



## North Devon Council

Report Date: 9 May 2022

Topic: Proposed amendment to the Council's Amenity Standards, Minimum Room Sizing and Management Standards

Report by: Katy Nicholls, Public Protection Manager & Tanisha Rowswell, Graduate Environmental Health Officer/Residential Licensing Officer

### 1. INTRODUCTION

- 1.1. Amendments are proposed to the Council's Amenity Standards, Minimum Room Sizing and Management Standards document. The new revised Amenity Standards document with tracked changes is found within **Appendix A.**
- 1.2. The current Amenity Standards do not include the position surrounding the sharing of bedrooms in licensed Houses in Multiple Occupation (HMOs). The Legislation is silent in terms of room sharing, albeit that a Room Standard and a Space Standard are provided for in the Housing Act 1985. The Room Standard and Space Standard are criteria used to ascertain whether a property is statutory over-crowded. As such, an amendment to the locally adopted standards under the section 'Mandatory requirements in HMOs – Space standards' has been made.
- 1.3. Subsequent to the implementation of the Amenity Standards in July 2021, the administration of licence applications for HMOs has worked well, albeit there are three main areas requiring further clarity.
- 1.4. The first area is in terms of the prescribed standards under the section 'Personal washing facilities and WCs', which requires an amendment in line with The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 ('The 2007 Regulations').
- 1.5. The second area is in terms of the 'Facilities for the storage, preparation and cooking of food (shared facilities).' A query arose with regard to the numbers of sinks and dishwashers, whereby it was not practical to install the set number of sinks and instead there was a desire to utilise a dishwasher as an alternative. It is proposed to amend the Amenity Standards to provide a proportionate response to the query raised.

- 1.6. The third area is in terms of the 'Facilities for the storage, preparation and cooking of food (individual use facilities)', which requires an amendment in line with The 2007 Regulations.

## 2. RECOMMENDATIONS

- 2.1. It is recommended that Strategy and Resources approve:

- 2.1.1. A public consultation on the proposed draft revised Amenity Standards, Minimum Room Sizing and Management Standards Document (Amenity Standards) found within **Appendix A**, and seek that consultation responses be reported to a future committee prior to making any approval.

## 3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure the Council's policies are regularly reviewed and kept up to date.
- 3.2. To increase the robustness of the Council's approach and procedures in respect of sharing of rooms in HMOs. The numbers sharing a room are not expressly included in the current Amenity Standards.
- 3.3. A number of queries have arisen since the implementation of the Amenity Standards, which will be prudent to provide clarity over.
- 3.4. To be proportionate and reasonable in terms of the Council's expectation surrounding 'Facilities for the storage, preparation and cooking of food (shared facilities).'

## 4. REPORT

- 4.1. North Devon Council (NDC) approved the Amenity Standards at a previous Strategy and Resources Committee meeting on 5 July 2021.
- 4.2. Since the implementation of the Amenity Standards a number of queries have arisen for which this report aims to provide clarity over.
- 4.3. A proposed revised Amenity Standards document is found in **Appendix A**, and tracked changes are highlighted in the document. The main sections recommended for amendment include:
- 4.4. 'Personal washing facilities and WCs'

- 4.5. This section requires an amendment to the prescribed standards in line with the 2007 Regulations, which are no longer based upon 5 persons sharing (as per the previous Regulations), and instead the wording is based upon an adequate number of bathrooms, WCs, and wash hand basins, available for the number of persons sharing the facilities. Members should note that this amendment does not impact on the Council's Locally Adopted Standards, which remain unchanged.
- 4.6. A query had arisen in respect of whether en-suites count towards the total number of bathrooms required. As such, an amendment has been made to provide clarity over the number of shared facilities relating to bathrooms.
- 4.7. A further query had arisen in respect of the number of bathrooms required for the number of occupiers. A subtle change to the wording to enhance clarity has been provided.
- 4.8. 'Facilities for the storage, preparation and cooking of food (shared facilities).'
- 4.9. A query recently arose with regard to the numbers of sinks and dishwashers, whereby it was not practical to install the set number of sinks and instead there was a desire to install a dishwasher as an alternative to an additional sink. It is proposed to amend the Amenity Standards to give applicants more flexibility in this regard.
- 4.10. 'Facilities for the storage, preparation and cooking of food (individual use facilities).'
- 4.11. A section has been inserted into the Prescribed Standards in line with the 2007 Regulations. This covers units of living accommodation without basic shared amenities, for example whereby landlords are not contractually obliged to provide appliances. This does not impact the Council's Locally Adopted Standards.
- 4.12. 'Mandatory requirements in HMOs – Space standards'
- 4.13. A section has been inserted under the above heading covering the sharing of rooms by one or more households, as the Legislation appears to be silent on this. As such, the following statement has been added to clarify the Council's position on this matter: 'No more than one household shall occupy any room used for sleeping accommodation (please see the Housing Act 2004 for the definition of a household)'.

4.14. Various other small amendments have also been made to the Amenity Standards document, as per the tracked changes.

#### 4.15. Consultation

4.16. A consultation will be undertaken with key stakeholders including estate agents, management companies and landlords.

4.17. A period of six weeks has been elected for consultation in line with the Cabinet Office guidance.

4.18. Emails will be sent out where possible, but letters will be distributed in other instances depending on the availability of contact information.

4.19. Feedback to committee will be undertaken following the receipt of consultation responses.

### 5. RESOURCE IMPLICATIONS

5.1. Any financial costs which are incurred through the implementation of the Amenity Standards will be met by individual licence holders.

### 6. EQUALITIES ASSESSMENT

6.1. There are no perceived equalities implications anticipated as a result of this report.

### 7. ENVIRONMENTAL ASSESSMENT

7.1. No environmental implications arose from the completed Environmental Assessment checklist. This report is neutral and does not cover the environmental objectives cited.

### 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: neutral

- 8.1.2. Improving customer focus: positive, as it provides a proportionate response to queries raised pertaining to the numbers of sinks and dishwashers in licensable properties.
- 8.1.3. Regeneration or economic development: positive as it provides a proportionate response to queries raised pertaining to the numbers of sinks and dishwashers in licensable properties.

## 9. CONSTITUTIONAL CONTEXT

- 9.1. Article of Part 3 Annex 1 paragraph: 1
- 9.2. Referred or delegated power? Delegated.

## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

- North Devon Council, Amenity Standards, Minimum Room Sizing and Management Standards, June 2021
- Housing Act 1985
- Housing Act 2004
- The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

## 12. STATEMENT OF INTERNAL ADVICE

- 12.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:



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Date 06.04.22