HMO licences and dragged their heels on the issue. If true, and RBK allows them to do so, it effectively undermines the additional HMO licencing scheme.</td>
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<tr>
<td>11</td>
<td>No</td>
<td>A good landlord will ensure that their properties are compliant and safe. The council should look closer to home before trying to fleece landlords who are already struggling to survive with all the added expenses which are constantly being implemented. If the private sector decides it is no longer cost effective, this will re-bound on the public sector. There is at present a move to significantly reduce the number of council employees so I can't see how more council involvement at this stage will benefit anyone!</td>
<td>Yes</td>
<td>If you reduce this to four, then what will happen next? Eventually, by this logic HMO’s will apply to all lets. Is there any evidence that the HMO system has benefited anybody but the councils due to the charges incurred and the people they employ for this purpose.</td>
<td>No</td>
<td>Only if it is one property, not where they are flats or individual properties.</td>
<td>My feedback will no doubt be ignored, so I will not waste any further time on this.</td>
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<tr>
<td>11</td>
<td>Yes</td>
<td>Yes to avoid overcrowding, to meet health and safety standards.</td>
<td>Yes</td>
<td>Once 5 individual/unrelated tenants occupy a property there are a number of issues that can arise in relation to tenants not communicating with each other which can lead to health and safety issues, lack of communication in reporting problems etc.</td>
<td>No</td>
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<td>12</td>
<td>Yes</td>
<td>Obviously it does enforce certain standards. However these come at a cost to landlord and tenant (in higher rents).</td>
<td>No</td>
<td>I think the old national criteria were more relevant. Over 2 storeys and more than 5 people.</td>
<td>Yes</td>
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<td>13</td>
<td>Yes</td>
<td>Obviously it does enforce certain standards. However these come at a cost to landlord and tenant (in higher rents).</td>
<td>No</td>
<td>I think the old national criteria were more relevant. Over 2 storeys and more than 5 people.</td>
<td>Yes</td>
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<td>14</td>
<td>No</td>
<td>I think the regulations made the market even worse as illegal HMOs are cheaper so more popular (tenants don't know anything about the regulations so they don't care with that). Cheaper prices =&gt; more popularity =&gt; more illegal HMO. The regulations needs to be rethought because they are</td>
<td>No</td>
<td>Because 10 tenants doesn't have any problem with one kitchen for example. They don't care if the property has only 1 bathroom and 1 toilet. It should be their decision to rent a room with these parameters or not. I agree with the fire regulations anyway. Fire rules</td>
<td>No</td>
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HMO licensing is a good standard, however it should be better policed as I believe that most landlords who are good landlords already implement many of the regulation standards, however it is the rogue landlords that will not comply and so will not register for an HMO License.

Some things are difficult and costly to comply with because of tenant behavior. Self closing fire doors are nearly always propped open, forcing the hinges. I am constantly having to repair them.
very strict and it is very hard
to manage a proper HMO. 
There are many 
unnecessary rules what is 
not good for anyone and

don't serve safety.

Many companies run 
unlicensed HMOs. Our 
prices will always be worse 
than someone's who 
manage unlicensed HMOs.
So it is counterproductive as 
the tenants will choose the 
cheaper solution and that 
makes more illegal HMOs 
rather than legal HMOs.

I met with agencies who has 
100-200 houses (meaning 
1000-2000 tenants). None of 
them are licensed.
And there are lots of 
agencies doing the same 
way. Everybody knows 
this. Less rules, better 
license fee and more 
control would help the 
landlords.

I agree with the fire 
regulations anyway. They 
should be a bit easier also 
but everybody agree with 
them.

should be applied over 5 
tenants. Any financial help 
would be appreciated (even a 
loan - as a proper alarm 
system costs 2000 gbp).

They are happy with one 
kitchen. Only a few of them 
cook. They are happy with 2 
toilet and one bathroom.

I think only the fire regulations 
makes sense. All the other 
regulations hurts to the 
business and the property 
standards also as I mentioned 
it is counterproductive.

15 Yes It puts a legal framework 
round the requirements to 
provide proper 
accommodation which 
complies with all

No I would say a licence should 
be sought for any property 
where more than one person 
lives with another and are

Yes If one 3-storey property 
is licensable, they all 
should be.
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<tbody>
<tr>
<td>16</td>
<td>Yes</td>
<td>Ensuring minimum safety standards.</td>
<td>Yes</td>
<td>6 &amp; above seems a sensible figure.</td>
</tr>
<tr>
<td>17</td>
<td>Yes</td>
<td>Creates a <em>structure</em> for both landlords and tenants to work within.</td>
<td>Yes</td>
<td>Five individual bedrooms/people feels like the correct scale to warrant further engagement from the local council to ensure suitable living standards.</td>
</tr>
<tr>
<td>18</td>
<td>Yes</td>
<td>It ensures that larger rented properties comply with fire regulations and comply with minimum standards of accommodation</td>
<td>No</td>
<td>It might be worth requiring a licence for 4 tenants or more as I believe the risks with 4 are the same as for 5 tenants</td>
</tr>
<tr>
<td>19</td>
<td>No</td>
<td>Because irresponsible landlords just won't apply for a licence. responsible landlords will comply with standards anyway - why should we pay for policing the &quot;rogue&quot; landlords?</td>
<td>No</td>
<td>There should be a wider definition of what constitutes &quot;one household&quot; - my 5 student tenants constitute one household, as they are all under one University Headed Tenancy agreement and are all at the same University. However, they are classed as different households because they are not married or related by blood.</td>
</tr>
<tr>
<td>20</td>
<td>No</td>
<td>Only 3 or 4 peoples living in a property will not</td>
<td>Yes</td>
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</table>

I have heard that the mandatory licensing scheme is to be extended to include all HMO's with 5 or more tenants. There needs to be more information from the Council about the change - eg when it takes effect - and whether existing properties under Additional Licensing can passport to the new category. Trying to find who to contact from the Council website is impossible. I have left phone messages, but no-one gets back to me.
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<tbody>
<tr>
<td>21 Yes</td>
<td>Keeps up the standards &amp; helps to prevent rogue landlords</td>
<td>Yes</td>
<td>Always a danger of overcrowding esp guests!</td>
</tr>
<tr>
<td>22 Yes</td>
<td>Creates standards for larger units of shared accommodation</td>
<td>Yes</td>
<td>Lesser numbers is an unnecessary imposition on tenants and landlords, especially if only renting out a couple of rooms in your own house. I do not see that smaller units of accommodation pose such a threat to tenants.</td>
</tr>
<tr>
<td>23 No</td>
<td>Since my property was forced to be made an HMO. one of the requirements I had to implement was locks on tenants room doors. This effectively turned a smart up market flatshare where the tenants trusted each other into a property that has become a downmarket bedsitter property.</td>
<td>No</td>
<td>Should be 10 or more</td>
</tr>
<tr>
<td>24 No</td>
<td>Because the council's primary reason for implementation is an income stream.</td>
<td>No</td>
<td>Because the council's primary reason for implementation is an income stream.</td>
</tr>
<tr>
<td>25 No</td>
<td>The required rules for HMOs and self contained flats are substantially the same yet self contained</td>
<td>No</td>
<td>The whole scheme is unnecessary bureaucracy</td>
</tr>
<tr>
<td>No.</td>
<td>Response</td>
<td>Reason</td>
<td>Safety Concerns</td>
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<tr>
<td>26</td>
<td>No</td>
<td>I don't see why a license will improve standards as I don't know what one has to comply with to obtain a license. It might improve some things but being a responsible landlord it's not going to make a difference to me except that a license may be an unwanted expense.</td>
<td>Yes</td>
</tr>
<tr>
<td>27</td>
<td>Yes</td>
<td>Remove bad landlords, people who do understand that their tenants are actually customers, and should be treated with respect.</td>
<td>No</td>
</tr>
<tr>
<td>28</td>
<td>No</td>
<td>I feel it punishes landlords who follow the rules with high fees. It does nothing against bad landlords as there seems to be very little investigation work done to make sure properties are licensed. I regularly hear stories from prospective tenants about the terrible places they have lived in. Having to pay big renewal fees every few years is a major disincentive to be licensed and the size of the fees is completely</td>
<td>Yes</td>
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<td>unreasonable given that there is likely to be much less work involved. Furthermore, it means taking couples can reduce the number of rooms you can let if you are trying to keep the number of tenants below the licensing requirement. This will discourage landlords from taking couples and makes it harder for them to find a home.</td>
<td></td>
<td>only have one viable unassisted escape route - the front door of the flat.</td>
</tr>
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<td>29</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td></td>
<td>The larger the group, the less communication there is among the tenants. This can lead to various issues which results in a poor environment for the tenants themselves and for adjacent properties</td>
<td></td>
<td>If the landlord agrees to 1. comply with safety rules such as fire doors and smoke alarms…. 2. limits the number of tenants 3. retains a sitting room instead of cramming in another tenant 4. has a joint and severally liable contract 5. specifies no candles in the contract then I think these properties should be exempt. There needs to be a way of rewarding responsible landlords and I feel this is the way to do that.</td>
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<td>I have always been keen to work with the council and university in aiming to provide good quality, well maintained rental properties. I would not like to see a heavy handed approach to myself and other landlords who take their responsibilities seriously. A local approved landlords list would be a carrot rather than a stick.</td>
</tr>
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<td>30</td>
<td>No</td>
<td>Because it creates more hassle and costs thus will</td>
<td>No</td>
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<td></td>
<td></td>
<td>Yes</td>
<td>The regulations is so complex. There should be</td>
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<tr>
<td>31</td>
<td>Yes</td>
<td>Ensures minimum standards in place at time of licensing. However the monitoring of maintenance of these standards is critical if the scheme is to work as intended. For example, what controls are in place to ensure that there is always a current Gas Safety Certificate for the licenced HMO. More importantly, it concerns me that there are HMOs in the borough which should be licensed but are not.</td>
<td>Yes</td>
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<tr>
<td>32</td>
<td>Yes</td>
<td>Safety is paramount</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Fire safety</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>No</td>
<td>How can it? We had one inspection at the start and nothing more. Standard can be improved when the tenants report bad landlords and I utterly disagree.</td>
<td>No</td>
</tr>
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<td></td>
<td>It should be over 5, not 5 or more. This would then filter out those landlords that are packing in tenants and potentially the living standard are reduced. Many larger homes take 5 tenants easily.</td>
<td>Yes</td>
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<td></td>
<td>Three storey and extra large homes should be licensed as long as over 5 tenants</td>
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<td></td>
<td>At present the HMO is just a waste of money and badly managed. The money charged simply puts up the tenants rent and who wants that!</td>
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<td>No.</td>
<td>Endorsement</td>
<td>Reason</td>
<td>Requirement</td>
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<tr>
<td>34</td>
<td>No</td>
<td>Because if the tenant is bad if it is licensed or not it will not help</td>
<td>Yes</td>
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<td>35</td>
<td>No</td>
<td>There are still very inhabitable houses for rent</td>
<td>Yes</td>
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<td>36</td>
<td>Yes</td>
<td>To keep living standards to a good level</td>
<td>Yes</td>
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**Comment:**

Please take into account these factors regarding the landlords:

Why does there have to be a large licensing fee for existing landlords of HMOs, AHMOs? Remember that landlords with several houses will suddenly be hit all at once with several expensive license fees. As far as, waste management, anti-social behaviour, unkempt gardens, rogue landlords who stay under the radar......The council has all the powers already in place to address these issues but does not. The licensing scheme of AHMOS was supposed to be cost neutral when first introduced...not really sure what landlords are getting for their money? Bear in mind that Landlords have become cash cows for the government to tax relentlessly more and more, regulate with further costs.
Instead of it being recognised that the private rental sector offers a valuable service for affordable accommodation, landlords are constantly villified with shock stories of rogue landlords, ignoring the majority of professional landlords who have pride in the service they offer. Keep squeezing the landlords with further costs and rents will go up or landlords will quit. This will leave the tenant (for example students) with expensive corporate options for accommodation, many of which are popping up all over Kingston and other areas of the country. Student costs will spiral out of control.

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<td>37</td>
<td>Yes</td>
<td>I think it improves safety standards re: Fire.</td>
<td>No</td>
<td>I think the number of floors is more of an issue. 5+ over 3 floors should require a license over 2 floors, I don't think there's the same escape/fire risk.</td>
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<td>38</td>
<td>Yes</td>
<td>Many norms to comply with that were not mandatory otherwise and so done only by some landlords. However once these improvements (fire resistant doors etc) are in place then the scheme will not improve more the existing HMO</td>
<td>No</td>
<td>6 would be a good number as then it is not a normal house that can be used and therefore it needs checking the norms are adhered to.</td>
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<tr>
<td>39</td>
<td>No</td>
<td>I don't think it's necessary and useful or can improve anything for house or flat with only a few people when not overcrowded irrespective the number of storeys. I think it's more to do with the no of occupants living inside the property which I think 5 or more, may be required a license.</td>
<td>Yes</td>
<td>I think with 5 or more tenants that are not from the same family could require a license which then is reasonable.</td>
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<td>40</td>
<td>No</td>
<td>I have an HMO licensed property. When one year the tenants were noisy, left a lot of rubbish over the wall, at the end of the road, the neighbours called the council many times and they were not interested. After the tenants had left and I attended one of these meetings. I asked what you would use our HMO license fees for and was told they would come and visit to ensure the tenants do not cause problems to the neighbours, leave rubbish, make noise. However, I said none of the people from Council came, when he neighbours complained. They said at the meeting, write down all this and we will look into and respond. I never got any response. I wonder where the license</td>
<td>Yes</td>
<td>The council are finding it difficult to use the money they have collected. As far as I can see they have added to their coffers without knowing how they are going to spend it. What about the council spending some money to safeguard the houses, like pat testing, electricity certificate etc, which they wish us to spend on as additional expense, apart from paying the council for having HMO.</td>
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<td>Question</td>
<td>Answer</td>
<td>Description</td>
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<tr>
<td>41</td>
<td>Yes</td>
<td>The existing standards are balanced and ensures rogue landlords are kept to a minimum</td>
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<td>42</td>
<td>No</td>
<td>Because there is zero proactive enforcement in the borough and the rules about hmos are ambiguous and unknown to many housing staff in Kingston.</td>
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<td>43</td>
<td>Yes</td>
<td>because there are many unscrupulous slum Landlords who will not comply with any reasonable precautions.</td>
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<tr>
<td>44</td>
<td>No</td>
<td>I look after and maintain my property because I have invested my hard earned savings into it and I want my tenants to be safe and happy. I go above and beyond what is required by licensing. What improve standards is competitive market. I know that If I do</td>
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<td>not look after my tenants and my property is not in good condition, the tenants will go somewhere else. Therefore I strongly disagree that licensing improve standards. However it certainly does the following: - Increase the paper chase and bureaucracy; - Significant increase in my costs. The Council must remember that the cost of licensing is not the only cost of HMO. I had to change my mortgage provider because my current mortgage provider does not do HMO which resulted in a significant increase in costs for me, which in turn meant that I had less money available to do all the &quot;nice to have&quot; things in the property e.g. I used to have the property painted once a year, send a gardener out once a month. I can’t do this anymore because the total cost implications of HMO are horrendous. - Increase in rent costs: I have to pass on some of the costs resulting from licensing to my tenants, so</td>
<td>i.e. anti-social behaviour, rubbish, over-crowding etc.</td>
<td>proportion of the properties under review are being managed ineffectively. - Fully enforce the mandatory licensing; - Publish detailed analysis on how the revenue collected through licensing have been spent; - Provide any useful support to landlords when it comes to dealing with rogue tenants; - Fully deal with issues of sub-letting by tenants and over-crowding in smaller properties; - Streamline Council's policies, sharing of information and support on Council tax, waste collection etc. For example, different rules about doors on the lock for Council tax and different rules for HMO, Waste Collection: All the second bins have been collected from my licensed properties meaning that the rubbish is being left outside inviting foxes ad rates. However when I rang the Council's waste management section, I needed to provide proof and write a letter to state that the property is HMO</td>
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the group you are trying to protect are financially worse of as a result.

- Good landlords are targets: I feel that good landlords who comply are the one who get picked on by the Council time and time again. Landlords like me who comply are easy targets. Going after non-compliant landlords is hard work which Council seems to avoid e.g. how many landlords have been prosecuted for failing to comply with mandatory licensing requirements?

- Why can’t they just look at the register is beyond my understanding. The lack of co-ordination is giving rise to issues such as health and safety where people are leaving rubbish on the road, fly-tipping and dumping rubbish in their neighbours bins.

- Failed to make provide clear and evidence links between the AHMO strategy and the objectives. For example the document tilted, "Evidence base AHMO" states that the policy increase role and size of the private rented sector and better landlords are not disadvantaged, however your policy does exactly the opposite i.e. reduced the size of the sector and disadvantage better landlords.

- The document," Evidence base AHMO" para 8.03 refers to specific aims. However strong, independent evidence provided within the so called, "Evidence ...." document to demonstrate (with actual numbers) how the licensing achieved these aims so far is absent. Some of the aims appeared to been added to the list to make up the numbers
e.g. it is ridiculous to suggest that HMO ensure that "tenants have landlords contact details and are provided with written terms of tenancy ". All landlords (even the bad ones) will have this in place to ensure that they have some protection in case of any issues. Especially because the tenants already got lot more rights than the landlords.

The Council must remember that landlords are getting targeted by both local government and central government. All this is having a real impact on the private rental property market especially for small landlords like me. This will result in only large companies with property portfolio surviving. May be this is exactly what the Council wishes to achieve.

I will be monitoring this consultation process, report publication and decision-making process closely. I hope the Council is not just ticking the consultation box. I urge Councillors to ask for independent evidence and actual views shared by the stakeholders as well as
<table>
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<tr>
<th>45</th>
<th>No</th>
<th>We just can't see what difference it makes or that licensing improves standards. Licensing the property does not make you a better landlord.</th>
<th>No</th>
<th>Why should any number of tenants in a property make a difference, providing each tenant has their own room</th>
<th>No</th>
<th>As long as a landlord abides by all safety regulations, why should licensing make any difference.</th>
<th>Landlords are increasingly reluctant to take on properties because of increased legislation and cost. This forces the government to take more and more lettings themselves. Us landlords have been getting a bad deal and it's getting worse.</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>Yes</td>
<td>Removes rouge HMO landlords.</td>
<td>Yes</td>
<td>No</td>
<td>Because if one is renting to a family or Group of 5 (No more than 5) in a two story property that already has Fire Doors (FD30's) &amp; Fire &amp; Smoke Alarm fitted as standard this is an unnecessary cost</td>
<td>Yes</td>
<td>Meet fire regs</td>
</tr>
<tr>
<td>47</td>
<td>Yes</td>
<td></td>
<td>No</td>
<td>It ensures that houses meet certain standards</td>
<td>No</td>
<td>I am an HMO license holder, but have no HMO's in Kingston. My concern is if you were to introduce this for 3 or more sharers, I could easily fall foul to the new rules. Please ensure I'm kept informed of any changes.</td>
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<td>48</td>
<td>Yes</td>
<td></td>
<td>No</td>
<td></td>
<td>Yes</td>
<td></td>
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<tr>
<td>49</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Not enough evidence • AHMO licensing doesn't improve property standards • Good landlords will be good landlords</td>
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</table>
regardless of licensing and bad landlords will be bad landlords regardless of licensing
• There are additional significant costs associated with Additional HMO licensing - not least increase in mortgage repayments of greater than 10%
• Due to the lack of resourcing for enforcement there is a low compliance rate
• Resources should be focussed on mandatory licensing to increase compliance in the higher risk properties and there should be an amnesty for 2 storey properties
• Very bureaucratic
• Issues with refuse collection and council departments not talking to each other regarding the need for greater provision of bins
• There should be more legislation to protect landlords against bad tenants - there is nowhere for landlords to go for advice or
assistance with poor tenants.
- Should look at the impact of licensing holistically rather than focussing on tenants rights
- There should be due consideration in the decision making process with all views taken into account
### Landlords responses to the consultation (Not HMO landlords)

<table>
<thead>
<tr>
<th>Do you feel licensing improves standards in the private rented sector?</th>
<th>Why?</th>
<th>Is five tenants or more the right number of tenants which mean a licence is required?</th>
<th>Why?</th>
<th>Should all three storey HMOs be licensed?</th>
<th>Why?</th>
<th>Any other comments</th>
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<tr>
<td>1</td>
<td>Yes</td>
<td></td>
<td></td>
<td>Yes</td>
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<td>2</td>
<td>No</td>
<td>The licence is effectively a piece of paper and the responsibility to police and review compliance will introduce additional cost and bureaucracy without any benefit to the tax payer landlord or tenant.</td>
<td>No</td>
<td></td>
<td>No</td>
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<td>3</td>
<td>Yes</td>
<td>Brings up standards in all areas</td>
<td>No</td>
<td>Yes</td>
<td></td>
<td>One is not sure why properties under Kingston University’s Headed Tenancy scheme should also be subject to additional licensing.</td>
</tr>
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<td>4</td>
<td>No</td>
<td>Every Landlord already has to comply with so much legislation, that it is not necessary to have a license as well as all the other legislation.</td>
<td>No</td>
<td></td>
<td>Landlords have to provide smoke alarms, CO2 detectors and in light of the recent council run block which had a fire this proves it is not individual dwellings</td>
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which are badly looked after but large blocks of flats.

5 No Licensing is just a way for unscrupulous landlord to illegally increase the amount of people living in registered HMO's as the council just takes the money and then the property is pretty much ignored. Many property owners have to rent their houses due to temporary relocation for work, increase in family size etc. It is not always possible or desirable to sell their homes. However many young professional people cannot afford to rent individual properties in this borough as rents are exceptionally high. They need to share. Where responsible landlords have put all the fire safety measures in place then it should be possible for them to rent their homes without making them HMOs which inevitably, once they do come to sell, are devalued. Surely the tenant, some of whom by the way are no better than slum landlords in the way they maintain

No

No

No

A loft extension can be just one room. A flat can be in a block 10 storeys high. As long as the relevant fire precautions are in place why should it matter?
<table>
<thead>
<tr>
<th></th>
<th>6</th>
<th>Yes</th>
<th>It denotes that property is under the control of the local government authority which overlooks such lettings.</th>
<th>Yes</th>
<th>less than 5 tenants would be too low a number.</th>
<th>Yes</th>
<th>because there are more risks than two storeys or less,</th>
<th>The council should not charge landlords for the operation of these services which in the main give to councils more information for their own use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>No</td>
<td>I believe the landlords who does not respect the law do not care what ever the law says. By making more laws it create more hazels for the law binding good landlords only.</td>
<td>No</td>
<td>These numbers does not mean anything. Only it matters if the property is multi Story buildings, i.e four or more floor levels with fir escapes.</td>
<td>No</td>
<td>From Three story buildings it is easily can get out in case of a fire, not like multi story buildings.</td>
<td>Generally any blocks of flats are maintained by a maintenance Company and they must be responsible for arranging the garbage collection and maintenance of the relation ships with the neighbours etc. Laws after laws does not work, but it is important to educate landlords, the management Company</td>
<td></td>
</tr>
<tr>
<td>Tenancy</td>
<td>Yes</td>
<td>Improves service to tenants.</td>
<td>Yes</td>
<td>No</td>
<td>Just base on number of tenants in occupation i.e. 5 or more</td>
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<tr>
<td>8</td>
<td>No</td>
<td>There will always be landlords offering poor accommodation and always tenants willing to pay lower rents.</td>
<td>No</td>
<td>Five singles yes. But it should not apply to couples in shared houses. Or go by no. Of bedrooms let.</td>
<td>No</td>
<td>2 storey houses with a loft extension don't apply this rule.</td>
<td></td>
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</tr>
<tr>
<td>9</td>
<td>Yes</td>
<td>Because licensing alone does not ensure that standards are maintained. There should be periodic inspection by estate agents who should be made responsible for reporting poor standards and any deterioration of the property to the landlord.</td>
<td>Yes</td>
<td>As long as each tenant has a separate bedroom.</td>
<td>No</td>
<td>It should be based on number of bedrooms and not storeys in the building.</td>
<td></td>
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<tr>
<td>10</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td>Requirements for costly periodic electrical inspection when there are no changes in the wiring of the house should be extended to five years instead of at the start of each tenancy. Currently these inspections are used by contractors to make exorbitant demands from landlords who have no expertise on the subject. This only results in increased rent for short tenancies.</td>
<td></td>
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<tr>
<td>11</td>
<td>Yes</td>
<td>sets standards</td>
<td>No</td>
<td>blunt instrument</td>
<td>No</td>
<td>Our properties are managed by a management company where there is a professional management company</td>
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<tr>
<td>12</td>
<td>No</td>
<td>We regard ourselves as good compliant landlords however the costs of licencing prohibit us from making HMOs in the Kingston area. They become commercially unviable. The landlords who break the law are unlikely to be deterred by a requirement for Licenced HMOs as they are unlikely to respect the need to comply or to apply. This simply drives them underground.</td>
<td>No</td>
<td>See above, this is too proscriptive, it should be based on facilities and adequate means of access and egress to cope with the occupancy.</td>
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<td></td>
<td>Again this is too proscriptive. Some town houses are 3 story and should not fall into the need for licencing. see above.</td>
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<tr>
<td></td>
<td></td>
<td>company who don't need the council to oversee them.</td>
<td>known to meet agreed HMO standards (WHICH WE ALREADY PAY FOR ) we should not ALSO have to pay on top the high price of Council HMO'S</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>You are not asking the right questions.</td>
<td>Ask how can we discourage bad landlords whilst encouraging good landlords without making compliance commercially unviable.</td>
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<td></td>
<td>The consequence of the current system of Licencing is simply to reduce the private rented multiple occupation housing stock, there is already a shortage.</td>
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<td></td>
<td>Government and local authorities should be providing more rented housing stock, they are not in sufficient numbers. Good compliant private landlords who are addressing a demand are being penalised.</td>
<td></td>
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</tbody>
</table>
The system is too proscriptive and too expensive, all it does is drive bad landlords underground and stops good landlords from seeking to meet a housing need that is not being delivered by LAs and central government.

<p>| | | | | |</p>
<table>
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<tbody>
<tr>
<td>13</td>
<td>Yes</td>
<td>ensures that the relevant safety standards are adhered to.</td>
<td>Yes</td>
<td>n/a</td>
</tr>
<tr>
<td>14</td>
<td>Yes</td>
<td>Helps eradicating rogue landlords and gives other landlords a level playing field. Also ensures that tenants are not exploited.</td>
<td>Yes</td>
<td>As a landlord letting to students I believe that with houses up to four then the chances are that they are a group of friends who happily share one house, one kitchen, one living/common room. When you get five or more it is more likely to have a group where some tenants are not known to each other, there are issues re bathrooms and kitchens, more likelihood of tensions and would therefore benefit with minimum standards being laid down re no. of toilets/bathrooms, level of</td>
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<tr>
<td></td>
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<td>cooking facilities, fire regulations etc.</td>
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</tr>
</tbody>
</table>
| 15 | Yes | Yes | Yes | Hello,  
|   |   |   |   | We strongly feel that we should have another category to HMO licences, specifically tailored for the houses where supported living services are delivered. Our residents receive support from our on-site staff, in our homes the fridges, cookers and utilities are mainly managed by staff therefore it is not necessary to have more than one fridge or cooker. We hope that you will consider this suggestion.  
<p>|   |   |   |   | Best regards |
| 17 | Yes | Supervision is a useful control | Yes | 5 or more tenants are likely to live independently | Danger of fire if not supervised regularly |
| 18 | Yes | It imposes rules that improve the general living standards of Tenants | Yes | Four people sharing are likely to be a group of friends that are merely interested in saving on rental/other costs | I think the height of the property is a less important consideration. Other factors such as bedrooms the sizes of these etc. could be contemplated |
|   |   |   |   | As a Landlord who is likely to come into possession of a property that could benefit from being let out to multiple Tenants, I may be somewhat impartial but I'm however very |</p>
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</thead>
<tbody>
<tr>
<td>19</td>
<td>Yes</td>
<td>I have had experience of a council intervening when a landlord operated an unlicensed HMO in a property which was sub-standard. This was a good outcome for the tenants.</td>
<td>No</td>
<td>There is still risk with fewer tenants and I would leave the number at three</td>
</tr>
<tr>
<td>20</td>
<td>Yes</td>
<td>The local authority ensures that the property meets with the regulatory requirements</td>
<td>Yes</td>
<td>Not sure what this questions requires - are you trying to establish where LL's understand the mandatory licensing requirements or asking an opinion whether any more than 5 tenants in a property means it should be licenced? I think that all HMOs should be licensed - the smaller properties can be more hazardous and overcrowded</td>
</tr>
<tr>
<td>21</td>
<td>No</td>
<td>I reported the most disgusting uninhabitable property my Son rented, provided photos of moulded broken white goods rusting fridges. Inspection was made and apart from instructing heating be added to a loft, no action was taken they continued to live in squaller</td>
<td>No</td>
<td>4 should be the minimum</td>
</tr>
</tbody>
</table>

interested in the effects of this scheme
<table>
<thead>
<tr>
<th>No</th>
<th>Because rogue landlords will avoid licensing schemes.</th>
<th>Yes</th>
<th>It would depend on the Size and quality of the accommodation, if roomy and well equipped there should be no problems. But cramped and scruffy even for small numbers might be a good idea.</th>
<th>Yes</th>
<th>Fire risk.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>It means the supplies like electricity and gas can be regularly checked for safety and the accommodation is kept up to a good standard. Kingston university has been running a headed tenancy scheme for many years that provides these standards and making university headed tenancy accommodation that is already regularly checked 3 times a year and demands regular certification of gas and electricity and requiring this accommodation to also be HMO would be onerous and Unesssary.</td>
<td>No</td>
<td>Depends on the construction. Well built buildings with good maintenance should not necessarily need it. It would depend on the property</td>
<td>No</td>
<td>For students who are managed by the headed tenancy scheme, this is not necessary since there are already so many I spectio s, visits and requirement for safety certification.</td>
</tr>
<tr>
<td>No</td>
<td>all it does is prove that on a specific day someone ticked all the boxes. Proper enforcement checks into complaints and help for tenants to make complaints is what is needed.</td>
<td>No</td>
<td>Many extended families are bigger than this. It stops landlords letting to larger groups</td>
<td>Yes</td>
<td>Fire precautions, or rather the lack of them. There needs to be training for landlords on what they should be doing and then fines for those who dont comply with safety precautions</td>
</tr>
<tr>
<td>Yes</td>
<td>It should hold the landlord responsible for his tenants actions, especially considering neighbour issues relating to noise, rubbish, parking etc.</td>
<td>No</td>
<td>Should be two or more, to avoid conflict with who is actually causing anti social behavior ,and again fully tie the landlord down to control his tenants .</td>
<td>Yes</td>
<td>Kingston council should fully act on complaints and give feed back. My own experience this year involved reporting tenants</td>
</tr>
<tr>
<td>No</td>
<td>We have a shortage of housing full stop. No restrictions should be made whilst this is the case since all it will achieve is further shortages, and the most important consideration of all is that a person can find shelter of any description. Housing standards will only improve when competition drives landlords to improve standards, and competition can only happen when there are alternatives available to tenants. That can only happen when there is more accommodation in the</td>
<td>No</td>
<td>It is irrelevant - see above.</td>
<td>No</td>
<td>see above.</td>
</tr>
</tbody>
</table>
Clearly property share. 
result couples the finance properties' criteria. This place. mortgage knock this above and single have a consistent outcome. Many problems. No landlords do not house too many people in a property.

<p>| | | |</p>
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</thead>
<tbody>
<tr>
<td>27</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>28</td>
<td>Yes</td>
<td>It should be two or more.</td>
</tr>
<tr>
<td>29</td>
<td>Yes</td>
<td>You often have a 3 storey 3 bed house on a single AST - see above comments</td>
</tr>
</tbody>
</table>

Clearly HMO should really be aimed at 1) bedsit residences and 2) Any residence rented with multiple ASTs ie where there isn't a SINGLE AST in place. This should catch all the 'problem properties' but leave housing stock available at decent rents for couples willing to share.
<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Answer</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>I think you still get poor quality accommodation and poor landlords with or without HMO licensing.</td>
<td>Yes</td>
<td>It's a large group</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No</td>
<td>Some houses will be used for small families. E.g. I live in a 3 story 1 bedroomed house. It's tiny!</td>
</tr>
</tbody>
</table>
Review of the Additional Houses in Multiple Occupation Licensing Scheme in the Royal Borough of Kingston upon Thames

Stage 2 Report. Last updated: 31 January 2017

This review has been prepared by Residential Services in the Kingston and Sutton Shared Environment Service.

Royal Borough of Kingston Additional HMO Licensing Review

1.0 Summary

The Royal Borough of Kingston upon Thames's (the Council) borough-wide Additional House in Multiple Occupation (AHMOL) Licensing Scheme commenced on 21st December 2012 and can remain in force for a maximum five year duration.

Under section 60 (3) of Part 2 of the Housing Act 2004 (the Act), the Council must review the scheme during its designation and decide whether it should continue or if it has achieved its purpose revoke it. Previous progress with the AHMOL scheme was first made to the Private Sector Housing Consultative Committee in March 2013 and then a further report made on 19th November 2013. The Council now needs to consider the best option for after the end of the designation on 20th December 2017.

To record progress and assess options, an in-depth review of AHMOL has taken place. This stage 2 report provides an update on the representations made by the consultation exercise which ran between September and December 2016. The review report also sets out the AHMO Options which will be considered by a panel in February 2017. This panel was selected by the Housing sub-committee on 13th September 2016.

The Residential Enforcement Team will convene a panel on XX February 2017 to undertake a full options appraisal on how best to proactively tackle the private rented sector (PRS) problems in smaller HMOs following the end of the AHMOL designation. The panel exercise and conclusions will be incorporated in the AHMOL scheme report - stage 3.

Where the approach proposed is an area based AHMOL scheme designation, a phase 2 consultation exercise will be run from February 2017 for 12 weeks to consult and seek representations on the area based approach. The representations made in the phase 2 consultation exercise will be incorporated in the AHMOL scheme report - stage 4.

The conclusions to the full options appraisal, consultation exercise(s) and evidence base will be incorporated into a finalised AHMOL scheme report - stage 5. This will form the basis to a report presented at Housing Sub-Committee. Table 1 outlines the proposed timetable.
**Table 1. Review of Kingston AHMO Licensing Scheme - proposed timetable.**

<table>
<thead>
<tr>
<th>Date 2016/2017</th>
<th>AHMO Licensing Report</th>
<th>Consultation</th>
<th>More details on action</th>
</tr>
</thead>
<tbody>
<tr>
<td>August</td>
<td>Stage 1</td>
<td></td>
<td>Reports covers review of the current AHMOL scheme. Initial feedback on outcomes in relation to the aims and objectives of introducing the AHMOL scheme.</td>
</tr>
</tbody>
</table>

September 13th 2016 - Report to Housing sub-committee.

<table>
<thead>
<tr>
<th>September 19th - 12th December</th>
<th>Phase 1</th>
<th>12 week public consultation to collect views on the AHMOL scheme and what it has achieved.</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2017</td>
<td>Options Appraisal</td>
<td>Council panel conducts an options appraisal that considers best approach to tackle issues relating to smaller HMOs.</td>
</tr>
<tr>
<td>February to April</td>
<td>Phase 2</td>
<td>If option to designate AHMOL area based scheme a further 12 week consultation is run to collect views on that area based scheme.</td>
</tr>
<tr>
<td>May 2017</td>
<td>Stage 4</td>
<td>Final report completed. Consultation feedback published in May.</td>
</tr>
</tbody>
</table>

Report to Housing sub-committee to seek approval of preferred option.
2.0 Results of the Consultation

Between September 16 and December 16 2016 the council ran a consultation exercise to gather views and experiences of the current AHMOL scheme. This consultation exercise targeted landlords and tenants who are directly involved in the scheme and also gave the opportunity for residents, partners and neighbouring boroughs to comment on the scheme.

An online questionnaire was published and distributed to

- all landlords known by the council to be operating in the borough,
- contacts at the university to pass onto landlords who let via the university to students,
- neighbouring boroughs private sector leads,
- Publicised via social media (councils Twitter account etc)
- Mailed to all landlords of known HMO’s
- Mailed to all tenants currently known to be living in houses in multiple occupation
- The London Fire and Emergency Planning Authority
- Kingston University

The review was also highlighted at the Landlord Forum held on 26 January 2017. The council received 46 responses and the full responses to the consultation can be found in Annex XX. In summary the responses were:

<table>
<thead>
<tr>
<th></th>
<th>Landlord</th>
<th>Tenant</th>
<th>Resident</th>
<th>Other</th>
<th>Total</th>
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<tbody>
<tr>
<td>No of responses</td>
<td>16</td>
<td>12</td>
<td>14</td>
<td>4</td>
<td>46</td>
</tr>
<tr>
<td>No for renewal</td>
<td>3</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>18</td>
</tr>
<tr>
<td>No against renewal</td>
<td>13</td>
<td>7</td>
<td>8</td>
<td>0</td>
<td>28</td>
</tr>
</tbody>
</table>

In total 60% of the respondents were against redesignating the scheme. Comments generally fell into those that were opposed to the scheme as it was an additional cost for landlords that in turn was passed onto residents / tenants, and that the scheme was too bureaucratic. There were also concerns that landlords were failing to licence properties and only letting to families thus driving out young professional sharers.
Comments in favour of the scheme recognised that licensing properties drove up standards including fire safety and protected tenants from unscrupulous or ‘rogue’ landlords, made tenants feel safer while also contributing to a reduction in anti-social behaviour and refuse problems.

3.0 Current licensing

As of January 2017 the council has licensed 197 HMO’s under the Additional licensing scheme and 212 HMO’s under the Mandatory licensing scheme. The average cost of an AHMOL is £800. The average cost of a MHMOL is £1,200.

Since May 2016 the council have received a total of 389 complaints regarding private sector housing of which 121 have been related to HMO’s (32%). 45 further complaints relate to issues of anti-social behaviour from HMO’s including complaints of excessive noise and an excess of refuse that is not being appropriately disposed of. 70 of the complaints about HMO’s related to complaints about disrepair and overcrowding and as a result of these complaints the council have served 11 Preliminary Improvement Notices under the Housing Act 2004 relating to 7 HMO’s. The enforcement action was with regards to improving fire safety standards, reducing overcrowding, and to tackle poor management and disrepair. Of the HMO’s in which enforcement action was initiated 5 required a licence under the additional scheme and 1 under the mandatory scheme.

It needs to be noted that in 2017 the Government intend to review the scope of the current Mandatory HMO (MHMOL) licensing scheme. The Government is proposing that Mandatory HMO licensing be extended to include all HMO’s with 5 or more occupants from two different households (with the exception of purpose built flats). This is due to the increased fire risk and overcrowding associated with large HMO’s. The secondary legislation needed to introduce these changes is due to be announced in early 2017. If MHMOL is extended to cover HMO’s with 5 occupants this would mean that XX number of HMOs in the borough move from the AHMOL scheme to the MHMOL scheme.

The Housing and Planning Act 2016 introduces further measures to tackle rogue landlords, with the aim that these measures will be used in tandem with licensing to drive rogue landlord out of the private rented sector with the use of Banning Orders, a database of rogue landlords and fixed penalties of up to £30,000 for landlords that fail to comply with their legal obligations.

4.0 Options appraisal

Report 1 listed eight options for tackling substandard and ‘problem’ smaller HMOs in the Borough, these are considered below:

1) Do nothing.

This would effectively mean that the current scheme would lapse in December 2017. The stage 1 report details the reasons for the introduction of the scheme to tackle overcrowding, fire safety and anti-social behaviour. If the scheme were to lapse the mechanism to control smaller HMO’s would be removed. This would leave tenants exposed to poorer standards of accommodation.
2) Do the minimum - intervention in the small HMO sector limited to a basic reactive ‘complaint response’ service

This option would mean that resources could be used to tackle issues raised with the council, effectively reducing problems for those tenants that raise issues with the council, and may provide a better service for those who come to the council for assistance. This would rely on tenants contacting the council. Due to the high cost of housing and fear or retaliatory eviction many tenants fear that complaining about their living conditions would lead to eviction. Legislation has been introduced to tackle retaliatory eviction where tenants have complained to the council which effectively prevents landlords from evicting tenants where the council is actively investigating a tenant’s complaint, however many tenants prefer to remain in sub-standard accommodation to reduce the risk of eviction. It would also not address issues of overcrowding or anti-social behaviour.

3) Informal area action – setting up an action area as an impetus for action

The wards of Kingston Town and Surbiton contain the largest number of AHMOL properties. Resources could be targeted within these areas which contain the highest numbers of rented properties. This is a resource intensive method of identifying sub-standard properties with no opportunity to self-fund.

4) Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs).

Interim and Final Management Orders apply to premises where landlords fail to apply for a licence where required or there are significant risks to health and safety at the premises. The process ultimately results in the council taking over management of properties which are poorly managed or the landlord is absent. The process is resource intensive and can expose the council to financial risk until the Management Order is in confirmed.

5) Article 4 Direction (Planning) only

This option requires landlord to apply for planning permission for a property to become an HMO. The planning conditions attached to the premises can then be used to regulate the sector. This power cannot be applied retrospectively with regards to conditions where a premises has been operating for more than 4 years, effectively rendering a portion of the borough HMO’s unregulated.

The advantages of Licensing over using the planning regime to regulate the sector is that any breach of licence conditions can be dealt with quickly. The onus is on the person in control of the HMO to apply for a licence and comply with the conditions. Failure to do so can result in prosecution, with the ultimate aim of repeat offenders being removed from the rental sector.

6) Area-based voluntary accreditation of landlords

The current AHMOL scheme recognises the benefits of accreditation for landlords and offers a reduction in the licence fee for accredited landlords. Those landlords who are not accredited can then be targeted by the council to ensure they are aware of and complying with their legal requirements. Accreditation gives tenants confidence that their landlords are operating professionally. This scheme would not allow for regular inspection of properties to ensure compliance with standards.
7) Borough-wide accreditation scheme

This would require all landlords to become accredited, which would involve an assessment of competence and regular training to maintain accreditation. Enforcement activities could then be targeted towards those landlords that are not accredited.

8) An area based additional licensing scheme across the whole Borough or limited to specific neighbourhoods or wards. If a new designation is made it need not necessarily replicate the existing designation with changes to the area, description of HMOs or licensing conditions.

The current scheme was introduced as the Housing Act’s Mandatory scheme did not address the issues faced in Kingston in particular:

1. Smaller HMO’s of only 2 storeys that contain high numbers of occupants
2. 3 or more storey properties where the risk of serious injury to fire is greater because of the longer escape routes and inability to escape through windows safely from taller buildings.

Anecdotally landlords attempted to avoid mandatory licensing by reducing the number of occupants to below the threshold required for mandatory licensing. Including all 3 storey HMO’s in the council’s additional scheme landlords are encouraged to utilise all rooms available in the property, thus increasing the availability of affordable accommodation for residents.

The evidence shown by the data regarding complaints and enforcement above that by focussing resources onto properties that require licensing under an additional or mandatory scheme the council has identified sub-standard properties and effectively regulated them using the self-financing licensing regime.

The Housing Act 2004 allows council’s to charge for administering the scheme. This enables the cost of licensing to be borne by landlords while tackling the higher-risk properties to ensure tenants health and safety are protected. There is a risk that these costs will be passed onto tenants by increased rents, although the benefits to tenants as a result are safe, properly managed homes.

The scheme operates across the borough with the majority of AHMO’s being found in the wards of Kingston Town and Surbiton. There is the option of limiting the scheme to these wards only. Where additional schemes have been introduced in other boroughs in only part of the borough this has led to landlords operating in the unregulated areas of the borough to avoid licensing. Evidence shows larger HMO’s are in operation all parts of the borough, and to remove these areas from the scheme could have a detrimental effect on housing standards.
5.0 Summary

The council’s AHMOL scheme has been operating successfully since 2012. The advantages of the scheme include:

- Improved conditions and management of high risk privately rented property.
- Greater accountability of landlords to improve the properties they rent in terms of fire safety and responsible management.
- Reassurances for vulnerable tenants who live in HMOs.
- Provides safe affordable accommodation for residents.

Disadvantages include:

- The cost of the scheme to landlords which may be passed onto tenants.
- Over bureaucratic.
- Reduces the availability of shared accommodation as landlords choose to exit the HMO market.

There is no evidence to support the view that the amount of HMO accommodation has reduced, in fact the council has licenced 36 HMO’s under the additional scheme this year which suggests the number of HMO’s is growing as housing costs rise.

In order to ensure continued reassurances for residents it is recommended that redesignating the AHMO Licensing scheme is the preferred option and that the council should now consult on the proposed format of the scheme. As the current scheme covers the highest risk properties within the borough it is not proposed that the scheme be altered from existing.
### 6.0 ANNEX 1 - Responses to the Consultation on Additional HMO Licensing Scheme

<table>
<thead>
<tr>
<th>Landlord responses - 16 respondents -81% against renewal</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Advantages</strong></td>
<td><strong>Disadvantages</strong></td>
</tr>
<tr>
<td>The scheme definitely sets a norm for fire prevention.</td>
<td>Unenforceable. They are really difficult to apply for flats as the flats are leasehold and the landlords sometimes do not want to grant permission for the HMO. Licensing doesn't prevent anti-social behaviour. There are soon many properties that should be licensed but are not.</td>
</tr>
<tr>
<td>The standards of accommodation are improved.</td>
<td>Licensing doesn't prevent anti-social behaviour. There are soon many properties that should be licensed but are not</td>
</tr>
<tr>
<td>Establishing a basic standard and inspections to assure tenants these standards are being met.</td>
<td>No advantages. My property is just an ordinary house, and only came under the scheme because I have 5 tenants, though they are all on one tenancy agreement. As I let to the university, the property was already compliant with fire regs, etc.</td>
</tr>
<tr>
<td>None</td>
<td>We were asked to &quot;improve&quot; the property by changing the doors to fire doors and install hardwired fire alarm system including heat alarm in the kitchen because three friends shared the flat on a single tenancy agreement. Previously I had smoked alarms at the standard recommended by the fire service. I also had carbon monoxide detectors. The next tenancy could be a family of four or five and in that case HMO license wasn't necessary. Rental property standard should be high. The HMO programme is not the one right one. It only adds cost paid by the landlords or the tenants.</td>
</tr>
<tr>
<td>None</td>
<td>Effectively just a tax on compliant landlords - rogue landlords are not affected. It is very easy to fine landlords or the licence holder whereas it is more difficult for the landlord to get the tenant to behave according to the tenancy agreement. The fines if any (for antisocial behaviour etc) should be directly issued to the tenants which they were without the scheme. It is another cost for the rental system</td>
</tr>
<tr>
<td>None</td>
<td>1. Extra expense. I was pleased to get a preferential rate as a university headed</td>
</tr>
</tbody>
</table>
Tenancy, but I understand that would not be applied in future. This does not really reflect the very low risk of a property managed by the University, which is maintained to a high standard and where any behavioural issues could be taken up by the University. 2. It is now more difficult and more expensive to get a mortgage, as finance companies do not distinguish between an AHMOL and a full HMO property. I cannot pass the extra expense on in rent, as my rent is set by the University. I do not get any more per person for a 5-bed property than I would for a 4-bed property.

None

Numerous disadvantages in the additional scheme. It is very difficult to work out exactly what needs to be done to the property before an application is submitted and how long an application would take to process. The details required in the floor plans were not really specified or what would happen if the management company changed during the application, due to a different estate agent finding tenants, than had been anticipated. The application process is made extremely stressful, due to lack of easily accessible information to complete the application. A telephone request to the team responsible for additional licensing, is allocated a reference and the applicant is advised that they will be telephoned back within a week! In response to my first call, I was called back within a week, but I was not called back even though given a reference, the second time I called. Prospective tenants had been lost in this time period. The price is also a huge disadvantage. The price is excessive, to begin with and for additional licensing, one pays a full fee until the end of the time the additional scheme has to run. In other words, one pays the same for a twelve month license as a five year license. The additional scheme seems to be in place solely to generate extra income as the requirements to get information to apply for the licence and satisfy the demands if one can obtain certainty as to what they are, are just too great for three or four tenants. The scheme means that many people will be put off letting their home to students and nurses from Kingston Hospital and these people are badly in need of accommodation in Kingston. I stopped the additional
Application process as it was expensive and information from the council was so difficult to access, to enable me to complete the process. Unnecessary extra expense and work load for the local authority personnel. A feeling that the local authority's objective was to raise money rather than the improvement of the properties.

<table>
<thead>
<tr>
<th>Fire safety doors, which tenants fail to use correctly, usually jammed open for convenience and general house ventilation/air circulation</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treating three person units as part of the scheme involves unnecessary work and expense</td>
<td>Treating three person units as part of the scheme involves unnecessary work and expense</td>
</tr>
<tr>
<td>Too bureaucratic, unnecessary and a lot of extra expense and time</td>
<td>Too bureaucratic, unnecessary and a lot of extra expense and time</td>
</tr>
<tr>
<td>The additional expense is a deterrent to landlords of renting to anyone but wealthy families.</td>
<td>The additional expense is a deterrent to landlords of renting to anyone but wealthy families.</td>
</tr>
<tr>
<td>The cost of the license is prohibitive in the later years of the scheme as it is the same price for one year as five years (no discount for applicants in 2016 who would only be given one year license) I have had tenants request to add a tenant in a currently empty room. Their request was declined due to Kingston council additional licensing. This caused the tenants financial problems and left a good bedroom empty. The government statutory licensing should be the only scheme used.</td>
<td>The cost of the license is prohibitive in the later years of the scheme as it is the same price for one year as five years (no discount for applicants in 2016 who would only be given one year license) I have had tenants request to add a tenant in a currently empty room. Their request was declined due to Kingston council additional licensing. This caused the tenants financial problems and left a good bedroom empty. The government statutory licensing should be the only scheme used.</td>
</tr>
<tr>
<td>This scheme prevents tenants from adding a friend as the criteria for hmo are excessive. Kingston council should not deviate from the government scheme</td>
<td>This scheme prevents tenants from adding a friend as the criteria for hmo are excessive. Kingston council should not deviate from the government scheme</td>
</tr>
<tr>
<td>Bureaucracy, cost of license</td>
<td>Bureaucracy, cost of license</td>
</tr>
</tbody>
</table>
### Further comments from landlords

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>It has raised standards in renting so had some benefit, but purely on a financial point of view I would prefer for the scheme to stop. If the scheme carries on, I suggest two set of fees, one smaller for renewal and one normal for new licensing.</td>
</tr>
<tr>
<td>No, unless for properties with more than 6 rooms</td>
</tr>
<tr>
<td>Good landlords bear the costs of licensing fees to do what they already do. The council have the powers to prosecute bad landlords, but they do not.</td>
</tr>
<tr>
<td>I would be interested to know if any &quot;problem properties&quot; have been improved as a result of this scheme. Real &quot;rogue landlords&quot; will not register, and I have not heard of any successful enforcement of existing legislation on the part of Kingston Council. If the scheme is to continue, it should take account of responsible organisations such as the University and possibly Housing Associations and Charities, and maybe just charge them for &quot;light touch&quot; monitoring of their properties.</td>
</tr>
<tr>
<td>The scheme has been over extended and is actually stopping small landlords offering accommodation to people who can just afford to live in the area, if they can reduce expenses by sharing a property with a few other people, often students or hospital employees. Educate tenants to complain to the council or another body if the property is not kept to the standard of the rental agreement. The introduction of the HMO came across as threatening. The students services at the university were told not to accept any properties on their registered if the landlord has not registered and paid to the council the fees. Rules should not stopped people doing their business without adequate prior notice.</td>
</tr>
<tr>
<td>We lease the house via Kingston Uni headed tenancy. They have their own safety requirements which we comply with. The HMO scheme is unnecessary where there is this sort of arrangements. Since the HMO scheme is forced on landlords, there should be no cost to landlords unless they fail to comply. The costs involved in registration is a disincentive in a tight market and we shall be reviewing whether to offer the house for rental again when current certificate expires.</td>
</tr>
<tr>
<td>This scheme has been very beneficial for both myself and my tenants and I would hate to see it coming to an end</td>
</tr>
<tr>
<td>There should be a strict assessment on all the properties that come under this scheme. I believe the higher risk properties ie those with more than two storeys, or with four or more tenants should be inspected and monitored but it is overkill to extend this to all properties with three or more(unrelated) tenants.</td>
</tr>
<tr>
<td>Kingston council are directly contributing to the housing crisis by having this scheme License cost should always cover five years</td>
</tr>
<tr>
<td>Advantages</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td>Landlords have to make sure that accommodation is safe in case of fire or natural disasters.</td>
</tr>
<tr>
<td>I feel a bit safer in knowing that I could report problems but I don't want to be a trouble maker so would only use if all else fails.</td>
</tr>
<tr>
<td>1. Fire safety 2. reduce of crowding by not allow landlords to offer small rooms and box rooms to rent.</td>
</tr>
<tr>
<td>I'm not sure I've seen any advantages yet. Because I'm renting privately I guess it doesn't show?</td>
</tr>
<tr>
<td>No advantages</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
### Tenants - further comments to question as to whether the scheme should be renewed

<table>
<thead>
<tr>
<th>There have to be stronger controls as to the quality of what's on offer to the tenant, and methods developed to allay feelings of fear that tenants will be thrown out if they stand up for their rights.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certainly not. Please see later comments for reasoning. I am concerned about finding a home when my housemates and my tenancy runs out in Jan 2018 as it was such a nightmare finding a home in Jan 2016 due to this scheme.</td>
</tr>
<tr>
<td>Council should renew and make it more public and introduce and do more surveys.</td>
</tr>
<tr>
<td>Abolish this scheme</td>
</tr>
<tr>
<td>More affordable for people with less available income.</td>
</tr>
<tr>
<td>To ensure that such housing would meet good standards for Health &amp; Safety</td>
</tr>
<tr>
<td>It is a way of trying to ensure standards for tenants</td>
</tr>
<tr>
<td>As a house of 5 female close friends who live as a family and were evicted from our house after 4 years through no fault of our own, the additional licensing scheme that kingston council choose to operate made it nigh on impossible for us to find somewhere else to live. Accommodation was either out of the borough making it more difficult to get to work or very student orientated which wasn't suitable for us. We cook together and generally live in a 'family' environment, so living in separate rooms with no shared living space was not for us. Of the numerous houses we did find that we liked, estate agents told us we had no chance and landlords were apologetic but unswayable. No one wants to fork out for the HMO requirements when they can simply get a family of the same size to move in without these extra costs. When we were about to give up hope we found a property but had to pay ourselves for the associated costs of the licence. Please reconsider this ludicrous decision that only penalises professionals in their mid twenties onwards looking for affordable and good quality housing. Instead, just complete spot checks on houses you know are let to multiple occupants.</td>
</tr>
<tr>
<td>I hope its positive effect, because more checks will be done and landlords should improve and look after their houses more.</td>
</tr>
<tr>
<td>Landlord can't add tenant or it will become an hmo</td>
</tr>
<tr>
<td>Landlords won't rent to 3 professional sharers due to RBK hmo rules. The cost of hmo makes them choose families.</td>
</tr>
<tr>
<td>Makes it harder to find shared housing as landlords don't want to be an HMO.</td>
</tr>
<tr>
<td>This will bring extra cost to the landlords and they will charge much higher rent and it will make life difficult for students and professional shares.</td>
</tr>
<tr>
<td>I think the council is regulating to get more money from people, Kingston council is the most expensive place to live in terms of council tax in addition very poor customer service.</td>
</tr>
</tbody>
</table>
Of course not, when you do that means extra cost for the landlords and it means for the tenants extra rent increase. You are trying to make money out of this instead you should reduce the number of house of benefit

---

**Bothered or not - It is important to me that my landlord is regulated by the Additional House in Multiple Occupation**

3 strongly agreed
2 agree somewhat
1 disagree somewhat
6 strongly disagree

---

**Residents - 14 respondents 57% against renewal**

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am unaware of what the advantages are but can imagine that regulation can only be a good thing.</td>
<td>There are no advantages. Young people cannot afford to rent single properties without sharing with others.</td>
</tr>
<tr>
<td>I haven't seen a serious change in the standards, but as a tenant sharing I have found this year that more landlords say they can't take sharers as we are HMO. This used to only be an issue in three storey houses.</td>
<td>I am assuming that landlords may not necessarily welcome this scheme as they will need to finance it through the cost of the licence. However, it is really important to protect the rights of vulnerable tenants and also to regulate these tenancies as otherwise they can cause a huge nuisance in the community.</td>
</tr>
<tr>
<td>Currently very little advantage It reduces anti-social behaviour. Also, on my road it has in the past helped avoid landlords piling loads of people into a single house. This caused lots of problems given that the rest of the houses are occupied mainly by families with young children.</td>
<td>I haven't seen a serious change in the standards, but as a tenant sharing I have found this year that more landlords say they can't take sharers as we are HMO. This used to only be an issue in three storey houses.</td>
</tr>
<tr>
<td>The advantages are minimal as the sort of landlords who apply for a licence are the sort who would not be overcrowding their properties but I suppose there is a licensing scheme does remind people of the standards required.</td>
<td>None</td>
</tr>
<tr>
<td>There are fewer large properties available for rent so less student type properties. None. EHOs have admitted that they have managed to licence only around half of eligible HMOs since the scheme was introduced. This is an abject failure.</td>
<td>It is used in conjunction with road population density figures to restrict legitimate developments, not spread wide enough to control the overpopulation of rented accommodation.</td>
</tr>
<tr>
<td>Provides accommodation for the growing number of students</td>
<td>The legislation is discriminatory and inflicts such restrictions on people who are unable</td>
</tr>
<tr>
<td>It protects the vulnerable and disadvantaged</td>
<td>It protects the vulnerable and disadvantaged Improved conditions for tenants</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>to rent property on their own. The scheme</td>
<td></td>
</tr>
<tr>
<td>seems to be simply a money making</td>
<td></td>
</tr>
<tr>
<td>exercise for the council</td>
<td></td>
</tr>
<tr>
<td>Ridiculous not to allow sharers to occupy a</td>
<td></td>
</tr>
<tr>
<td>3 storey house that they could live in were</td>
<td></td>
</tr>
<tr>
<td>it 2 storeys.</td>
<td></td>
</tr>
<tr>
<td>The rents are increasing as landlords</td>
<td></td>
</tr>
<tr>
<td>choose not to let out larger properties.</td>
<td></td>
</tr>
<tr>
<td>The fees. They are too high to properly</td>
<td></td>
</tr>
<tr>
<td>justify under the provisions of HA04.</td>
<td></td>
</tr>
<tr>
<td>Being abused by disreputable landlords</td>
<td></td>
</tr>
<tr>
<td>It discriminates against single professionals who are friends and want to house share.</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

Residents - Other responses

All lettings should have registered populus figures

I think the scheme helps ensure that areas of Kingston/New Malden remain appropriate for families with children.

I think that the entire scheme is a folly and has led to many young people and even the elderly who need to rent rooms to supplement their income or pension having to 'evade' the law.

Kingston's regulations effectively mean that only 2 sharers can live in a 3 storey property which doesn't have a licence. Merton has a far more sensible policy and I do not see why, if four sharers can live in a 2 storey property, they can't do the same in a 3 storey one? More and more properties have loft conversions done to a good standard and I can only think that the extra protection for 3 storey houses was introduced because of the possibility of people living in poorly converted lofts.

The existing scheme appears to me as little more than a make-work revenue-raiser. To my knowledge there has been little, if any, attempt by the Council to determine criteria by which to measure success of the scheme.
<table>
<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>In my experience, by regulating the rental conditions and standards I have found that the current AHMOL scheme has been quite advantageous in the way that it has reduced the potential for rogue and dangerous landlords to operate, and I believe that this is a positive step in the right direction for UK housing - it allows for progressive housing where the tenants and occupants rights and their safety are protected.</td>
<td>In my experience, I think that the AHMOL scheme, although an extra expense - is a necessary expense.</td>
</tr>
<tr>
<td>Greater control of landlords, protection for tenants and improvements to privately rented properties. Licence conditions help ensure the day to day management of property is good. Puts an onus on Landlords to proactively manage and ensure their properties are safe, rather than be reactive. Rents are very high so gets a better deal for tenants.</td>
<td>Higher priority needs to be placed on identifying no compliant landlords and taking appropriate action.</td>
</tr>
<tr>
<td>Teaches self regulation to landlords and allows resources to be directed towards non compliant landlords</td>
<td>Confusing</td>
</tr>
<tr>
<td>Activity</td>
<td>Licence Fee</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Application fee</td>
<td>Mandatory HMO licensing £240 per letting*</td>
</tr>
<tr>
<td></td>
<td>Additional HMO licensing £200 per letting*</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Application fee for LLAS Accredited** licence holder or manager</td>
<td>£100 discount.</td>
</tr>
<tr>
<td>Assisted application</td>
<td>Additional £300 per HMO</td>
</tr>
<tr>
<td>Additional penalty fee</td>
<td>Additional £300 per HMO</td>
</tr>
<tr>
<td>Renewal of licence</td>
<td>Mandatory HMO licensing £200 per letting*</td>
</tr>
<tr>
<td></td>
<td>Additional HMO licensing £170 per letting*</td>
</tr>
<tr>
<td>Minor amendments</td>
<td>No Charge</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Revocation of licence / no longer licensable / refuse to licence / numbers of occupants reduced by conditions on licence</td>
<td>No refund</td>
</tr>
<tr>
<td>Student Accommodation:- Application fee for large student accommodation developments</td>
<td>£25 per bed space</td>
</tr>
</tbody>
</table>

If the scheme is re-designated Landlords that have already received a licence under the additional licensing scheme will need to apply for a new licence either on expiry of their current licence or if they have received a licence since 1/1/2016 they will be passported onto the new scheme with a licence that runs until 2/1/2021.

Anyone with an additional licence with a start date before 1/1/16, will have to apply for a new licence and pay the renewal fee.
Housing Sub-Committee  
2 November 2017  

**Kingston Residents Scrutiny Panel (KRiSP) Sheltered Housing Service Review**  
Report by the Deputy Chief Executive  

**Call-in deadline 5pm Thursday 16 November 2017 (ten working days after the meeting)**

<table>
<thead>
<tr>
<th>Purpose:</th>
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<tbody>
<tr>
<td>To consider the recommendations of KRiSP on Sheltered Housing and the senior management response and to agree the way forward.</td>
</tr>
</tbody>
</table>

**Recommendation of the Portfolio Holder for Adults Social Care and Health:**  
To resolve that the response set out in this report to the KRiSP Sheltered Housing Investigation report is agreed, including the officer response set out in Annex 2 to the report.

**Key Points**

A. Attached at Annex 1 to this report is a report on Sheltered Housing from KRiSP and attached at Annex 2 to this report is the subsequent management response to the KRiSP report.

B. Under its current terms of reference, KRiSP is tasked with carrying out two service reviews of the Housing Service each year - examining policies, service standards and testing service delivery. Upon completion the panel summarises its findings in a written report and makes recommendations for improvement. This, in turn, is submitted to senior housing management, for its consideration, approval and implementation.

C. Senior officers review the final report and the nominated lead officer for the Council draws up an improvement plan aimed at addressing recommendations (and any longer term action, if necessary). The improvement plan, once agreed by both parties, is jointly monitored at regular intervals through to completion.

**Context**

1. As part of the Council’s commitment to co-regulation, the Kingston Resident Scrutiny Panel (KRiSP) was set up in 2013 to investigate RBK Housing Service delivery, against RBK’s own housing standards and industry best practise, making recommendations for improvements that will benefit residents and the Council.

2. For the first KRiSP review of 2017/18 the topic of Sheltered Housing accommodation provided by Kingston Council to both tenants and leaseholders was chosen. This is now KRiSP’s sixth investigation.

3. In order to aim for a comprehensive review of the Sheltered Housing service provision by the Council within Kingston all aspects of Sheltered Housing were considered, from management and service charges to storage facilities. The report on this investigation is attached at Annex 1 to this report.
KRiSP review and recommendations

4. The methodology adopted by KRiSP has included:
   - a desktop review of available RBK papers
   - a review of Sheltered Housing policies and procedures, as advertised on the websites of neighbouring local authorities and housing associations
   - visits to Sheltered Housing service providers in other London boroughs
   - interviews with staff across the Council involved in different aspects of Sheltered Housing service provision, including repairs, management services
   - interviews with residents
   - interviews with residents’ associations
   - a Sheltered Housing resident survey to gather the views and experiences of residents living in Sheltered Housing schemes around Kingston.

5. The KRiSP final report (attached at Annex 1 to this report) has come to a series of findings and arising from these makes a series of recommendations.

Management response to the KRiSP report

6. Senior officers have met with KRiSP to review the panel’s recommendations in detail. The management response to the panel’s recommendations is set out in Annex 2 to this report. This response has also been discussed with KRiSP.

7. Officers accept in full the majority of the recommendations, and in part recommendations 3 and 4. The reasons for this have been explained to KRiSP and are summarised as follows:

   Recommendation 3: There are regular joint team meetings for the two services and the Lead Officers also meet separately. The Group Managers for both services also work closely together. We will look to improve liaison and arrangements between the two teams and provide greater clarity about roles and responsibilities. There is a SLA in place between the funders of the support services, Adult Social care and the Older and Vulnerable People’s Support team. We will look at further measures to improve working between the teams such as improvements to information sharing.

   Recommendation 4: We are happy to review the role and title of Scheme Manager and will consider suggestions to make it easier to understand and more relevant and report this to residents.

Resource Implications

8. The proposed responses to the KRiSP recommendations (as set out in Annex 2) will not result in additional resources being required to implement.

Timescale

9. Any recommendations to be implemented, if approved, would be implemented in accordance with the senior housing management responses.

Legal, Environment (including Air Quality) and Network Implications

10. None arising from the specific recommendations of the report.

Equalities Impact Assessment

11. None arising from the specific recommendations of the report.

Background papers - held by the author of the report - Robert Johnson, Service Manager Policy, Service Development & Partnerships Tel: 020 8547 5816 robert.johnson@kingston.gov.uk
Annex 1

Kingston Residents’ Scrutiny Panel

Keeping an eye on housing

Sheltered Housing Investigation

August 2017
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### Appendices

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<td>Appendix 1: Incident Report</td>
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<td>Appendix 2: Desk-top review</td>
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<tr>
<td>Appendix 3: Website review</td>
<td>*</td>
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<tr>
<td>Appendix 4: Survey results</td>
<td>*</td>
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<td>Appendix 5: Procedures &amp; role profiles</td>
<td>*</td>
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<tr>
<td>Appendix 6: Interviews.</td>
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</tbody>
</table>

*These appendices are available upon request from Robert Johnson, RBK Council.*
INTRODUCTION

The Kingston Residents Scrutiny Panel, KRiSP, is an autonomous Panel of council tenants and leaseholders set up by the Royal Borough of Kingston upon Thames Council, in conjunction with the Kingston Federation of Residents. The role of KRiSP is to investigate and review the Council’s housing services and to propose improvements that will be of benefit to all residents. KRiSP is central to the Council’s ‘Resident Involvement Framework’ and has a commitment to co-regulation. It was formed in October 2013 and is currently composed of 9 tenants and leaseholders.

The role of KRiSP is to carry out service investigations and report on them to the Council. This is KRiSP’s fifth investigation and the area of Sheltered Housing was chosen.

The KRiSP Investigation Panel comprised Raewyn Hammond, Geof Yates, Bruce Parker, Mohammed Ali, David Miller, and Mary Parmar.

Owing to the volume of work being undertaken for this review the other members of KRiSP offered their assistance and all contributed to the production of the final report.

The Panel was supported by Theresa Mayers and Robert Johnson from the Royal Borough of Kingston upon Thames Council and independent mentoring support from Phil Morgan. The investigation panel would like to thank all the members of staff and residents who gave up their time freely to support this investigation.

●●●
EXECUTIVE SUMMARY

The enforced changes to the Warden Service in 2014/15 had a profound effect on staff and residents alike. It has left a legacy of frustration and lack of purpose that needs to be addressed. This review sets out some individual recommendations that help to identify areas for improvement and to address accountability. KRiSP is particularly interested in restating the services available to residents and using a range of Key Performance Indicators to improve accountability of the service. Also of concern to KRiSP members were the issues raised about Fire Safety, Safeguarding, and general Health & Safety.

METHODOLOGY
The Panel agreed the following four objectives:

1. Value for Money of service.
2. Communication and Involvement of Sheltered Housing residents.
3. Services provided to Sheltered Housing residents.
4. Eligibility for Sheltered Housing.

The Panel carried out the following tasks:

Desk Top Review:

The Desk Top Review considered 73 different items, at least one of which had a further 23 items, including:

- Presentations:
  - Joyce Smith, Scheme Manager
  - Mo Patel, Lead Officer, Housing Support Team
- Procedures
- List of wardens and schemes
- New Tenancy Choice leaflet
- Sheltered Housing News
- Correspondence following restructure of service
- Star Survey for older people 2016
- HouseMark Benchmarking Review
- New Tenant Pack
- RBK Website.

London Boroughs:

13 London Boroughs websites were investigated.

Interviews were also held with:

- Andrew Stone, Care Line Co-ordinator, Croydon Council
- Kim Mitchell, Head of Specialist Services and James Montgomery-Heffernan, Old Peoples and Assistive Technology Manager, Hounslow Council
- Dawn Eustace, Head of Neighbourhood (Income and Sustainment) and Abou Gayle, Tenancy Sustainment Manager, Sutton Council.

In addition Hounslow Council gave further written information.
**Work Shadowing:**

- Rebecca Johnston
- Chris Egan.

**Staff Interviews:**

- Loraine Shale, Lead Officer OVP – Sheltered Housing
- Joyce Smith, Team Leader – Sheltered Housing
- Tulloch Kempe, Staywell
- Neuza Castro, Scheme Manager
- Jayme Barnes, Scheme Manager
- Mo Patel, OVP Support Services Manager
- Katy Gout, OVP Support
- Adam Phippen, OVP Support Team
- Iona McConnell, Group Manager Landlord Services.

An interview was requested with the Finance Department. However, they declined to be interviewed. Iona McConnell supplied some information given to her by Finance as this report was being prepared.

**Resident engagement:**

Sheltered Housing Survey (66 responses)

Follow up phone calls and emails were made to 26 residents, 14 of whom gave answers: some of these were followed up with interviews including

- Residents of Gooding Close
- Residents of Lovekyn Close.

Staywell Befriending and Social Engagement Project Plan

**FINDINGS**

**INCIDENT**

1. During the Investigation a KRiSP member came across a situation involving a 93-year-old neighbour in a predominantly sheltered block. Following a bad fall and spending four weeks in St. George's Trauma Unit the neighbour was discharged and the KRiSP member spoke with a member of staff about her situation, including the need for a commode. The member of staff said that
they had already spoken to the resident about the commode, but had done nothing about it, and that it would take OVP at least 4-5 days to deliver so could the KRiSP member do it. Following the intervention of the KRiSP member with Adult and Social Care the commode was delivered at 10am the following day.

2. The member of staff concerned did promise to get a pendant for the neighbour. However, a week later the neighbour had another fall and the member of staff said the pendant had been forgotten and there were no spare pendants. The pendant arrived 12 days after it was originally promised.

3. This incident was reported to Iona McConnell, Group Manager, Landlord Services. Joyce Smith, Team Leader, Sheltered Housing, visited the neighbour, with the KRiSP member present, and an apology given. However, there are issues concerning the response on both the commode and pendant regarding the duty of care of Kingston Council to its residents. A fuller outline of the incident is given at Appendix 1 (Incident Report).

POLICIES AND PROCEDURES

4. KRiSP is pleased to report that there is an extensive range of procedures in place, dated, up to date, and with review dates. This has been an area of concern on previous investigations.

5. However, there is no over-arching Sheltered Housing Policy in place. This highlights a concern throughout this report about clarity of the objectives of the Council's approach to sheltered housing.

ORGANISATION

6. Kingston, like other London boroughs, used to have a resident warden service and changed this during 2014/15. This was reflected in responses by other London boroughs. Such changes are difficult for staff and residents alike. Staff reported that residents had difficulties in understanding and coming to terms with the changes. There were residents who claimed that there had been no consultation or meetings about the changes, but others had attended meetings. Other London boroughs have also reported resistance, although they seemed to have been more able to move on than Kingston. Instead, both staff and residents in Kingston seem to lack clarity about purpose, roles and services.
7. The Council has two teams working with sheltered housing: the Scheme Managers and the Older Vulnerable People (OVP) service. These have different forms of funding from Housing and Adult Social Care respectively.

8. There appears to be some legacy of issues between the two teams although KRiSP is pleased to note that on each side there is both awareness of the legacy and a desire to work more closely together, including holding liaison meetings (that do not take place at present) and developing a Service Level Agreement approach.

9. Interestingly, other London boroughs also had the experience of having to create two teams following similar changes in funding. They had subsequently taken the view to recombine the two teams into one and had successfully managed the finances.

10. There was also a considerable appetite from Scheme Managers for a review of their job title.

SERVICES

11. There is the offer of weekly checks for all Sheltered Housing residents, with the ability of residents to opt out. The desktop review showed that this was covered in Sheltered Housing News but not clearly in any policy and Scheme Managers confirmed that there were weekly checks.

12. The STAR survey showed 72% satisfaction with frequency of contact, down from 85% in 2012, and well below the benchmark of 87%. The resident survey showed about 50% of respondents did not receive a visit or call within the past week.

13. Visits to other London boroughs showed a range of approaches. One had a gold/silver/bronze service alongside well-being plans and a Link-line service. Another visited only the most vulnerable, with phone calls for some others and the majority relying on the pendant and pull cord. A third had different levels of checks with high (daily), medium (3/week) and low (weekly).

14. These checks are supported by the Tunstall alarm system. However the investigation showed issues for Scheme Managers with the system, which would prevent its effective operation. Residents also fed back uncertainty about the operation of the system.
15. Throughout KRISP’s investigation there was a lack of clarity both around the service offered to residents, and who does what. Only 18/62 survey respondents said they were aware of the services offered and responses on what services were offered were almost exclusively limited to one service, at the expense of the services offered by OVP.

16. There is an on-line welcome pack. However, it still references changes in the service from 2014/15 that are no longer relevant to new residents, and would need to include clear descriptions of the service offered to residents.

**FIRE SAFETY**

17. One of the responsibilities of Scheme Managers is around fire safety checks. These should take place weekly. However, one viewing of a fire safety test showed that two out of three fire safety doors had flat batteries and did not work effectively. It was only due to the KRISP members attending that this was spotted. Concerns over defective fire doors have been raised following the Grenfell Tower fire. There are also potential issues around where leaseholders have, unwittingly, replaced fire doors, not informed the Council, and where previous advice may now be out of date.

18. On neither occasion witnessed were residents informed of an impending fire alarm test.

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KEY PERFORMANCE INDICATORS

19. There is only one KPI in place – turnaround time for voids. There have been STAR surveys of residents in 2012 and 2016, with the latter showing reduced satisfaction levels and all scores below (and in some case well below) benchmark scores. Only one area of rents is benchmarked. The current approach to KPIs is under-developed.

20. OVP does monitor individual support plans through a resident star rating system (although KRiSP is not aware of the scores) and plan to expand the rating approach for other services.

21. Likewise, Value for Money is not easily explained (although our lack of access to Finance obviously makes this more difficult). Explanations include: belief; unspecified savings from reduced hospital admissions and GP visits; preventing homelessness, and comparison of costs with the private rented sector. One member of staff suggested that the service could not, at the moment, demonstrate VFM. Only 40% of survey respondents regarded the service as VFM.

INVolVEMENT AND COMMUNICATION

22. Sheltered Housing News (SHN) is the main form of communication with residents. SHN is distributed 6 monthly and includes the rota of Scheme Managers. Scheme Managers hand-deliver these.

23. Resident feedback is mixed. Residents fed back that they were not impressed with the content and SHN’s layout and that 50% of content is about staff rotation. On review, KRiSP members thought the information was fine, but felt that the production on poor quality paper undermined the content. This might reflect the view of residents that 1 in 4 survey respondents did not remember receiving a copy.

24. There is an appetite for activities based in the schemes from both staff and residents. Other London boroughs have impressive approaches to daily and outreach activities whilst only 8/57 survey respondents felt that the current activities met their needs.

25. Kingston’s approach is through Staywell (formerly Kingston Age Concern), who are currently offering taster sessions with a view to charging residents for future activities. Scheme Managers are also a driver for the activities that do take place.
26. There appears to be no awareness of how Pinnacle might help, or what other resources might exist.

27. KRiSP welcomed the use of interpreters and sign language during interviews. It was not obvious what monitoring there was of the profile of current residents.

28. There are currently some Residents’ Associations in place, although the Sheltered Housing Forum has ceased to exist (despite some effort by staff). There were a range of suggestions for improving involvement. These included: greater use of IT (such as WhatsApp and SMS messaging; annual lounge meetings; coffee mornings, and scheme meetings. Staywell is also in the process of recruiting Resident Champions for each scheme.

29. Residents showed little appetite for electronic communication.

30. There are notice boards at schemes, mostly with both ‘open’ and ‘closed’ boards. The ‘closed’ ones are useful but can be out of date with 18/51 survey respondents and staff saying they were not updated regularly. Keys for these are held by Estate Managers. One suggestion was that the closed boards have keys held with Scheme Managers and OVP and open boards are for tenants. This reflects experience in other London boroughs. This would support the role of staff in the schemes.

LEASEHOLDERS

31. KRiSP interviewed leaseholders, some of whom fed back that following a successful challenge to the Council they were barred from using the communal washing facilities that they previously had used, and their flats did not have facilities. They also raised concerns about the transparency of service charges, an issue raised previously by KRiSP in its review on Service Charges, and currently unresolved. This could have been an area of discussion with Finance who declined to be interviewed.

32. There was concern that, with the sale of leases, the Council was unaware of who actually owned individual flats.

OTHER

33. KRiSP noted the future adverse impact of Welfare Reform on the future for sheltered schemes.
34. KRiSP also noted the increased use of mobility scooters in schemes and resident interest in having somewhere to park and charge scooters. LB Hounslow had a scooter centre in each scheme.

35. KRiSP also noted excessively high heating in more than one scheme and that Scheme Managers did not have the means to control this centrally.
**RECOMMENDATIONS**

Below is the complete list of recommendations made following the Panel's investigation. The reasons for these recommendations and findings behind these are detailed in the *Findings and Recommendations* section of this report.

<table>
<thead>
<tr>
<th>#</th>
<th>Area</th>
<th>Recommendation</th>
<th>Paragraph / Appendix</th>
<th>Recommendation type</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Incident</td>
<td>That Scheme Managers respond in a professional and timely manner to all Safeguarding incidents in accordance with the Care Act 2014 and that these are reported and monitored by Kingston Council. (This should include an investigation into the incident reported).</td>
<td>1-3, Appendix 1</td>
<td>Accountability</td>
</tr>
<tr>
<td>2.</td>
<td>Incident</td>
<td>That there is a supply of spare pendants to avoid undue delays where there would be Safeguarding issues for residents in not having a pendant.</td>
<td>2</td>
<td>Service Improvement</td>
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<tr>
<td>3.</td>
<td>Organisation and Incident</td>
<td>That a Service Level Agreement (SLA) is put in place between the two teams working with Sheltered Housing, setting out clearly the roles of both teams and how they will liaise with each other. That irrespective of there being two teams there is a cultural commitment to one service.</td>
<td>1, 7 &amp; 8</td>
<td>Accountability</td>
</tr>
<tr>
<td>4.</td>
<td>Organisation</td>
<td>That the role and title of the Scheme Manager be reviewed, and outcome reported to residents.</td>
<td>10</td>
<td>Service Improvement</td>
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<tr>
<td>5.</td>
<td>Welfare checks</td>
<td>That the Sheltered Housing Service review its approach to welfare checks, (taking into account resident views, statutory responsibilities, examples from elsewhere, and available funding) and that Scheme Managers are trained on operation of the Tunstall system, to include</td>
<td>11, 12, 13, 14, &amp; 16</td>
<td>Service Improvement &amp; Accountability</td>
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<td></td>
<td>Service</td>
<td>Explaining the system’s use to Sheltered Housing Residents.</td>
<td>5 &amp; 15, 16</td>
<td>Accountability &amp; Service Improvement</td>
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<td>6.</td>
<td>Service</td>
<td>That there be a clear restatement of what the Sheltered Housing service provides for residents. This should be shared with residents, along with contact details for raising issues, and to be included in an updated Welcome Pack.</td>
<td>16, 17 &amp; 18</td>
<td>Service Improvement</td>
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<td>7.</td>
<td>Fire Safety</td>
<td>That the approach to Fire Safety is reviewed and updated, in line with current legislation, including Fire Alarms, Heat or Smoke detectors, and CO detectors, with appropriate written and aural advice to residents.</td>
<td>19, 20 &amp; 21</td>
<td>Accountability</td>
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<td>8.</td>
<td>Key Performance Indicators</td>
<td>That KPI (Key Performance Indicator) measures are developed for the service, including resident feedback, and that these are monitored and reported to residents. These should be captured in an annual report that would also show Value for Money of the service.</td>
<td>22, 23, 24, 25, 26, 28, 29, &amp; 30</td>
<td>Service Improvement</td>
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<tr>
<td>9.</td>
<td>Involvement and Communication</td>
<td>That there is a mapping exercise of communication and involvement resources available to Sheltered Housing schemes (to include Pinnacle). Sheltered Housing News be produced with the help of Kingston’s communication team, and that keys to locked noticeboards are held by relevant scheme managers and OVP to keep information fresh and appealing.</td>
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<td>10.</td>
<td>Mobility</td>
<td>That a review of demand for and provision of scooter parking (or other</td>
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<td></td>
<td>11. Service Charges</td>
<td>That the previous KRISP recommendation on Service Charges (2015) be implemented: “RBKs approach should be based on providing all relevant information including a breakdown of all charges for residents and for setting up a consultative process for deciding on Service Charges and also for setting service standards”</td>
<td>31</td>
<td>Accountability</td>
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LEARNING POINTS

Learning Points

During this investigation a number of learning points have been identified for both KRiSP and a variety of Council officers.

KRiSP

KRiSP has become aware of the need for it to take positive action to ensure that tasks undertaken by members during an Investigation are recorded within three days and to this end any future Investigation Timetable will include a completion/cut-off date for delivery of reports.

Owing to unforeseen circumstances it became apparent to the Investigation Panel of the need to have a direct line of succession from the member chairing the Investigation. Accordingly in future, once the Chair of KRiSP has nominated the members for the next investigation, not only will they appoint their own lead member but they will also select a deputy able to assume leadership of the Investigation if required.

KINGSTON COUNCIL

Of concern to KRiSP and something that Senior Management may want to address was the unwillingness of members of the Finance Department to meet with KRiSP and its inability to provide even the most basic information to enable us to include its response into our final report. This was especially noticeable due to other housing authorities that provided us (as they do to their own tenants) with the costings, which we were unable to ascertain from our own Council until the intervention of the Group Manager for Housing Services. If the information requested is unavailable to KRiSP it may require someone in the future to implement a Freedom of Information request, which really should not be necessary if KRiSP’s Terms of Reference are respected.

Following on from this apparent lack of awareness of KRiSP and its remit, we were disappointed at staff reaction within Sheltered Housing at the early stages of our Investigation. There appeared to be confusion as to who and what KRiSP is, what we are attempting to achieve, and, in a couple of cases, genuine fear of KRiSP and its members, something that we would never wish to engender. Owing to recent changes within the Council’s set-up it appears that it is necessary once again to visit the whole reason KRiSP exists, what it is attempting to achieve, and its remit, and for this information to be shared with as many officers and departments as is possible.
CONCLUSION

Many of the issues encountered during this investigation are residual from the changes involved in moving away from the Residential Warden scheme and tackling this will be the key cultural challenge facing both staff and residents. As in many previous investigations we have again uncovered a department working without any over-arching policy documents setting out objectives for the service. However, KRiSP is pleased to note that there are updated and robust procedures in place.

Also of concern is a lack of inter-departmental co-operation and communication which, for the benefit of staff and residents, must be addressed. The reason given for the need to have two departments is that their funding comes from separate sources, but this is something that other London boroughs have dealt with successfully when reuniting their services. The lack of Key Performance Indicators leads to an unmeasurable service that is unable to demonstrate Value for Money and thus preventing KRiSP from fulfilling its first objective as identified in our Methodology.

Even before the tragedy of Grenfell Tower we had identified and intended to draw attention to the need to review the way Fire Alarm checks were conducted coupled with concerns around the advice being given to residents, who by definition are in a Sheltered environment, as to the actions to take in case of a fire. We believe that this issue plus the Safeguarding Incident that we have included at Appendix 1 should be treated as a matter for urgent review by all who have responsibility for the welfare and safety of residents in Sheltered Housing.

We are disappointed to find that despite our Recommendation 2, contained in our Investigation into Service Charges in July 2015, no progress in altering its approach
to providing a breakdown of all charges (including Service Charges) for residents. A quote from that report is still relevant today "that if the process of resident involvement is to progress forward this is an opportunity for RBK to demonstrate its commitment".

Lastly we are grateful for the openness and honesty of the members of staff who shared their experiences and frustrations with us and hope that this report will assist them in their efforts to provide the current and future residents of RBK’s Sheltered Housing Service with the level of service that they are entitled to expect.
RBK’s Formal Management Response: KRiSP Sheltered Housing Review

Review Objective – KRiSP carried out a review of sheltered housing. The panel had the following four objectives:

1. Value for money of service
2. Communication and involvement of sheltered housing residents
3. Services provided to sheltered housing residents
4. Eligibility for sheltered housing.

Review Outcome - KRiSP made eleven recommendations for service improvement focusing on service provision, performance and communication.

General comments
Housing Management would like to express their appreciation to KRiSP for this report, which has involved a large number of interviews and background research, including focus groups with tenants and visits to other providers of sheltered housing.

The report refers to an incident, which was reported by a member of the KRiSP panel, following receipt of which the team promptly contacted the resident involved and arranged for a manager to visit to discuss further. An interview was also set up with the member of staff involved to investigate what had occurred. During the interviews it was clear that there were different recollections of what had been said by the member of staff and the KRiSP panel member. With regards to the commode, this would be a request that the Support team can assist with, and a referral was made to this team, and the Support Officer had subsequently visited and made further arrangements for services for this tenant. Residents can contact Adult Social Care directly (we do not have a different or quicker contact number) to make arrangements for aids and we often encourage this to be done directly to enable clear communication. Unfortunately, the request for a pendant had been forgotten and the staff member involved has been reminded about the importance of recording notes and keeping residents updated on progress of requests. We did apologise to the resident for this. Due to the change in some of our schemes we now have a larger supply of pendants for both the old and new pull cord systems.

Recommendation 1
That Scheme Managers respond in a professional and timely manner to all Safeguarding incidents in accordance with the Care Act 2014 and that these are reported and monitored by Kingston Council. (This should include an investigation into the incident reported).

Management Response:
- All housing staff have been on Child Safeguarding Training and have either attended or are booked to attend Adult Safeguarding Training this autumn.
- Staff are aware of how to record a safeguarding incident and an internal log is kept of all safeguarding referrals.
- The incident reported was fully investigated and advice given to the staff member involved.

We accept this recommendation.
**Recommendation 2**  
That there is a supply of spare pendants to avoid undue delays where there would be Safeguarding issues for residents in not having a pendant.

**Management Response:**
- A number of our schemes had an upgraded emergency alarm system installed this summer. All residents in these schemes were given pendants as part of this upgrade. We hope to expand this out to further schemes next year. We have supplies of spare pendants and replacements are significantly cheaper than the older pendants.
- The pendants for the older schemes are expensive at £50 each and unfortunately were often lost by residents which meant our supplies ran down quickly. We have now sourced a new supply of these and will issue them as required.

**We accept this recommendation.**

**Recommendation 3**  
That a Service Level Agreement (SLA) is put in place between the two teams working with Sheltered Housing, setting out clearly the roles of both teams and how they will liaise with each other. That irrespective of there being two teams there is a cultural commitment to one service.

**Management Response:**
- There are regular joint team meetings for the two services and the Lead Officers also meet separately. The Group Managers for both services also work closely together. We will look to improve liaison and arrangements between the two teams and provide greater clarity about roles and responsibilities.
- There is a SLA in place between the funders of the support services, Adult Social care and the Older and Vulnerable People’s Support team.
- We will look at further measures to improve working between the teams such as improvements to information sharing.

**We partially accept this recommendation.**

**Recommendation 4**  
That the role and title of the Scheme Manager be reviewed, and outcome reported to residents

**Management Response:**
- We are happy to review the role and title of Scheme Manager and will consider suggestions to make it easier to understand and more relevant and report this to residents.

**We partially accept this recommendation.**
## Recommendation 5

That the Sheltered Housing Service review its approach to welfare checks, (taking into account resident views, statutory responsibilities, examples from elsewhere, and available funding) and that Scheme Managers are trained on operation of the Tunstall system, to include explaining the system's use to Sheltered Housing Residents.

**Management Response:**

- We are willing to review the welfare checks process and are happy to receive recommendations on how this can be improved.
- The KRISP investigation took place while the new Tunstall emergency call system was being installed. As a result, some of the staff had not yet been trained on this system. They have now all been trained and know how to use the system. When the new system is introduced, all residents should receive a visit from Tunstall to show them how to use it. For new residents, the Scheme Managers show how to use the system at sign-up for their new home.
- All homes with the new system have an easy-to-read instruction card for the system.

*We accept this recommendation.*

## Recommendation 6

That there be a clear restatement of what the Sheltered Housing service provides for residents. This should be shared with residents, along with contact details for raising issues, and to be included in an updated Welcome Pack.

**Management Response:**

- This will be included as part of the review of the New Housing Model.

*We accept this recommendation.*

## Recommendation 7

That the approach to Fire Safety is reviewed and updated, in line with current legislation, including Fire Alarms, Heat or Smoke detectors, and CO detectors, with appropriate written and aural advice to residents.

**Management Response:**

- We have been and will continue to regularly review our approach to Fire Safety in line with current legislation, and in particular the process for Fire Alarm checks.
- All sheltered schemes have a Fire Risk Assessment undertaken according to their level of risk and actions resulting from these are completed within the specified time frames.
- We give fire safety advice to tenants on sign up and work with the London Fire Brigade for those residents who present a higher risk for fire safety.

*We accept this recommendation.*
| Recommendation 8                                                                 |
| Adam kitchens |
| KPI (Key Performance Indicator) measures are developed for the service, including resident feedback, and that these are monitored and reported to residents. These should be captured in an annual report that would also show Value for Money of the service. |
| Management Response:                                                                        |
| - We will investigate this further and look to find suitable KPIs that accurately monitor the service. |
| - There is an Annual Report for the Housing Service and we will include reporting on sheltered housing as part of this including Value for Money. |
| We accept this recommendation. |

| Recommendation 9                                                                 |
| Adam kitchens |
| That there is a mapping exercise of communication and involvement resources available to Sheltered Housing schemes (to include Pinnacle). Sheltered Housing News be produced with the help of Kingston’s communication team, and that keys to locked noticeboards are held by relevant scheme managers and OVP to keep information fresh and appealing. |
| Management Response:                                                                        |
| - We note that the Pinnacle contract has only recently gone live which is why the staff may not have been aware of how this new service can work with residents. |
| - We are happy to map out communication and information resources available to residents and this will be done as part of the work plan which will lead out of the initial 100 Day Promise which Pinnacle are currently working through. |
| - We will refer the Sheltered Housing News to the communications team for their advice and will look to ensure the information in noticeboards is kept updated and relevant and appropriate staff access to keys. |
| We accept this recommendation. |

<p>| Recommendation 10                                                                 |
| Adam kitchens |
| That a review of demand for and provision of scooter parking (or other mobility vehicles) and charging facilities takes place. |
| Management Response:                                                                        |
| - We note that KRiSP are investigating this as part of their new review and look forward to hearing their recommendations on this. |
| - We have put our work on hold on looking at scooter storage because The Chief Fire Officers Association are writing a report on this issue and we are awaiting their guidance which will inform our actions. |
| - It is acknowledged that this will be a challenging area as the resources required can be substantial. In addition our schemes were built before mobility scooters were common so finding appropriate spaces for these may be challenging. |
| We accept this recommendation. |</p>
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<th>Recommendation 11</th>
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<tr>
<td>That the previous KRiSP recommendation on Service Charges (2015) be implemented: “RBKs approach should be based on providing all relevant information including a breakdown of all charges for residents and for setting up a consultative process for deciding on Service Charges and also for setting service standards”</td>
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<tr>
<th>Management Response:</th>
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<tr>
<td>● We would note that there are regular communications with the leaseholders of Gooding Close, including attendance at meetings. We wrote on several occasions about use of the laundry room in Fountain Court and met with the Residents Association to discuss.</td>
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<tr>
<td>● The recommendation has been previously accepted as part of the relevant investigation. Improvements had intended to be made to our computer system to facilitate this and some changes have been made. However, we expect further improvements to be made through the move to a new computer system for housing which we are currently preparing to procure.</td>
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We accept this recommendation.

RBK 18 10 2017
Housing Sub-Committee
2 November 2017

Kingston Residents Scrutiny Panel Annual Review and Value for Money Report

Report by the Deputy Chief Executive

Call-in deadline Thursday 16 November 2017 (ten working days after the meeting)

** Purpose:**
To consider the Annual Review & Value for Money (VfM) Report for the Kingston Residents Scrutiny Panel (KRiSP)

**Recommendation of the Portfolio Holder for Adults Social Care and Health:**
To resolve that the annual appraisal report is noted and welcomed (attached at Annex 1).

**Key Points**

A. The annual appraisal of KRiSP includes an assessment of the effectiveness of the Chair, Vice Chair and the membership of the group, as well as the group’s overall effectiveness, in terms of suitability, function, operation and sustainability, in addition to a Value for Money (VfM) assessment.

B. It was originally intended that KRiSP would carry out up to three scrutiny investigations annually, each to be operationally and strategically focused in making recommendations to improve service delivery and highlight performance that exceeds expectations, but low membership numbers have precluded this higher level of activity, not least due to the depth and detailed nature of the investigations.

C. KRiSP’s total numerical membership is less than half that originally envisaged and further recruitment needs to be undertaken.

D. The original terms of reference (ToR) were first amended in 2015, but changes to the policy and operational environment in which KRiSP functions require that further refinement be made.

**Context**

1. KRiSP was set up in 2013, as part of the Council’s commitment to co-regulation, to investigate RBK Housing Service delivery, against RBK’s own housing standards and industry best practise, making recommendations for improvements to benefit residents and the Council.

2. The initial proposals for Kingston Council’s resident scrutiny were considered and approved by the Housing Consultative Committee (HCC) in April 2013, following work in conjunction with the Kingston Residents’ Federation. Following a subsequent report to the Place and Sustainability Committee (PSC) on 23 May 2013 the proposal was agreed by the HCC on 05 September 2013, with final proposals for adoption of the KRiSP model approved and adopted at the PSC on 19 September 2013.

3. The budget to develop and establish KRiSP was originally set at £60K with an annual budget estimated at £55K, but actual expenditure in the last financial year (2016/17) was less than £10K, with the annual budget for KRiSP now set at £20K.
4. It was originally intended that up to three scrutiny investigations would be undertaken annually by KRiSP, each to be operationally and strategically focused in making recommendations to improve service delivery and highlight performance exceeding expectations.

5. As originally constituted KRiSP comprised 20 members, in order to support an extensive and intensive workload.

6. As established the then Housing Management Team was responsible for monitoring implementation plans arising from KRiSP’s recommendations and reporting progress back to KRiSP, the Resident Participation Review Group (RPRG) and the HCC on a six monthly basis.

7. Given the current changes to the housing landscape nationally, regionally and locally and the challenges that KRiSP has faced in complying with its original terms of reference, it is now recommended that a review of KRiSP’s ToR takes place to ensure KRiSP’s continued relevance for all Council residents in the borough and for its continued effective operation.

Resource Implications

8. The implementation of the annual appraisal report’s recommendations (as set out on page 1 of Annex 1) will not result in additional resources being required.

Legal Implications

9. None arising from the specific recommendations of the report.

Risk

10. None arising from the specific recommendations of the report.

Equalities Impact Assessment

11. An Equalities Impact Assessment has been undertaken. There are no Equalities implications arising from the specific recommendations of the report.

Environmental Implications

12. Not arising from the specific recommendations of the report.

Background papers - held by the author of the report - Robert Johnson Service Manager Policy, Service Development & Partnerships Tel: 020 8547 5816
robert.johnson@kingston.gov.uk
Annex 1

Annual Appraisal of Kingston Residents Scrutiny Panel (KRiSP)

Executive Summary

KRiSP has produced 6 service investigations with both realised and potential impact for the Council in terms of additional income, efficiencies and validation. As such it fulfils the regulatory requirements on the Council for a Tenant Scrutiny Panel and represent Value for Money (VfM) for the Council. A review of the Terms of Reference (ToR) is overdue.

Recruiting more members, and a wider range of members, was the most consistent theme in the interviews. Some KRiSP members felt that meetings need to be more inclusive of all members and not be distracted by pet topics. The position of Chair is important and a succession strategy should be put in place to ensure this remains filled in the medium term.

Holding investigations alongside, or close to, other reviews should be avoided. Evidence remains critical to support report recommendations. The Council needs to accept ownership of reports and recommendations. Turnover of staff means that awareness of KRiSP could be improved.

Recommendations

**Recommendation 1** – that a review of the ToR takes place, including addressing concerns and issues raised in this report. This to be led by an independent person and include officers and KRiSP as well as a discussion with the Lead Member.

This review should cover the following areas:

- Number of Investigation meetings during service investigations
- KRiSP commissioning work and training from Pinnacle
- The involvement of the designated Lead Policy Officer for each investigation in the Findings Meeting
- How best recommendations are drafted, agreed and monitored
- Chair Succession strategy
- Officer support for KRiSP.

**Recommendation 2** - that following the review of the ToR that KRiSP has a meeting to confirm the ToR, including its approach to meetings and investigations.

**Recommendation 3** - that a recruitment exercise take place after the new ToR are agreed, both for new members and people to join the next investigation. Exit interviews to be held with departing KRiSP members.

**Recommendation 4** – following the review of the ToR, and to help support recruitment of new members, workshops are held for staff about KRiSP and its role.
Background

1. KRiSP was set up in early 2014. KRiSP currently comprises 9 members, 7 of whom were recruited in 2014, and 2 recruited in 2015. Two members have recently resigned.

2. It is governed by an overarching ToR, most recently amended in 2015, with an outstanding review from 2016. This is backed up by a suite of 9 other agreed documents, at least some of which are either out of date or in need or review.

3. To date KRiSP has completed 6 Service Investigations covering Garages, Service Charges, Complaints, the Contact Centre, Parking and Responsive Repairs.

4. The existence of KRiSP is also governed by the Regulatory Framework published by the Homes and Communities Agency (HCA). The role of Scrutiny Panels was emphasised in 2012 by Government Ministers, following the passing of the Localism Act 2011. There is a requirement on Kingston Council to set up and support a scrutiny panel, and to respond to its proposals in a constructive and timely way. HCA, in its most recent review of consumer regulation stated as its first message that:

   Boards and councillors are responsible for meeting the consumer standards. Although the Regulator regulates the consumer standards reactively, that does not lessen the obligation on registered providers to comply.

5. Failure to maintain, or support, or respond to a scrutiny panel could leave Kingston Council open to regulatory intervention and publication of a regulatory notice.

Methodology

6. For this review the following were considered:
   a. ToR suite of 10 documents
   b. All 6 Service Investigation reports
   c. Update report on progress on all six reports to HsC January 2017
   d. Interviews with:
      i. Cllr Roberts
      ii. Cllr Bamford
      iii. Cllr Cottington
      iv. Robert Johnson
      v. Theresa Mayers
      vi. Five officer leads for Service Investigations
      vii. All KRiSP members including the Chair and Vice Chair appraisal
   e. Costs for KRiSP
   f. Annual STAR survey.

Value for Money (VfM) and Impact

7. The cost of KRiSP in the past year was £11,600, against a budget of £20,000. However, this is on the low side as there has been no training in the past year, which would be needed if new members were recruited.

8. The 2016/17 budget included the following:

Annual Appraisal of KRISP
9. These costs for KRiSP are modest for a scrutiny panel of its size and activity. As with all budgets these should be subject to review, and there may be areas where staff time could replace consultant time.

10. There is some clear impact arising from the KRiSP Investigations over the past three years. These are covered in more depth in Annex 1, but highlights include the following:
   a. Additional net income of £200K from garages
   b. Additional 120 garages available for residents to rent
   c. New Services Charges’ policy in place (there was no policy previously) and Handbook
   d. Correction of wrong information about the Local Government Ombudsman regarding complaints.

11. Issues outside of KRiSP’s control have restricted impact. This has resulted in a failure to implement at least 20 of the accepted recommendations from 5 prior investigations. These are a source of frustration for KRiSP, reduces their impact and creates tension with the Council and include:
   a. IT system
   b. The LB Kingston website
   c. Housing Handbooks
   d. Telephony
   e. New CRM system
   f. Staff turnover
   g. Failure to complete the agreed new complaints handbook on time
   h. Failure to complete upgrading of first-time fixes to complaints on time.

12. KRiSP’s work also provides validation for the Council around issues they were aware of, and had in hand, but provides the reassurance that these were also issues of concern to residents. This includes the Contact Centre, Parking and Responsive Repairs’ investigations.

13. Finally KRiSP continues to identify areas of concern for the Council. These include issues with the robustness of policies and procedures, a consistent theme in their reports, and the ability to identify wider issues regarding efficiency and VfM.

14. Overall given the cost of KRiSP and the outcomes, both realised and potential, in their work, they represent value for money.
Issues raised during the review

15. The reputation of KRiSP is generally good. The members are seen to work hard, are dedicated, have unearthed issues of concern to the Council and are sensible and mature people.

16. During the past 3 years there have been a number of changes – the Council has changed administration and governance arrangements around housing, and the relationship with the Kingston Federation of Residents (known as the Fed) has ceased. There has also been some learning about investigations that this review has captured. The suite of documents that make up the ToR are now unwieldy and cumbersome and a review of the ToR is well overdue.

17. There are challenges from different directions. These include the following:
   a. Current arrangements for access to staff and information
   b. Costs of KRiSP
   c. That the new governance arrangements should be fully embraced
   d. That the new relationship with Pinnacle through the resident engagement team should be utilised
   e. The need for a Equality and Diversity check for all reports
   f. Recruitment for members to be officer led
   g. Location and refreshments for meetings.

18. At the same time KRiSP members are keen to ensure that their independent role to pick topics and investigate without encumbrance continues to be recognised.

19. Recommendation 1 – that a review of the ToR takes place including addressing concerns and issues raised in this report. This to be led by an independent person and include officers and KRiSP as well as a discussion with the Lead Member.

KRiSP

20. Although well-intended KRiSP members are unhappy with the separate meetings between the KRiSP Chair and Vice Chair and this has caused more disharmony than necessary.

21. KRiSP meetings, whilst generally well chaired, do allow some men on the Panel to dominate meetings whilst not allowing the full range of contributions from members. Whilst the overall view of KRiSP and its members is positive some comments to staff along the way have clearly rankled. KRiSP will want to reflect on how its meetings are run and to ensure that its otherwise high levels of professionalism are maintained.

22. Recommendation 2 – that, following the review of the ToR, KRiSP has a meeting to confirm the ToR, including its approach to meetings and investigations.
Membership

23. Work with other scrutiny panels show a high level of turnover and a need for repeated recruitment. KRiSP is unusual in that it has maintained a very high level of continuity in its membership – a tribute to how well the members have worked with each other and the Council. However, the two recent resignations have exposed the need for further recruitment. It would be worth holding exit interviews with any departing KRiSP members to see what reasons were given.

24. Recruiting more members, and a wider range of members, was the most consistent theme in the interviews. The comparatively narrow age range was noted and concern expressed that, whilst the current approach might work for existing members, it might, inadvertently, be off-putting for others. Existing members, too, commented on the workload during investigations.

25. That means reviewing the approach during investigations to reduce the need for catch-up meetings during investigations to one or none. It also means drawing on experience from elsewhere of inviting active or interested residents to join an individual review (subject to some screening and training) or to take part in individual activities.

26. It also means exploring the Council’s relationship with Pinnacle and identifying how KRiSP can commission work and training from Pinnacle to reduce the burden during investigations whilst maintaining KRiSP’s control.

27. **Recommendation 3** - that a recruitment exercise take place after the new ToR are agreed, both for new members and people to join the next review. Exit interviews should be held with departing KRiSP members.

28. Investigation meetings during service investigations would be included as part of the review of the ToR.

29. KRiSP commissioning work and training from Pinnacle would be included as part of the review of the ToR.

Staff Awareness

30. When KRiSP was set up there were a number of workshops for housing staff to explain their role. These were regarded as successful. Whilst there have been some approaches (including currently) to maintain this the high turnover of staff means that awareness could be improved. Staff can also be a valuable resource for recruitment campaigns through their knowledge of residents.

31. **Recommendation 4** – following the review of the ToR and to help support recruitment of new members, workshops are held for staff about KRiSP and its role.

*Annual Appraisal of KRiSP*
Service Investigations

32. Although these have gone generally well there was some useful feedback about how these might be improved. Where the Council was either conducting a review, or had just finished one (including Internal Audit) then a service investigation might be untimely. This does place a premium on KRiSP being made aware where this may be an issue, and future timings if a review was deferred.

33. Given the most recent set of KPIs it is likely that KRiSP will continue to identify areas for investigation going forward.

34. There was also useful feedback about the importance of gaining understanding at the beginning of investigations. In most part this is already covered by the presentation at the scoping meeting.

35. The need for robust evidence was emphasised. This means surveys need to cover a good sample (see earlier comments about Pinnacle) and good triangulation of evidence to back up findings and evidence.

36. The Findings Meeting is a key opportunity for the Investigation Panel to consider and agree evidence. A detailed evidence table backs this up. However, there was some concern that this part of the Review did not involve the Lead Officer who would be able to help ensure the evidence was robust and informed.

37. This might help with the comparatively high number of recommendations that are not or partially accepted. It should also help with the ability for that the designated Lead Policy Officer to take ownership of the resulting Action Plan.

38. Currently there is a ‘step’ whereby the Housing Management Team consider the draft report and offer comments on it. This should remain. Equality and diversity was also raised during this review and whether the draft report should be shared with the Equality and Diversity Officer. It would be worth considering this issue further.

39. The involvement of the Lead Policy Officer for the investigation in the Findings Meeting would be included as part of the review of the ToR.

Implementation and Monitoring

40. There has been a marked lack of progress in implementing agreed recommendations. Many of these are due to issues outside of housing management and/or linked to longer-term issues. This does cause profound frustration for KRiSP members and is the biggest cause of tension in the mostly good relationship with the Council. Resolving this would remove that tension and increase the impact of KRiSP’s for the Council.

41. Involvement of the Lead Policy Officer for each review at the findings stage should help with tightening up the report and resulting Action Plan so that dates for agreed recommendations are realistic and deliverable. It is important that a mechanism is identified that allows KRiSP findings to be realised as agreed recommendations for the Council, and are implemented and monitored by the Council.

42. How best recommendations are drafted, agreed, and monitored would be included as part of the review of the ToR.
Chair and Vice Chair Appraisal

43. As part of this review, appraisals were carried out of the KRiSP Chair and Vice Chair. Both are hard-working, dedicated and enthusiastic about KRiSP. There is no appetite for change within KRiSP at the moment and continuity would certainly help during the review of the ToR. Any areas for personal development were included in their appraisals.

44. That said, the lack of an obvious successor to Chair is a wider concern and the recruitment proposed at Recommendation 3 should also help identify potential candidates for Chair. I have discussed the adoption of a succession strategy being in place, with both the Chair and Vice Chair, and both agree that this should happen. It might be worth considering a time limit for Chair during the review of the ToR.

45. The possibility of an external chair was raised during the review. This would be a last resort if no candidate from KRiSP members was forthcoming. The Council would also have to consider the issue of payment as the Chair is currently unpaid.

46. A Chair succession strategy would be included as part of the review of the ToR.

Training and Support

47. Given that this is an experienced Panel, and that they have already identified holding focus groups as their next training session, there is little to report in terms of additional training needs. The recruitment of new members will mean training on the role of KRiSP and holding Service Reviews.

48. The support given to KRiSP is welcome and valued. It allows them to operate successfully. This should be covered in the review of the ToR to ensure that the right level of officer and administrative support is available.

Acknowledgements

49. I would like to thank all my interviewees for giving up their time and offering their views so freely. I have not sought to identify individual contributions in this report but to capture the salient points. I would particularly like to thank Theresa Mayers for organising the interviews and collating the various reports.

Phil Morgan
Independent Advisor
25 September 2017
Housing Sub-Committee
2 November 2017

Future Delivery Model for Housing Services
Report by the Deputy Chief Executive

Call-in deadline 5pm Thursday 16 November 2017 (ten working days after the meeting)

**Purpose**
To inform the Committee of proposals about a New Housing Model and seek approval to consult on these proposals.

**Recommendations of the Portfolio Holder for Adults Social Care and Health**
To **Resolve** that -

1. three months consultation and engagement commence as outlined in this report on the proposals for a New Housing Model, starting in November 2017 and completing by February 2018;

2. the Deputy Chief Executive is authorised in consultation with the Portfolio Holder for Adults Social Care and Health and the two Leaders of the Opposition (or their representatives) to agree the approach to consultation for both secure tenants and Council leaseholders;

3. the results of the consultation and a proposed way forward are presented to the Housing Sub Committee at its meeting on 8 March 2018; and

4. to assist with and oversee this, the Deputy Chief Executive will arrange meetings with the Portfolio Holder for Adults Social Care and Health or her representative, the two Leaders of the Opposition or their representatives, KRiSP representatives, other officers and other relevant individuals, parties or residents for further discussion.

**Key Points**

A. Kingston’s Housing Revenue Account (HRA) landlord services (property and management) need modernising to reduce operating costs and increase investment in services and new Council homes - in short create better outcomes for the Kingston community.

B. Kingston Council will still be the landlord for both secure tenants and leaseholders. The changes proposed do not involve stock transfer or privatisation or changing the legal rights of secure tenants or Council leaseholders.

C. These proposed changes are subject to the statutory consultation for secure tenants, but there will be broader engagement and consultation to gain wider and more inclusive feedback on the proposals including from council leaseholders. The timescales for the consultation is that it would start in mid November 2017 and run until mid February 2018.

D. This will include involvement of Members of the Sub-Committee, KRiSP representatives, officers and others who will meet to discuss the overall proposals.

E. At the same time as the proposals are being consulted upon, there will be an active exploration of the option of working with one or more key local partners to help deliver improvements.
Context

1. Whilst the standard and the management of Council housing in Kingston has improved significantly over the last few years, for example through the investment of £44.5m to improve 3344 properties in the Better Homes Programme, there’s much more needs to be done.

2. The HRA is currently running at a loss with the 2017/18 budget relying on using £500k from reserves - although in-year savings may mean this is not required.

3. There is a desperate need for more Council housing - over 2,500 households approached the council for help with their housing and there were only 295 settled social or affordable housing lettings in 2016/17 - nowhere near enough to meet the need.

4. The Council is called out to 14,000 repairs per year in tenants’ homes - that’s about 3 per property. Whilst many of these are essential, it should be possible to provide a better service with fewer call outs.

5. 57% (Council tenants) and 78% (leaseholders) are internet users (Facebook, mobile apps, email etc.) but only 0.4% of tenants and 2.5% of leaseholders use the council’s website to contact us about housing.

6. Satisfaction remains significantly lower than comparable landlords by 13-21%. See table below:

Table 1 - Overall satisfaction with RBK’s Housing Service 2012-2016

<table>
<thead>
<tr>
<th>Tenure</th>
<th>2012</th>
<th>2016 (base/error margin)</th>
<th>2016 benchmark (quartile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenants satisfied</td>
<td>69%</td>
<td>73% (577; +/- 3.6%)</td>
<td>86% (4th)</td>
</tr>
<tr>
<td>Leaseholders satisfied</td>
<td>48%</td>
<td>41% (208; +/- 6.7%)</td>
<td>62% (4th)</td>
</tr>
</tbody>
</table>

Key:
STAR Tenant and Leaseholder Satisfaction Surveys, ARP Research 2016
Base - the number of people surveyed - i.e. the sample size
Error margin - the % error there could be in the result based on the sample size
Benchmark - a comparison against other social landlords
Quartile - 1st quartile is in the top 25% compared to other landlords, 2nd quartile, next 25% etc. 4th quartile therefore means in the bottom 25%.

Proposal and Options

7. A range of options have been considered over a number of years, many of which have led to improvements but none of which has achieved a full modernisation of the housing service.

8. These included the option of transferring the ownership of the Council housing stock from Kingston to another landlord where two ballots were held and both voted against this.

9. An option of a Community Housing Trust was seen as non-viable following the changes in national housing policy, for example the 1% rent cut.

10. A review of housing commissioning which led to a tender for resident engagement services and a detailed examination of the possibility of a shared housing service with the London Borough of Sutton. However, the latter was ruled out by both Sutton and Kingston as not meeting their respective requirements.
11. This report therefore builds on all of this work and proposes a new approach.
12. This report specifically relates to secure Council tenants and residential Council leaseholders. It does not directly apply to tenants in temporary accommodation nor to non-residential council leaseholders (e.g. private landlords).

A New Housing Model
13. The proposal is to provide a better service that is easier to access, costs less, supports those who need it and invests in new homes. There is a 6 point plan:

1. **Investing in Council housing** - building more desperately needed new council housing and continuing to invest in current housing
2. **A clearer deal for residents** - being upfront about what the council does and doesn't do and what’s expected of residents
3. **Supporting those who need it** - targeted services for our more vulnerable council tenants
4. **A new ‘core’ housing offer** - ‘A well maintained, affordable and settled home’
5. **Reducing paperwork and bureaucracy** - saving money on the council’s operating costs so we can spend more on the things that matter
6. **Digital by choice** - an improved 24/7 digital offer for council tenants and leaseholders, but by choice not compulsion.

Part 1 - Investing in Council Housing - building more desperately needed Council housing and continuing to invest in existing housing

14. At present we have in the region of 3,500 people on Kingston’s housing register. In 2016/17 over 2,500 approached the council for help with their housing situation. Yet there were only 295 settled or affordable properties let to people on the housing register in that same year.

15. As the Committee will be aware, the overall trend in Kingston and nationally is that the amount of Council housing has reduced because so little new housing is being built and existing properties are being lost over time for a number of reasons such as the Right to Buy. In effect this means that Council housing has been in long-term decline. However, in Kingston there have and continue to be a number of initiatives to build new Council housing and the draft proposals contained in this report will help with these.

16. The more that can be saved from spending money on operational or management costs, the more can be spent on building new Council housing. Each new property built would not only provide a home for someone who desperately needs it, but also save on bed and breakfast/ nightly paid accommodation costs that the Council currently has to fund for people who are homeless and can’t cater for their own needs, and who the council has a housing duty to help. In addition, each property built will provide an extra income from the rent which will help make council housing in Kingston more sustainable over the medium and longer-term.

17. But this is not just about new housing. We know how important it is to maintain existing council housing to a decent standard. So, building on the £44.5m spent on to improving 3344 properties through the Better Homes Programme, we will continue to invest in current council housing to ensure that these standards don’t slip.
Part 2 - Clearer Deal for Residents - being upfront about what the council does and doesn’t do and what’s expected of residents

18. There has been some very good progress on being clearer about what the Council does and doesn’t do in a number of areas. For example, there has been the recent review of the repairs recharging policy and the revised ASB policy. Nevertheless, this remains an area where there needs to greater clarity and improved satisfaction.

19. Table 2 below shows, for both tenants and leaseholders, the comparatively low levels of satisfaction when it comes to how enquiries are generally dealt with and how residents felt about the final outcome of their last enquiry. The first of these is one of the ‘key drivers’ for both tenants and leaseholders, meaning that there is a strong correlation between this question and how residents feel overall about the service. It is therefore essential in improving the housing service to provide greater clarity about what is on offer and what will be done in response to an enquiry.

Table 2 - Satisfaction with how enquiries are generally dealt with and with the final outcome of last enquiry 2012-2016

<table>
<thead>
<tr>
<th>Tenure</th>
<th>2012</th>
<th>2016 (base/error margin)</th>
<th>2016 benchmark (quartile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Satisfied with how enquiries dealt with</td>
<td>Not tested</td>
<td>66% (561; +/- 4.0%)</td>
<td>82% (4th)</td>
</tr>
<tr>
<td>2. Satisfied with final outcome of last enquiry</td>
<td></td>
<td>63% (456; +/- 4.5%)</td>
<td>72% (3rd)</td>
</tr>
<tr>
<td>Leaseholders</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Satisfied with how enquiries dealt with</td>
<td>Not tested</td>
<td>42% (193; +/- 7.0%)</td>
<td>54% (4th)</td>
</tr>
<tr>
<td>2. Satisfied with final outcome of last enquiry</td>
<td></td>
<td>24% (154; +/- 6.7%)</td>
<td>40% (4th)</td>
</tr>
</tbody>
</table>

Key - see Table 1

20. This is reinforced by recent housing staff workshops involving over 100 colleagues which were held to share ideas about the future of the housing service. One of the common themes was that there wasn’t clarity about the current offer to tenants and leaseholders and the feeling that the approach at present could be confusing and paternalistic, reinforcing a dependency relationship rather than a sustainable service. Added to this was a sense that some residents disproportionately benefited with, for example, more vulnerable tenants not always getting the same access to services as others. This feedback from staff is backed-up by the fact that Kingston undertakes some 14,000 repairs a year with these unevenly distributed across households.

21. The proposal is therefore to consult on what’s important to tenants and leaseholders and what can be expected of the council. This will help make sure that the Council delivers on what it is able to, but doesn’t raise expectations or make promises where it can’t make a difference.
Part 3 - Supporting those who need it - targeted services for our more vulnerable Council tenants

22. The Council already provides a number of specific services to tenants who need extra support. These include financial advice linked in particular to the roll out of Universal Credit; the Older and Vulnerable Persons and Sheltered Service; and the Resettlement Service for new tenants. These services have helped many tenants sustain their homes and supported countless people in times of challenge and change. At their best they also represent the very best practice.

23. However, there remains a concern that the Council currently provides a ‘one size fits all’ service, doesn’t consistently cater for tenants who need extra support, and that vulnerable residents are falling through the crack.

24. Elsewhere on the Sub Committee’s agenda, in the KRiSP August 2017 report on Sheltered Housing and the management response, KRiSP identify “a legacy of frustration and lack of purpose” stemming from the 2014/15 changes and mention a particular interest in “re-stating the services available to residents and using a range of key performance indicators to improve accountability”. This summary and many of the detailed findings reinforce the need to review the Council’s approach to supporting older council tenants.

25. The aim of this part of the proposal is to build on what works well, and expand the offer so that the interventions and support are provided, as far as possible, at the right time to have the maximum impact. This is not about providing an alternative statutory service for vulnerable adults or children, but rather complementing those. The emphasis will always be on sustaining the household’s tenancy, as this is a legitimate landlord aspiration. But in doing this effectively, with care and cooperation, the aim is to prevent Council tenants’ situation worsening and becoming a crisis for them and a call on the Council’s statutory services.

26. As with Part 3, the proposal is to consult with Council tenants and engage with colleagues and partners, to consider who needs extra support, what this support may involve and how the service and interventions will be measured.

Part 4 - New ‘core’ housing offer - ‘A well maintained, affordable and settled property’

27. Having a new ‘core’ offer will help us to be clear about what the Council’s role is as a landlord for Council tenants. This closely relates to Part 2 - A Clearer Deal for Residents.

28. The proposed starting point is that the core offer for Council tenants is ‘A well maintained, affordable and settled property.’ Good quality housing that can be relied upon and that is within the means of the household, is a basic building block for any family to be able to settle down and make a success of their life. Therefore this core offer describes the overriding responsibilities of the Council as a social landlord for around 4,700 households in Kingston - the Council being by far the largest landlord in the borough.

29. However, we also need to be clearer about what the Council cannot and should not take responsibility for i.e. matters outside its remit as a landlord and where it cannot be reasonably expected to make a difference.

30. In short, the Council cannot run people’s lives for them. People make a home for themselves and their family - not the Council. As has been stated, it’s absolutely right that the Council supports vulnerable residents who need extra help. But it is both patronising and unrealistic for the Council as a landlord to be expected to
take care of matters that are a household’s own responsibility. So, for example, the Council would not take responsibility for a neighbour dispute where neither party is at risk and where there is no breach of tenancy or lease conditions. Neither would the Council be expected undertake minor repairs and maintenance jobs that, under the tenancy conditions, are the tenant’s responsibility.

31. It will be important to test this out as part of the consultation and engagement to gain feedback on what is important. The core offer needs to be seen in the context of all of the other aspects of the proposed new model - as having clarity about expectations will help save money and improve satisfaction.

32. The extra support provided to vulnerable tenants will be in addition to this core offer.

33. The offer for leaseholders is different because the respective responsibilities are very different. During the consultation and engagement with leaseholders, we will open a conversation about how best to describe this offer.

**Part 5 - Reducing paperwork and bureaucracy** - saving money on the Council’s operating costs so we can spend more on the things that matter

34. Reducing unnecessary paperwork and bureaucracy helps both to reduce costs and to provide services more quickly. At present, the Housing IT systems are out of date and neither user-friendly, nor customer-friendly. They don’t help the staff, or tenants and leaseholders.

35. The recent staff workshops identified a number of issues relating to this, including: reducing red tape, learning from others and from best practice - and, perhaps most powerfully, the importance of always having a single conversation with residents so that we avoid duplication.

36. Seeing things from the perspective of tenants and leaseholders (this is sometimes described as ‘the customer journey’), is vital to improving the service. Having systems, policies and process in place that help this, rather than getting in its way, are the key to reducing paperwork and bureaucracy.

**Part 6 - Digital by choice** - an improved 24/7 digital offer for Council tenants and leaseholders - but by choice, not compulsion

37. As Table 3 (overleaf) shows, whilst nearly 60% of tenants use the internet, only 0.4% used the Council’s website for their last contact. The figures for leaseholders is 78% and 2.5%. Despite this, and the fact that the phone was used as the primary method of contact, satisfaction with the ease of getting hold of the right person is comparatively low.

*Table 3 - Use of internet generally (Facebook, mobile apps, email etc.), last contact method and satisfied with ease of getting hold of the right person 2012-2016*

<table>
<thead>
<tr>
<th>Tenure</th>
<th>2012</th>
<th>2016 (base/ error margin)</th>
<th>2016 benchmark (quartile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Use of internet generally</td>
<td>Not tested</td>
<td>57% (592)</td>
<td>NA</td>
</tr>
<tr>
<td>2. Last contact method was website</td>
<td>Not tested</td>
<td>0.4% (473)</td>
<td>NA</td>
</tr>
<tr>
<td>3. Satisfied with ease of getting hold of right person</td>
<td>54% (469; +/- 4.5%)</td>
<td>73% (4th)</td>
<td></td>
</tr>
</tbody>
</table>
38. The proposal is that that the housing services will be accessible through our website anytime, anyplace and on a smartphone, tablet or PC. This could include a range of services such as:
   1. Booking appointments online
   2. Reporting problems or issues such as fly-tipping
   3. Checking your service charge account and making payments
   4. Chatting to us in real time on weekdays 8am to 8pm on webchat
   5. Getting advice and help on a range of issues such as employment and debt advice
   6. Real time feedback on services so we know how we are doing straight away

39. The specific services on offer through our website will be decided after we’ve heard back from people following this consultation. No tenant or leaseholder will be compelled to use online services. If they want to they will still be able to call or come in to see the council as now. But it will be important to encourage as many people as possible to use online services.

**Partnership arrangements to deliver benefits to the Kingston community**

40. It would be beneficial to the Council, in terms of delivering such improvements, to work with a non-commercial partner organisation who can collaborate with RBK to achieve this.

41. This partner would need to:
   1. Understand the Kingston community and have a demonstrable interest in improving outcomes for Kingston
   2. Have a demonstrable track record in innovation and delivery in the areas that RBK wants to collaborate on
   3. Be a not-for-profit organisation who is entering into a partnership that is characterised by collaboration rather than being primarily commercially and profit driven.

42. The Sub Committee will be interested to note that a joint ARCH (Association of Retained Council Housing) and CIH (Chartered Institute of Housing) report has just been published. 'Building Bridges - A guide to better partnership working between local authorities and housing associations' highlights how “both sets of organisations share a common vision and purpose to provide much-needed affordable housing.” Its first key recommendation is that local authorities and Housing Associations “should increase their level of engagement in fostering good working relationships” which includes empathy and joint problem solving and pooling and sharing resources.
43. There have been discussions with RHP (Richmond Housing Partnership) who potentially meet these criteria. However the Council would need also to investigate whether there are any other possible partners as well as explore in more detail with RHP whether a potential collaboration with them would work both for RHP and the Council - and crucially benefit the Kingston community. These issues will be investigated in detail between November 2017 and March 2018.

What won’t change

44. Kingston Council will continue to be the landlord for both secure tenants and leaseholders.

45. These changes proposed do not involve stock transfer or privatisation or changing the legal rights of secure tenants or council leaseholders.

46. The services offered will be services that are specifically designed and delivered for Kingston residents and for the benefit of the Kingston community.

47. As is the case now (for example with the repairs service and major works schemes), some HRA services are undertaken by private contractors where this is appropriate. However, there are no proposals in this report which would directly lead to outsourcing to commercial operations for any significant parts of the housing service.

48. None of the proposals in this report require any changes to current tenancy conditions or lease agreements. If in the future changes were proposed, these would be subject to further consultation arrangements.

Consultations

49. The consultation on the proposed changes to the housing service would be subject to RBK’s statutory duty to consult with secure tenants under section 105 of the 1985 Housing Act.

50. The Deputy Chief Executive is authorised in consultation with the Portfolio Holder for Adults Social Care and Health and the two Leaders of the Opposition (or their representatives) to agree the approach to consultation for both secure tenants and Council leaseholders.

51. We are commissioning a specialist organisation to assist with the consultation, engagement and communication. This exercise which will involve both qualitative and quantitative research and an engagement and communication plan, alongside the formal consultation. This is so that the Sub Committee can get a full and representative view of the proposals from residents generally and not fully rely on the more traditional and formal methods of feedback.

52. To assist with and oversee this, the Deputy Chief Executive will arrange meetings with the Portfolio Holder for Adults Social Care and Health or her representative, the two Leaders of the Opposition or their representatives, KRiSP representatives, other officers and other relevant individuals, parties or residents for further discussion.

Resource Implications

53. The proposal to develop a New Housing Model has the potential to deliver net savings to the Housing Revenue Account (HRA) of up to £750k in 2018/19 to an estimated £3m by 2020/21. This will essentially come from adopting a model, as outlined in this report, that could put RBK’s housing landlord function on the path
54. Additionally, the £900k capital budget approved recently for recommissioning a new housing computer system would potentially be in scope of this project as it may be possible and more cost-effective to deliver this through a partnership approach. This will be explored further as part of the work described in the section about partnership arrangements above.

55. Initial modelling of an assumption that £1.3m of the savings would come from cost savings alone in the current 30 year HRA business plan indicates the HRA could develop 100 new units on its own land at a development cost per unit of £150k over a 5 year period and still have a cash balance of £140m by 2046/47. Growth in stock numbers will not only benefit the HRA revenue position but also have a knock on effect of removing the cost of housing potentially 100 households in costly Bed & Breakfast and other nightly paid accommodation from the Housing General Fund.

Legal Implications

56. Under Section 105 of the Housing Act 1985, the Council has a legal obligation to consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them, or changes in the provision of amenities. Before making any decision, the authority must consider any representations in accordance with those arrangements.

57. The Cabinet Office has published a guidance document with regards the principles of carrying out a consultation. The 12 week period for the proposed consultation is derived from this guidance document.

58. In the main body of the report, it is stated that there have been initial discussions with RHP and there will be further work carried out with regards this and looking at other potential partners. Pending future developments in the process to create a New Housing Model, Section 27 of the Housing Act 1985 will need to be considered, as this section relates to where a local housing authority can agree for another person to exercise the local housing authority’s management functions in relation to properties owned by the authority and what the requirements are to achieve this.

59. As to potential partnership arrangements, there are various vehicles available which can be considered at a later date.

Equalities Impact Assessment

60. The draft Equalities Impact Assessment is attached as Annex 1.

Background papers - held by the author of the report - Tom Bremner, Lead Housing Consultant  tom.bremner@kingston.gov.uk  tel: 020 8547 5430

- None other than those referred to in this report
Annex: FULL EQUALITIES IMPACT ASSESSMENT FORM B

Function being assessed:

The function being assessed is the proposed changes to the Council’s housing service. These changes seek to provide an improved service that is easier to access, costs less, supports those who need it and invests in new homes. This change will affect all 5,856 Council tenants and leaseholders (RBK residents). This comprises 4,334 Council tenants, 1,489 leaseholders, along with 35 housing association tenants whom the Council manages. The data used for this equalities’ impact assessment (EIA) also incorporates a further 5,308 household members.

The proposed changes include:

- **Investing in council housing** - building more desperately needed new council properties and continuing to invest in current housing
- **A clearer deal for residents** - being upfront about what the council does and doesn’t do and what’s expected of residents
- **Supporting those who need it** - targeted services for our more vulnerable council tenants
- **A new ‘core’ housing offer** - ‘A well maintained, affordable and settled home’
- **Reducing paperwork and bureaucracy** - saving money on the council’s operating costs so we can spend more on the things that matter
- **Digital by choice** - an improved 24/7 digital offer for council tenants and leaseholders, but by choice not compulsion.

The Council also puts forward proposals to explore suitable partnership arrangements aimed at collaboratively delivering the suggested changes to its housing service. The Council stipulates the need for any potential partner to meet the following fundamental core principles:

- Understand the Kingston community and have a demonstrable interest in improving outcomes for Kingston.
- Have a demonstrable track record in innovation and delivery in the areas that RBK wants to collaborate on.
- Be a not-for-profit organisation who is entering into a partnership that is characterised by collaboration rather than being primarily commercially and profit driven.

Is this a new function or a review of an existing function?

This is a review of the Council’s current approach to providing housing services to residents.

What are the aims/purpose of the function?

The Council’s housing service currently:

- Requires more Council homes in order to meet demand
- Runs the Housing Revenue Account (HRA) at a loss
- Carries out 14,000 repairs per year (about 3 per property on average)
- Has a limited digital offer with online services only used by an extremely low number of residents.

Therefore, the proposed changes aim to modernise and improve the standard and management...
of council housing in Kingston in order to deliver a sustainable effective service for the Council’s residents. For example, by increasing and improving the digital offer, the Council will enable more quality access to services and support at the times that our residents prefer and choose.

**Is the function designed to meet specific needs such as the needs of minority ethnic groups, older people, disabled people etc?**

The review of the Council’s approach to delivering its housing services intends to significantly improve the housing offer, and, by doing so, enable all groups to access housing services more easily.

The review will also significantly improve the Council’s ability to identify and monitor the impact of changes to its service in the future as it will improve the data that the Council holds on its residents as part of developing a new digital offer. This, in turn, will also lead to the capability to effectively track ‘customer journeys’ through services provided, mapped against protected characteristics, to define detailed outcomes across equalities’ groups and address any known imbalances in service provision to ensure those with protected characteristics are not disadvantaged in service provision.

**Age**

Kingston has a relatively young population compared to the rest of England. 32% of the population is aged between 20 and 39, with a particularly high number of 20–24 year old’s, due in part to the large student population attending Kingston University. At least 44.4% of Kingston Council residents are aged 44 or younger, which is larger than the already young Kingston population.

According to the ONS (2015) over 61s make up 17.5% of both the wider Kingston population and Council residents. Older adults have consistently been the lowest users of the internet. However, national trends show that internet use amongst older adults aged 65 to 74 years of age has increased, from 52% in 2011 to 78% in 2017 (ONS, 2017). However, only 41% of over 75 year olds use the internet (ONS, 2017). This is compared with 99% of people aged 16 – 34, 97% of people aged 35 – 54 and 90% of people aged 55 – 64 who have all recently used the internet (ONS, 2017).

The STAR survey 2016, shows that access to the internet amongst both council tenants and leaseholders is fairly high (57% tenants and 78% leaseholders). However, it is important to note that 38% of tenants would prefer email communication from the council; with 69% of the 38% aged 16 – 34 years of age. Nevertheless, there is still a fairly high number (37% out of the 38%) of older tenants aged 50 – 64 who would prefer email communication. This was similar amongst leaseholders as well, with 100% of under 35s making use of the internet compared with 47% of those aged 65+.

By investing in more council housing young people will benefit from more affordable homes as overall affordable supply is increased. Young people are being priced out of living in Kingston, including a swing to ‘generation rent’ in line with countrywide trends. Not only can young people generally not afford to buy a home for themselves, but they now find it increasingly difficult to rent in London, with Kingston being no exception to this. Consistent with rising house prices and low
wages and high employment levels these changes should allow the Council to address the growing demand for housing for all groups of people by building more homes in the borough which are truly affordable.

The proposals to improve the targeted services for the Council’s more vulnerable tenants will improve the service offered to older vulnerable tenants. This improved and enhanced service will potential result in an increase in tenancy sustainment as a result of support from the Council.

**Disability**

In Kingston (Census, 2011) there is a higher proportion of residents who state they have no limitation in day-to-day activities (87.6%), than London (85.8%), and England (82.4%). Kingston has one of the highest life expectancies in England and, as a result, has a much higher than the national average level of dementia patients amongst its 75 and older population. The total number of people with dementia in Kingston in 2014 was estimated at 1,600 and this is expected to increase to 1,800 by 2017. Freeing up resources, by meeting the needs of the vast majority of service users through an attractive digital offer, unburdening the housing service and its customers from unnecessary and unsought physical and telephonic interactions and reducing the levels of paper work and bureaucracy can free up resources to target services towards those service users who need more intensive support and need or would prefer to do business with us face-to-face.

961 (8.6%) of Council residents have stated they have a disability. This is somewhat lower than the Kingston, London and England averages, hinting that Council residents are less limited in day-to-day activities. Investing in more council housing may potentially increase the number of adaptable affordable homes available for disabled residents, both directly and indirectly.

Across the United Kingdom in 2017, of disabled adults aged 16 to 24 years, 97.1% were recent internet users, compared with 99.5% who were not disabled. Of disabled adults aged 75 years and over, 34% were recent internet users, compared with 50% who were not disabled (ONS, 2017).

It is also critical to point out how digital services can best support individuals with disabilities. This includes advances in technology which allow for more effective digital communication. This will be explored further in the sections below.

Similarly to older tenants, disabled tenants will benefit from the proposals to free up officer time by increasing the uptake of the Council’s digital offer and the improved and enhanced service for the Council’s more vulnerable tenants.

**Gender**

The 2011 Census estimated that there were 78,103 males and 81,957 females living in the borough. The more recent ONS Midyear Estimates for 2015 estimate the male population at 85,458 and 88,067 females. This equates to 49.2% male and 50.8% female respectively. Kingston Council residents are 44.7% male and 54.7% female, which is a slight overrepresentation compared with the wider female population in Kingston.

The 2011 Census showed that Kingston had a total of 3,541 lone parents which ranks it 301 out
of 348 when compared to other local authorities. The 2011 Census showed that out of the 3,541 lone parents in the borough the vast majority (90.6%) are female, with only a small minority (9.6%) being male. It is expected that these figures will be similar amongst Kingston residents, however, this will not be known until the Council improves the data it holds on its residents as part of its new digital offer.

Men are only slightly more likely to have used the internet recently (90% compared with women at 88%) and less likely to have never used the internet (7.8% compared with women at 10.5%) according to the ONS (2017). Both older men and women are less likely to have used the internet. For example, recent internet use by men aged 65 to 74 years was 79% and by men aged 75 years and over was 47%. In comparison, recent internet use by women in these age groups was lower at 76% and 35% respectively.

**Graph 1: Recent internet use in 2011 and 2017 by age group and sex, UK (ONS, 2017)**

Graph 1 above shows that the largest increase in the number of recent internet users was in women aged 75 years and over, which trebled from 0.3 million in 2011 to just over 1 million in 2017.

**Ethnicity**

Between 2001 and 2011, the proportion of Kingston's population that came from Black, Asian and Minority Ethnic (BAME) groups rose from 15.5% to 25.5%. The Greater London Authority (GLA) estimates that in 2014, 28% of Kingston residents were BAME - and forecast this to increase to 32% in 2024, as Kingston becomes more diverse and more like the rest of London in its diversity.
Based on the Kingston residents’ tenant profile data, 28.3% of the residents are white British, 3.2% are white other, 1% are mixed race, 6.6% are Asian, and 3.1% are black, 8.1% described themselves as other and 3.1% refused to answer. However, there are considerable data integrity issues with the ethnicity data set due to 46.6% unknown/blank responses. Therefore, until after the project cleanse and improves the housing data held on residents, we will not be able to assess the potential impact of the changes on specific ethnic groups. Nonetheless, more general observations can still be made. Improving the digital offer and digital take-up can drive transformation culturally as well as driving transformation in the way the social business perceives itself and operates, benefiting all residents.

The Labour Force Survey shows that 88.9% people in the country use the internet. When broken down by ethnicity, only the White cohort fall short of the average at 88.4%, compared to, 91.2% of people identifying as Asian, 94.9% of people identifying as other or mixed and 92.1% of people identifying as Black, Black British or African Caribbean (ONS, 2017 Recent and Lapsed Internet Users and Internet Non-Users, by Ethnic Group then by UK Region and Age group).

29.9% of Kingston Council residents describe their main language as English, 62.1% of residents’ main language is unknown, and 8% of residents with English not as their main language. However, due to the 55.2% unknown/blank responses there are considerable data integrity issues with this data set.

**Religion or Belief**
The Council does not expect any different outcomes for residents within this group at present.

**Sexual Orientation**
There is insufficient data to assess the impact of the changes on residents from this protected characteristic. However, there is no significant reason to believe that it will impact people based on this characteristic.

**Gender Reassignment**
There is insufficient data to assess the impact of the changes on residents from this protected characteristic. However, there is no significant reason to believe that it will impact people based on this characteristic.

**Pregnancy and Maternity**
There is insufficient data to assess the impact of the changes on residents from this protected characteristic. However, there is no significant reason to believe that it will impact people based on this characteristic.

**Marriage and Civil Partnership**
There is insufficient data to assess the impact of the changes on residents from this protected characteristic. However, there is no significant reason to believe that it will impact people based on this characteristic.

**Socio—Economic Considerations**
Socio-economic factors must be taken into account when assessing the potential impact of these changes on the various protected groups. The main area in which socio-economic factors may impact residents is cases where some families may not be able to access housing services digitally, simply from an affordability perspective. Therefore, this indirectly has equalities implications, for example, with residents who are, lone parents or who have a disability and may
therefore be less likely to access and utilise digital services.

**What information has been gathered on this function? (Indicate the type of information gathered e.g. statistics, consultation, other monitoring information)? Attach a summary or refer to where the evidence can be found.**

The following internal and external evidence and data sets have been used:

- Kingston Council resident profile data
- Census 2011
- ONS, Internet Access – Households and Individuals (2017)
- ONS, Recent and Lapsed Internet Users and Internet Non-Users, by Ethnic Group then by UK Region and Age group (2017)
- ONS, Internet Access – Households and Individuals (2015)
- Lower Layer Super Output Area (LSOA) is a geographical area
- GLA London Borough Data Store
- Equalities and Communities Engagement Team (ECET) ranking indicators

A consultation, engagement and communications process will be undertaken and the information gathered will be taken into account when deciding how best we proceed with the implementation of the project. The consultation process will enable us to capture a variety of views from residents within the identified groups. This will help to make sure that the best possible outcomes are achieved in this process.

**Does your analysis of the information show different outcomes for different groups (higher or lower uptake/failure to access/receive a poorer or inferior service)? If yes, indicate which groups and which aspects of the policy or function contribute to inequality?**

The review of the Council’s approach to delivering housing services does not indicate any direct negative impact on residents at present. This includes the Council’s proposals to explore potential partnership opportunities. However, in order to effectively assess whether the changes will result in different outcomes for different groups, the Council will assess the impact of any potential partnership opportunities on different groups as the project develops and would expect any potential partner to share the Council’s views on equalities and diversity to ensure consistent service delivery standards across a diverse customer base.

The Council recognises that some residents will require additional support, in order to make use of digital self-service options. We also know that there are some residents who will not be able to use self-service options at all, and will either need someone to perform the transactions on their behalf (such as a family member) or will need to be given assistance from council staff. The Council will look more closely at who these customers are and the ways in which we can best support them in accessing the Council’s digital services.

There are also residents who are not considered as ‘digitally excluded’ but would prefer not to use digital, self-service access methods for council services, and would prefer to speak to a member of staff, either face-to-face or over the ‘phone. The Council wants to encourage and persuade residents to use digital self-service, on the basis that it is easy to use and more accessible.
The digital changes are not expected to disadvantage any residents because the digital offer will be provided in addition to existing traditional non-digital means of communicating with the Council such as face-to-face or telephone interactions. Therefore, the Council will provide a ‘digital by choice’ service as opposed to a digital by default service.

However, this analysis goes on to identify some potential different outcomes for different groups.

**Age**
Reducing the service offer to one which only provides a new ‘core’ offer may result in some older and/or disabled residents finding it difficult to access services which would have otherwise been available to them.

Older adults have consistently been recorded as being the lowest users of the internet, therefore, they are more likely to experience difficulty in accessing a new digital housing offer. Even though access to the internet amongst older people is increasing, there is still a considerable gap in access, therefore, this assessment sets out the mitigating actions the Council will take below.

However, as identified by the STAR survey 2016, some older tenants and leaseholders would prefer to be communicated with digitally, be it either via email or the website.

Exploiting the savings possible through a successful digital choice offer may enable the service to be a more pro-active provider of new-build homes and grow the social business through expanding provision and providing more skills’ opportunities for local people, for example through apprenticeships for younger people being tied to the procurement of construction contracts.

**Disability**
As acknowledged earlier, significantly more disabled residents are likely to have recently used the internet than not. It is the Council’s understanding that some disabled residents may find it difficult to access and utilise the Council’s housing services digitally. Residents with a learning disability or a communication disability (visual or hearing impairment) will find it harder to use self-service options.

Additionally, access to the internet amongst younger disabled people is lower than their non-disabled peers and therefore shows that they may need additional support to access the service. More significantly, older disabled residents will require more support and attention than their non-disabled peers, as there is a more noteworthy disparity between disabled adults aged 75 and over accessing the internet compared to non-disabled adults.

This document sets out the mitigating actions that will be taken to minimise the potential adverse effects of the changes on people who fall within this protected characteristic.

**Gender**
Less women may access housing services digitally as a result of lower internet usage rates. This is compounded by the fact that women make up a larger percentage of residents than men.

This document sets out the mitigating actions that will be taken to minimise the potential adverse effects of the changes on women.
Ethnicity
According to the ONS 2017 statistics, people who considered themselves as White are least likely to access the internet and will require additional support in order to enable access. Whereas, residents from the BAME community are more likely to utilise housing services digitally as they are more likely to use the internet. It is recognised that some people use face-to-face services as a result of having English as a second language. Therefore, even though these groups may be using the internet, they may still be inhibited by language barriers. However, it should be noted that in many cases, even if English is not the first language, people may still be relatively fluent in English as a second language. Furthermore, the web has a built-in function that enables the easy translation of English into a number of languages.

This document sets out the mitigating actions that will be taken to minimise the potential adverse effects of the changes on people who fall within this protected characteristic.

Religion or Belief, Sexual Orientation, Gender Reassignment, Marriage and Civil Partnership and Pregnancy and Maternity
The Council does not expect any different outcome for residents within this group at present.

Are these differences justified (e.g. are there legislative or other constraints)? If they are, explain in what way.

The Council is required to ensure that it makes best use of its resources and, with this in mind, it must therefore ensure that it utilises all potential methods including technology which add value and reduce costs. The review of the Council’s approach to delivering housing services will improve the way services are delivered and increase value for money by giving residents the option to access housing services digitally, as opposed to the generally resource-intensive non-digital avenues available today. However, it is important to note that the new service offer will be digital by choice and not ‘digital by default’.

What action needs to be taken as a result of this Equality Impact Assessment to address any detrimental impacts or meet previously unidentified need? Include here any reasonable adjustments for access by disabled people. Include dates by which action will be taken. Attach an action plan if necessary.

The Council anticipates that the overall impact of the changes should be positive with limited adverse impact on residents who fall within any of the protected characteristics. However, as identified earlier, there are some areas where due care needs to be taken in order to manage and mitigate the identified potentially adverse impacts the changes may have on specific groups. The Council has set out the actions it will undertake below.

Age
The Council will consider the following actions in order to mitigate and manage any potentially adverse impact on older residents. One of the key proposals put forward as part of this project is to build on the service already provided and expand the offer in order to have the maximum impact. This will go some way in helping to mitigate some of the potential negative impacts on both older tenants and tenants with disabilities.

Therefore, as part of the project, the Council will consider additional ways in which older people
can be supported to access council services via digital channels. Given that older people already tend to be comfortable using the phone, we will also look at how phone self-service can be offered for the list of services that we wish to make ‘self-service’.

Disability
Disabled residents may face particular challenges to successfully accessing the digital services. The Council will consider offering a variety of features, such as 'browse aloud' for those with visual impairments and dyslexia, in addition to the measures identified above which will support older disabled residents.

Gender
The Council will consider how best to mitigate against the potential adverse impacts on women. This will again be considered as part of the wider digital project. It will consider ways in which it can target female residents and increase or enable access.

Ethnicity
The Council will explore the potential for building in language translation functionality, such as Google Translate software, in order to support web self-service channels.

Socio-Economic Considerations
As identified above, socio-economic factors may result in certain groups finding it more difficult to access housing services digitally. In order to address this potential negative impact, the Council will continue to provide non-digital avenues of communication, such as by telephone or face-to-face. Additionally, residents will be able to come into the office or local Council services such as libraries and access the internet to utilise the digital services the Council intends to provide.

When will you evaluate the impact of action taken? Give review dates.

The consultation and the data improvement project will inform this EIA and therefore will be finalised after taking into account the outcomes of the consultation. The impact of the changes will be regularly monitored and reviewed from 6 months following the implementation of the new service.

Assessment completed by:

NAME: Sharmake Abyan
SERVICE: Housing
DATE: 20 October 2017

Please send your completed assessment to your service head. A copy should then be sent to the Equality Adviser.