

Cabinet Agenda

Monday, 9 October 2017 at 6.00 pm

Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY

For further information, please contact Michael Courts on 01424 451764 or email mcourts@hastings.gov.uk

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1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Notification of any additional items	
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Present: Councillors Chowney (Chair), Forward, Fitzgerald, Poole, Batsford, Beaney, Lee and Patmore

23. DECLARATIONS OF INTEREST

The following Councillors declared an interest in the minutes:

Councillor	Minute Number	Interest
Lee	25 – Coastal Communities Fund (CCF) Round 4	Personal – he has taken a tour of one of the premises

24. MINUTES OF THE MEETING HELD ON 10 JULY 2017 AND 17 JULY 2017

RESOLVED that the minutes of the Cabinet meetings held on 10 July 2017 and 17 July 2017 be approved and signed by the Chair as a correct record

RESOLVED the Chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 26 and 27 were agreed without being called for discussion

25. COASTAL COMMUNITIES FUND (CCF) ROUND 4

The Marketing and Major Projects Manager presented the report of the Assistant Director, Regeneration and Culture, which sought approval for the delivery of projects from the latest round of coastal communities funding (CCF). The council is the accountable body for ensuring delivery of the approved projects.

Hastings Coastal Communities Team had submitted a successful bid to CCF round 4 called Destination White Rock, Hastings – Continuing the Economic Revival. The bid brought together a number of projects by local businesses, community organisations and the council. The projects supported the regeneration of the White Rock area and encouraged visitors and tourism in this part of the town.

The projects included the refurbishment of Rock House and Rock Alley by White Rock Neighbourhood Ventures (WRNV), a series of local, regional and international BMX and skateboarding events organised and hosted by The Source Park, a programme of business-need led training and marketing activities by Love Hastings (Hastings Business Improvement District) Board, and the extension of the existing free public Wi-Fi and refurbishment of the redundant fountain on the seafront by the council.

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Due to the timescales involved in these projects, a decision had been taken under the special urgency provisions contained in the council's constitution (part 4, rule 26.16) to complete the legal process and enable the first payments to delivery partners.

Councillor Forward proposed approval of the recommendations to the Assistant Director, Regeneration and Culture's report, which was seconded by Councillor Poole.

RESOLVED (unanimously) that:

- 1. Cabinet approval is needed to delegate authority to the Director of Operational Services to enter into agreements with delivery partners, but there was insufficient time for such a decision to be made prior to the authorisation of certain projects given their imminent nature. The urgency provisions, set out in part 4 of the constitution, were therefore used to delegate relevant authority to the Director Of Operational Services and the portfolio holder for Regeneration and Culture, and this fact was noted by Cabinet.**
- 2. All the initiatives identified in Destination White Rock Projects (Appendix A to the report) be approved**

The reason for this decision was:

The Department for Communities and Local Government (DCLG) approved the funding for the projects identified on 3 April 2017 and all projects and expenditure needs to be completed by March 2019. Cabinet approval is needed to delegate authority to the Director of Operational Services to enter into agreements with delivery partners, but there was insufficient time for such a decision to be made prior to the authorisation of certain projects given their imminent nature. The urgency provisions, set out in part 4 of the constitution, were therefore used, and Cabinet is asked to note these.

26. ANNUAL TREASURY MANAGEMENT REPORT 2016/17

The Assistant Director, Financial Services and Revenues, submitted a report on the treasury management activities and performance over the 2016/17 financial year.

Under the Local Government Act 2003, the council was required to produce an annual treasury management review of activities and the actual prudential and treasury indicators. Treasury management referred to the management of the authority's investments, cash flow, banking, money market and capital market transactions and the potential risks associated with these activities. The report also gave an overview of the wider economic context within which the council operated.

The council complied fully with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code). The report was due to be considered by the Audit Committee at its meeting on 21 September 2017.

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Under rule 13.3, this report was agreed without being called for discussion.

RESOLVED that:

- 1. Having considered the report, no recommendations are made to amend the current Treasury Management Strategy as a result of this particular review**
- 2. Full Council to consider the report and any recommendations made by Cabinet**

The reason for this decision was:

To ensure that members are fully aware of the activities undertaken in the last financial year, that codes of practice have been complied with and that the council's strategy has been effective in 2016/17.

Under the code adopted the Full Council is required to consider the report and any recommendations made.

CONFIDENTIAL BUSINESS

The following item is exempt by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

27. PROCUREMENT OF HYBRID MAIL SOLUTION

The Director of Corporate Services and Governance submitted a report which requested Cabinet approval for the procurement of a corporate hybrid mail solution for the revenues and benefits service and to roll out the solution to other areas of the council to increase productivity and make efficiency savings.

Under rule 13.3, this report was agreed without being called for discussion.

RESOLVED that:

- 1. Cabinet approves the procurement of a hybrid mail solution**
- 2. To procure the hybrid mail solution through the East Sussex Procurement Hub via invitation to tender**
- 3. To give delegated authority to the Director of Corporate Services and Governance in consultation with the Corporate Services portfolio holder to complete the procurement process and appoint the successful vendor**

The reason for this decision was:

The existing hybrid mail solution use by the revenues and benefits service expires on 31 March 2018 and needs to be replaced. This deadline also provides the opportunity to transfer as much as possible to other council postage and related costs to the hybrid mail solution.

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As part of the council's ongoing drive to identify efficiency savings and increase productivity a paper, print and postage reduction strategy is being implemented – a corporate wide hybrid mail solution will assist in this process.

A significant proportion of the council's postage budget is already managed via hybrid virtual mail by the revenues and benefits service and there is scope to transfer postage from other services to this solution and achieve cost savings.

(The Chair declared the meeting closed at 6.20 pm)

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Present: Councillors Chowney (Chair), Forward, Poole, Batsford, Fitzgerald, Beaney, Lee and Patmore

RESOLVED the Chair called over the items on the agenda, under rule 13.3 of the council's constitution, the recommendations set out in minute numbers 29 and 30 were agreed without being called for discussion

28. POTENTIAL NEW DEVELOPMENT

The Director of Operational Services presented a report which sought authority from Cabinet to work with Hastings Harbour Quarter Ltd, East Sussex County Council and other partners to develop a strategic outline case for the potential development of a harbour, housing and associated outcomes at Rock a Nore. The report also sought authority to develop a funding package for this initial programme of work.

The council had been approached to discuss the practicality of developing a new harbour at the end of the Stade. The proposal incorporate a 600 berth marina with associated boat storage facilities and support services, around 1000 – 1300 new homes, and a protected launch / landing site for the Hastings fishing fleet. The scheme offered potential to support the economic development of the town and address the shortage of housing in the Borough.

However, the Director of Operational Services commented that the proposal was at a very early stage and it was therefore necessary to undertake further studies to assess the impact of the scheme on the environment, infrastructure and the local community. These studies would inform the development of a strategic outline case, which would be reported back to Cabinet. Discussion would also need to continue with a range of local, regional and national partners, including the MP, East Sussex County Council, South East Local Enterprise Partnership (SELEP) and the Department for Business, Energy and Industrial Strategy (BEIS) about the viability of the scheme.

Councillor Chowney proposed approval of the recommendations to the Director of Operational Services report, which was seconded by Councillor Forward.

RESOLVED (unanimously) that:

- 1. The Director of Operational Services, in consultation with the Leader of the Council and the Deputy Leader be authorised to support the development of a strategic case for the construction of a harbour quarter at Rock a Nore, including seeking external funding and support to take this forward;**
- 2. The Chief Legal Officer is authorised to conclude an options development agreement with Hastings Harbour Quarter in consultation with the Leader, Deputy Leader, Chair of the Charity Committee Foreshore Trust and Director of Operational Services**

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3. A further report be presented to Cabinet upon the conclusion of the strategic outline case (negative or positive) of this work, or before if necessary; and
4. The council, Foreshore Trust, and scheme sponsors should develop a programme of community consultation and engagement while this early work is done

The reason for this decision was:

To allow the viability of developing a new harbour, housing and leisure quarter to be properly assessed. To enable the council to assess at an early stage the benefits and potential impacts of such a scheme.

29. JOINT WASTE AND RECYCLING COMMITTEE CONSTITUTION

The Assistant Director, Environment and Place, submitted a report which updated Cabinet on urgent developments with the joint waste procurement project, and sought approval to implement measures to ensure that the process can proceed.

The existing Joint Waste Committee for the current waste contract includes representatives of Hastings Borough Council (HBC), Rother District Council (RDC), Wealden District Council (WDC), Eastbourne Borough Council (EBC) and East Sussex County Council (ESCC).

HBC, RDC, WDC and ESCC have resolved to participate in a joint procurement project for a new waste contract, which will begin on 29 June 2019. EBC and Lewes District Council (LDC) intend to work together separately to develop a joint service for Eastbourne and Lewes, however, both authorities will be named on the OJEU notice for future access to the contract.

Procurement decisions in respect of the new contact will be taken by a new contract will be taken by a newly established Joint Waste and Recycling Committee (JWRC). The Joint Waste Committee (JWC) will to oversee and manage the existing contract. An amended constitution for the JWC was appended to the report, together with a draft constitution for JWRC.

Under rule 13.3 The Assistant Director, Environment and Place's report was approved without being called for discussion.

RESOLVED that:

1. The associated changes to the constitution of the Joint Waste Committee, shown at appendix A to the report, be approved;
2. The formation of the Joint Waste and Recycling Committee is approved and it's constitution (appendix B to report) is adopted;
3. The existing Hastings members and substitutes of the Joint Waste Committee be nominated as members and substitutes for the new Joint Waste and Recycling Committee; and

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- 4. The Lead Director for the Joint Waste Committee be authorised to make minor amendments to the constitution, in consultation with the Chair of the Joint Waste Committee**

The reason for this decision was:

To comply with legal advice recently provided to the Joint Waste Partnership.

30. LEISURE CENTRE MANAGEMENT CONTRACT

The Assistant Director, Regeneration and Culture, submitted a report on the management of the council's leisure centres.

The council owns two leisure centres, Summerfield Leisure Centre and Falaise Fitness Centre, which provided a range of sports and leisure activities. Both facilities are currently managed by Freedom Leisure, the existing contract comes to an end on 31 March 2018.

The council has begun a master planning process for the White Rock area, which has identified potential opportunities to enhance the leisure facilities in this part of the town. Any new contractual arrangements would need to be sufficiently flexible to enable the council to include these sites within broader proposals in the future. Soft market testing has been undertaken with potential operators, it was noted that neighbouring authorities had received a limited number of tenders when they had undertaken similar procurement exercises.

The new contract would be procured via East Sussex Procurement Hub, using relevant best practice guidance from Sports England. The term of the contract will be 5 years, with the option of two extensions of two years each, based on a nil-management fee and a profit sharing arrangement.

Under rule 13.3 the Assistant Director, Regeneration and Culture's report was agreed without being called for discussion.

RESOLVED that:

- 1. Cabinet authorises the procurement of a contract to manage the council's indoor leisure facilities at Summerfields Leisure Centre and Falaise Fitness Centre; and**
- 2. Cabinet delegated authority to the Director of Operational Services or his nominee and the Chief Finance Officer, in consultation with the Lead Member for Leisure, to finalise the tender specifications, undertake the tendering process and conclude all negotiations and legal agreements with the most economically advantageous tenderer**

The reason for this decision was:

The current leisure management contract with freedom Leisure concludes on 31 March 2018. The two centres that are managed under this contract accommodate a range of leisure and sports activities, and are very busy. The early master planning

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for the White Rock area has identified the potential for greatly enhanced leisure activities which could better meet the needs of the town in the future. Thus, a long term management contract related to the existing centres could have an adverse impact on the council's ability to capitalise on this potential.

31. INCOME GENERATION STRATEGY

The Director of Operational Services and Income Generation Manager presented a report on the council's draft income generation strategy.

The council needed to generate additional income in the future to offset reductions in its funding and maintain services. The draft strategy provided an overarching framework for these activities and set out the parameters for the delivery of this work.

The strategy set out three key themes for investment; investment in commercial property, investment in residential property and energy generation. Supporting strategies had been developed for investment in residential and commercial property, and a further strategy for energy generation would follow. An ethical investment policy was also under development.

The income generation strategy included a communications plan to raise awareness of the programme amongst staff, councillors and the wider community. The strategy also described how new ideas for income generation and efficiencies would be brought forward and assessed.

Cabinet thanked all those who had been involved in developing the strategy.

Councillor Chowney proposed approval of the recommendations to the Director of Operational Services report, which was seconded by Councillor Poole.

RESOLVED (by 6 votes for to 2 against, with 0 abstentions) that:

- 1. Cabinet endorse the approach of the Income Generation Board in bringing forward the Income Generation Strategy and adopts the Income Generation Strategy including its appendices;**
- 2. Cabinet consider the thematic reports around commercial property investment and establishing a Hastings Housing Company that represent important early steps in implementing the income generation strategy;**
- 3. Cabinet agree the next steps moving the strategy forward; and**
- 4. Cabinet recommend the strategy to Full Council**

The reason for this decision was:

The council needs to generate additional income to offset reductions in its funding and maintain services, the income generation strategy provides a framework for these activities.

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32. LAND AND PROPERTY : COMMERCIAL PROPERTY INVESTMENT STRATEGY

The Assistant Director, Financial Services and Revenues, presented a report which proposed that the council make significant additional investments in commercial property for the purpose of income generation, and also to support economic development and regeneration.

The council's draft income generation strategy identified investment in commercial property as a key area for investment in order to strengthen its long term financial stability. The council already had experience as a commercial landlord and had recently purchased further retail units in the town. The Assistant Director, Financial Services and Revenues, commented that it was beneficial for the council to diversify its property portfolio to mitigate risks of downturns in a particular sector.

The report proposed forming a council-owned property company, which would enable the council to consider opportunities outside of the borough and travel to work area. The report noted historically low borrowing rates, which would be used to support the additional investment. The draft strategy included a matrix to assess potential acquisitions, due diligence work would also be carried out on every potential purchase.

Councillor Chowney proposed approval of the recommendations to the Assistant Director, Financial Services and Revenues report, which was seconded by Councillor Fitzgerald.

RESOLVED (by 6 votes for to 2 against, with 0 abstentions) that:

- 1) **The Commercial Property investment Strategy is approved;**
- 2) **Council approve supplementary capital expenditure for property acquisitions of up to £29m for the period 2017/18 to 2019/20 based upon £29m of borrowing commencing in 2017/18 (for economic and social wellbeing purposes and to generate on-going revenue streams). This sum will be reviewed on a regular basis;**
- 3) **Cabinet continue to determine the individual property acquisitions, following consideration by the Income Generation Board (Special Cabinet meetings may need to be held at short notice to enable the council to be sufficiently agile to take advantage of opportunities);**
- 4) **Delegated authority remain with the Chief Finance Officer (S151 officer) to meet revenue acquisition costs from revenues that are not chargeable against a capital budget – to include abortive costs;**
- 5) **The council's asset management plan is updated to take account of this strategy and that economic development, regeneration and employment considerations continue to be the driving factor behind existing council property and land development opportunities within Hastings;**
- 6) **To seek opportunities for commercial acquisitions:**
 - a. **Within Hastings and its travel to work area to be procured directly by the council for both regeneration and income generation purposes**

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- b. Via council owned property company for acquisitions outside this area undertaken for income generation purposes alone
- 7) Acquisitions outside the area to be focused on those areas in the South and Midlands where the local economy is likely to offer the A trading company to be established to provide flexibility of approach – the council is able to invest its own monies under existing investments powers in properties across the country, but anticipates the need to form a company if it wishes to purchase properties outside the borough for the sole purpose of income generation;
 - 8) Appropriate due diligence be undertaken on each and every opportunity;
 - 9) Given that the council's risk appetite will be constantly changing depending upon the risks and opportunities it faces, future funding predictions and economic environment, each commercial property investment must be considered on its own merits and the financial position of the council at the time within an overall borrowing umbrella;
 - 10) Further property fund investments to be considered as part of the 2018/19 Treasury Management Strategy – to be determined by Full Council in February 2018; and
 - 11) Accept that there are many property related opportunities that present themselves to the council which are not specifically included within this strategy which may be considered commercial in nature e.g. investment in a new leisure centre. The council will look to consider all options for investment and the commercial property strategy may help to inform the decision making process when alternative options for use of council resources are being considered

The reason for this decision was:

The Council already has a significant property and land portfolio from which, as well as helping to drive economic development in the Borough, it derives a significant income stream. This directly assists the funding of Council facilities and services

Given the current funding reductions the Council seeks to build upon its existing knowledge and experience to significantly enhance economic and regeneration opportunities within the borough and also enhance its income stream from property or property related investments.

Property investments have been returning higher rates of return than the Council can achieve with purely cash investments. Money from the Council's own reserves invested in property or Property Funds need to be surplus to medium term requirements or there is a risk that the Council would need to sell these at a time when there is the potential for a Capital loss.

The Council holds assets for a variety of purposes, and not purely for income generation. The Council's more commercial property assets such as factories and shops generally achieve a good return (particularly as most are not encumbered by debt). The council does review the assets that it already owns and has been successful in developing land and buildings in its ownership – and will look to continue to do so.

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The Council needs to prioritise new Income generation from any review of existing assets.

Purchase of commercial property either in Hastings or beyond its boundaries provides the Council with opportunities to continue economic development and enhance employment prospects as well as develop and enhance income streams to assist in the future funding and delivery of core services.

Purchase of commercial property outside of the Hasting's travel to work areas may be viewed as purely an income generation initiative and a trading activity – if borrowing the money to do so. A separate company would be set up to accommodate this.

33. HASTINGS BOROUGH COUNCIL HOUSING COMPANY

The Assistant Director, Housing and Built Environment, presented a report which recommended that the council establish a wholly owned housing company, limited by shares.

At its meeting on 5 December 2016, Cabinet approved a report which set out the rationale for establishing a housing company. Since then, further work has been undertaken to develop an initial business plan, which set out the basis on which the council would loan and invest in the company. The business plan covered a 3 year period, during this time the company would invest in the residential property market, acquiring properties for private let. The report noted that there was also scope for the company to undertake trading in the acquisition of residential property for rent from developers in lieu of capital receipts and also the development of housing on land owned or purchased by the council.

The business plan also set out appropriate delegations and operational policies to support the new company, as well as articles and memorandum of association and the shareholders agreement.

Councillor Chowney proposed approval of the recommendations to the Assistant Director, Housing and Built Environments report, which was seconded by Councillor Batsford.

RESOLVED (unanimously) that:

- 1) The council establishes a wholly-owned Housing Company limited by shares;**
- 2) The council delegates authority to the Chief Financial Officer, in consultation with the lead member, the Chief Legal Officer and Director of Operational Services to establish further companies should separate vehicles (companies) be advantageous for related purposes;**
- 3) The council delegates authority to the Chief Financial Officer to provide a working capital loan to the company of £120,000;**
- 4) The council approves the Articles of Association attached at appendix B to the report;**

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- 5) The Shareholder and Loan Agreement attached at appendix C to the report is approved;
- 6) The council agrees the Business Plan attached at appendix A to the report;
- 7) The Housing Company's delegations to officers set out in the report and appendices be agreed;
- 8) Officers put in place necessary operational policies covering such matters as rent setting, letting policy, rent arrears and debt recovery in advance of the company acquiring its first property;
- 9) Delegated authority is given to the Directors of the company, in agreement with the council's Chief Legal Officer to make minor amendments to the constitutional documents of the company, as required

The reason for this decision was:

Cabinet agreed in principle to the establishment of a Local housing Company in December 2016. This reports sets out details of the proposed governance arrangements, the initial business plan and outlines the funding being made available from the council to the company. Cabinet are asked to recommend these to council.

CONFIDENTIAL BUSINESS

Councillor Chowney proposed a motion for the exclusion of the public from the meeting:

RESOLVED (unanimously) that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of schedule 12A to the Local Government Act 1972

34. **PUBLIC CONVENIENCES CLEANING CONTRACT**

The Assistant Director, Environment and Place, presented a report which informed Cabinet of changes made under the council's urgency provisions to the contractual arrangements for cleaning Hastings Borough Council and Foreshore Trust public conveniences.

Councillor Fitzgerald proposed approval of the recommendations to the Assistant Director, Environment and Places report, which was seconded by Councillor Poole.

RESOLVED (unanimously) that Cabinet notes and endorses the new contractual arrangements set out in the report

The reason for this decision was:

Due to a serious issue arising from the procurement process for the contract to clean public conveniences, officers needed to make alternative arrangements for this

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service as a matter of extreme urgency. This included letting a short term interim contract to the incumbent contractor, whilst working with East Sussex Procurement Hub to re-procure a new longer term contract.

For transparency, the use of urgency provisions in relation to the letting of contracts has to be reported to Cabinet.

(The Chair declared the meeting closed at. 7.45 pm)

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Agenda Item 5



Report to: Cabinet

Date of Meeting: 9 October 2017

Report Title: 2nd anniversary review of the Private Rented Sector Selective Licensing Scheme

Report By: Andrew Palmer, Assistant Director, Housing and Built Environment

Purpose of Report

The selective licensing of private rented accommodation across 7 wards in the Borough was approved by Cabinet in March 2015 and came into force on the 28 October 2015. The scheme has reached its second anniversary and this report reviews performance to date and makes recommendations in the future of the scheme.

Recommendation(s)

- 1. The progress of the scheme is noted**
- 2. The proposed revised licence fee structure at appendix 2 is adopted**

Reasons for Recommendations

A review of the selective licensing of all private rented accommodation across 7 wards in the Borough has identified that the licence fee previously adopted for the scheme on the 30 March 2015 is insufficient to ensure the scheme meets a stated aim to be cost neutral to the Council at its completion and as such an increase in fee for those properties presently unlicensed is required.

Introduction

1. At its meeting of the 30 March 2015 Cabinet approved the introduction of a selective licensing scheme of all privately rented accommodation in the wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings, Ore and Tressell. The scheme came into effect on the 26 October 2015.
2. Local authorities are required to review discretionary licensing schemes from time to time. The original intention was to carry out an initial review at the end of year two with a further review at the end of year four with progress being assessed against the following key outcomes:
 - i. Reduction in anti-social behaviour
 - ii. Improvements in housing conditions for private tenants
 - iii. Improved management standards
 - iv. Reduction of empty properties
3. Whilst the scheme has not quite been in operation for 2 years it seems appropriate to review the scheme at this time in light of Members upcoming consideration of a further licensing scheme of Houses in Multiple Occupation. It should be noted however that officers would not expect to see a significant improvement in any of the outcomes above after only two years of operation of the scheme.
4. To date the Council has received over 6,000 applications for selective licensing and has issued over 5,000 licences. This is considerably higher than had originally been estimated at this point in the scheme. Considerable enforcement action has also taken place with regard to landlords who have not come forward to licence their properties.

Reduction in anti-social behaviour

5. The original report considering the introduction of a selective licencing scheme reviewed evidence regarding anti-social behaviour from Sussex Police and HBC's own records, it concluded that there were grounds for designating a selective licensing scheme in parts of the town that were experiencing a significant and persistent problem caused by anti-social behaviour and some or all private sector landlords in the areas are not taking appropriate action to combat the problem.
6. Figures 2 to 4 in appendix one shows data on ASB and nuisance compared to previous years. As paragraph 3 above states after only two years of operation of the scheme officers would not expect to see significant reduction in anti-social behaviour. The original purpose for the introduction of the scheme (anti-social behaviour) therefore remains.

Improvements in housing conditions for private tenants

7. Comparing the overall housing complaints from the four years prior to the introduction of the selective licensing scheme to the years since the schemes

introduction shows a drop in complaints made to the council regarding housing conditions. Figure 1 in appendix one shows that across the whole borough there has been an average reduction in complaints of 23% taking a yearly average. Some areas have seen a greater percentage drop, most notably Central St Leonards (36% reduction). This could be partially due to the concentrated enforcement programme operating in St Leonards and funded through the Coastal Space Programme and Reducing Health Inequalities funding received by the Council.

8. The introduction of selective licensing is unlikely to be the only reason for improvement of housing conditions. There has been a steady improvement over the last five years particularly in the St Leonards Renewal Area where, as stated, the Coastal Space and Hastings and Rother Health Inequalities funding has provided a resource to proactively improve housing conditions in this area.
9. It should also be noted that in areas of high demand for housing and with a significant private rented sector there has been a recent trend of 'retaliatory eviction' whereby landlords are able to evict tenants who complain about housing conditions as they know there is a ready supply of tenants looking for accommodation. This threat of retaliatory eviction may be a contributing factor for the reducing numbers of complaints which is remedied though licensing as inspections of properties are not reliant on complaints from tenants.

Improved management standards

10. There is no specific output that can presently be used to measure improved management standards other than tenants' satisfaction with their living conditions. The most recent Housing Stock Condition Survey (December 2016) asked tenants a number of questions about renting in the private rented sector. The findings (reproduced at figure 5 in appendix one) generally indicate that while much of the privately rented sector was likely to be well managed, there were prevalent issues around landlords failing to carry out routine maintenance (only 64.9% fulfil this obligation) and failing to respond to problems in a reasonably time (only 78.3% do).
11. Whilst this data acts as a useful baseline to management standards in the private rented sector it would not be appropriate to update this information at this time and as such it is proposed to revisit these same questions about living in the private rented sector in a tenant survey to inform the exit review for the selective licensing scheme.

Reduction of empty properties

12. Whilst all area housing intervention should seek to bring empty properties back into use licensing can have the opposite effect as some owners who are sweating their asset with regards to their properties may leave properties empty. The numbers of empty properties (figure 6 in appendix one) are in constant flux as properties come back into use so, similar to measuring ASB, drawing conclusions after only two years of the scheme is not appropriate.

Financial position

13. At its meeting in March 2015 Cabinet resolved to adopt the following fee structure;

- Standard fee - £460 per dwelling licensed.

Registered Charities operating and managing property in the designated area to be exempt from the licensing fees, but not the requirement to be licensed.

Phased payments (direct debits) for landlords with 10 or more properties within the designated area.

- Incentives and reduced fees:

An 'early bird' rate in the first 6 months of the scheme, reducing the cost of a licence to £185.

A lower cost for membership of a recognised professional body or national landlord accreditation scheme, reducing the cost of a licence to £330.

If both these criteria apply then the cost of a licence will reduce further to £150 for responsible landlords.

- The application fees were determined based on the cost of administering the scheme and that the scheme would be cost neutral at the end of its fifth year of operation. The income profile made assumptions on the number of properties that would be licenced upon completion of the scheme (7,118) and those that would pay the full fee and the reduced fee.
- When the scheme was introduced the council received a significant number of applications within the 'early bird' period. In the first 6 months of the scheme 44% of the total number of applications expected across the whole 5 year period of the scheme were received. Based upon the experience of the additional licensing scheme, the original business plan had made an assumption that there would only be around 27% of licence applications made within the 'early bird' application window.
- A recent external audit by PwC (presented to Audit Committee on the 21 September 2017) estimated that the reduction in income for the scheme as a result of this unexpected uptake of the 'early bird' discount to be £369k. As a result of the reduced income officers immediately undertook to restructure the Housing Renewal Team with a view to reducing the staffing expenditure to meet the newly estimated income level. This reduction in staffing has caused delays in the processing of licences and the resource available to inspect all licenced properties. This was also highlighted in the PwC audit.
- As the scheme approaches its second anniversary and with guidance from PwC the original business plan for the selective licensing scheme has been reviewed to reflect the actual cost (and income) in the first two years of operation. Using the actual expenditure and income for 2015/16 and 2016/17 and keeping the expenditure as originally profiled at the end of its 5 year statutory period the selective licensing scheme will have operated at a net cost to the Council at the end of its fifth year of operation.
- Members are presently considering the introduction of an additional HMO licensing scheme to follow the previous HMO licensing scheme which ended in September

2016. Should this be approved it is proposed to transfer existing staff from selective licensing to operate the new HMO licensing scheme. Whilst this will reduce the resource available to the selective licensing scheme this will be at a time when the application rate will be starting to decline and reductions in staffing would be required anyway.

19. If staffing resources are transferred to administer a new HMO licensing scheme from April 2018 the net cost to the council of the selective licensing scheme upon its completion would reduce to £350k. As such in order to achieve a cost neutral position for selective licensing there is a need to increase the application fee for any remaining licences. It should be noted that over 6,000 applications have been received for selective licences a proportion of those that are not yet licenced could be seen as explicitly avoiding licensing and when they are identified they should pay a proportionately greater application fee than those already licenced.
20. As the 'early bird' discount period has ended and many of the good landlords are licenced it is therefore proposed to set one straight application fee with no further discounts. The newly proposed fee from 1 November 2017 will be - **£665** this equates to a 45% increase in the original full application fee. This increase in fee will seek to ensure the scheme operates at a nil net cost at the end of its 5 years of operation.
21. Whilst it might be argued that those applying for licences early have enjoyed financial advantage, two things should be noted. Firstly, existing landlords who have no license to date are in breach of the law and will have enjoyed a 2 year licence free period at the expense of those who applied early. A criticism of earlier schemes is that the council has not sufficiently addressed potential rogue elements who have sought to avoid licensing. Secondly, new landlords entering the market will be clear as to the future costs of new licences (as licences are normally issued for 5 years from the date of application so they will benefit from the full term of the licence) and will therefore be able to incorporate these within their business plan assumptions.

Legal Implications

22. There is a requirement that the Council must from time to time review the operation of any designation made by them and if following a review they consider it appropriate to do so, the Council may revoke the designation. Whilst there has been an improvement in property conditions over the past five years or so and complaints about housing conditions are lower per annum than prior to the introduction of the Selective Licensing scheme there is not sufficient evidence to show that the scheme has yet met its initial objectives and there is a need to continue the scheme.

Wards Affected

Braybrooke
Castle
Central St Leonards
Gensing
Old Hastings
Ore

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness
Crime and Fear of Crime (Section 17)
Risk Management
Economic/Financial Implications
Organisational Consequences
Local People's Views

Additional Information

Appendix 1 – Selective Licensing 2nd anniversary review tables.
Appendix 2 – Revised Selective Licensing Fee Structure (from 1 November 2017)

Officer to Contact

Matthew China
Housing Renewal Manager
mchina@hastings.gov.uk
07967 058 984

Appendix 1: Selective Licensing 2nd anniversary review.

Figure 1 – Overall Housing Complaints (April 2014 to March 2017)

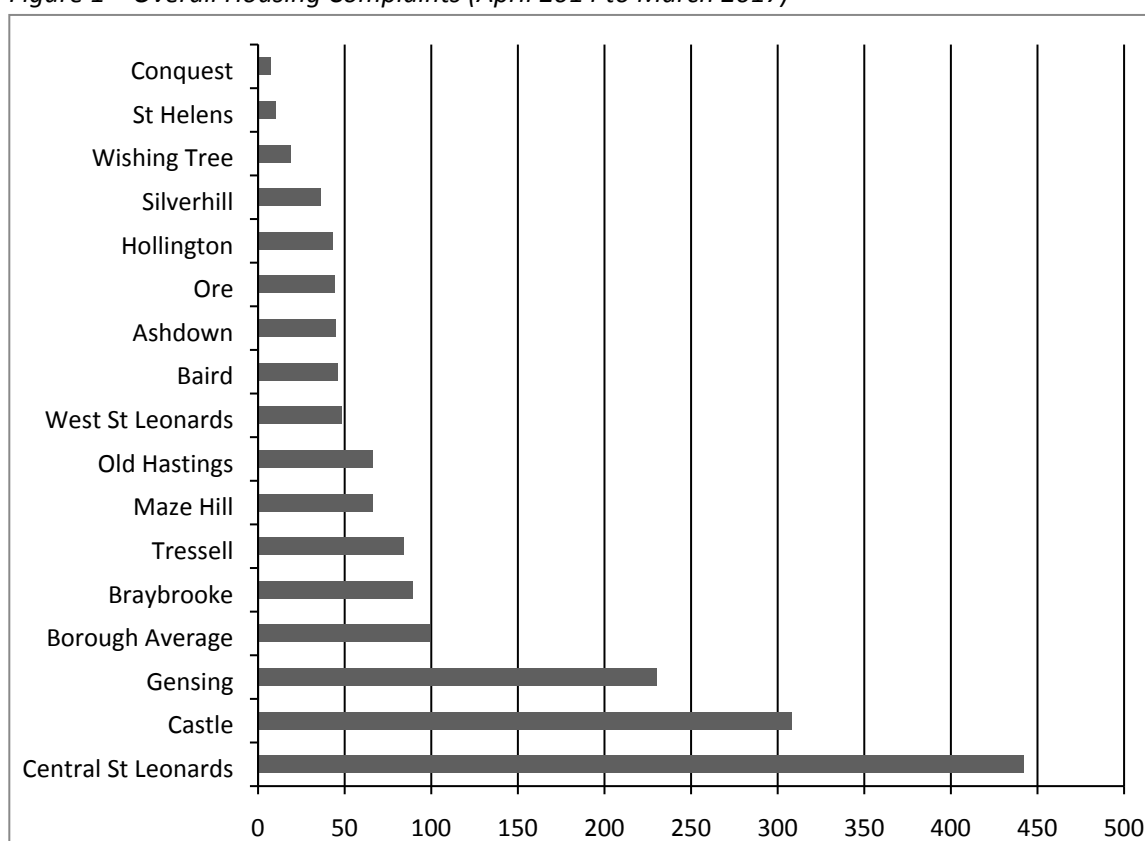


Figure 2 - % change in average housing complaints per annum (April 2011 to March 2015 against April 2015 to March 2017)

Ward	% change in average complaints per annum
Central St Leonards	-36%
Castle	-27%
Gensing	-17%
Borough Average	-23%
Braybrooke	-31%
Tressell	1%
Maze Hill	-11%
Old Hastings	1%
West St Leonards	0%
Baird	-31%
Ashdown	2%
Ore	1%
Hollington	-18%
Silverhill	37%
Wishing Tree	-37%
St Helens	-5%
Conquest	-22%

Figure 3 – Personal and Nuisance ASB in Hastings (January 2015 to June 2017)

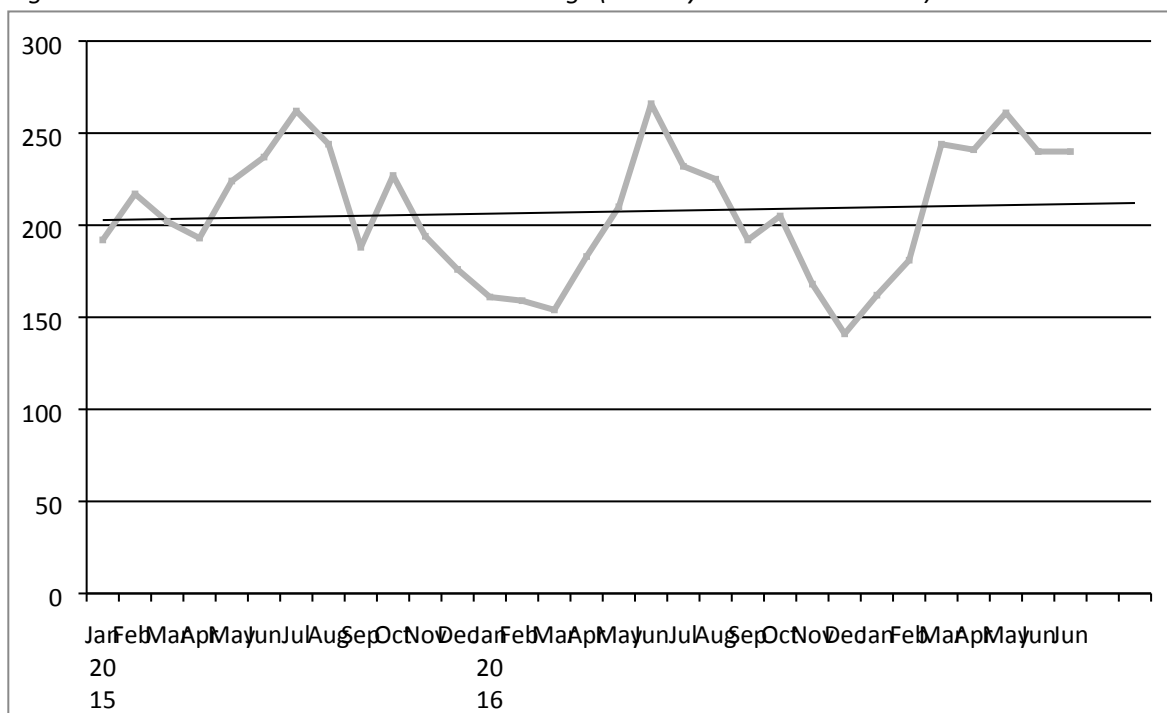


Figure 4 – Personal, Environmental and Nuisance ASB in Hastings (January 2015 to June 2017)

Ward	Jan 2015 to Sept 2015	Oct 2015 to June 2016	Difference Jan 15 to June 16	July 2016 to Mar 2017	Difference Jan 15 to Mar 17
Braybrooke	107	80	-27	91	-16
Castle	660	678	18	561	-99
Central St. Leonards	471	396	-75	448	-23
Gensing	243	209	-34	218	-25
Old Hastings	151	105	-46	162	11
Ore	120	128	8	119	-1
Tressell	207	134	-73	151	-56
Total	1959	1730	-229	1750	-209

Figure 5 – Hastings House Condition Survey 2016 – Private rented sector issues

Issues arising with private sector landlords	Private rented dwellings where household answered 'Yes'	
	Number	Proportion
Is there a written tenancy agreement?	8,750	91.26%
Was deposit NOT protected under a government back deposit scheme?	1,180	20.37%
Does the landlord respond to problems in a reasonable time?	7,500	78.29%
Does the landlord have an emergency number?	8,180	85.41%
Does the landlord carry out routine maintenance?	6,220	64.89%
Does the landlord always give notice before entering the property?	7,500	78.22%
Is there a smoke alarm working and present?	7,480	82.61%
All occupied private rented dwellings	9,580	100.00%

Figure 6 – Number of Long Term Empty Homes

	Nov-13	Jul-17	% change
Central St Leonards	150	240	60%
Castle	135	150	11%
Gensing	67	110	64%
Old Hastings	61	53	-13%
Borough Average	42	53	26%
Braybrooke	39	53	36%
Baird	37	12	-68%
Maze Hill	36	56	56%
Silverhill	36	23	-36%
Ashdown	21	12	-43%
Tressell	19	14	-26%
St Helens	19	28	47%
West St Leonards	16	15	-6%
Ore	14	25	79%
Wishing Tree	7	21	200%
Hollington	7	13	86%
Conquest	3	20	567%
	667	845	27%

Appendix 2: Revised Selective Licensing Fee Structure (from 1 November 2017)

The fee structure is to be reviewed regularly to ensure accuracy in terms of costs and revenue generation.

Proposed standard fee - £665 per dwelling licensed.

Registered Charities operating and managing property in the designated area to be exempt from the licensing fees, but not the requirement to be licensed.

Agenda Item 6



Report to: Cabinet

Date of Meeting: 9 October 2017

Report Title: Report on New Additional Licensing Scheme

Report By: Andrew Palmer, Assistant Director, Housing and Built Environment

Purpose of Report

To consider proposals for adopting an Additional Licensing scheme for Houses in Multiple Occupation (HMO) in Braybrooke, Castle, Central St Leonards and Gensing wards.

Recommendation(s)

- 1. That subject to the exceptions specified in Paragraph 1.15 of the “Proposal to implement an additional HMO licensing scheme for Hastings” (Appendix 1) that all Houses in Multiple Occupation in Braybrooke, Castle, Central St Leonards and Gensing wards, are designated as subject to additional licensing under section 56(1)(b) of the Housing Act 2004**
- 2. That the designation is made on the 10 October 2017 and comes into force on the 1 April 2018 and lasts for a period of 5 years from that date**
- 3. That the principles underpinning the licensing conditions and amenity standards proposed at Appendix 2 are agreed**
- 4. That the proposed fee structure at Appendix 3 is noted and delegated approval is given to the Director of Operational Services in consultation with the Housing Portfolio Holder to finalise the fee chargeable.**
- 5. That the fee structure introduced thorough the delegation granted in 4 above and licensing principles outlined in “Proposal to implement an additional HMO licensing scheme for Hastings” Appendix 1 to this report be introduced for Mandatory Licensable HMOs from the 1 April 2018**

Reasons for Recommendations

Hastings has a proportionately large private rented sector. There is a high concentration of HMOs in areas of Hastings and St Leonards where living conditions are often well below acceptable standards. Following the successes of the 2011 additional HMO licensing scheme the Council wishes to implement a further HMO

additional licensing scheme to continue to tackle poor standards in HMOs and provide greater protection for tenants.



Introduction

1. The Private Rented Housing Sector in Hastings constitutes a large proportion of the total housing stock. Over 50% of the properties in some wards are privately rented. The historical development of Hastings and St Leonard's has left a rich legacy but also a housing stock which consists of many large houses which have subsequently been converted into self-contained flats. Due to their original conversions being of poor quality most of these flats fall into the category of Houses in Multiple Occupation (HMOs). Hastings is unusual in having so many of these HMOs (in the region of 1000) as few other towns have such large concentrations. Whilst many of the properties are well managed and kept in good repair there are a significant number that are not considered acceptable.
2. On the 13 June 2011 Cabinet approved an additional HMO licensing scheme under section 56(1)(b) of the Housing Act 2004. This scheme operated from 19 September 2011 through to 18 September 2016. Upon its completion the scheme licenced 911 HMO's in the four wards of Braybrooke, Castle, Central St Leonards and Gensing. An exit review of the 2011 scheme identified a number of successes of the scheme such as improvements to 465 properties. Whilst the exit review along with a housing stock condition survey carried out in the summer of 2016 demonstrated a general improvement to housing conditions in the four wards covered by the scheme, there is a recognition that poor conditions still prevail in some areas and a number of HMO's are still being badly managed and lack suitable and sufficient fire safety measures.

Consultation

3. The exit review of the 2011 additional HMO licensing scheme proposed that further evidence of the management conditions within HMO's in Hastings was gathered with a view to consulting on the need for a further additional HMO licensing scheme. As such a consultation document was drafted and a formal consultation commenced on 24 March 2017. The consultation ran for a period of 11 weeks.
4. The full consultation document (available at http://www.hastings.gov.uk/content/my_council/consultations/current_consultations/pdfs/Additional_HMO_Licensing_Scheme_Consultation_document.pdf) presents the detailed argument in support of introducing a new additional HMO licensing scheme along with ;
 - A schedule of proposed fees
 - A full list of licence criteria along with licence terms and conditions
 - Draft standards for HMO's
5. The consultation was undertaken through a dedicated page on the Council website which provided all the background information to the consultation along with a link to three consultation questionnaires. Separate questionnaires were provided for; landlords, tenants and other interested parties. The webpage was promoted through conventional Council media channels (including social media) and through links to the webpage being provided in all Housing Renewal correspondence.

Business cards were also produced and distributed throughout the four wards during routine Housing Renewal team activities.

6. In addition to questionnaire responses the consultation allowed for detailed written submissions. Officers also organised two public meetings in Hastings and one public meeting in St Leonards. Two of the consultation events were poorly attended however one, held in conjunction with the National Landlords Association, was better attended by over 100 local landlords.
7. The response to the consultation was not strong, with only 72 responses received to the online questionnaire (45 landlords or letting agents, 10 from tenants and 17 from other interested parties). More detailed written responses were received from three landlords, one letting agent and one chartered surveyor.
8. The full results of the consultation, along with officers' response to specific points of clarification, whilst not strikingly significant, is available at Appendix 1. In summary;
 - 70% of tenants that responded supported further additional licensing
 - 73% of landlords were opposed to further additional licensing
 - There was strong support from tenants and landlords alike to extending the geographical area of any further additional licensing scheme
 - There was general support for the proposed licence fees level and 60% of respondents supported the principle of shorter licences being issued to landlords who rent out sub-standard properties.

Proposed Fee Structure

9. The consultation included within it a proposed fee structure. The proposed fee structure is very different to that of the previous 2011 scheme. Whilst the fees in the 2011 scheme were calculated in relation to the size of the HMO to be licenced the 2017 consultation proposes a consistent fee (irrespective of size of HMO) but with licenses being issued for shorter periods (thus requiring additional fees for renewal) in cases where landlords only just meet the minimal required legal standard for managing an HMO. This method of applying fees (successfully used by Oxford City Council) has the effect of driving up standards through an element of self-regulation as it becomes economically advantageous to improve standards and receive longer licence periods.
10. Any application for HMO licence will be considered against criteria to identify how well run and how compliant with present legislation the property is. The application will then be considered as 'basic', 'advanced' or 'professional' and a licence issued for a period of one, three or five years after which a further application will need to be made. Full details of the proposed fee structure are provided at Appendix 3.

Financial Implications

11. The developed business plan for the delivery of the proposed additional HMO licensing scheme is included in Appendix 4. It is proposed to manage the scheme from within the Licensing Unit of the Housing Renewal Team who are presently administering the Councils selective licensing scheme.

12. Following the introduction of the selective licensing scheme in 2016 it has been possible to further develop the online application process (previously developed outside of the Council by Firmstep) and it is proposed that the application process for additional licensing be amalgamated into the existing online process in order to keep administrative costs to a minimal. The work to amalgamate the new application into the existing Selective Licensing form will be carried out internally following the significant experience the Corporate Improvement Team now have following various myhastings successes. The business plan is assuming that 75% of all HMO's in the area will be licenced by the end of the scheme (by March 2024); this assumption is higher than that of the 2011 scheme (which assumed 60% of all HMO's would be licenced) however officers are confident that this higher proportion is achievable using the intelligence collated from the last scheme and from the present selective licensing scheme.
13. Whilst the fee structure proposed will ensure improvement of HMO's through an element of self-regulation alongside traditional enforcement there are a greater number of assumptions required in the business plan than that of the 2011 scheme. In particular assumptions are required as to the rate at which landlords improve their management practices. As such a sensitivity analysis has been undertaken to calculate the reduction in income should all HMO's be compliant in year one. This analysis shows a risk of income throughout the lifetime of the scheme reducing by £ 583,000. The income in this situation would cover the estimated staffing for a period of 18 months, however if all HMO's were compliant in year one then staff would only be required to process those licences which could be undertaken in this 18 month period and the staffing resource therefore reduced to meet scheme income.
14. It should be noted that the actual fee proposed in appendix 3 is slightly above that which was consulted upon. Following the consultation officers have undertaken further sensitivity analysis and now recommend a figure of £400 as the best estimate of the time / cost required to administer the scheme taking into account the corporate improvement team adapting the existing online form. Please note it is possible that this estimate may be further adjusted as the development of the scheme progresses so Members are asked to allow the Director of Operational Services along with the Housing Portfolio Holder to agree the final fee prior to the scheme going live. In order to reassure potential future license applicants it is not permissible for the council to charge a fee in excess of that necessary for the operation of the scheme.
15. Should the Council approve the recommendation to implement an additional Licensing scheme, an anomaly would be created with the operation of the existing Mandatory Licensing scheme which would have different fees and five year licences only. In the interests of fairness and operational efficiency it will be prudent to harmonise the fee structure across both mandatory and additional HMO licensing and it is proposed that from the 1 April 2017 that the new fee structure as agreed in recommendation 3 is adopted for Mandatory Licensed HMOs.

Legal Implications

16. Sections 56 and 57 of the Housing Act 2004 place requirements on local authorities considering the introduction of additional licensing for HMOs and the local authority 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
 - Have regard to any information regarding the extent to which any codes of practice under section 233 have been complied with by persons managing HMOs in the relevant area
 - Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question; and that making the designation will significantly assist dealing with them
 - Take reasonable steps to consult persons who are likely to be affected by the designation, for a period of not less than ten weeks, and consider any representations made in accordance with the consultation.
 - Ensure that any exercise of the power is consistent with the authority's overall housing strategy.
 - Seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by the local authority or others.
17. These issues are all addressed in Appendix 1 and officers are confident they have complied with legislative requirements and government guidance in reaching the decision to recommend an area based additional licensing scheme.
18. Once an additional licensing scheme has been approved there are specific requirements to issue notices to publicise the scheme and ensure landlords are made aware of it. A scheme cannot come into force any earlier than three months.

Scheme Review

19. Local authorities are required to review additional licensing schemes from time to time and revoke the scheme if this is considered to be the most appropriate action. A process of review will be useful to assess whether there are ways of making the scheme more effective and ultimately to determine the success of the scheme in its later stages with a view to informing the exit strategy. The intention is to carry out an initial review at the end of 2019/20 and depending on the outcome that review a further review will be carried out at the end of 2021/2022. Progress will be assessed against the following key outcomes:
- Improvements in housing conditions for HMO tenants
 - Improved management standards
 - Increased property values keeping pace with average house price growth in the borough
 - Decrease in transience and property turnover
 - Reduction of empty properties

Conclusion

20. There is a sound evidence base which supports the adoption of an HMO additional licensing scheme in the areas of the town where there is a high concentration of

HMOs. This is considered to be an important step in raising standards and improving living conditions for tenants. The cost of running the scheme can be met from the estimated fee income generated over five years.

21. Consultation has highlighted support for licensing from private tenants. Although a number of landlords are opposed to the scheme, the number of those landlords and letting agents who responded to the Council's questionnaire indicated support for it.
22. Therefore, Cabinet is recommended to adopt an additional licensing scheme for HMOs, primarily those where section 257 of the Housing Act 2004 applies, in Braybrooke, Castle, Central St Leonards and Gensing wards.

Wards Affected

Braybrooke
Castle
Central St Leonards
Gensing

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness
Crime and Fear of Crime (Section 17)
Risk Management
Economic/Financial Implications
Organisational Consequences
Local People's Views

Additional Information

Appendix 1 – Proposal to implement an additional HMO licensing scheme for Hastings.
Appendix 2 – Proposed licence conditions and HMO Amenity Standards.
Appendix 3 – Proposed additional HMO licensing scheme fees and charges
Appendix 4 – Additional licensing scheme business plan.

Background Paper – Consultation on additional HMO licensing scheme (closed June 2017) –

http://www.hastings.gov.uk/content/my_council/consultations/current_consultations/pdfs/Additional_HMO_Licensing_Scheme_Consulation_document.pdf

Officer to Contact

Matthew China
Housing Renewal Manager
mchina@hastings.gov.uk
07967 058 984

Proposal to Implement an Additional Licensing Scheme for Hastings

Document History			
Version	Date	Editor	Comments
0.1	07/07/17	MP	First draft
0.2	27/07/17	MC	Minor changes on first review
0.3	31/07/17	MP	Amendment to rename licensing categories
0.4	15/08/17	MC	Format change, no content altered
1.0	15/09/17	MC	Final to be presented to Cabinet

1. Introduction and Licensing Proposal

Foreword

- 1.1 The Private Rented Housing Sector (PRS) in Hastings constitutes a large proportion of the total housing stock. Over 50% of the properties in some wards are privately rented. This provides a valuable housing resource which addresses a wide variety of housing needs, students and singles through to family houses. The historical development of Hastings and St Leonard's has left a rich legacy but also a housing base which consists of many large houses which have subsequently been converted into self-contained flats. Due to their original conversions being of poor quality most of these flats fall into a special category of House in Multiple Occupation (HMO). It is these HMOs clustered around the historic town centres of Hastings and St Leonard's which are the main focus of this proposal. Hastings is unusual in having so many of these HMOS (over 1000) as few other towns have such large concentrations. Whilst the majority of the properties are well managed and kept in good repair there are a small but significant number that are not.
- 1.2 The nature of these properties is that they may contain any number of different residents including leaseholders, freeholders and tenants. Ownership and control of such properties can be complex with Right to Manage companies, letting agents, managing agents and absentee owners all of whom may have some interest in how a property is run. These parties may not always agree on the best way forward. Licensing provides a means by which a single party takes responsibility for the property and has responsibility to ensure that it is managed effectively.
- 1.3 The other significant feature of these HMOs is that the fire precautions will by definition be lacking or not up to the standards of the average new building because all were converted prior to the 1991 building regulations which required structural fire safety precautions to a higher standard. Hence retrospective smoke detectors, fire alarms and emergency lighting may be required. To date only about 50%¹ of these buildings have the full package of fire precautions.
- 1.4 A previous HMO licensing scheme which ran from 2011 until 2016 successfully licensed nearly 900 properties. There was no automatic renewal of the scheme and a further decision is required to implement a new scheme. Hastings Council has been considering various measures to improve the condition and management of HMOs. As part of this, the Council is currently considering the re-introduction of an Additional Licensing Scheme for HMOs that are not already covered by Mandatory Licensing, and has undertaken a formal consultation process with landlords and letting agents, the public and other stakeholders on its proposals.
- 1.5 Subject to the consultation and Council approval it is proposed that that an Additional licensing scheme is introduced in the designated areas of Central St Leonards, Braybrooke,

¹ Hastings House Condition Survey 2016 (HCS)

Castle and Gensing wards of Hastings Borough. A copy of the proposed designated area may be found as Appendix 1.

The Private Rented Sector in Hastings

- 1.6 The private rented sector in Hastings makes up a significant proportion of the Housing Stock. In the town centre wards under consideration the number of household in the private rented sector comfortably exceeds those in the owner occupied and registered social sectors combined.²
- 1.7 Hastings has a high turnover of PRS tenants and in 2015 there were over 1000 repossessions in the private rented sector compared with less than 100 mortgage repossessions. Without making judgement on the reasons for these repossessions the resulting disturbance to family life, social links and education cannot be underestimated. This places an additional burden on statutory agencies to provide services to support affected households.

HMOs in Hastings

- 1.8 The HMO Housing stock in Hastings is not characterised by the traditional shared house HMO of bedsit or student houses. There are less than 200 properties which fall into this category. Instead, the HMOs which make up the bulk of the HMO stock in Hastings and St Leonards are a special category of HMO known as Section 257 HMOs. These are HMOs (as defined in Section 257 of the Housing Act 2004) which consist of poorly converted self-contained flats of which less than two thirds of those flats are owner occupied. Before 2004 these properties were never classified as HMOs and may alternate between being and not being HMOs merely by the terms of their occupancy. Many of these flats are small conversions providing minimum space to meet the demands of the market. The number of single occupancy households increased by 40% between 1991 and 2004 and now stand at 16,000 households across the Borough. Within this reality, HMOs offer a relatively affordable form of accommodation. Unfortunately, due to high demand and the lack of properties available to rent, some HMO properties are sub-standard and occupied by those who cannot afford better alternatives.
- 1.9 The areas where these HMO's are located experience high levels of worklessness, poor health, high levels of crime and anti-social behaviour, and physical and social deprivation.³ Research shows that housing conditions play an important part in the health and well-being of its residents and the above statistics are symptomatic of housing that is poorly managed and in a poor condition. Based on the previous Additional HMO Licensing Scheme the Council estimate that there are approximately 1000 HMOS which fall into the section 257 category. The Council previously licensed 881 HMOs under its previous scheme although this also included some smaller shared house HMOs. We estimate that about 100 -150 HMOs were not licensed under the previous scheme.

² HCS 2016

³ Indices of Multiple Deprivation 2015 (Office for National Statistics)

Mandatory and Additional Licensing

- 1.10 The Housing Act 2004 prescribes those properties which are subject to Mandatory HMO Licensing. These are houses of three or more storeys occupied by more than one household who are sharing facilities such as a bathroom or kitchen. Additional HMO licensing is discretionary and applies to all other HMOS (subject to exemptions) that a local authority wishes to licence e.g. two storey HMOs or Section 257 HMOs. Local authorities wishing to adopt an additional HMO licensing scheme must show that a significant proportion of HMOs in their area are considered to be managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems for those occupying HMOs or for members of the public.
- 1.11 In 2011 Hastings Borough Council designated 4 wards - Castle, Braybrooke, Gensing and Central St Leonards as areas where additional HMO licensing would apply. This scheme ran for five years until 2016. The scheme is not automatically renewable.

Pre- Consultation Background

- 1.12 Following the completion of the 2011 Additional HMO Licensing Scheme an exit review was undertaken. This exit review was considered by senior officers at the council as well as the housing portfolio holder before being published on the council website. As a result of the findings in the exit review officers have considered the evidence for the continued licensing of houses in multiple occupation and developed a consultation on a new Additional HMO Licensing Scheme.

The Proposal

- 1.13 It is proposed that Hastings Council designate the area outlined in purple in Appendix 1 as the additional HMO licensing area. These are the wards marked as Castle, Central St Leonards Braybrooke and Gensing. The consultation document evidenced that there is a clear link between private rented sector properties in the area and issues caused by the poor management of HMOs leading to problems for their tenants and other members of the public.
- 1.14 The designation will be used to improve fire safety, property conditions, as well as assisting in improving the management of rented accommodation. Every HMO (unless exempt –see list below)) will require a licence to operate in the area and landlords will be responsible for making an application to the Council for an additional licence. The majority of licensable HMOs will be those defined under section 257 of the Housing Act 2004 which are buildings converted into and consisting entirely of self-contained flats and where:-
- The standard of conversion does not meet at least that required by the Building Regulations 1991 and
 - Less than two-third of the flats are owner occupied

1.15 The council will exempt the following HMOs from HMO Licensing:-

- Premises exclude from licensing by virtue of schedule 14 to the Housing Act 2004
- Section 257 HMOs consisting of two flats where neither of the flats is situated above or below commercial premises.
- Smaller Section 254 HMOs (shared facilities) with less than 5 occupiers where the building containing the HMO does not extend over two storeys.
- Section 257 HMOs which have no common parts.

1.16 It is proposed that the additional licensing scheme will be declared by February 2018 and become operative in April 2018 with the designations lasting for 5 years. Initially it is expected that compliant landlords will apply for the relevant licence shortly after the designation, however it will be necessary to introduce a comprehensive enforcement programme to capture un-licensed properties.

HMO Licence Applications Fees and Charges

1.17 Fees have been set (Table 1) to reflect the overall cost of running the scheme. To incentivise good quality, well managed HMOs, compliant premises will receive longer licenses for the same fee, whilst non-compliant premises will only receive a one year licence. To achieve the full five year licence, not only must the property be compliant but the licence holder and manager must meet the Council's designated criteria. See Appendix 2.

1.18 The additional licensing scheme will run alongside the current Selective licensing scheme and will be complimentary to that scheme. HMOs are generally exempt from Selective licensing and those subject to Mandatory or Additional HMO licensing are by definition exempt. This means that some Section 257 HMOs (once designated) will contain flats which are selectively licensed. Where these flats are under the control of persons who are the HMO licence holders then these flats will be included in the HMO licence and the selective licence will end. Where flats are not under the control of the licence holder then they will remain in the Selective licensing regime.

1.19 Some changes have been made to the scheme following the consultation. The £400 fee for new licence holders Category B (Table 1) has been amended to the same level as existing licensing holders (apart from those people who should have licensed before but didn't) as it was considered that it would make the scheme easier to administrate as there would be effectively two fees rather than three. To make up the loss of income and to allow for inflationary rises the basic fee will be harmonized at £400 a £40 increase on the fee that was consulted on. The fee for licences in premises that were previously unlicensed but should have been has been rounded to £1000.

TABLE 1 FEES AND CHARGES

Category	New Licence Holders	Fee
A	New Licence Holder One-year licence where owner has been found to be operating an unlicensed HMO for more than 2 months or held an interest in a property not previously licensed under 2011 scheme and should have been. (Maximum one year licence in all cases)	£1000
B	New Licence Holder All other new licence holders applying within first four months of the scheme or within 2 months of acquiring an interest in the property. Can apply for one, three, five year licences as below.	£400
Previous Licence Holder under 2011 Scheme		
C	Basic Renewal (From previous scheme) Annual re-inspection required	£400
D	Advanced Licence Renewal (From previous scheme) Must meet all three year license criteria See Appendix 2	£400
E	Professional ('five-year') Licence Renewal (From previous scheme) Must meet all 'five-year' license criteria See Appendix 2	£400
F	Additional charge per unit of accommodation where the applicant controls rooms or flats within the HMO. Existing selective licensing holders will not be subject to this fee. Landlord's discounts will apply for this part of the fee only.	As set for individual selective licence applications
G	All further one and three year renewals	£400

OPTIONAL CHARGES FOR OTHER SERVICES AVAILABLE

Category	Service type	Price
H	On line assistance in completing application form.	£100
I	Advisory visit – pre-application visit to advise on licensing requirements	£150 per visit
J	Fees for sending documents by post	£25

2. Legislative Framework

Housing Act 2004 – Types of Discretionary licensing

- 2.1 Under parts 2 and 3 of the Housing Act 2004 (the Act) Local Authorities have the power to introduce a discretionary licensing scheme.
- 2.2 There are two types of scheme that can be considered; Additional Licensing and Selective licensing.
- 2.3 Additional licensing under section 56 of the Act allows the local authority to extend the Mandatory HMO licensing scheme to include other types of HMO. Section 56 (2) states that;
- “The authority 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.”*
- 2.4 Regarding additional licensing the law says that: *“Section 56 of the Act gives powers to LHAs to designate areas, or the whole of the area, within their district, as subject to additional licensing in respect of some or all of the HMOs in its area that are not already subject to mandatory licensing.”*
- 2.5 Local authorities should be aware that those HMOs that fall within the definition of section 257, converted blocks of flats, are not subject to mandatory licensing, and those that wish to license such properties will need to follow the approval steps for additional HMO licensing.
- 2.6 A document issued by Communities and Local Government in 2007 ‘Approval steps for additional and selective licensing designations in England’ provides guidance on how to apply for a discretionary licensing designation. Up until April 2010 all designations had to be agreed by the Secretary of State, however the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 provides the local authority with the power to designate an additional licensing scheme.
- 2.7 This is subject to the caveat in Para 5 which states “The general approval described in paragraphs 3 and 4 is not given in relation to a designation in respect of which the local housing authority has not consulted persons who are likely to be affected by it under section 56(3)(a) or section 80(9)(a) of the Act for not less than 10 weeks.” In preparation for this report a full consultation has been undertaken – this is described in part4 of this document.
- 2.8 Additional licensing gives councils the ability to tackle issues in smaller HMO’s around internal and external property conditions as well as management conditions.

Conditions applying to additional HMO licensing

- 2.9 Before making an additional HMO licensing designation for a particular type of HMO, or for a particular area, a local authority must:
- (a) *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*
 - (b) *have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question*
 - (c) *consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question*
 - (d) *that making the designation will significantly assist them to deal with the problem or problems whether or not they take any other course of action as well).*
 - (e) *consult persons likely to be affected by the designation.*

Requirements for the Designation of an Area for Additional Licensing

- 2.10 Section 59 of the Housing Act 2004, requires the Council to publish the designation. Once published the designation must remain available to the public. The designation must set out:
- (a) *that the designation has been made,*
 - (b) *whether or not the designation was required to be confirmed and either that it has been confirmed or that a general approval under section 58 applied to it (giving details of the approval in question),*
 - (c) *the date on which the designation is to come into force, and*
 - (d) *any other information which may be prescribed.*
- 2.11 After publication of a notice and for as long as the designation is in force, the local housing authority must make available to the public in accordance with any prescribed requirements:
- (a) *copies of the designation, and*
 - (b) *such information relating to the designation as is prescribed.*
- 2.12 In addition to the requirements of the Act, the notice must also contain the following information:
- A brief description of the designated area;
 - The name, address, telephone number and email address of- the local housing authority which made the designation;
 - The premises where the designation may be inspected; and
 - The premises where applications for licences and general advice may be obtained;

- A statement advising any landlord, person managing or tenant within the designated area to seek advice from the local housing authority on whether their property is affected by the designation; and a warning of the consequences of failing to licence a property which is required to be licensed, including the criminal sanctions.

2.13 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 places further requirements on this;

Within 7 days after the date on which the designation was confirmed:

- Place the notice on a public notice board at one or more municipal buildings within the designated area,
- Publish the notice on the Councils web site; and
- Arrange for its publication in at least two local newspapers. must be published five more times in the same two newspapers at intervals of no less than two weeks and no more than three
- Within 2 weeks after the designation was confirmed, must send a copy of the notice to:
 - Any person who responded to the consultation conducted by it under section 56(3) of the Act (this will be by email)
 - Any organisation which, to the reasonable knowledge of the local housing authority represents the interests of landlords or tenants; or
 - Represents managing agents, estate agents or letting agents, and
 - Every organisation within the area which the LA knows or believes provides advice on landlord and tenant matters, including; law centres; citizens' advice bureaux; housing advice centres; and homeless persons' units.

Properties covered by Additional Licensing

2.14 Additional licensing can cover all HMOs which are not subject to Mandatory Licensing unless exempt under Schedule 14 of the Housing Act 2004. This primarily relates buildings owned and managed by other public sector bodies such as Housing Associations, the Police and educational establishments.

Licence Applications and fees

2.15 Section 87 of the Act details the application process for a licence. In particular this section states that an application must be made in accordance with such requirement as specified by the authority. It also states that the authority may require the application to be accompanied by a fee fixed by the authority.

2.16 When fixing fees under this section of the Act the local housing authority may take into account the following:-

- all costs incurred by the authority in carrying out their functions under this part of the legislation
- and all costs incurred in carrying out their functions under Part 4 of the Act chapter 1 which relates to management orders.

- 2.17 The application process is detailed within the Act and there are subsequent regulations detailing the contents of an application form. This includes providing:-
- information on the property layout,
 - certificates for gas, furniture and fire safety.
- 2.18 The Licensing and management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 schedule 2 provides full details on what must be included within in an application this includes:-
- determining if the manager or proposed licence holder is a fit and proper person. This requires the declaration of any unspent convictions, unlawful discrimination and prosecutions under housing, public health, environmental health or landlord and tenant law. The Licensing Team will make full checks into a person's 'fit and proper' status and will also request full Police checks if necessary and request owners to submit a full DBS clearance via Disclosure Scotland where appropriate.

Conditions and penalties

- 2.19 Once an application has been made the local authority must consider whether to grant or refuse the licence and the licence holder must firstly pass the Fit and Proper Person Test as defined by the Housing Act 2004 (section 66 (2)). This test specifies that the local authority must take into account evidence of any of the conduct detailed below and also applies to anyone *“associated or formerly associated with the proposed licence holder or manager whether on a personal, work or other basis”*, if relevant. The matters that the local authority needs to have a regard to are:
- Any offence involving fraud, or other dishonesty, or violence or drugs in section 3 of the Sex Offences Act 2003.
 - Practiced unlawful discrimination of the law in connection with the carrying out of any business.
 - Contravened any provision of the law relating to housing or landlord and tenant law – illegal eviction etc.
 - Acted other than in accordance with any code of practice for the management of HMO's
 - requires leave to enter or remain in the United Kingdom but does not have it (to be added by Housing and Planning Act 2016).
 - Is insolvent or an undischarged bankrupt (to be added by Housing and Planning Act 2016). and
 - A person is not a fit and proper person for the purposes of section 64(3) (b) or (d) if a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.” (to be added by Housing and Planning Act 2016).
- 2.20 N.B. Any “spent” convictions cannot be taken into account. However a lack of conviction may not mean that the incident was not relevant. The manager must send in with their application proof of their status and that they do not have any unspent convictions as specified above.

2.21 In the event that the landlord would not pass the fit and proper person test then he/she can nominate a manager in their place who must pass this test. If the local authority is not satisfied then it must refuse the application and give its reasons for this. The local authority must grant a licence if it is satisfied that:

- The HMO is reasonably suitable
- The licence holder would be a fit and proper person

2.22 If the licence is granted it will have conditions attached to it. Section 90 and Schedule 4 of the Act details the mandatory licence conditions that must be included, however there is provision for the local authority to add additional conditions that are either specific to the licence in question or that are locally agreed to address specific issues.

'A licence under Part 2 or 3 must include the following conditions

1. Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.

2. Conditions requiring the licence holder

a) to keep electrical appliances and furniture made available by him in the house in a safe condition;

b) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.

3. Conditions requiring the licence holder -

a) to ensure that smoke alarms are installed in the house and to keep them in proper working order;

b) to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.

4. Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.'

2.23 The Local Authority may also impose its own conditions to regulate the occupation of the house including numbers of persons who may occupy the house and the facilities to be provided.

3. The Need for an Additional Licensing Scheme

Profile and Strategic Context

- 3.1 Hastings is an urban borough of about 90,000 inhabitants, the majority of which live within 4 miles of the town centre. It has the typical characteristics of a large seaside town and to that end could be compared with Blackpool, Great Yarmouth, Scarborough, Skegness and Clacton.
- 3.2 The National Index of Deprivation for 2015 ranked Hastings 20th out of 326, where 1 is the ranking for the most deprived local authority in England. The comparative figures for 2004, 2007 and 2010 were 48th, 38th and 31st respectively, which would suggest that deprivation relative to other authorities is worsening although this may be because of the relative improvement in London due to property price increases which has not affected Hastings to the same extent.
- 3.3 Although the above figures represent Hastings and St Leonards as a whole, deprivation can be measured down to Lower Layer Super Output Area level. (LSOAs). These are the smallest neighbourhoods which can be effectively measured for statistical purposes and encompass about 1500 properties each. There are 32,844 of these areas across England and Wales. LSOAs are usually categorized for descriptive purposes for as being in one of ten deciles numbered from one to ten where 'one' is the most deprived 10% of neighbourhoods, 'two' is the next 10% of deprived neighbourhoods and so on. Within Hastings there are 16 LSOAs that are in the top ten percent of most deprived areas. Nine of these are within the four wards that make up the Additional HMO licensing area.

Housing Tenure and Stock Type

- 3.4 The private rented sector in Hastings makes up a significant proportion of the Housing Stock. In the town centre wards under consideration the number of household in the private rented sector comfortably exceeds those in the owner occupied and registered social sectors combined.
- 3.5 The Hastings Stock Condition Survey (HSCS 2016) undertaken in 7 town centre wards in 2016 found that the private rented sector had grown significantly in the study area in the last decade. At the time of the 2001 Census there were 5,754 households in the private rented sector, and the 2011 Census confirmed significant growth, indicating that this had risen to 9,125. The HSCS indicates that this number has further risen to 9580. This represents 50% of the stock in those areas. Nationally the figure is nearer 25% in the PRS.
- 3.6 71% of the stock in the study area was built before 1919 compared to the national average of 23%.

- 3.7 The makeup of the stock is biased towards converted flats which make up 39% of the dwellings in the study area. Of these at least 13% are section 257 HMOs. In addition there are a further 2% shared house HMOs.

Housing Strategy

- 3.8 Making best use of the existing housing stock is paramount when the number of new properties coming on to the market is low. The Hastings and St Leonards Housing Strategy 2016-2019 has a number of key priorities including Promoting Economic Regeneration.

- 3.9 The policies promoted to assist with this aim include:-

- Maintaining our focus on the regeneration of the St Leonards Housing Renewal Area
- *Seeking further improvement of private rented housing through licensing and enforcement where required*
- Encouraging and supporting responsible landlords
- Working to secure funding for targeted housing interventions within the Borough
- Monitoring the condition of the private housing stock
- Continuing to bring empty and derelict homes and land back into use, through CPO where necessary
- Reducing fuel poverty and improving energy efficiency for local residents

- 3.10 Improving the private rented stock is a key priority and the Council has already introduced Selective Licensing in seven wards including the four wards that consist of the wards in this proposal and has recently concluded the previous HMO licensing scheme.

Homelessness

- 3.11 Understanding the role of the private rented sector in managing homelessness is crucial. This valued resource, currently available for local people to secure affordable housing, is also a risk to the Borough in terms of future increases in homelessness. Households presenting as homelessness as a result of their private sector tenancy being terminated is increasing as the stock of private accommodation grows. Hastings has a high turnover of PRS tenants and in 2015 there were over 1000 repossessions in the private rented sector compared with less than 100 mortgage repossessions. Without making judgement on the reasons for these repossessions the resulting disturbance to family life, social links and education cannot be underestimated. This places an additional burden on statutory agencies to pick up the pieces.

- 3.12 In addition, the housing market is changing as confidence returns to the area and it becomes a more attractive area to live. A more competitive housing market can be seen as a positive sign of successful regeneration but this is also driving up rents and making it increasingly hard for lower income households to access private housing thus increasing homelessness. Although numbers are remaining fairly low, neighbouring Local Authorities and London Authorities continue to relocate homeless households to Hastings which is further compounding the problem of accessibility for local people.

3.13 Homeless acceptances have risen from 45 in 2009/10 to 138 in 2014/15 (Source: Hastings and St Leonards Homelessness Strategy 2016-2018.)

3.14 The Homelessness Strategy Strategic Priority 2 is to - *Improve access to good quality, well managed accommodation in the private rented sector.*

The key mechanisms for achieving this objective are:-

- *Improve joint working and support for private landlords*
 - *Continue to expand the social lettings agency*
 - *Improve the condition of accommodation through enforcement*
 - *Raise standards of management in private sector accommodation*
 - *Implement selective licencing and continue with additional and mandatory licencing*
 - *Address financial barriers to accessing accommodation*
- Ensure people have support to sustain tenancies*

3.15 Licensing has a positive role to play in preventing homelessness as proactive inspections and interventions act as a barrier between tenants and landlords and thus help prevent retaliatory evictions.

Housing Market – Prices and Affordability

3.16 Property values in Hastings remain below the regional average, despite growing quite rapidly in recent years as evidenced in the charts below. Even taking into account the lower prices there is an affordability gap as incomes are well below the regional average. Many households who are unable to buy are dependent on benefits or have income levels that are insufficient to maintain a mortgage. As a consequence owner occupation is unaffordable for many households on modest incomes and they depend upon access to privately rented accommodation as the only viable alternative to socially rented provision.

3.17 House prices in the four town centre wards are all currently below the Borough average. However average house prices do not take into account property size. A four bedroom detached house in one ward over two floors might seem pricier than a two bedroomed flat on the sea front, but there are often 5 or 6 flats in a single sea front property. Therefore absolute price levels are less relevant for comparison purposes than price growth over a period of time. The chart and graph below show average house prices across the four wards against the average price for Hastings as a whole.

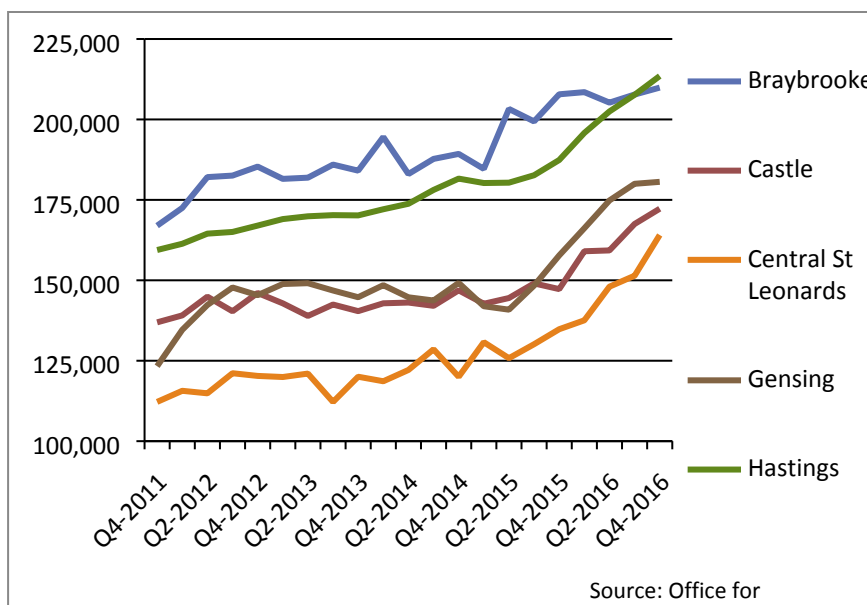
TABLE 2 AVERAGE HOUSE PRICE CHANGE % FIVE YEARS TO 4TH QUARTER 2016 SOURCE: HCS 2016

Ward	Average House Price (4th Quarter 2011)	Average House Price (4th Quarter 2016)	% change
All Hastings	159936	214799	+34%
Central St. Leonards	112210	164083	+46%
Castle	136931	172252	+25.8%
Gensing	123302	180605	+47%

Braybrooke	166979	209894	+ 26%
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3.18 It would appear that there has been a split between the different wards in terms of house price growth. The St Leonards wards have increased above the Hastings average whilst the Hastings wards have not kept pace with average price growth. There may be a number of reasons for this disparity including gentrification or the demand for more one and two bedroomed flats. Whatever the reason it is pleasing to note that HMO Licensing across the four wards has not caused house prices to decline as feared by some HMO landlords.

FIGURE 1 MEAN HOUSE PRICES - 4 WARDS V HASTINGS 2011-2016



Empty Homes

3.19 National policy is to bring vacant dwellings back into use to help both to ease the housing shortage and maximise the use of existing stock. Vacant dwellings can be difficult to identify and there are frequently problems in gaining access for surveys; however on the basis of the survey data it is possible to estimate that there are approximately 910 vacant dwellings in the study area, or 4.5% of the stock. The national average is approximately 4.3%. This is a welcome development as traditionally Hastings has above average levels of vacant dwellings and this improvement has been assisted by the use of targeted interventions, including advice, financial assistance, enforcement action and compulsory purchase orders.

3.20 Of these properties, the survey estimates that around 580 dwellings (2.9% of the overall stock) are long-term vacant (defined as any dwelling vacant for six months or more, or subject to unauthorised occupation). This figure will be subject to constant fluctuation and is affected by a small sample size making it less reliable. 1.6% of stock is short-term vacant.

The Housing Renewal Area

3.21 Central St Leonards is the most deprived area in the Borough and was designated as a Renewal Area in 2003. The aim was to improve unsatisfactory housing conditions,

employment prospects, social facilities and health to make Central St Leonards an area where people want to live, work and visit. The Renewal Area covers the whole of Central St Leonards ward and also some parts of Gensing ward to the North East and North West of Warrior Square station which have a high concentration of poor quality private rented housing.

- 3.22 A report on the work carried out in the Renewal Area in 2013 concluded that even though nearly 1,000 homes had been improved through enforcement, there were still an estimated 800 that failed basic housing standards and the area still has the highest number of empty homes in the town. As a result, the Renewal Area status has been extended until 2018.
- 3.23 Although much has been achieved since 2003 there is still more to do. Overall, Central St Leonards still compares poorly with other parts of the borough and the rest of the South East in respect of key indicators of deprivation; partners remain committed to continuing the social, economic and physical regeneration of the area.

The Coastal Space Project

- 3.24 The level of capital funding now available for regeneration and renewal projects is much reduced as a result of the government's deficit reduction plans. However, the Council and Optivo (previously Amicus Horizon) have pursued an innovative approach to combining the purchase and improvement of empty and privately owned property for rent with social and economic regeneration. The initiative was launched in 2013 and is known as the Coastal Space Project.
- 3.25 The project is currently in its second phase, which runs from 2016-18. The previous phase attracted support from the Homes and Communities Agency and there is an expectation that phase three will be supported financially by the Council and the South East Local Economic Partnership (SELEP) as well as Optivo.

Students

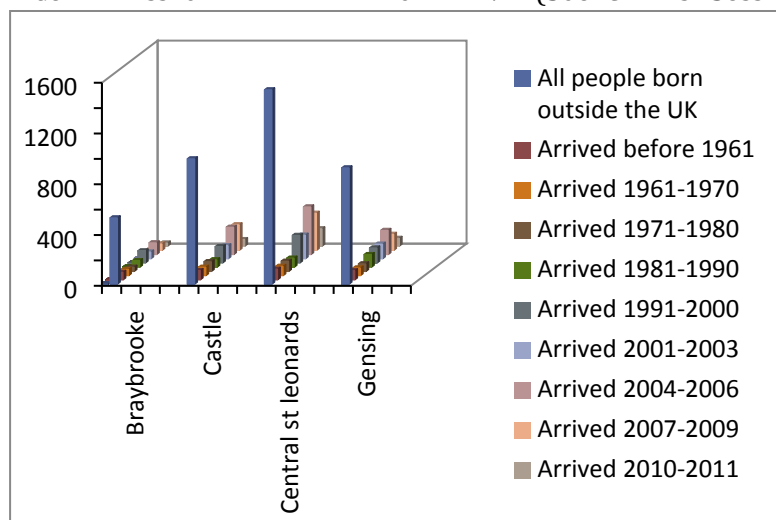
- 3.26 The decision by the University of Brighton to close the Hastings Campus will eventually result in the loss of 650 undergraduates to the town, which will have some bearing on the demand for HMO accommodation. Additionally the university is also giving up control of Robert Tressell Hall which will likely return to the private sector. Although some student courses will remain through Sussex Coast College the numbers are likely to be significantly lower. These spaces are likely to be filled by local residents accessing HMO accommodation or the properties may return to single family homes.

Migration

- 3.27 Estimates suggest that there were on average 504 new registrations from International Migrants between 2002 and 2009. In Central St Leonards in particular there is in effect a separate migrant housing market' that offers cheaper , easy access primarily HMO

accommodation, which is often poorer quality or overcrowded. The chart below shows the numbers of passports held by people born outside the UK.

FIGURE2 PASSPORT HELD BY YEAR OF ARRIVAL (SOURCE: EAST SUSSEX IN FIGURES)



3.28 Evidence suggests that the migrant housing market may be distorted by landlords/agents acting on the margins of the law in relation to exploitation and sometimes intimidation, as well as failure to licence and overcrowding etc. As a result migrants may fear cooperating with “the authorities” because they are worried about losing their accommodation. This is compounded by language difficulties.

Working with Landlords

3.29 The Council participates in and facilitates a Landlords Forum which is led by the National Landlords Association (NLA). This meets bi-annually and presentations are made which will support and inform Landlords who wish to participate. The Council has also previously secured funding for a dedicated officer to assist landlords with advice and guidance. Although the funding has now ceased, there is still a dedicated Rogue Landlord Hotline providing

- Advice on the correct procedure in serving notices and obtaining a legal eviction
- Breach of tenancy agreements
- Rent payments/rent arrears
- Advice on abandonment
- What to do if a tenant has damaged your property.

3.30 As a part of the previous Rogue Landlord Project the Council commissioned three on-line videos designed to assist Landlords with starting, managing and ending tenancies. These are available on the Council’s website.

Housing issues in the Proposed HMO licensing Area

Community Safety and Anti-Social Behaviour

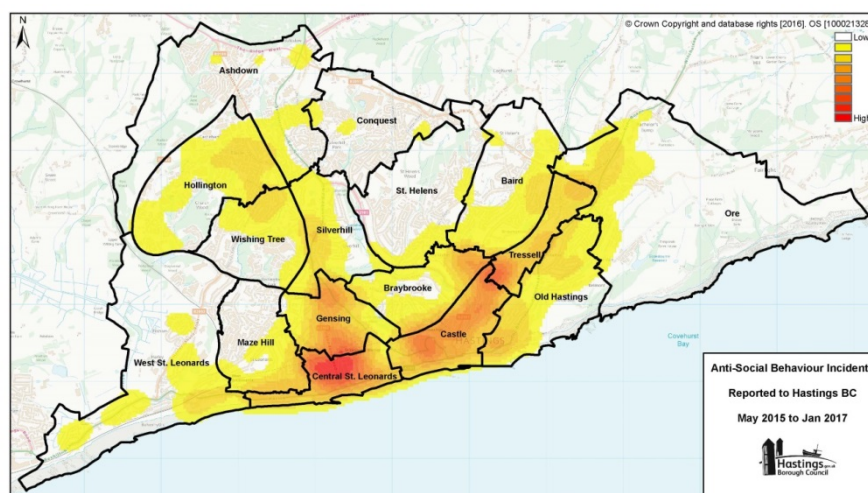
3.31 Nationally crime levels have been falling and this is also reflected in Hastings. Since 2002 crime has fallen from 14,000 to around 7500 incidents per year. Significant improvements have been achieved over recent year through the work of the Safer Hastings Partnership (SHP). This brings together a range of statutory partners to help tackle crime.

Anti-Social Behaviour

3.32 The number of recorded incidents of antisocial behaviour per thousand head of population for Hastings in 2014 -15 is 50. For Gensing ward it is 63, For Central St Leonard’s ward it is 93 and for Castle ward 137.

3.33 The heat map below shows reports of Anti-social behaviour reported to the Council across Hastings and St Leonards between May 2015 and Jan 2017. Although there is a greater concentration in the town centres, there are lower though still elevated pockets of ASB in some of the residential areas bordering the town centres. The wards with the highest levels of ASB are Castle and Central St Leonards with Gensing and Braybrooke having elevated levels in the more densely populated areas

FIGURE 3 ASB REPORTED ACROSS HASTINGS MAY 2015 JAN 2017



3.34 In July 2017 Hastings Borough Council launched a major initiative to crack down on litter and dog fouling in the borough following complaints from residents and visitors alike. The Council responded with a publicity campaign and by making it possible to report these issues online, 24 hours a day, 7 days a week. This was followed by the introduction of two Public Space Protection Orders to deal with dog fouling and anti-social behaviour.

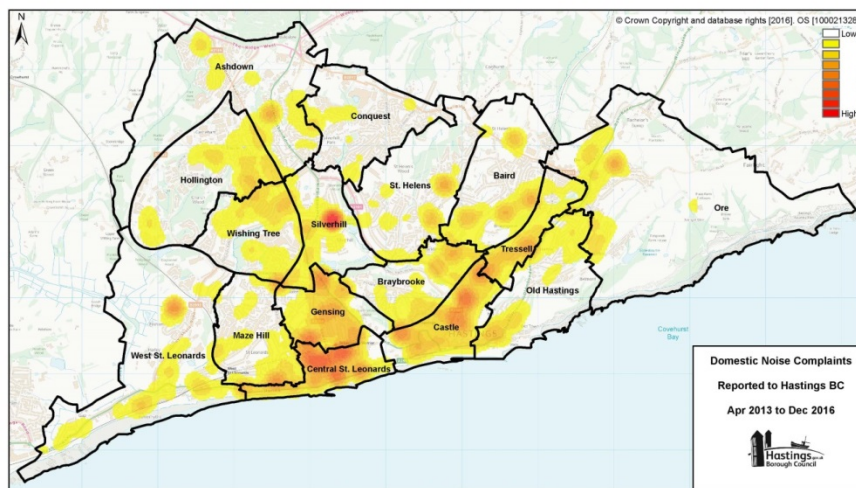
3.35 The anti –social behaviour order includes a borough wide ban on aggressive begging; borough wide requirement to surrender alcohol if requested to so because someone is causing nuisance/annoyance/disorder. Consumption of alcohol is banned in specified public spaces in the Old Town, Town Centre and Central St Leonards. Use of psychoactive substances is banned in specified public spaces within a zone covering much of the Old Town and lower part of the West Hill, the town centre and Central St. Leonards, plus the associated promenade, seafront and beach. General ASB such as shouting and screaming or

acting in such a way as to cause annoyance, alarm, harassment or distress, is banned in specified public spaces within a zone covering much of the Old Town and lower part of the West Hill, the town centre (Castle Ward) and Central St. Leonards, plus the associated promenade, seafront and beach.

Noise

- 3.36 Environmental Health data for noise complaints shows similar patterns to that of ASB with high concentrations in Castle, Gensing and Central St Leonards Wards.

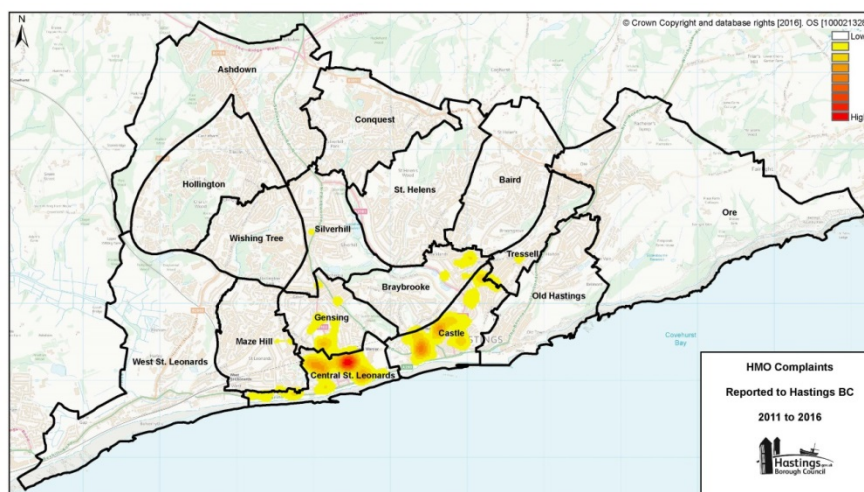
FIGURE 4 DOMESTIC NOISE COMPLAINTS APRIL 2013 –DEC 2016 (INTERNAL DATA)



HMO complaints

- 3.37 HMO complaints to the Housing Renewal team are almost exclusively within the four wards that made up the previous Additional HMO licensing area, supporting the reintroduction of licensing in these areas only.

FIGURE 5 HOUSING COMPLAINTS RELATING TO HMOs 2011-2016 – (HBC INTERNAL DATA)



Property management

- 3.38 The House Condition Survey (HCS) carried out in 2016 by Opinion Research Services (ORS) found that across the study area there were 720 Section 257 HMOs and 400 other HMOs. There were also 1400 other converted buildings which were not classified as HMOs. However as the criteria for being an HMO depends on the current occupation (certainly difficult to ascertain easily) it is highly likely that some of these properties are also section 257 HMOs.
- 3.39 When a dwelling which was privately rented was surveyed, a series of separate questions were asked of the tenants within the dwelling which covered questions about renting in the private rented sector. The findings in Table 3 generally indicate that while much of the privately rented sector is likely to be well managed, there are prevalent issues around landlords failing to carry out routine maintenance (only 64.9% fulfil this obligation) and failing to respond to problems in a reasonable time (only 78.3% do). In addition, there are further problems with giving notice before entering the property (only 78.2% give notice) and over a fifth (20.4%) of landlords do not secure their tenant’s deposit in a government backed tenancy deposit scheme (known as a TDP, required for all shorthold tenancies since 2007).

TABLE 3 ISSUES ARISING WITH PRIVATE SECTOR LANDLORDS (SOURCE: ADDITIONAL AND SELECTIVE LICENSING HSCS 2016)

Issues arising with private sector landlords	Private rented dwellings where household answered 'Yes'	
Is there a written tenancy agreement?	8,750	91.26%
Was deposit NOT protected under a government back deposit scheme?	1,180	20.37%
Does the landlord respond to problems in a reasonable time?	7,500	78.29%
Does the landlord have an emergency number?	8,180	85.41%
Does the landlord carry out routine maintenance?	6,220	64.89%
Does the landlord always give notice before entering the property?	7,500	78.22%
Is there a smoke alarm working and present?	7,480	82.61%

Fire Safety

- 3.40 Table 4 provides a breakdown of the extent to which fire safety measures were present. Figures are broken down between self-contained flats and HMOs.
- 3.41 Certain aspects of fire safety provision in private rented flats and HMOs in the study area could be considered as requiring improvement, with only 0.9% of self-contained flats having a fire blanket and 6% of HMOs having fire extinguishers present. However these are generally no longer requested by Fire Officers or the Local authority as they consider that it is generally better for residents to evacuate and call the fire brigade rather than stay and fight the fire thus exposing themselves to greater risk.

- 3.42 More positively, in the event of fire, 59% have an escape route free from obstructions (65% in self-contained flats but reducing to 42.6% in HMOs.). However this still means that 41% do not.

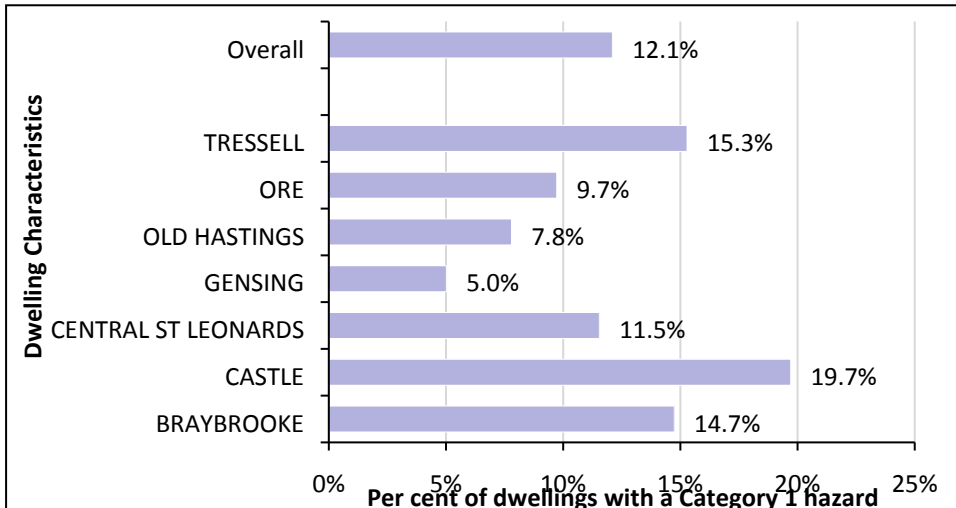
TABLE 4 FIRE SAFETY MEASURE (SOURCE: ADDITIONAL AND SELECTIVE LICENSING HSCS 2016)

Fire safety measure	Self-contained flats		HMOs		Overall	
	Count	Percentage	Count	Percentage	Count	Percentage
Fire safety notice	3,700	43.99%	1,040	33.65%	4,740	41.22%
Mains wired smoke detectors	3,800	45.22%	1,550	50.36%	5,360	46.60%
Safe practices	5,950	70.78%	670	21.73%	6,620	57.62%
Fire extinguishers	2,210	26.27%	190	6.14%	2,400	20.87%
Fire Blankets	70	0.88%	40	1.35%	120	1.00%
Emergency lighting	5,850	69.49%	1,930	62.73%	7,780	67.68%
Self-closing Doors	4,890	58.19%	1,360	44.07%	6,250	54.40%
Protected escape route	5,720	67.98%	1,370	44.53%	7,090	61.69%
Escape route free from obstruction	5,470	65.01%	1,310	42.60%	6,780	59.00%
Alternative escape route	1,770	21.07%	1,020	33.06%	2,790	24.29%
Sign Posting	2,580	30.65%	470	15.13%	3,040	26.49%

Hazards in Properties

- 3.43 Tackling Health and Safety hazards in homes is an important issue both in terms of the quality of the housing stock but also in terms of the contribution this makes to Health and Well Being. The obligation to do so is set out in law. The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. There are 29 different hazards which may require assessment. Hazards are categorised into Category one (most severe) or category two hazards. Where a category one hazard exists the Local authority is obliged to take some form of enforcement action. Where a category two hazard exists the local authority have a power but not a duty to take enforcement action.
- 3.44 The survey (figure 6) found that overall 12% of the stock in the study area contained a category one hazard. This compares to 13.2% nationally (English House Condition Survey)
- 3.45 Within the four Additional Licensing Wards there were high numbers of Category one hazards in Braybrooke 14.7% and Castle 19.7 % whereas Central St Leonards 11.5% and Gensing 5% were below the average.
- 3.46 The most prominent Category 1 hazards are excess cold and falls on stairs (8.9% and 3% respectively).

FIGURE 6 CATEGORY 1 HAZARDS BY AREA (SOURCE: ADDITIONAL AND SELECTIVE LICENSING HSCS 2016)



Decent Homes Standard

3.47 The Decent Homes Standard is a broad measure of housing condition which was introduced to ensure all public sector housing met a minimum standard by 2010. The percentage of vulnerable households in decent homes in the private sector has also been a focus for Government; whilst local authority targets were withdrawn following the Comprehensive Spending Review in 2007, the percentage has remained part of CLG’s own Departmental Strategic Objectives (DSO2, 2.8).

3.48 Aside from governmental obligations and measures, the Decent Homes Standard has become the norm for measuring housing conditions and was analysed for this survey.

3.49 To meet the Standard a dwelling must achieve all four of the following criteria:

- | | |
|----------|--|
| A | It meets the current statutory minimum standard for housing:
At present, this means that it should not have a Category 1 hazard under the HHSRS |
| B | It is in a reasonable state of repair – has to have no old and defective major elements |
| C | It has reasonably modern facilities and services:
Adequate bathroom, kitchen, common areas of flats and is not subject to undue noise |
| D | Provides a reasonable degree of thermal comfort – has effective insulation and efficient heating |

3.50 The Survey estimates that around 5,200 dwellings in the study area fail the Decent Homes Standard and this is approximately 25.7% of all private sector dwellings. 1,302 dwellings (6.5%) fail on two criteria and around 533 dwellings (2.6%) fail on three or more criteria.

3.51 Within the study area; the most common reason for failure is having a poor degree of thermal comfort. This correlates closely with Category One hazards for excess cold as the two are interrelated in effect. Castle has the highest rate of non-decency of the studied wards (41.5%). Next highest were Central St Leonards and Braybrooke (both with 26.4%) with similar levels to the study area average of 25.7%).

4. The Consultation Process – Questionnaire Responses

Overview

- 4.1 As part of Hastings consultation on the proposal to introduce an additional licensing scheme for HMOs in Hastings a Consultation Report was prepared and made available on a dedicated webpage⁴ on the Hastings Online website. A condensed version was also provided.
- 4.2 In this consultation document readers would have found a detailed argument in support of the Council's reasons for introducing a new Additional Licensing Scheme together with the following
- A schedule of fees for additional licensing
 - Criteria by which licences would be issued
 - A proposed licence terms and conditions
 - Draft adopted standards for Houses in Multiple Occupation
- 4.3 Three Consultation Questionnaires were linked to the web page. Separate questionnaires were provided for landlords and agents; for tenants; for other householders, individuals and groups.
- 4.4 The consultation questionnaire included an introduction to the consultation, followed by questions which covered the following topics:
- Views on issues associated with HMOs
 - Views on, and support for, the Council's proposals for an additional licensing scheme
 - Views on the conditions proposed as part of the additional licensing scheme
 - Views on whether the proposed scheme will improve HMOs and help address some of the issues associated with them
 - The types of properties that should be included in the scheme
 - Whether the proposed scheme should cover all or only parts of Hastings
 - Profiling and demographic questions.
- 4.5 The open consultation questionnaire was designed by HBC using Survey Monkey software and made available online through the Council's dedicated website and the URL was also circulated on Council emails and on especially printed business cards. Letters from Housing Renewal were also printed with the URL link. Paper copies of the consultation document were made available in the two main council offices. The purpose of the consultation questionnaire was to provide feedback on the concerns and views of individual participants. Whilst the survey information is important, it is not an end in itself and is only a part of the overall consideration that must be made in deciding whether to implement a new scheme.
- 4.6 Of course, it is for HBC to determine the appropriate emphasis for different elements within the consultation, while bearing in mind that the outcome of the consultation should not be

⁴ http://www.hastings.gov.uk/my_council/consultations/hmo/

just a 'numbers' game. In other words, the question is not '*Which findings should determine our decision?*' but '*What evidence or considerations have emerged that should influence our deliberations about the proposed additional licensing scheme for HMOs in Hastings?*'

Questionnaire responses

- 4.7 The questionnaire was made available for respondents between 24th March 2017 and 9th June 2017 a period of 11 weeks.
- 4.8 Overall, 72 responses to the questionnaire were received by the Council by the end of the consultation period. There were 45 responses from Landlords or letting agents, 17 from owners or other interested parties and 10 from tenants. This is a low figure from which it would be unwise to extrapolate too much in the way of meaningful conclusions.
- 4.9 It is also likely that with a low response rate a few respondents will have a disproportionate effect on the results and the degree of confidence in the results is thus much lower.
- 4.10 Although there were some separate questions for the different groups it has been decided where possible to amalgamate the responses to form a single response. Where there are significant differences between the groups these are highlighted in the text
- 4.11 There may be a number of reasons why the response rate was low. It is possible that because the scheme had much lower fees than before that the landlords who read the review decided that it was not going to impose such a large burden on them. It was noteworthy that the National Landlords Association whilst not endorsing Additional HMO licensing did not object to the scheme which they had done with previous scheme. It may also be true that hostility to the original scheme has abated since landlords are aware of the implications and requirements. The final matter which may have impinged directly on the consultation was that the consultation period coincided with a General Election campaign which was called shortly after the start of the consultation.

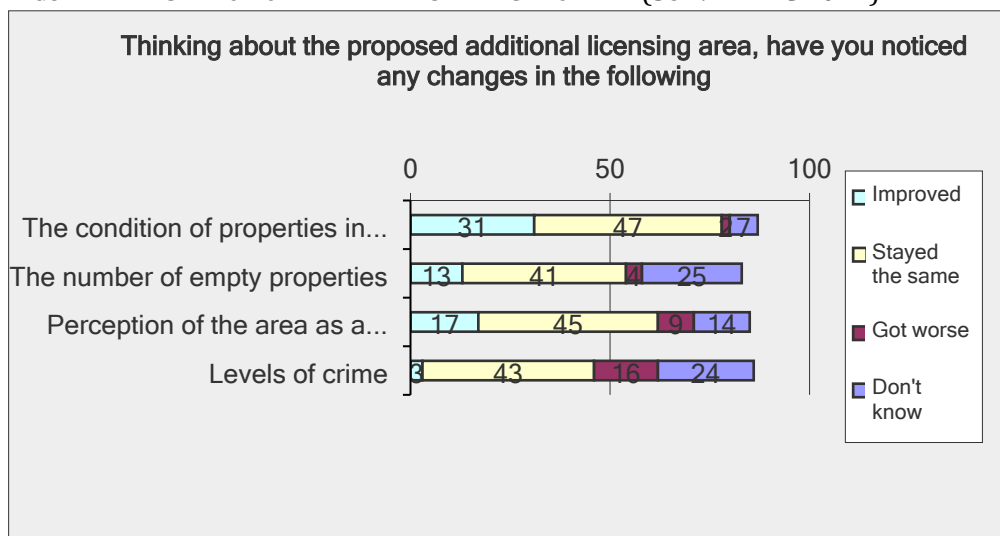
Overall Summary

- 70% of tenants who responded supported further additional licensing.
 - 73% of landlords were opposed to a further additional licensing scheme with only 16% being in favour.
 - Overall only a third of respondents in favour of extending HMO licensing.
 - 75% of landlords wanted bedsit HMOs to be included in any new HMO licensing scheme.
- 4.12 There were more respondents in favour of extending the scheme boundaries than there were in favour of restricting the boundaries. Even amongst Landlords fewer than 30% wanted the area restricted and there was little support for removing Braybrooke from the scheme. Some landlords wanted all HMOs to be included as this they saw as fairer.

- 4.13 There was general support for licence fees based on specific factors. Only the suggestions that fees should be related to the energy efficiency of the HMO and that all properties should be managed by fully qualified property professionals received less than 50% support.
- 4.14 60% of respondents support the Council's suggestion that shorter licences be given to landlords who rent out sub-standard properties. Landlords generally supported this proposition with only 29% being against variable length licences.

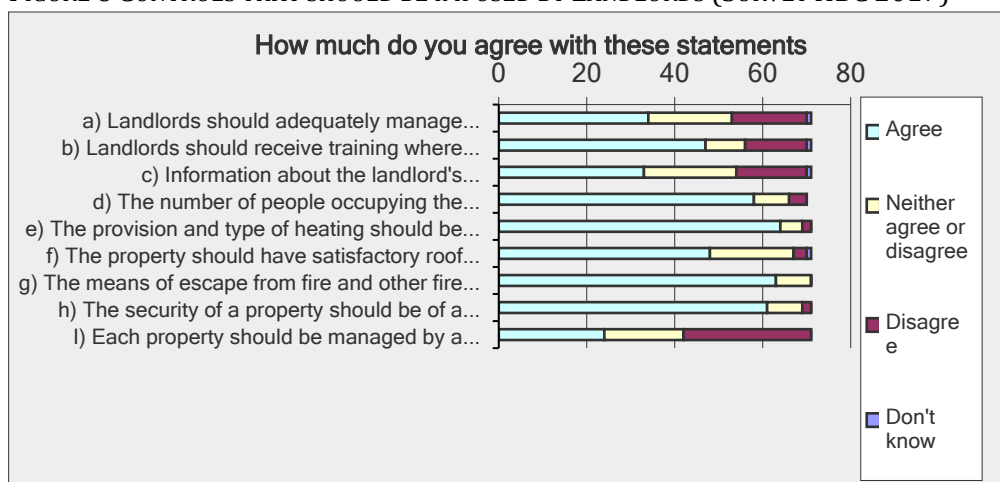
Grouped Responses

FIGURE 7 PERCEPTION OF THE AREA AS A PLACE TO RENT (SURVEY HBC 2017)



- 4.15 There was general agreement that the condition of the properties in the area had improved; there were fewer empty properties and that the perception of the area as a place to rent had improved. There was a perception that crime levels had got slightly worse though a quarter of respondent didn't know either way

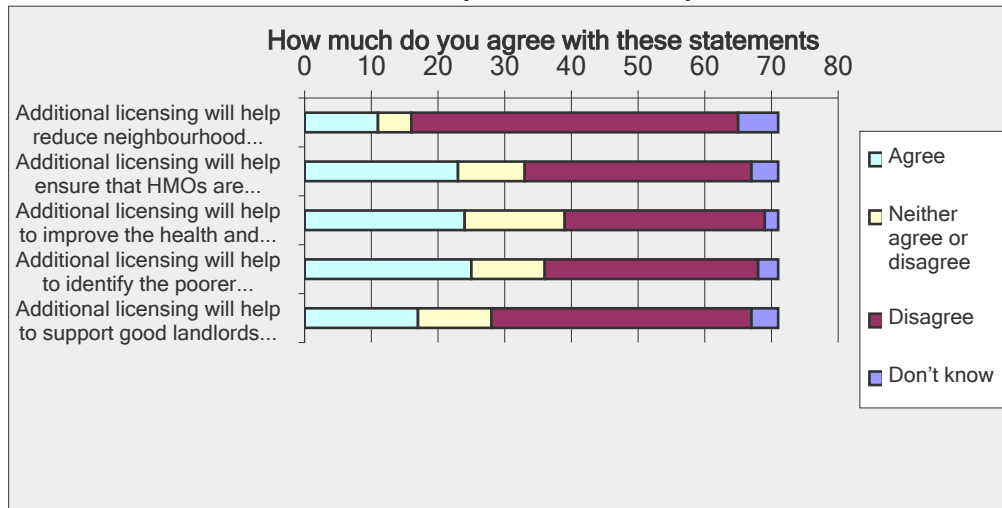
FIGURE 8 CONTROLS THAT SHOULD BE IMPOSED BY LANDLORDS (SURVEY HBC 2017)



- 4.16 There was a general overall agreement that landlords were responsible for matters which impacted on their tenants. There was strong agreement around levels of occupation, fire

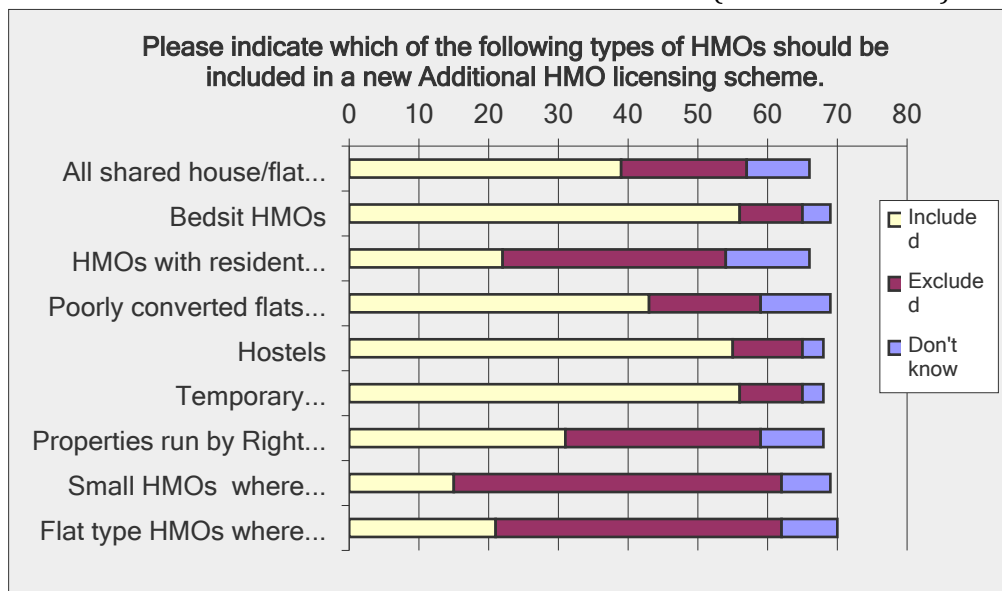
precautions, suitable heating and security. There was less support for other matters and lowest support for the involvement of fully qualified property professionals. This is perhaps not surprising as only 6 letting/property management agents responded to the survey.

FIGURE 9 BENEFITS OF HMO LICENSING (SURVEY HBC 2017)



4.17 Respondents generally did not believe HMO licensing would reduce neighbourhood problems, improve maintenance of HMOs or help identify poorly performing landlords. More respondents disagreed with the statement “that HMO licensing would help to improve the health and safety of tenants living in HMOs” than agreed with it.

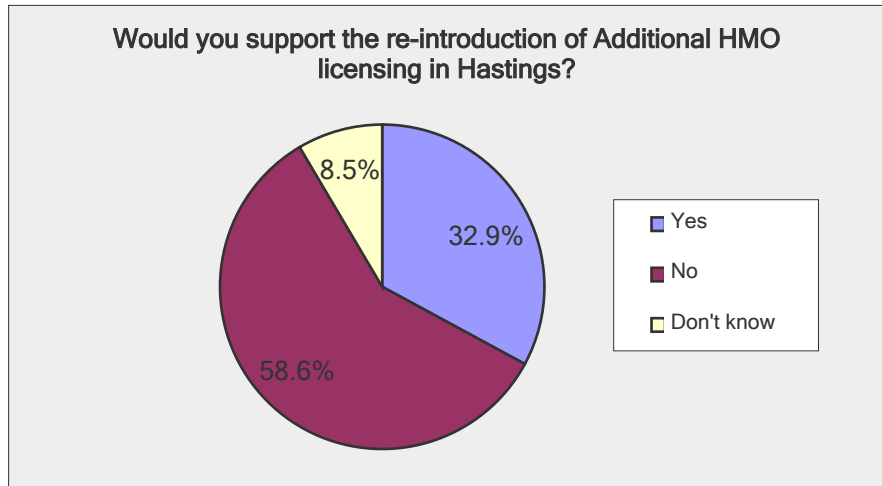
FIGURE 10 TYPES OF HMOs TO BE INCLUDED IN A NEW SCHEME (SURVEY HBC 2017)



4.18 There was quite a wide variation in responses to this question with some respondents supporting the Councils suggestion that smaller two flat HMOs might be removed from licensing or flat type HMOs where there were no common parts. Perhaps surprisingly there was little support for removing other shared house HMOs and bedsits. There was more support for licensing bedsit type HMOs than there was for section 257 flat conversions which are the subject of the consultation. This may be because respondents saw bedsits as being

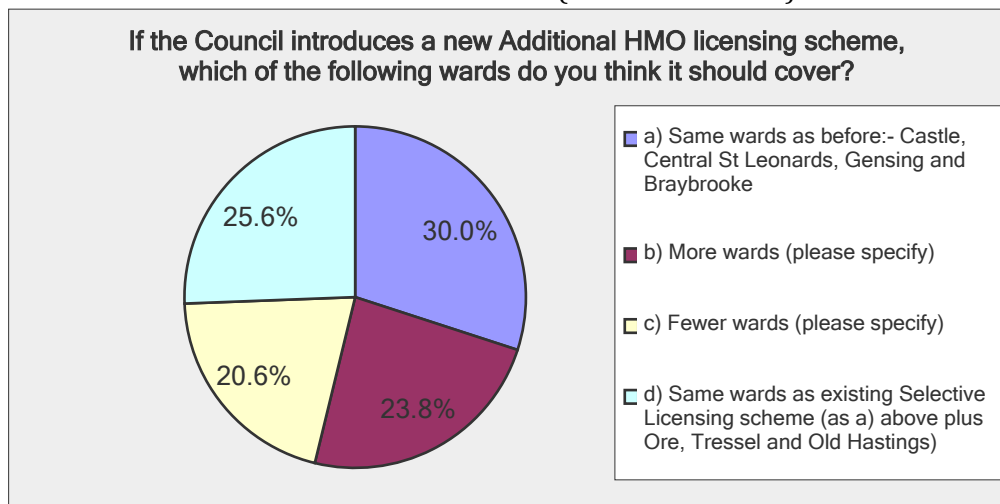
more representative of HMO accommodation even though in Hastings it only makes up a relatively small part of the HMO stock. Temporary accommodation and hostels also featured highly on the licensing wish list. Landlords were particularly keen to see these other HMOs licensed.

FIGURE 11 SUPPORT FOR FURTHER ADDITIONAL LICENSING (SURVEY HBC 2017)



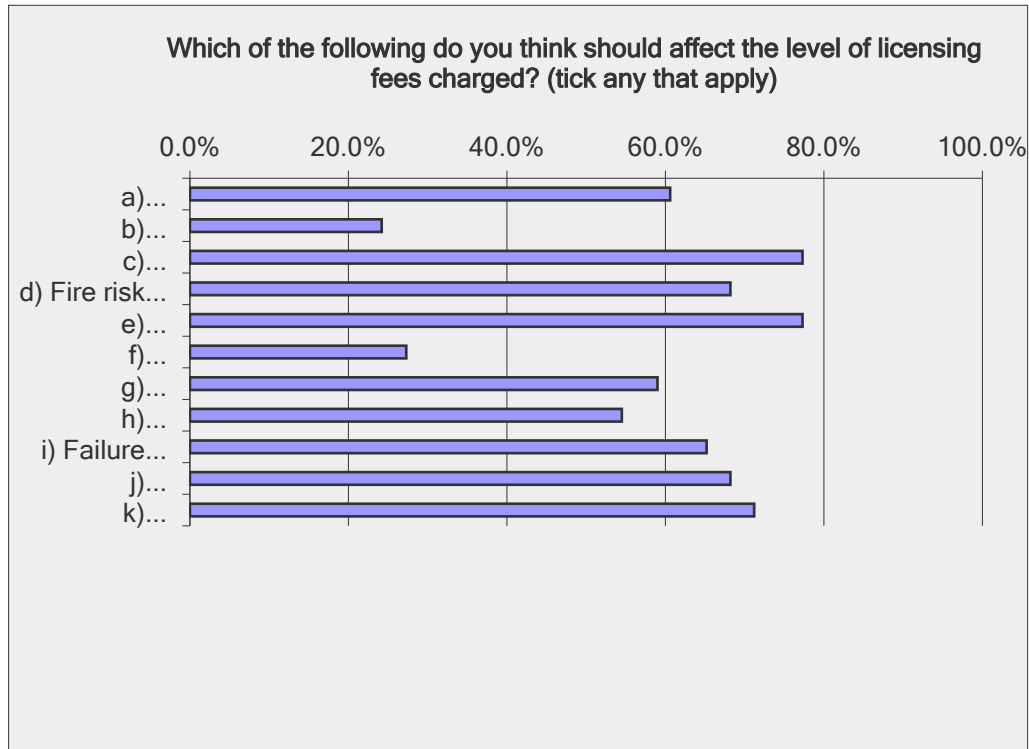
4.19 Landlords were generally not in favour of further Additional HMO Licensing, although tenants and other groups were broadly in favour.

FIGURE 12 WHICH WARDS SHOULD BE LICENSED? (SURVEY HBC 2017)



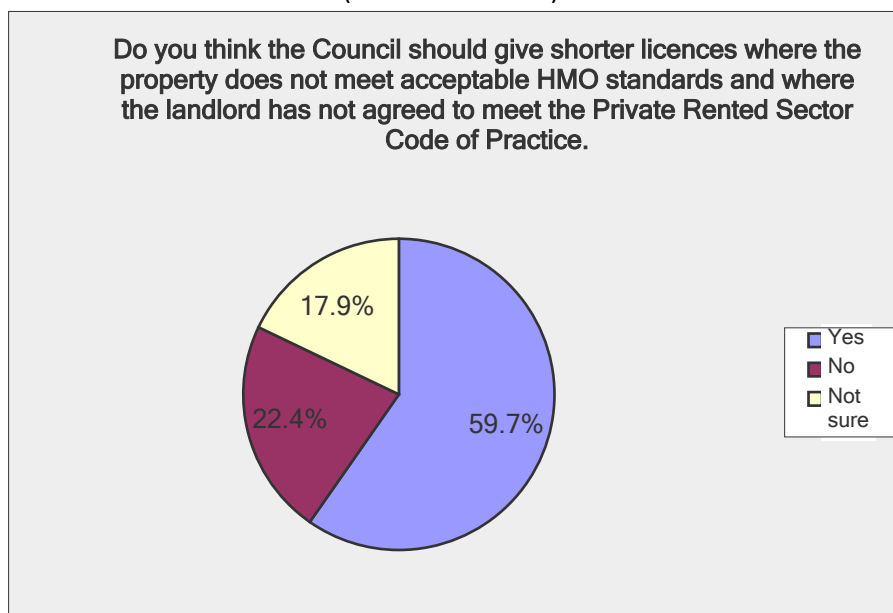
4.20 Responses to this question were more evenly divided with more respondents wanting to extend the scheme than to restrict it to a smaller area. The largest majority 30% wanted to keep the areas as previously whilst a further 24 % wanted to extend it to the same wards as the Selective Licensing scheme. There were a few suggestions for removing wards or adding wards but most comments related to either not having a scheme at all or suggesting that it cover the whole district. There was no particular support for removing Braybrooke ward from the scheme as highlighted in the main report.

FIGURE13 FACTORS TO CONSIDER IN SETTING LICENSING FEES (SURVEY HBC 2017)



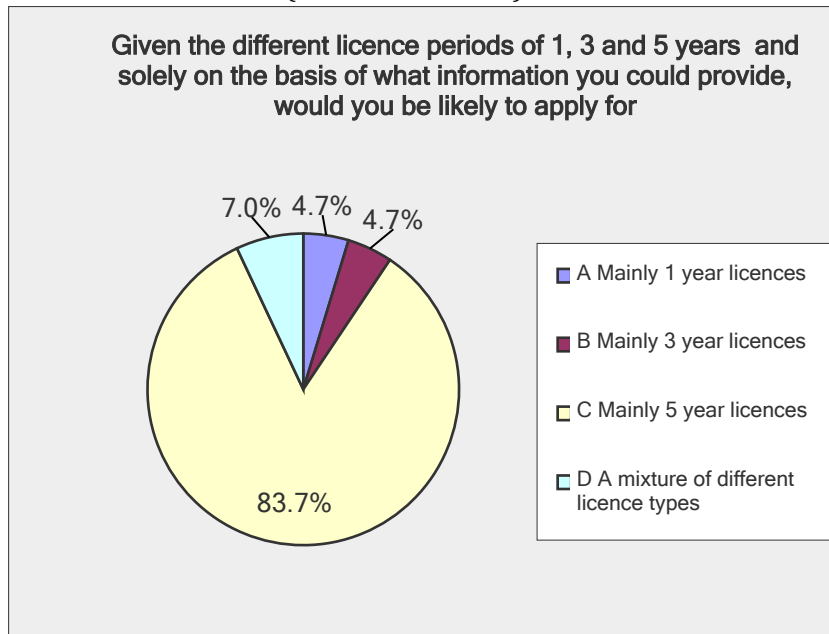
4.21 There was general support for most of the suggestions made by the Council as to what factors should affect the level of fees imposed. Absence of serious hazards, fully functioning fire alarms and a fire risk assessment scored highly as determining factors in setting a fee. There was much less support for Energy Efficiency and having suitably qualified Managing Agents. The latter may have been influenced by the perception that the Council was requiring the appointment of Managing Agents for all properties rather than the requirement that agents should be fully qualified.

FIGURE 14 LENGTH OF LICENCES (SURVEY HBC 2017)



4.22 There was broad support from all groups that the Council should give shorter licences where properties were non-compliant. Less than 25% of respondents thought this was inappropriate. It should be noted however that respondents would generally be persons who were informed and in the case of Landlords already engaged with the Council. The support for the Councils fee proposal is nevertheless encouraging.

FIGURE 15 LICENCE MIX (SURVEY HBC 2017)



4.23 The vast majority of respondent landlords though they would be applying for five year licences with only about 10% indicating that they would go for 1 or 3 year licences. This is encouraging but may again be statistically skewed by the fact that the Landlords who responded are more likely to be engaged with the Council.

Individual Comments

4.24 Specific Comments made by landlords are included as Table 5 below. Because many of the comments were duplicated we have listed the principal concerns below with a short comment in response:-

TABLE 5 COMMENTS MADE IN ONLINE CONSULTATION RESPONSE. (SURVEY HBC 2017)

No.	Comment	Response
1	Tenants will pick up the bill for licensing	No evidence from last scheme that average rents increased due to licensing fees above that of surrounding areas
2	Scheme is a cash cow for the Council	Scheme is designed to break even, not make a profit. The fees have been reduced from previous scheme to reduce impact on landlords and tenants and to take into account the new online application process.
3	I already have a Selective Licence why do I need an HMO licence	Selective licences control the unit of accommodation not the common parts of blocks. HMO licences are much more wide

		ranging and include stairways, hallways, gardens, roofs and the means of escape from the building none of which are controlled by Selective licensing.
4	Discounts should be offered for 2 nd /3rd property	Discounts to one landlord would mean a fee increase to another landlord as fees would have to rise overall.
5	Why can't licences be transferred or there be reduced fees for new licence holders	We are not allowed to transfer licence as the licence is specific to the licence holder. We are considering allowing new licence holders the full range of 1, 3 and 5 year licences.
6	Don't trust Council to run the scheme properly	
7	Licensing is a Disincentive to rent out properties	The Council believes that licensing sets a level playing field for all landlords. The disincentive to rent out should only be felt by landlords with poorer properties
8	Bad landlords will get away with it whilst good ones will licence.	Previous experience showed that there are some good landlords and some bad landlords but also a number of poor landlords who tried to evade controls and were slow to license. The Council is actively pursuing poor landlords
9	Why doesn't the Council enforce against socially owned housing and HMOs	Social Housing is excluded from the definition of HMO for licensing purposes therefore we cannot license such properties.
10	The Council needs to remember that Local Housing Allowance is frozen whilst rents are increasing significantly thereby contributing to the housing problems of the town. Why does the Council continue to allow landlords who do not comply with licensing etc. to take tenants who receive Local Housing Allowance and are often the most vulnerable in society?	The Local Housing Allowance is not controlled by the Local Authority. Rent levels are set by landlords. Legally we cannot withhold HB and it is paid to the tenant not the Landlord. Failure to licence in future may result in rent repayment orders whereby HB has to be repaid
11	I don't see why I should have to pay for HMO licence when I don't rent out my flat	As a resident leaseholder it is normal practice that you contribute to the expenses of maintaining the building. This would include a shared portion of the cost of the HMO licence
12	I own a house on St Helens Rd, which has been converted into 2 flats. I live in the top flat with a lodger and rent out the self-contained bottom flat. Under the proposed and previous schemes which say a property must be at least 2/3 owner occupied, my property will always be an HMO, even if just one other person lives in the flat downstairs - this seems grossly unfair!	Yes national legislation means this building is an HMO. If you separate the two flats to Building regulation standards then it would cease to be an HMO. The Council is proposing to exempt two flat HMOs from the scheme.

<p>13 The appointment of professional managing agents does to guarantee any improvement in standards.</p>	<p>Evidence would suggest that fully qualified managing agents will if given adequate resources maintain premises to a high standard.</p>
<p>14 There should be a way in which tenants / professionals working with tenants can report bad practice that should then be recorded and investigated. E.g. a landlord can have a license but harass and unlawfully evict a tenant and if no legal action is taken the landlord keeps their license.</p>	<p>The Council has a direct reporting mechanism for Rogue Landlords via its website.</p>
<p>15 Support needs to be made readily available to landlords who have anti-social tenants. This should be from the police and local council.</p>	
<p>16 My rent will increase (tenant)</p>	<p>Whilst the Council cannot guarantee that some costs will not be passed on the previous scheme did not appear to inflate rent levels. The average monthly rent level for a one bedroom flat in Hastings in 2015/16 was £450 (Valuation office) Local Housing Allowance rates between 2011 and 2016 did not rise significantly indicating that costs may not have been passed onto tenants</p>

Written Representations

4.25 Two written representations were received one from a landlord, one from a chartered surveyor and three emails were received from two landlords and a managing agent.

4.26 Many of the issues raised are those previously highlighted above. Some of the individual comments made about the consultation or the proposals are listed below in italics. The Council's response (if any) follows:-

- Respondent suggests that as the Crime ASB and Noise Heat maps indicate lower levels of activity in Braybrooke, this area should be excluded.*
 Comment: Whilst it is accepted that some areas have lower ASB than others, ASB and Crime are not the only indicators of poorly managed properties.
- Notes that rents are low but comments that cost of upkeep of buildings is high because of need to scaffold and redecorate every 5 years. Conservation areas should allow buildings that are not listed to install appropriate UPVC windows, take down disused chimneys and apply thermal insulation to walls and ceilings in order to achieve EPC levels of E or above at reasonable costs. Council needs to support landlords in upgrading properties.*

Comment: The Council Conservation team advises that in many cases changes can be made without destroying the fabric of the original. This could include secondary internal glazing and draught proofing. Installing gas fired boilers will significantly improve the EPC levels without the need for external insulation.

- *.... was shocked to find that the council is 'cherry picking' only properties that do not comply with the 1991 building regulations due to their age and when they were converted in to flats
...in our case 1850 and 1985 respectively.*

Comment: There is more flat type HMOs than bedsit HMOs in the Hastings Central wards. Larger bedsit HMOs fall within mandatory licensing. The original intention was to concentrate on Section 257 HMOs as the Govt. was going to extend HMO licensing to smaller HMOs. This may now not occur so the council will revisit this proposal.

- *Many flats are owned and rented with minimal financial profit or used as second homes and thus remain empty causing further problems to the building as a whole, not necessarily the fault of the FH or within their remit to resolve? Improvements to older properties can be extremely expensive and even though there may be clauses in the lease to pass on these costs to LH's in the service charges, this can ultimately cause financial burden to the LH, including owner/occupiers within the building. There is very little funding available now and/or usually have benefits tied criteria or limited catchment areas. Focusing on an improvement/regeneration scheme for all would encourage LL's to come forward and seek assistance and guidance on how to improve and properly self-manage their properties*

Comment: Leaseholders need to accept that certain costs are associated with buying a flat. These include the communal cost of maintaining the common parts. If the common parts are in disrepair this is likely to reduce the value of the flat proportionally. The Council has already completed a 10 year Regeneration scheme in St Leonards. However revenue funding for such schemes is not currently available and external grant schemes do not cover this type of work.

- *According to the stats for deprivation, fuel poverty, anti-social behaviour etc. these are for all sectors of housing, not just the PRS so how can these correlate to the need for additional HMO licensing? Licensing does not necessarily tackle the issues and Landlords being left to prove breach of tenancy for anti-social behaviour is not easy and often only leads to a court issuing a suspension of possession, continuing an already broken down contractual relationship, a continuation of said concerns and draining yet more resources from both the Landlords and related authorities. The local authorities and police have enforcement rights that could be more effective whether a licensable area/property or not.*

Comment: We highlight in the consultation document that 9 of the areas of greatest deprivation in Hastings are in the 4 wards that make up the proposed additional HMO licensing area. These areas have much higher levels of private renting (over

50% in some areas) and therefore the presumption of a link between is we believe valid.

- *Costs for properties dropped into new ward boundaries will be higher than before as no early bird/discounted fees and cannot get 3/5 year licence at £360 as no history of licence – one year at £360 is again penalising Landlords for something not within their remit prior.*

Comment: Agreed. We may consider revising these proposals to allow new landlords (no previous relationship to unlicensed properties) to apply for the full range of licences.

- *You state the requirement for another licensing scheme is not all about disrepair and HHSRS but to focus on anti-social behaviour and overcrowding issues still prevalent – it is unfair to assume these are caused by FH's and HMO mismanagement - surely this highlights it is predominantly an occupier problem and additional HMO licensing does not resolve this. The council should look into other avenues to assist Landlords and the neighbourhood rather than spread their resources on yet another licensing scheme that cannot be fulfilled completely.*

Comment: Evidence would suggest that in blocks of flats that the management plays a key role in preventing ASB. If the block is insecure (and many are) it encourages unwelcome visitors and damage to the common parts. Once the intercom stops working, doors start getting forced and/or friends of tenants start shouting to be let in. This is less of a problem in owner occupied blocks.

5. Consultation Meetings and Review

Overview

- 5.1 The council organised two public meetings one in Hastings and one in St Leonards to explain the licensing proposals and these were promoted on our website. The Consultation period also coincided with a Landlords Forum organised by the NLA at which the Council provided a speaker to explain the proposals for the new additional licensing scheme.
- 5.2 The first evening meeting held at the Council offices was poorly attended with no more than ten people turning up. A presentation was given and those landlords in attendance asked questions about the scheme. The second meeting was no better attended possibly due to the fact that it followed a week after the Landlords Forum but some attendees had been to both as they had not been able to ask questions at the Landlords Forum. Each meeting lasted over two hours and included rigorous and considered discussions of the Council's proposals, so the relevant issues were scrutinised in detail. Participants were doubtful about the introduction of additional licensing, but they listened with interest to the Council's reasons for its proposals (which focused on the need to improve the management, health and safety, and quality of private rented accommodation in multiple occupation). The meetings were successful in allowing wide ranging debate in which some important issues were identified for consideration by the Council. Participants were able to express their opinions freely and highlight areas on which they required clarification, as well as making a number of suggestions for the Council to consider.
- 5.3 The Landlords forum was a much more lively debate attended by over a 100 landlords. Due to the size of the audience and the limited time for questions given that there several speakers, few members of the audience were able to ask pertinent questions. There was an underlying anger with the Council for reintroducing HMO licensing at the same time that Selective licensing was taking place on the same properties.

Discussion agenda

- 5.4 The Council's introductory presentation included the following elements:
- The difference between existing mandatory licensing for HMOs and additional and selective licensing
 - The types of properties covered by the Council's proposals – that is, the scope of the Council's scheme, which (in discussion) was said to encompass about 1,000 properties in some form of multiple occupation in four town centre wards in the borough
 - The distribution of HMOs and the data the Council has gathered on complaints and other issues.
 - The levels of deprivation across the wards.
 - The outcomes of the house condition survey
 - The Council's priorities in bringing forward its proposals – to improve the management, health and safety and quality of private rented properties in multiple occupation

- Reasons for the scheme covering parts of the Borough.
- Costs of licences and the rationale for introducing variable length licences.
- Mandatory and discretionary licensing conditions.

5.5 Following the presentation, these and many other issues were reviewed in detailed questions and discussion. These notes combine the outputs from the two meetings and the landlords forum without differentiation, since the issues raised were similar in each meeting even if the tone was slightly different.

Key findings

The Council's (under-) use of its existing powers

5.6 Many participants were keen for the Council to pursue 'rogue' HMO landlords, and felt that this was not being done effectively under the Council's previous additional licensing scheme. Therefore, they were sceptical that a renewed scheme would be any more effective in practice. They seemed to think the Council should demonstrate its effectiveness in a more limited sphere before extending its remit to a much wider range of HMOs.

5.7 Landlords were also critical of the Council's failure to identify and pursue unlicensed HMOs and they particularly complained about the very small number of prosecutions in recent years. The Council responded that several prosecutions had been taken, but that these were not always fully reported in the press.

Scope of the new proposals

5.8 The Council's presentation explained how the length of licences would be determined by the conditions in the HMO and the management arrangements for the premises. Despite the perceived benefits of longer licences some landlords felt that freehold owners might just apply for one year licences and pass the costs onto the leaseholders. Some Landlords were keen that no one received more than a single one year licence. There was some confusion over whether properties with selective licences would also require HMO licences and it was explained that where HMO licence holders also held selectively licensed flats within the building then those flats would be passported over into the HMO licence.

5.9 There was the widespread belief that the Council was "milking" landlords for both Selective and HMO licensing fees although some Landlords were under the misapprehension that Selective licences also covered the common parts of buildings which is incorrect.

5.10 Nonetheless, the landlords in both forums seemed unsure of exactly what properties would be covered and how borderline cases would be classified: they were concerned about the possible ambiguities and uncertainties. This is an important issue, since the Council will be running Additional and Selective licences in the same areas. There was criticism of the Council at the Landlords Forum for not enforcing against Council/Housing Association properties. Landlords seemed unaware that Housing Associations were regulated differently to the PRS and that they were specifically exempted from HMO licensing.

- 5.11 There were worries that licensing would both penalise responsible landlords (who would readily register) while giving rogue landlords a big commercial advantage, insofar as their tenants would pay less and the landlords would have lower costs. They also said that being licensed and formally classified as an HMO could affect the mortgages on their properties adversely.

Administration of the Scheme

- 5.12 There was a focus on red tape and data management and why we were asking people to provide information we already have. e.g. from selective licence information or the previous additional licensing scheme. It was also suggested that the teams should work together to collate this information rather than put the burden on the landlords to provide this information again.

Possible consequences of additional licensing

- 5.13 Overall, the landlords' forums were convinced that poor landlords would evade additional licensing, whereas the good landlords would conform and be penalised. In this context, they thought that additional licensing would have undesirable unintended consequences. In particular, they said that the licence fees and the additional costs of complying with the conditions of licences would force landlords to raise their rents, to the particular disadvantage of poorer tenants. Landlords also said that there were other factors such as changes to tax legislation and Universal credit that were also acting as disincentives to invest. In this context, the forum landlords also pointed out that mortgage interest is no longer tax deductible and other tax allowances for landlords have been significantly reduced – thus adding yet further burdens on landlords and their tenants.
- 5.14 Some landlords said that an unintended consequence of additional licensing might be that landlords would reduce their lettings or withdraw from the market altogether.

Charges and penalties

- 5.15 There appeared to be reasonable support for the proposal for longer licences in exchange for higher standards but some leaseholders were concerned about costs being passed on by block owners.

Balance of opinion

- 5.16 None of the landlords simply rejected additional licensing on 'ideological' grounds, as an objectionable interference with the operation of the free housing market. Rather they engaged deliberately to scrutinise the Council's proposals and offer contrary arguments. The parallel Additional and Selective Licensing regimes came in for some criticism primarily because they identify the same properties, whereas traditional shared house HMOs may escape licensing altogether.

- 5.17 Overall, there was scepticism about the Council's ability to licence all HMOs and in identifying those who had previously not licensed.
- 5.18 On these and other grounds also outlined above the two consultation meetings and the Landlords forum were strongly opposed to the introduction of additional licensing. Above all, they felt the Council should use its existing powers effectively to pursue rogue HMO owners rather than embarking on a further scheme.

6. Delivery and Enforcement

Outcomes from Previous Schemes

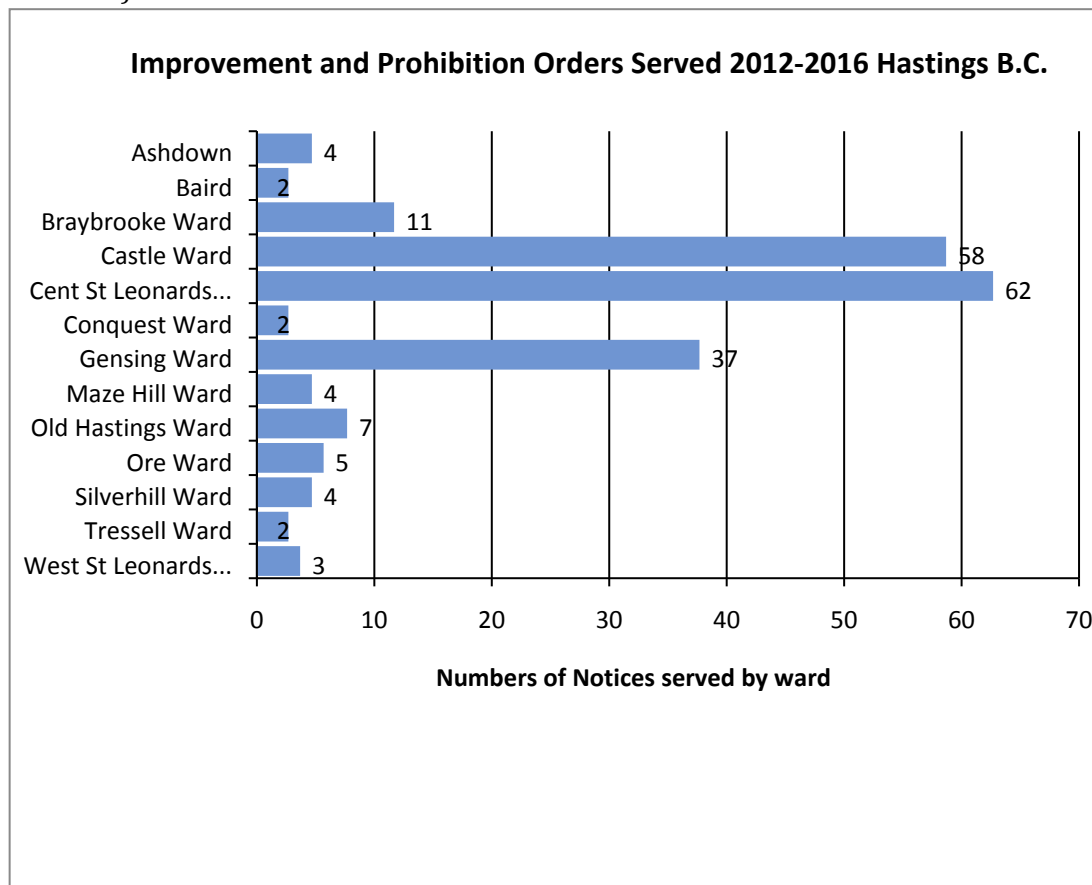
- 6.1 A number of legislative tools have been used to improve housing in the four wards. The previous Additional HMO licensing scheme which ran from 2011 to 2016 licensed over 800 buildings mainly multi flat HMOS so the effective numbers of flats improved will run into the low thousands.
- 6.2 Of the initial licence applications received, only 1% of the properties complied with the standards adopted by the Council in respect of amenity and fire safety standards. The other 99% of properties were deficient in some way, as follows:
- 72% of HMOs lacked suitable automatic fire detection and alarm systems.
 - 46% of HMOs lacked emergency lighting installations in the common parts.
 - 88% of HMOs lacked a complete and satisfactory means of escape in case of fire.
- 6.3 An exit review of the previous Additional HMO licensing scheme highlighted that upon completion of the scheme 881 HMO licences had been issued. The review demonstrated that the 2011 Additional HMO Licensing Scheme was highly successful when set against the review objectives established at the inception of the scheme.
- 6.4 The licensing regime has revealed that even responsible landlords and freeholders who have willingly submitted licence applications were just as likely to have properties that are substandard and need improvement as those criminal landlords who operate without the requisite licence. This was much greater than was originally predicted.
- 6.5 Although numbers of licences issued have been less than originally projected, a significant number of the HMOs have been licensed (80% of those in the 4 wards). Landlords and freeholders have, as a consequence, been required to take action to improve conditions, improve and/or maintain management and ensure that where applicable proper tenancy arrangements were made within HMO's. The significance of this should not be underestimated and will have resulted in considerable investment being made in respect of those properties that failed to reach basic legal requirements and standards. For instance the exit review highlights that throughout the lifetime of the scheme 465 HMO's were improved, in the main this has been the installation of fire detection, emergency lighting and suitable means of escape in the event of fire. The estimated average cost of such an installation is £ 4,000; this equates to over £ 1.8 million of private investment in the 4 wards. The direct impact upon the lives of those tenants occupying substandard properties is not easy to qualify, but it will have been considerable. This is particularly important given the number of vulnerable tenants occupying some of the worst HMOs, where fire safety is a particular concern. Up to July 2012 it was relatively easy to convert C3 (residential) dwellings to C4 (HMOs) although this change of use is now controlled by an article 4 directive, which is administered under Planning legislation. Additional licensing would give the Council

stronger powers to prevent non-compliant or criminal landlords from operating HMOs in the area.

6.6 Furthermore the Housing Renewal Team undertake about 800 Housing interventions a year based on the number of complaints received by the team. Of these about 62% directly relate to properties within the four wards of the proposed additional licensing area demonstrating that the bulk of the housing complaint work originates in the Victorian terraces of central Hastings and St Leonards.

6.7 Where landlords have failed to comply with reasonable requests to improve or maintain properties then the Council has taken formal action to improve dwelling conditions. Figure 16 below shows the number of intervention undertaken in the 4 wards using powers contained in the Housing Act 2004. This highlights the increased level of enforcement activity in the town centre wards

FIGURE 16 IMPROVEMENT AND PROHIBITION NOTICES SERVED ALL WARDS 2012 -2016 (HBC INTERNAL)



6.8 There have been a number of high profile prosecutions including five figure fines for some landlords. The largest awarded was £28,000. The council has been heavily involved in the renovation of Warrior House in Warrior Square and it was pressure from the council using Improvement Notices and the issue of legal proceedings that encouraged the freeholders to commit to the complete renovation of the building. The work has been completed to a high

standard and the building which stands in a prominent position is a beacon to what can be achieved given the right approach. It also shows confidence in the area as a place to live.

Delivery of the Scheme

- 6.9 If agreement is obtained from Council to implement a new scheme it is anticipated that a new scheme could start in February 2018. The council must by law give formal notification with a minimum of three months' notice after which the scheme becomes live. There will be a further 4 months grace period for landlords to get their applications submitted after which there will be full enforcement of the scheme.
- 6.10 Licence applications will be made on line to assist in the efficiency of issuing licences. It is the intention to deal with all licence applications within 3 months of receipt. Once granted, compliance with the conditions of the licence will be checked on a risk assessed basis. Those with five year licences will normally be subject to paper checks whilst those with one year licences will be subject to full physical inspection.
- 6.11 Compliance action will be taken against Landlords who fail to licence and those who do licence but breach licence conditions in the future. A risk assessment approach will be taken. Hastings BC will target the poorer Landlords using a risk assessment based on existing knowledge of the property and the landlord's history of compliance.
- 6.12 HMO licensing should not be seen in isolation; although it is central to the local authorities desire to improve the private rented sector. There are a number of other means by which Local Authorities can control the Private Rented Sector. Consequent to the growth of the private rented sector to encompass a wider range of tenants there has been a clamour from tenants for greater protection of their rights in the private rented sector. Not only has there been new legislation to outlaw letting fees for tenants but also several new pieces of legislation which are complimentary or directly impact on the HMO Licensing regime. The Government have recently consulted on extending mandatory HMO licensing to all 5 person HMOs irrespective of the number of stories although indications are that this will specifically exclude 257 HMOs. The Government in the Housing and Planning Act 2016 has also introduced stringent requirements in respect of rent repayment orders, introduced Civil Penalties for offences including HMO licensing offences and is proposing banning orders and a register of rogue landlords at a future date. The power to apply for Interim Management Orders (IMOs) and Final Management Orders (FMOs) has been made more attractive as the Local Authority can keep all the rental income.

Resources

- 6.13 The operation of the scheme will be funded through the revenue raised from the fees collected, which provisional estimates income of approximately £ 948,000 over the five years of the project (this equates to 75% of the total number of estimated HMO's in the area being licenced). This figure is based on the likely number of the different type of licences. It may also be the case that for various reasons that a number of licensable HMOs may vary

depending on the occupation. Where leaseholders move into a property then its status as an HMO may change.

- 6.14 All income is ring-fenced meaning it can only be used for this project and not for any other reason. Staffing will be from within the existing team with additional resources as necessary to cover peak demand.

7. Options Appraisal

Introduction

7.1 As part of the decision to introduce an Additional HMO licensing scheme the local authority must consider whether there are any other courses of action available that might provide an effective method of securing what the designation is intended to achieve and that making that designation will significantly assist them to achieve the scheme's objectives.

7.2 One method of evaluating competing courses of action is that of options appraisal. The options appraisal process seeks to examine a range of options which could be undertaken as an alternative to the proposed option namely discretionary additional licensing. Formal options appraisal was carried out for the previous scheme and a scored and weighted appraisal indicated that area based Additional licensing was by far the most effective option ranking twice as highly as the next nearest option. In reality this is not unsurprising as the relevant sections of the Housing Act 2004 were written specifically with a view to allowing local authorities to deal with HMOs which fell outside the Mandatory HMO licensing scheme.

7.3 A total of 5 options for tackling substandard and "problem" HMOs in the Borough were identified. They are:

- **Statutory Powers only**

This is the default "carry on as we are" scenario. It envisages Council intervention being limited to a basic 'complaint response' service with ad hoc working with other departments.

- **Informal Area Action**

A non –statutory Action Area, similar to the Coastal Spaces taking in part of the Borough where substandard HMOs are concentrated. Would consist of a combination of proactive inspections, Council-landlord dialogue and the threat of follow –up enforcement action.

- **Targeted use of Interim management Orders (IMOs) and, if necessary, final management orders (FMOs)**

This option would involve making interim and, if necessary, final management orders in selected HMOs whose condition justified it.

- **Area based voluntary accreditation**

This option would involve a localised accreditation scheme, tailored to suit the characteristics of the HMOs and the problems associated with them.

- **Area based Additional Licensing Scheme**

The option which is the subject of this report, described elsewhere in this document

TABLE 6 OPTIONS – STRENGTHS AND WEAKNESSES.

OPTION	FOR	AGAINST	REMARKS
Statutory Powers only	<ul style="list-style-type: none"> ○ Responds to tenants' expressed concerns ○ Ensures Council meets basic statutory responsibilities ○ Can help reduce pressure on Social Housing waiting list ○ If pursued rigorously sends a strong signal to the erring landlord, may lead to subsequent voluntary improvement 	<ul style="list-style-type: none"> ○ Not strategic: <ul style="list-style-type: none"> ● No impact beyond the subject property ● Not need-based ● Not targeted ● Not risk-based ● Wider issues in rented stock not addressed ○ No scope for synergy with other Council initiatives ○ Can lead to retaliatory eviction ○ Purely reactive service far short of Housing Inspectorate expectations ○ Tenants less likely to complain about matters directly outside the immediate curtilage of their flat. ○ tenants residing in the worst properties often do not make complaints about their living conditions ○ Low fines issued by courts do not act as a deterrent. 	<ul style="list-style-type: none"> ○ Current Policy in absence of statutory scheme
Informal Area action	<ul style="list-style-type: none"> ○ Quite strategic: <ul style="list-style-type: none"> ● Choice of area need- and risk-based ● Tailored solutions to area's 	<ul style="list-style-type: none"> ○ Informality of approach can result in extended timescales ○ Traditional, resource-intensive enforcement the only available 	<ul style="list-style-type: none"> ○ Hastings BC is already using area action within its 7 Streets Project and have a specific officer currently

	<p>housing and other problems possible</p> <ul style="list-style-type: none"> • Initiative can be project-planned • Should lead to comprehensive area improvement <ul style="list-style-type: none"> ○ Some economies of scale thanks to concentration of resources ○ ‘Grapevine effect’: message that Council active in area gets around, this facilitates resident co-operation, promotes voluntary landlord action 	<p>response to non – co-operation</p> <ul style="list-style-type: none"> ○ Pulls resources away from other areas ○ Doesn’t deal with HMOs outside of action area needing intervention ○ Resource intensive. 	<p>funded through the Costal Spaces Project</p>
<p>Targeted use of IMO and FMOs</p>	<ul style="list-style-type: none"> ○ An effective response to the most serious HMO problems ○ LA taking control means work done to proper standard, management issues resolved optimally ○ Action sends a strong signal to other errant landlords 	<ul style="list-style-type: none"> ○ Highly resource-intensive ○ LA may have difficulty attracting a management partner ○ Significant capacity issues for LA and management partner ○ Minimal impact on the overall level of poor-quality rented housing ○ Not a proportionate response to ‘mainstream’ HMO problems ○ For all of the above reasons and others besides, not strategic ○ Potentially huge cost implications for the LA ○ Need to apply to RPT, which 	<ul style="list-style-type: none"> ○ Legally a requirement of any statutory licensing scheme where it is not possible to licence a specific property or landlord is not a fit and proper person.

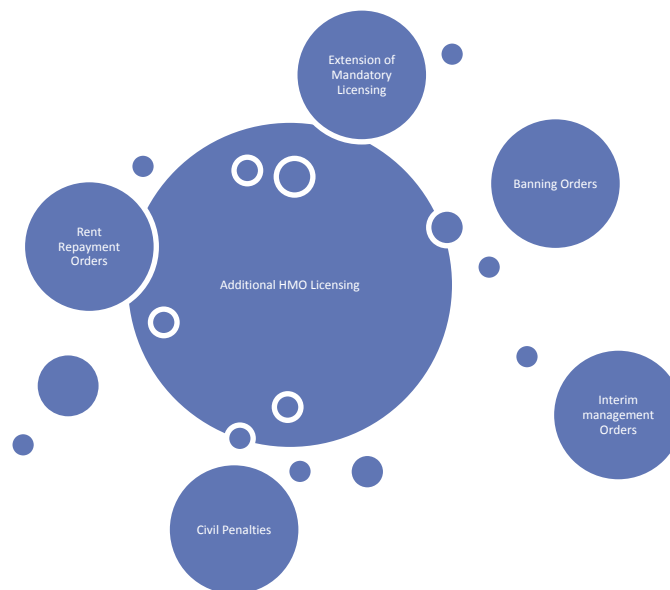
		draws the process out
Area-based voluntary accreditation	<ul style="list-style-type: none"> ○ Accreditation's proven track record ○ Easy set-up through access to existing local and national Accreditation models ○ Participating landlords 'rewarded' for their efforts ○ Possibility of 'ripple effect' as poorer landlords see tenant migration towards higher standard accommodation ○ Prospective tenants signposted to quality accommodation run by responsible landlords 	<ul style="list-style-type: none"> ○ Risk of confusion between simultaneous Borough-wide and Area-based Accreditation schemes ○ Accreditation would tend to attract the good landlord, be ignored by the bad; no incentive on the latter to join in ○ Need to differentiate between whether it is the landlord, or the property, that is accredited. ○ Not an easy 'fit' with converted blocks of flats due to multiple tenures, multiplicity of management arrangements, sheer number of players in the bigger properties. ○ Previous accreditation scheme HALO only licensed 108 properties in the four town centre wards ○ Current high demand for housing reduces the possible incentives for becoming an accredited landlord
Area-based Additional	<ul style="list-style-type: none"> ○ A strategic based approach <ul style="list-style-type: none"> ● Area(s) selected by need, risk, 	<ul style="list-style-type: none"> ○ Initiative would be seen as burdensome by many landlords

<p>Licensing scheme</p>	<p>priority</p> <ul style="list-style-type: none"> • Activity can be planned, targets set, outputs measured ○ Scope for marked impact in chosen Area(s): economies of scale, etc. ○ Fairness: mandatory nature of scheme means all join in ○ Scope to bring in funding for additional resources ○ ‘Grapevine’ effect (as Informal Area action above) should assist in moving the initiative forward ○ Nature of Licensing process cuts through problems of establishing ownerships, management arrangements, responsible persons, etc. ○ Combination of ‘carrot’ and ‘stick’ in scheme design means less time spent moving from former to latter when that becomes necessary ○ Credibility, standing of rented sector enhanced as pool of ‘approved’ rental housing enlarges ○ Previous experience of Additional Licensing makes scheme simpler to administer. 	<ul style="list-style-type: none"> ○ Scheme would need appropriate resourcing to succeed ○ Experience suggests that licensing of Section 257 HMOs is difficult where there are multiple owners ○ Potential conflict with Selective licensing scheme. Landlords may feel that Council is licensing them twice.
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Conclusions of the Option appraisal

- 7.4 Although the previous option appraisal indicates that Area based Additional Licensing is the preferred option, in reality it is not a stand-alone proposal and must be seen in the context of other more recent Housing Act Powers. It is best to see Additional Licensing as central to a holistic approach to dealing with wide scale HMO problems. The diagram below shows how Additional Licensing is the central core of a wider enforcement and regulatory regime.

FIGURE17 INTERACTION OF HMO POWERS



- 7.5 There are a number of other means by which Local Authorities can control the Private Rented Sector. There has been a recent slew of new legislation which are complimentary or directly impact on the HMO Licensing regime. The Government have recently consulted on extending mandatory HMO licensing to all 5 person HMOs irrespective of the number of stories although indications are that this will specifically exclude 257 HMOs. The Government in the Housing and Planning Act 2016 has also introduced stringent requirements in respect of rent repayment orders, introduced Civil Penalties for offences including HMO licensing offences and is proposing banning orders and a register of rogue landlords at a future date. The power to apply for Interim Management Orders (IMOs) and Final Management Orders (FMOs) has been made more attractive as the Local Authority can keep all the rental income.

8. Conclusions

- 8.1 In some respects matters are improving across the Borough with the Council taking Strategic action to improve the lives of local residents. We have already introduced Selective licensing across seven wards including the four wards which make up the Additional Licensing area. The work in the Renewal area and “Seven Streets” area is on-going and has resulted in a number of prosecutions of local landlords with fines running into 5 figures. Concerted action has resulted in the external renovation of one of St Leonard’s most iconic buildings “Warrior House” to the extent that local residents are openly commenting on its smart appearance.
- 8.2 House prices are rising in some wards above the borough average which gives confidence to new landlords that investing in maintenance and repairs is worthwhile.
- 8.3 There are however still too many HMO landlords who seem to take a hands off approach to dealing with repairs and maintenance blaming tenants for the poor state of their properties. Whilst tenant damage is not uncommon, landlords seem unwilling or unable to challenge poor behaviour such as disabling fire alarms, or using the common hallways as a dumping ground. This can lead to a spiral of decline and exposes other flat residents to hazards not of their making. Many causes of low level anti-social behaviour in the area could be dealt with by Landlords. Proper waste disposal, noise and conduct within the property can all fall within the terms of a tenancy agreement.
- 8.4 Section 56 and 57 of the Housing Act require that before a final decision on whether additional licensing designations should be made, that the council must consider how this fits with the Council’s overall Housing Strategy and how it will provide a coordinated approach to homelessness, empty properties and anti-social behaviour. These elements have been discussed throughout this document in terms of the work being carried out by the Housing Renewal and Licensing teams.
- 8.5 The Council’s overall strategic aims, as stated in the Housing Strategy, lay out the council’s overall objectives and this project’s links to them. The Council’s homelessness strategy addresses homelessness through the maintenance of existing tenancies and innovative provision of new accommodation.
- 8.6 Empty Properties are dealt with through the Empty Homes Strategy and the Council has a dedicated Empty Homes officer to coordinate work in this arena.
- 8.7 The Consultation with interested parties did not provoke a large response in terms of the numbers of person completing the surveys, despite writing to all the previous licence holders. This perhaps suggests that previous licence holders were either content with the previous scheme or noted the Councils attempts to reduce the fees for compliant landlords. It was pleasing that there was support from all parties for the Councils decision to impose shorter licences where landlords did not meet the necessary standards.
- 8.8 Nevertheless those landlords that did respond were clear in their opposition to further HMO licensing seeing it as a cash cow for the Council and an additional financial burden on landlords which would be passed onto tenants. There is a clear agreement between residents and landlords that there is a problem that needs to be addressed even if there is sometimes disagreement on how this could be achieved. These arguments will have to be

weighed against the case for providing safe accommodation through a regulated control regime.

- 8.9 Hastings Council is committed to taking responsibility for enforcement against rogue landlords using the powers it has available to it and believes that Additional licensing has a major part to play in achieving those aims. The new scheme has been designed to promote good practice amongst landlords and agents and to reward those landlords who have compliant properties and agree to meet suitable management arrangements including the Private Rented Sector Code of Practice.
- 8.10 The introduction of an additional licensing scheme would contribute toward the following:
- Improvements to the appearance and condition of HMOs (including the gardens and outbuildings) and the environmental impact they can have on the local neighbourhood.
 - Improvements to health and safety, as gas and electrical installations will be safe and fire precautions will be in place.
 - Increased awareness of management issues including fire safety, the control of rubbish and waste, and the maintenance of communal areas, gardens, and gas / electricity installations.
 - Landlords / lettings agents will be prevented from managing licensable HMOs if they are assessed as not being a 'fit and proper' person.
- 8.11 Other, indirect improvements would include the following:
- Improvements to accommodation, achieved through the use of the Housing Health and Safety Rating System, especially in situations where there is excess cold or the property is not secure.

APPENDIX 2: ADDITIONAL LICENSING APPLICATION CRITERIA

Criteria	Standard One year licence	Advanced Three year licence	Professional Five year Licence
Application form	✓	✓	✓
Correct Fee	✓	✓	✓
Must have previous licence or applicant must have acquired ownership since last scheme.	× ^a	✓	✓
Fire Risk Assessment in accordance with Fire Safety Order 2005	× ^b	✓	✓
Minimum EPC E rating	×	×	✓ ^c
Up to date Certificates ^d	×	✓	✓
No outstanding licence conditions or Enforcement Notices ^e	×	✓	✓
Must have planning permission or established use as HMO	×	✓	✓
Good application history - no reminders	×	×	✓
Adhere to Private rented Sector Code of Practice	×	×	✓
Suitable Management arrangements in place or Agent has full management control	×	×	✓
Self-Certification ^f	×	×	✓
DBS check	× ^g	× ^g	× ^g

Notes

- a. All previously unlicensed HMOs will receive a one year licence. Previously licensed HMOs can apply for a one, three or five year licence.
- b. This is a legal requirement in premises with common parts
- c. Where the licence holder controls the roof space then a minimum of 250mm of loft insulation will be required.
- d. Fire alarm certificate, Emergency Lighting certificate, recent electrical installation certificate. PAT test certificate, gas safety certificates will be required for shared house and bedsit HMOs.
- e. From previous HMO or selective Licensing scheme
- f. Self-certification will include:- Signing up and adhering to Private Rented Sector Code of Practice; having suitable maintenance arrangements in place; qualified employees; Professional membership by management agents. All Managers for five year licenses will be required to be bound by conditions of the licence. Self-Certification will include requirement for audit checks by the Local Authority.
- g. We may ask for a DBS check where we consider it necessary.

GUIDANCE ON HOUSING IN MULTIPLE OCCUPATION AND (HMO) AMENITY STANDARDS WITHIN HASTINGS BOROUGH COUNCIL

Amenity Standards for Shared Houses and Flats in Multiple Occupation

The following information is given for amenities and facilities within various types of HMO accommodation, both those that share some amenities and facilities, and those that have exclusive use of some amenities and facilities. Even if facilities are shared there is still a requirement to provide certain basic amenities within each unit of accommodation. Consideration must also be given with regard to the shared amenities provided to common hallways and areas within buildings that have self-contained flat units of accommodation only.

The following guidance covers most eventualities, but there may be situations where difficulties arise in applying the requirements of the guidance given. Such cases will be considered individually, and the Council in negotiation with the landlord/manager will decide what measures and standards are adequate and reasonable depending on the circumstances.

Heating

All common habitable rooms (Kitchens, living rooms, dining rooms etc.), bath and shower rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21°C when the outside temperature is -1°C. All circulation spaces should be heated to 18°C when the outside temperature is -1°C.

The method of heating shall normally comprise an efficient and safely designed and installed fixed heating source - a gas fired central heating system is the ideal or fixed electric storage heaters with a convector boost facility and individual thermostatic controls. All heating appliances in the common parts of the house shall be provided and fuelled at the expense of the person having control of the house and be available at all times for the tenants to control.

Gas Central Heating

Sizing of the boiler and radiators shall be determined using an approved Domestic Central Heating Calculator and approved radiator manufacturer's sizing tables.

Radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss through walls and windows.

The following controls shall be provided:

- A room thermostat suitably positioned
- A programmer
- Thermostatic Radiator Valves on all radiators except on the one in the room containing the room thermostat (usually the hall).

Gas boilers in shared houses should be located in a shared space and the landlord should not unreasonably prevent access to the timer or boiler controls.

Electric Central Heating

A full electric heating system should be designed and installed for the dwelling using off peak storage heaters.

The system shall include the following: The living room shall be provided with a fan assisted combination storage heater with thermostatically controlled top up convector heater.

The main bedroom, kitchen, hallway, and any other bedrooms with a design heat loss of 600w or over shall be provided with storage heaters. Small bedrooms where storage heating is deemed inappropriate shall be provided with wall mounted electric panel heaters with timers and electronic thermostats.

Bathrooms, where practicable, shall be provided with storage heaters or otherwise with on peak down flow heaters.

All storage heaters shall have automatic charge control and a thermostatically controlled damper outlet.

For sizing and positioning of storage heaters regard shall be had to the method set out in DOM 8: Guide to the Design of Electric Space Heating Systems, The Electrical Heating and Ventilation Association, 2006. In particular the system shall be designed so that 90% of the annual heat requirement is available at the off peak rate.

All works to comply with the latest edition of the IEE Regulations and Part P of the current Building Regulations.

Sufficient permanent ventilation shall be available for rooms containing gas and other combustion appliances such as boilers, fires and cookers.

Washing facilities

Where exclusive bathroom/shower room and toilet facilities cannot be provided, bath or shower rooms and toilets with a wash hand basin shall be provided as follows:-

1-4 Persons	One bathroom or shower room and one toilet	The WC may be located within the Shower Room
5 persons	One bathroom or shower room and one toilet	The WC and Shower room must be provided in a room separate to the bath/shower room
6-10 persons	Two bathrooms or shower room and two toilets	One of the required WC and wash hand basins shall be provided in a separate room to the bathroom
11-15	Three bathrooms or shower room and three toilets	Two of the required WC and wash hand basins shall be provided in a separate room to the bathroom

Where practicable each bedroom must have a wash hand basin, minimum size 560mm x 430mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A

tiled splashback (minimum 300mm high) shall be provided to the wash hand basin. A wash hand basin is not required where a sink with a constant and adequate supply of cold and hot water is provided within the letting on the grounds that the sink can be used for personal washing in addition to food preparation. Where there are less than five occupiers the wash hand basin can be in the bathroom.

Determination of whether it is practical to install a wash hand basin in a sleeping room / bedroom

It will generally be deemed not reasonably practical to install wash basins in bedrooms where any of the following apply:

- the relevant bedroom is part of a listed building
- the relevant bedroom has a floor area of less than 7.5 square metres
- installation of a wash basin in the relevant bedroom would require the provision of a new downpipe and/or new underground drainage to take the waste water
- accessing an existing downpipe would necessitate the waste pipe running within a floor void in such a direction that would involve cutting through joists

An existing downpipe will generally be acceptable for use if it is:

- a rainwater or soil pipe that ultimately connects, whether directly or via a gulley, to the property's foul drainage system
- in such a position that the new waste pipe could access it in compliance with Building Regulations requirements

Though we anticipate that such cases will arise rarely, we appreciate that there are likely to be other reasons in individual cases where it would not be practicable to install wash basins. We will consider these on a case by case basis on receipt of representations from the owner or manager of the property.

All washing facilities must be of an adequate size and layout, be fit for purpose and suitably located.

Bath/shower rooms must have adequate heating and ventilation.

Where there are five or more occupants, at least half of all shared WC's shall be separate from the bath or shower room.

Bath/shower rooms shall be of adequate dimensions to provide an adequate changing and drying space for the users.

Each wash hand basin shall be provided with an adequate and constant supply of hot and cold water and designed to ensure reasonable temperature control and connected to the foul water drainage system.

Each bathroom shall have either a bath of minimum dimensions 1700mm x 700mm or a shower of minimum dimensions 800mm x 800mm.

Each bath or shower shall be provided with an adequate and constant supply of hot and cold water designed to ensure reasonable temperature control and connected to the foul water drainage system.

Each toilet shall be properly connected to the foul drainage system.

Appropriate splash backs shall be provided:

- wash hand basin - a tiled splashback of minimum height 300mm,

- bath - a tiled splashback of minimum height 300mm, and
- shower - the shower compartment shall be tiled from floor to ceiling and shall be provided with a fully enclosing cubicle.

Each toilet and bath/shower room shall be provided with adequate artificial electrical lighting and all wiring and fittings shall be maintained in a safe condition. The artificial lighting shall be available at all times and no lighting points shall be controlled with a time switch. Bath/shower rooms shall have ceiling pull switches or a wall switch outside the room.

Each bath/shower room and toilet compartment shall have surfaces which are reasonably smooth, non-absorbent and capable of being easily cleansed. Floor coverings shall be slip resistant, easily cleaned and waterproof.

In addition to any window each bathroom is to have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres per second.

Each toilet in a separate compartment should have either an opening window equivalent to 1/20th of the floor area or mechanical extract ventilation (MEV) at a minimum extraction rate of 6 litres per second. Any MEV must be provided with a 20 minute overrun.

Personal washing or toilet facilities should not normally be more than one floor distant from the unit of accommodation of the user.

Kitchen Facilities

Shared kitchens must be suitably located and laid out, and provide adequate facilities for storage, preparation and cooking of food for the number of people occupying the property.

Shared kitchens must include sinks (with drainers), hot and cold water supply, cookers, electrical sockets, work surfaces, cupboards, fridge/freezers, refuse disposal facilities, extractor fans, fire blankets and fire doors.

Each unit of accommodation shall have constant access to a shared kitchen not more than one floor distant from their accommodation.

Dining facilities for shared kitchen users shall be provided within the kitchen/dining room or in a separate dining room adjacent to the kitchen.

In general, one set of facilities, as given above, shall be provided per five occupants. No more than two sets of facilities (for in total up to nine occupants) shall be provided in the same room. Only in exceptional circumstances shall this standard be exceeded in agreement with the Local Authority.

A set of kitchen facilities for up to 5 people shall include the following:

Kitchen Facilities	Standard	Minimum Provision
Sink and drainer on a base unit	A sink unit comprising a fixed impervious bowl with a drainer located within a base unit and properly connected through an adequate sized trapped waste pipe to the foul water drainage system shall be provided.	A sink and drainer of dimensions 1000mm x 600mm. The level of provision shall be one sink for the first five occupiers and one per four occupiers thereafter.

	<p>Each unit of accommodation shall be provided with a constant and adequate supply of cold running water suitable for drinking and food preparation purposes directly from the rising main. The supply is to be sited over the kitchen sink.</p>	<p>A maximum of two sets of facilities shall be provided in the same kitchen and only in exceptional circumstances shall this standard be exceeded in agreement with the Local Authority.</p> <p>Where the property is occupied by up to 7 persons a double sink and drainer may be considered acceptable in lieu of two separate sinks</p>
Cooker	<p>A gas or electric cooker with four burners/rings, an oven and a grill shall be provided for up to five occupiers. The level of provision shall be one cooker for the first five occupiers and one per four occupiers thereafter.</p> <p>A maximum of two sets of facilities shall be provided in the same kitchen and only in exceptional circumstances shall this standard be exceeded in agreement with the Local Authority.</p>	<p>A gas or electric cooker with four burners/hobs, an oven and a grill shall be provided.</p> <p>In a one person unit the cooker must comprise at least two burners/hobs, an oven and a grill.</p>
Worktops	<p>A secure fixed work surface of smooth and impervious material to be provided at 2000mm for the first five occupiers and an additional 500mm per occupancy for up to four occupiers thereafter.</p>	
Storage Cupboard for dry Goods	<p>One cupboard for each tenant.</p> <p>Separate storage space shall be provided for shared cooking equipment such as pans.</p>	<p>Dry goods storage space shall be provided within the kitchen, of 500mm width for a floor based unit or 1000mm for a wall mounted unit. Both are to be of average height and depth.</p> <p>Households that comprise of more than one individual will require more storage space as agreed with the inspecting officer</p> <p>The space beneath the sink cannot be included in any calculation.</p>
Refrigerator	<p>1 refrigerator for every five persons</p>	<p>A large standard sized refrigerator with a minimum capacity of 300 litres or 75 litres per person (whichever is greater) and freezer with a minimum capacity of 110 litres shall be provided for the first five occupiers and one additional refrigerator/freezer of the same size and capacity for each</p>

		additional four occupiers thereafter.
A Freezer	1 freezer for every five people	85 litres for up to 5 people
A washing machine	A washing machine with an adequate exclusive power source, water supply and drainage properly plumbed in.	Where there are more than 10 people occupying an HMO there must be 2 washing machines.
A clothes dryer	Clothes dryer with an appropriate power socket and venting to the outside. If it is not possible to vent to the external atmosphere then a condensing dryer is to be used.	Where there are more than 10 people then there must be at least 2 clothes dryers
Electrical Sockets	<p>Three twin outlet power sockets, in addition to any serving major appliances, shall be provided above the work surface. These shall be set at a convenient height and safe position.</p> <p>The level of provision shall be three twin outlet power sockets for the first five occupiers and one additional twin outlet power socket per two occupiers thereafter.</p>	
Lighting and Ventilation	<p>Kitchens shall be ventilated directly to the external air by means of the openable parts of a window and/or by suitable mechanical extract ventilation which shall be operated manually and/or automatically by sensor controller.</p> <p>Suitable and sufficient natural and artificial lighting</p>	<p>The extract ventilation rates are as follows:-</p> <p>Adjacent to a hob – 30 litres/second Elsewhere in the kitchen – 60 litres/second.</p> <p>The extract ventilation system must be provided with a 20 minute overrun. Sufficient to enable the safe preparation and cooking of food.</p>
General	<p>A two course tiled splashback of minimum height of 300mm shall be provided behind the sink.</p> <p>Kitchens shall be of such a size and layout that they can practicably and safely be used.</p> <p>Cookers shall not be located adjacent to doorways and there shall be sufficient space for items to be retrieved from the oven and for the safe circulation of occupants generally.</p>	

Space Standards for Shared Houses

Space standards vary considerably, depending on the type of HMO being considered. It is very important that you consider the relevant space standards for the facility you are providing.

Flats in Multiple occupation (FMOs) and shared houses without a shared lounge will generally be considered as a cluster of bedsits/studio rooms, each of which is required to comply with the Bedsit/Studio Room Standards (see bedsit standards)

The room sizes given here are minimum expected sizes. It is understood that there may be exceptions and individual issues that will need to be considered on a case by case basis. However, best efforts will be sought to ensure these minimum standards are reached in all cases to ensure the health, safety and welfare of the occupying tenant.

In all cases a child will be considered as a separate person/occupant in terms of these standards.

The minimum room sizes are also subject to each room being of a shape offering adequate useable living space in determining where it is suitable for occupation.

A 10% margin of flexibility will be applied to standards should additional facilities exist:

For shared house type HMO accommodation, the following space standards for sleeping rooms shall apply, as a minimum.

Where a shared communal lounge and a kitchen/dining room is provided then the minimum sleeping room size may be 6.52m² for single persons and 11m² for a double room

Where there is no communal living room the room sizes should be 10m² for a single person room and 15 m² for a double room. In all cases a dining area should be provided, which may be either in or adjacent to the kitchen.

Minimum room size	
Single Bedroom	Minimum size should be 6.52 square metres.
Double Bedroom i.e. bedrooms for married couples /co-habitees/civil partnerships	Minimum size should be 11.00 square metres.
Kitchen without dining facilities	
Kitchen shared by 3-4 persons	Minimum size should be 6.5 square metres.
Kitchen shared by 5 persons	Minimum size should be 7 square metres.
Kitchen shared by 6 persons	Minimum size should be 8.5 square metres.
Kitchen shared by 7 persons	Minimum size should be 9 square metres.
Kitchen shared by 8 persons	Minimum size should be 9.5 square metres.
Kitchen shared by 9 persons	Minimum size should be 10 square metres.

Kitchen with dining facilities	
Kitchen/diner shared by 3-4 persons	Minimum size should be 11.5 square metres.
Kitchen/diner shared by 5 persons	Minimum size should be 12 square metres.
Kitchen/diner shared by 6 persons	Minimum size should be 13.5 square metres.
Kitchen/diner shared by 7 persons	Minimum size should be 14 square metres.
Kitchen/diner shared by 8 persons	Minimum size should be 14.5 square metres.
Kitchen/diner shared by 9 persons	Minimum size should be 15 square metres.
Separate living room and dining rooms	
Living or diner shared by 1-3 persons	Minimum size should be 8.5 square metres. (16 m ² if combined)
Living or diner shared by 4 persons	Minimum size should be 9 square metres. (17m ² if combined)
Living or diner shared by 5-9 persons	Minimum size should be 10 square metres. (18.5m ² if combined)

The floor to ceiling height should normally be no less than 2.14m. It is the floor area beneath this ceiling height that will be used to calculate the appropriate size of the unit provided. Please note that where a ceiling is sloping, only the floor area where the ceiling height is 1.5 metres or higher can be counted

It is expected that a shared house HMO will be provided with a kitchen, kitchen/diner and living room or a combination of the three.

Where the type of HMO accommodation to be offered is of a Hostel, Guest House or Bed & Breakfast accommodation type, the following space standards will apply. Note that in addition to room unit sizes there is also a standard requirement in this type of HMO to supply a common room of a certain size.

The minimum floor area for each bedroom unit shall be as follows:

- For 1 person, not less than 8.5 m²
- For 2 persons, not less than 11m²
- For 3 persons, not less than 15m²
- For 4 persons, not less than 19.5m²
- For each additional person there should be an additional 4.5m² of floor area.

In no case shall a room be occupied by more than five persons being of the same family and rooms shall not be shared unless the individuals concerned consent to share the room. In any event, no persons over the age of 10 years and of opposite sexes shall be required to sleep in the same room unless they are co-habitees.

In this type of HMO a common room is to be provided. The area, or aggregate areas if more than one room is to be provided shall be calculated on the basis of 1m² of floor area per person. This shall include at least the provision of one area of 15 m².

Amenity Standards for Bedsit and Studio HMOs where there is some exclusive use of facilities within letting rooms

This standard applies to a property occupied by more than one household which is let as bedsits, studios (one room with a combined living and sleeping area with amenities exclusive to the occupier, usually within the letting), or any combination of these arrangements.

Tenants may have a room or number of rooms for exclusive occupation. In this type of accommodation, each occupancy is separately rented. Each room for exclusive occupation will normally be lockable. There is often sharing of some amenities, for example WCs and washing facilities, between separate lettings. Generally in this type of HMO there is no shared living space provided and tenants are required to use their letting rooms for both sleeping and day to day living. Kitchens may be shared but only where they are outside the confines of the exclusive accommodation.

Heating

All common habitable rooms (Kitchens, living rooms, dining rooms etc.), bath and shower rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21°C when the outside temperature is -1°C. All circulation spaces should be heated to 18°C when the outside temperature is -1°C.

The method of heating shall normally comprise an efficient and safely designed and installed fixed heating source - a gas fired central heating system or fixed electric storage heaters, with individual thermostatic controls. All heating appliances in the common parts of the house shall be provided and fuelled at the expense of the person having control of the house and be available at all times for the tenants to control.

Heating in bedsit type HMOs should be from storage heaters which are also fan assisted, gas fires or gas-fired central heating. Wall-mounted electric panel heaters are only acceptable where the room is up to 11 square meters in area, has only one external wall, has a ceiling height of no more than 2.4m and has another heated space above and below it. Such panel heaters shall have timers and electronic thermostats.

Where individual heaters are provided in bedsits, suitable heating should also be provided to all communal rooms, common areas and bathrooms capable of reaching and maintaining 18°C (common areas) and 22°C (bathrooms) when the external temperature is -1°C.

The cost of heating the communal areas of shared houses or bedsit type HMOs shall be met out of the general rental or energy charges and not from a prepayment meter.

Gas Central Heating

Sizing of the boiler and radiators shall be determined using an approved Domestic Central Heating Calculator and approved radiator manufacturer's sizing tables.

Radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss through walls and windows.

The following controls shall be provided:

- A room thermostat suitably positioned
- A programmer
- Thermostatic Radiator Valves on all radiators except on the one in the room containing the room thermostat (usually the hall).

Gas boilers which provide whole house heating should be located in a shared space and the landlord should not unreasonably prevent access to the timer or boiler controls.

Electric Central Heating

A full electric heating system should be designed and installed for the dwelling using off peak storage heaters.

The system shall include the following: The living room shall be provided with a fan assisted combination storage heater with thermostatically controlled top up convector heater.

The main bedroom, kitchen, hallway, and any other bedrooms with a design heat loss of 600w or over shall be provided with storage heaters. Small bedrooms where storage heating is deemed inappropriate shall be provided with wall mounted electric panel heaters with timers and electronic thermostats.

Bathrooms, where practicable, shall be provided with storage heaters or otherwise with on peak down flow heaters.

All storage heaters shall have automatic charge control and a thermostatically controlled damper outlet.

For sizing and positioning of storage heaters regard shall be had to the method set out in DOM 8: Guide to the Design of Electric Space Heating Systems, The Electrical Heating and Ventilation Association, 2006. In particular the system shall be designed so that 90% of the annual heat requirement is available at the off peak rate.

All works to comply with the latest edition of the IEE Regulations and Part P of the current Building Regulations.

Sufficient permanent ventilation shall be available for rooms containing gas and other combustion appliances such as boilers, fires and cookers.

Washing facilities (for exclusive use of the occupier)

Where practicable, in Hostels, guest houses, B&B type HMOs and bedsit type HMOs (where other washing facilities are shared) each unit of accommodation shall be provided with a wash hand basin of minimum dimensions of 560mm x 430mm. Each wash hand basin shall be provided with adequate and constantly available supplies of hot water (designed to ensure reasonable temperature control) and wholesome cold water for drinking purposes and shall be connected to the foul water drainage system by means of a trapped waste pipe. Each wash hand basin shall have a two course tiled splashback of a minimum height of 300mm.

Each unit of accommodation shall have an enclosed and adequately laid out and ventilated room with a toilet, wash hand basin (minimum dimensions of 560mm x 430mm) and bath or fixed shower supplying adequate cold and constant hot water for the exclusive use of the occupiers within the unit of accommodation.

The bathroom or shower room shall contain either a bath (minimum dimensions 170mm x 760mm) or a shower (minimum dimension 800mm x 800mm) and a wash hand basin properly connected to the existing drainage system by means of a trapped waste pipe.

The bathroom or shower room shall be of adequate dimensions to provide an adequate changing and drying space for the users.

A tiled splashback of minimum height 300mm shall be provide to each wash hand basin and bath. Shower compartments shall be tiled from floor to ceiling and shall be provide with a fully enclosing cubicle.

In addition to any window each bathroom is to have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres per second.

Each toilet in a separate compartment should have either an opening window equivalent to 1/20th of the floor area or mechanical extract ventilation (MEV) at a minimum extraction rate of 6 litres per second. Any MEV must be provided with a 20 minute overrun.

Bathrooms and shower rooms shall have surfaces which are reasonably smooth, non-absorbent and capable of being easily cleansed. Floors shall be slip resistant.

An “en-suite” bath or shower shall be acceptable as the sole provision for any unit of accommodation only where that accommodation is of the “studio” or one bedroom variety.

Where bedsit HMOs share a common bathroom then the standards for “Shared House HMOs apply.

Kitchens

Kitchen Facilities	Minimum Provision
Sink and drainer on base unit	<p>A sink unit comprising a fixed impervious bowl with a drainer located within a base unit and properly connected through an adequate sized trapped waste pipe to the foul water drainage system shall be provided.</p> <p>Each unit of accommodation shall be provided with a constant and adequate supply of cold running water suitable for drinking and food preparation purposes directly from the rising main. The supply is to be sited over the kitchen sink.</p>
Cooker	<p>A gas or electric cooker with four burners/hobs, an oven and a grill shall be provided.</p> <p>In a one person unit the cooker must comprise at least two burners/hobs, an oven and a grill.</p>
Worktops	<p>A secure, fixed worktop of smooth and impervious material of minimum size 600mm x 1000mm shall be provided.</p>
Storage Cupboard for dry Goods	<p>Dry goods storage space shall be provided within the kitchen, of 500mm width for a floor based unit or 1000mm for a wall mounted unit. Both are to be of average height and depth. Households that comprise of more than one individual will require more storage space as agreed with the inspecting officer</p>
Refrigerator/freezer	<p>A standard sized under counter refrigerator/freezer with a minimum</p>

	capacity of (130 litres) shall be provided for each letting. Households that comprise of more than one individual will require additional refrigerator/freezer space as agreed with the inspecting officer.
Electrical Sockets	Two twin outlet power sockets (in addition to any power socket outlets serving major appliances) set at a convenient height and safe position.
Lighting and Ventilation	Kitchens shall be ventilated directly to the external air by means of the openable parts of a window and/or by suitable mechanical extract ventilation which shall be operated manually and/or automatically by sensor controller. The extract ventilation rates are as follows:- Adjacent to a hob – 30 litres/second Elsewhere in the kitchen – 60 litres/second. The extract ventilation system must be provided with a 20 minute overrun. Suitable and sufficient natural and artificial lighting
General	A two course tiled splashback of minimum height of 300mm shall be provided behind the sink. Kitchens shall be of such a size and layout that they can practicably and safely be used. Cookers shall not be located adjacent to doorways and there shall be sufficient space for items to be retrieved from the oven and for the safe circulation of occupants generally.

Space Standards

The following are minimum floor areas for accommodation where there are some amenities or facilities for the exclusive use of the occupier (i.e. bedsits and studios)

One person Unit of accommodation

If the accommodation unit consists of one room only:

- Each bedroom (where kitchen facilities are included within the bedroom): 14m²
- Each bedroom (without kitchen facilities): 10m²

If the accommodation unit consists of 2 or more rooms:

- Each Kitchen: 4.65m² + Living Room 9.3m² + bedroom 6.52m²
or
- Each living room/kitchen: 11m² + Bedroom 6.52m²

Two person unit of accommodation

If the accommodation unit consists of one room only:

- One room accommodation is not suitable for more than one person

If the accommodation unit consists of 2 or more rooms:

- Each Kitchen: 4.65m² + Living Room 12m² + bedroom 10m²
Or
- Each living room/kitchen: 15m² + Each bedroom: 10m²

Space standards for Section 257 HMOS

Section 257 HMOs are buildings which have been poorly converted into self-contained flats. These vary from large flats to small studio lets containing a kitchen/bedroom/living room with adjoining bathroom. With Section 257 HMOs there is no sharing of facilities. Where the flat has separate rooms for all activities then the following standards apply.

One person one bedroom flat	Bedroom – 7m ² Living Room -11.5m ² Kitchen -5.5m ² Total habitable floor area – 24m ²
One person flatlet with separate Kitchen	Bedroom/Living Room – 14m ² Kitchen- 5.5m ² Total habitable floor area –19.9m ²
One Person Flatlet with separate Bedroom	Bedroom – 7m ² Kitchen Living Room 14.5 Total habitable floor area – 21.5m ²
Two person one bedroomed flat	Bedroom – 10.5m ² Living Room -13m ² Kitchen -5.5m ² Total habitable floor area – 29m ²
Three person two bedroom flat	Main Bedroom (2 persons) -10.5m ² Second bedroom – 6.5m ² Living Room - 13m ² Kitchen - 5.5m ² Total habitable floor area – 35.5m ²
Four person three bedroom flat	Main Bedroom (2 persons) -10.5m ² Second bedroom – 6.5m ² Third bedroom – 6.5m ² Living Room - 13m ² Kitchen - 5.5m ² Total habitable floor area – 42m ²

All rooms should be accessible directly off a common hallway or access lobby. Kitchens should not be used to access bathrooms unless there is a separate means of escape from the bathroom

Standards for All HMOs

Lighting

Natural Lighting

All habitable rooms such as living rooms and bedrooms shall have an adequate level of natural light provided by means of a clear glazed window to enable normal domestic activities to be carried out safely and conveniently during daytime lighting conditions. Where practicable bathrooms and toilet compartments shall also comply with this standard. Glazing to windows and doors in bathrooms and toilet compartments shall be obscure.

Artificial Lighting

All habitable rooms, kitchens, bathrooms, toilet compartments, staircases, landings and passages shall be provided with adequate electrical lighting, and all wiring and fittings shall be maintained in a safe condition.

All habitable rooms, kitchens, bathrooms, and toilet compartments shall have at least one ceiling or suitably located wall lighting outlet with the capacity to allow normal domestic activity to be undertaken without strain after dark.

Light switches shall be fixed and conveniently located near the entrances to rooms and circulation spaces.

Bathrooms shall have ceiling pull switches or a wall switch outside the room.

Clothes washing and drying facilities

There should be space for a washing machine with an appropriate power socket adjacent provided. There should be clothes drying facilities, preferably both outside and internally. Internal clothes drying space could be an airing cupboard but where there is no airing cupboard in the building it is important to consider how clothes will be dried inside to minimize condensation – drying clothes internally without adequate ventilation is to be discouraged. There should be space for a clothes dryer with an appropriate power socket and venting to the outside provided. If it is not possible to vent to the external atmosphere then a condensing dryer is to be used.

Refuse storage and disposal

Rubbish should not be allowed to accumulate in the house except where properly stored pending disposal.

Provide suitable rubbish containers of adequate size for the number of occupants.

Site containers in the kitchen and in other appropriate locations.

Ensure that tenants are aware of collection days for refuse and recycling (other than in areas where communal street bins are provided).

Make arrangements with the Council's waste collection service for extra collections if there isn't adequate space to store rubbish within the boundaries of the house or to avoid causing a nuisance to the neighbourhood.

At the end of each tenancy any rubbish or unwanted household goods left behind by tenants should be removed and disposed of appropriately by the landlord before the start of the next tenancy.

In particular, any rubbish or goods left in front or back gardens or on the pavement in the front of the HMO should be removed immediately.

Tenants should not be allowed to store rubbish under the stairs or within the common parts and cupboards in the common parts should be kept locked.

Cleaning

At the start of a tenancy, each unit of accommodation must be in a clean condition and in good repair before the tenants move in. Similarly, any common parts of the house must be clean and in good order.

In shared houses it is recognised that the cleaning of shared facilities is usually the tenants' responsibility. Landlords should provide clear instructions/notices to tenants on their cleaning responsibilities and follow up as appropriate if these are not observed.

However, the cleaning of communal areas in houses occupied as bedsits and flats (where the tenants have separate tenancies) are the responsibility of the landlord or manager. The manager should ensure that all common parts and shared facilities are cleaned on a regular basis, e.g. by employing a cleaner.

Security

Entry through the communal front door is the most common means of access for residential burglary. All insurance companies require key operated locks on all windows and British Standard door locks otherwise they will not provide insurance cover.

(a) Communal front door

The main entrance door from the street should close properly, be capable of resisting bodily pressure and slipping of the door lock. Entry systems should not have 'tradesmen' buttons, which bypass normal locking. The following requirements apply:

- The door should be of solid construction.
- Solenoid based, bolt-action locks are preferred, as they cannot be put on the latch and require less maintenance (also fully compliant with means of escape).
- Landlord registered keys to control access.
- Letterbox Cowl to prevent access to the door lock.
- Properly maintained door closer to ensure the door shuts properly.
- Glazing should be protected (see Windows).

(b) Individual dwelling doors

Entrance doors to FMOs/Individual dwelling doors (shared houses)

- Landlord registered keys should be used for all locks. The main entrance door to an FMO and each individual letting within a shared house should meet the following minimum standard.
- Door to be of solid construction and attached using three hinges.
- BS8621:2007 Auto-Deadlocking Night-latch.
- BS8621;2007 Mortice lock with thumb turn cylinder, which does not require a key to open the door from the inside, to allow escape in the event of a fire.
- Hinge Bolts and Frame Reinforcers to resist bodily pressure (the most common method of forcing doors in converted properties).
- Door Chain and Viewer.

(c) Windows

All windows should have key operated locks (this is an insurance requirement).

All basements, ground floors and other externally accessible windows should have restrictors fitted.

Glazing may be protected in a variety of ways:

- Internal grilles or gates

- Security film
- Laminated glazing

NB: Georgian wired glass offers no security

Appendix 3 – 2017 HMO Licensing Fees and Charges

Tariff Chart

	Standard 1 Year	Advanced 3 Years	Professional 5 Years
Previous Licence Holders and renewals From ¹ £400	Criteria: <ul style="list-style-type: none"> • Must have previously held an HMO Licence • Must apply within grace period³ 	As Standard, plus: <ul style="list-style-type: none"> • Fire Safety Risk Assessment • Up to date certification (gas safety, electrical safety)⁴ • Full planning permission held for HMO use • Have a good record of compliance with housing legislation⁵ 	As Advanced, plus: <ul style="list-style-type: none"> • Must adhere to Private Rented Sector Code of Practice⁶ • Self-certification⁷ • All flats must have EPC rating of E or above • Must provide a declaration of suitable management • Managers to be bound by the conditions of the licence.
New Licence Holders From ¹ £400	Criteria: <ul style="list-style-type: none"> • Must have acquired the property since the end of the previous HMO licensing scheme • Must apply within grace period³ 		
Unlicensed HMOs² From ¹ £1,000	Criteria: <ul style="list-style-type: none"> • Where proposed licence holder failed to licence HMO under previous scheme <i>or</i> • Failed to apply within grace period³ 	Not available	

- ¹ A Selective Licensing surcharge may be payable if one or more rented flats for which a licence is required is present. The fee will be that as set for the Selective Licensing Scheme presently in operation. If a rented flat has the benefit of a Selective Licence then no surcharge is required.
- ² This is the fee levied for such properties and is not to be confused with penalties for failure to apply for a licence.
- ³ Refers to the period of 4 months beginning with the date on which any new licensing scheme launches or for new licence holders (a) within two months of the licence holder acquiring the full title to the property or (b) within two months of the property becoming a licensable HMO.
- ⁴ Supporting documents required;
 - Gas Safety Certificate (if gas supply present)
 - Electrical Safety Certificate (undertaken in the last 5 years)
 - Portable Appliance Testing (if electrical appliances provided to tenants)
 - Fire Alarm System Testing
 - Emergency Lighting System Testing
- ⁵ All licence applications made on time, no outstanding licence conditions, no justified service requests (current complaints about the property we are taking action to resolve), all certificates provided up to date, no issues with other council departments
- ⁶ http://www.rics.org/Global/Private_Rented_Sector_code_PGguidance_amended_July_2015.pdf
- ⁷ Self-certification requires applicants to undertaken to;
 - Provide all copies of certificates as required
 - Adhere by the principles of the Private Rented Sector Code of Practice (see ⁶ above)
 - Have arrangements in place with suitably qualified and competent trades people for the maintenance / repair of the property

Further notes;

The application process is 'online'; the Council can assist with applications for an additional charge of £ 100.

The Council can provide an advisory visit to the property to advise on licensing requirements. The charge for any advisory visits is £ 150 per visit.

Duplicate / lost licences are provided at £ 25 per licence.

Licence fees are not refundable for unused licence periods. Refunds may be given in extraneous circumstances where it can be demonstrated that a respective property was not an HMO.

No payments by instalments are accepted, fees must be paid at the time of application.

Registered Charities operating and managing properties are exempt from the licensing fees, but not the requirement to be licensed.

Table 1. Application rate and associated income.

Description	Fee	18/19	19/20	20/21	21/22	22/23	Total Number of Applications	Income for Category
Previously unlicensed	£ 1000	15	30	60	20	5	130	£ 130,000.00
Standard (1 year)	£ 400	250	111	58	88	73	580	£ 232,000.00
Advanced (3 years)	£ 400	300	105	60	370	130	965	£ 386,000.00
Professional (5 years)	£ 400	160	52	26	130	134	502	£ 200,800.00
Total applications for year		725	298	204	608	342	2177	
Total Income		£ 299,000.00	£ 137,200.00	£ 117,600.00	£ 255,200.00	£ 139,800.00		£ 948,800.00

Table 2. Full budget sheet.

	18/19	19/20	20/21	21/22	22/23	Total for Scheme
EMPLOYEE Total	£ 105,000	£ 108,000	£ 110,000	£ 112,000	£ 149,000	£ 584,000
SUPPLIES AND SERVICES Total	£ 42,500	£ 6,000	£ 6,000	£ 6,000	£ 6,000	£ 66,500
SUPPORT SERVICES Total	£ 50,000	£ 55,000	£ 60,000	£ 65,000	£ 70,000	£ 300,000
Total Expenditure	£ 197,500	£ 169,000	£ 176,000	£ 183,000	£ 225,000	£ 950,500
Fees and Charges	-£ 299,000	-£ 137,200	-£ 117,600	-£ 255,200	-£ 139,800	-£ 948,800
Net						£ 1,700

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19 JUNE 2017

Present: Councillors Forward (Chair), Bacon, Howard, Sinden, Street and Patmore

Museum Association Representatives: Mrs Barrett, Mr Peak, Mrs Purdey, Mr Palfrey-Martin and Mr Dudman

86. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Dowling and Edwards.

87. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

88. MINUTES OF THE MEETING HELD ON 13 MARCH 2017

RESOLVED – that the minutes of the meeting held on 13 March 2017 be approved and signed by the Chair as a true record.

89. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

The Committee welcomed Councillor Forward, Lead Member, as Chair of the Museums Committee.

Members were informed that Polly Gifford, Cultural Strategic Development Specialist had taken over from Nick Sangster.

90. CURATOR'S REPORT

Cathy Walling, Museum Curator, presented a report to provide an update on issues arising from previous meetings and confirmation of the Curator's actions.

The Curator confirmed the 125th Anniversary of the Museum will take place on Wednesday, 16th August. The formal opening ceremony will commence at 3.30pm, followed by a programme of family activities and an exhibition of the history of the museum.

1. The Museum has completed an Arts Council funded pilot project to explore, through artist's facilitation, how intangible culture heritage, as recognised by UNESCO, can be captured, recorded and preserved for the future and the valuable role that the museum collections can take in this. Artist Mary Hooper and the HFPS have undertaken a sharing event at the Angling Club to discuss with fishermen and

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their families, social practices and heritage. The Museum is exploring external funding opportunities for further work in partnership with the HFPS. Further updates will follow in due course.

2. The Geology Gallery has been updated to include new activities for children. The new display to the ceramics gallery will be completed next month to finish in time for school summer holidays.
3. A number of requests for reproduction of images has been dealt with by the museum:-
 - Images of local windmills for a limited edition book on the Windmills of the Hastings Rape by Bob Bonnett.
 - Copy of stereoscope image of Hastings Fishermen for use in the Fishermen's Museum replica public stereoscope.

RESOLVED - that the Committee accepts the report and are satisfied with the comments in the report.

91. UPDATE ON MUSEUM RESILIENCE PROJECT

Cathy Walling, Museum Curator, presented a report to update members on the progress with the Arts Council England funded Museum Resilience Project.

1. The Arts Council England Museum Resilience Fund successfully awarded £85,000 for a project to be delivered between 1 October 2016 and 31 March 2018. Finding our Place 2: Delivering the Vision will work on four areas for improvement identified in the Part 1 review:-
 - Improving visibility of the Museum through marketing and promotion
 - Audience Development and engagement
 - Collections review to ensure effective working practices
 - Business and project development expertise.
2. The Collections Review is underway and is 6 months into its second round. Staff have completed training in the updated MODES (Museum Object Data Entry System) catalogue software, and in the updated SPECTRUM UK collection management standard. The Collection review guidance framework and template is being trialled in the review pilot with the First World War collections. The pilot will be used as a basis for other social history collections in the museum. A documentation intern has been working with the curator on the WWI project and posters.
3. Several meetings have taken place with the Business Development Consultants regarding a draft outline proposal on developing the case for support, discussion and feedback. The next meeting will take place on 4th July. Followed by the final document by the end of July.

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4. Museum staff have completed a self-assessment framework to develop a shared vision for a sustainable future. The following organisational goals were agreed:

Goal 1: Establish a shared vision and values for the museum

Goal 2: Grow the museum's profile both within the local authority and the regional cultural and tourism sector

Goal 3: Increase the museum's visitor base through a deeper understanding of its audience and non-users

Goal 4: Strengthen the museum's participation in tourism economy activity

Goal 5: Improve facilities management and planned maintenance

These will be included in the Business Development Plan and will be subject of future staff training and mentoring from the Sustainability consultant.

5. The Marketing Intern is auditing the Museum's current marketing outputs and has undertaken work on forthcoming events and use of social media.

Mr Peak recommended an additional Goal 6, stating the museum should receive sufficient funding. The Curator confirmed this is a goal the framework is based on.

RESOLVED – that the Committee accepts the report and are satisfied with the comments in the report.

92. UPDATE ON LOANS

Cathy Walling, Museum Curator, presented a report to inform members of two loans: -

1. Turner loan to the Frick Collection

The Turner watercolour has returned from an exhibition at the Frick. It has been one of their most popular exhibitions with over 85,000 visitors attending. The organising curator at the Frick has written a thank you letter for the loan of the painting.

2. Loan to De La Warr Pavilion

Members were encouraged to see the Simon Patterson exhibition Safari which ends on 3 September 2017. Hastings Museum has loaned 57 items to the exhibition:- The items include ethnographic spears, clubs, paddles, oars and bows; framed and unframed photographs; taxidermy specimens; Sioux war bonnet; Grey Owl film costume; Piltdown skull replica; elephant tusk; carved column from Durbar Hall.

Mrs Barrett asked the curator when items were loaned to other Museums, whether Hastings Museum provide them with a brochure providing further details of what, where and who we are. The Curator confirmed this was undertaken.

RESOLVED – that the Committee accepts the report and are satisfied with the comments in the report.

93. TRANSFER OF MATERIAL TO BATTLE MUSEUM

MUSEUMS COMMITTEE

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Cathy Walling, Museum Curator, presented a report to inform members of a request from Battle Museum to convert loans into donations.

1. The Curator said she had received a request from Battle Museum of Local History to consider converting some of the long term loans to Battle Museum into donations. Most of the items have been on permanent exhibition for over 50 years and form part of the permanent display in their galleries. She said Battle Museum had requested that four items which were excluded from a gift in 1968: Stothard's Bayeux Tapestry prints; mezzotint of Isaac Ingall, Isaac Ingall's walking stick and the Allwork collection of Battle prints, and the four items loaned in 2003 associated with the gunpowder industry, become a donation.

The Museum Accreditation process very strongly recommends that where possible long term/permanent loans are converted into donations.

The complete list of items is:

1. Stothard's Bayeux tapestry prints
2. Allworks albums of prints of Battle
3. Isaac Ingall's walking stick
4. Mezzotint of Isaac Ingall
5. Eprouvette with V-shaped spring
6. Eprouvette with flint lock mechanism
7. 2 powder scoops made of copper

Mrs Barrett raised concern that the items would not be returned if Battle Museum were to fold. Apart from Isaac Ingall's walking stick and Mezzotint of Isaac Ingall, she said she would be disappointed if these items were given in perpetuity to a small local voluntary run museum and were not kept as part of the treasures of Hastings. She stressed that there would be no control or legal entitlement once the items have been gifted.

Mrs Purdey sought clarification on whether Battle Museum held the original Stothard Bayeux Tapestry print and Hastings held a copy of it. The Curator confirmed that they were both limited prints which were produced at the same time and neither one was the original. Mrs Purdey suggested Hastings donate the Allworks albums of prints of Battle; Isaac Ingall's walking stick and Mezzotint of Isaac Ingall. She raised concern that if Battle Museum were to fold there would be no display in the Hastings area on the gunpower industry.

Councillor Street asked the Curator to explain what would happen to the items if Battle Museum were to close. The Curator said that as they were a fully accredited museum, they would not be able to sell items but would be able to pass them back to Hastings.

Mr Dudman recommended that there should be a written agreement with any loan which states that if Battle Museum were to close they are legally obliged to return the items. The Curator explained that this is what is covered by the accreditation standard and would appear on a standard loan agreement.

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Councillor Forward asked why Battle Museum wanted the items converted to donations. The Curator explained that they had been asked to contact their lenders and turn items into donations; similarly Hastings do the same with items on permanent loan. She said permanent loans should be renewed every 5/10 years if the lending institution prefers not to transfer the loan into a donation.

Mrs Barratt proposed an amendment to the officers' recommendation as set out in the resolution below. This was seconded by Councillor Street.

RESOLVED (unanimously) – that the Committee recommend the donation of the following items to Battle Museum:-

1. Allworks albums of prints of Battle
2. Isaac Ingall's walking stick
3. Mezzotint of Isaac Ingall

The remaining items be retained by long term loan:-

4. Stothard's Bayeux tapestry prints
5. Eprouvette with V-shaped spring
6. Eprouvette with flint lock mechanism
7. Powder scoops made of copper

94. MUSEUM ATTENDANCE FIGURES

Cathy Walling, Museum Curator, presented a report to inform members of figures for attendances and educational activities and use of the website for the fourth quarter of 2016-17. Figures for January to March 2017 were submitted for comparison.

It was noted that the number of visitors for Hastings Museum and Art Gallery had increased by 1,846 for Quarter 4 when compared with the previous year.

Numbers of pupils in organised groups had increased by 315.

Participants in non-education provider sessions have increased by 82.

The Curator explained that the total number of visitors for the year 2016/17 was 45,497. This compares to 42,437 in 2015/16. This includes the 950th anniversary which took place this quarter.

At the time of the meeting, the number of followers on Twitter had increased to 1,382 and Facebook to 1,452.

The number of weddings and civil ceremonies had reached 20, compared to 18 for the same period last year. 9 ceremonies are booked for 2017/18 so far. The next wedding fair will take place next quarter on 10th September.

The Curator referred to the visits made by educational establishments during this quarter.

Erica Barrett commended the Facebook entries which she said were thoughtfully selected and explained with text and a picture. She also thanked the museum staff for being extremely helpful and always very welcoming.

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RESOLVED - that the Committee accepts the report and are satisfied with the comments in the report.

95. **MUSEUM EVENTS AND ACTIVITIES**

Cathy Walling, Museum Curator, presented a report to inform Members of forthcoming events and educational activities taking place at the Hastings Museum and Art Gallery during July to September 2017, for Quarter 2. These included:-

Exhibitions

To 3 September: A Sussex Wave from Japan. The colour woodcuts of Eric Slater and Arthur Rigden Read.

To 18 June: People Object Place. A community project display exploring the heritage of migration.

24 June to 10 September: The Story of Hastings Museum.

1 September to 12 November. Cash, Clash and Climate. An installation by Maslen & Mehra in collaboration with local street artists Shuby and Delete.

16 September to 29 October: Changing Places. An exhibition of artists' video curated by Film and Video Umbrella, with works by Desire Machine Collective and Imran Channa.

Events

1 July: A Sussex Wave from Japan. A talk by James Trollope, author of 'Slater's Sussex'.

25 July: Hands on History, a family activity day celebrating National Archaeology Week.

25 July to 3 September: A special 125th anniversary trail.

16 August: 125th Anniversary Party - a day of celebration, and activities for all the family.

18, 25 August and 1, 8, 15 September: Local History talks by Edward Preston.

10 September: Wedding Fair with Empirical Events

Mr Peak asked if the museum planned to hold an exhibition on the suffragettes. The Curator confirmed that staff had been in contact with Women's Voice and Ann Kramer to consider proposals to mark the event.

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Councillor Sinden asked if the 125th anniversary celebration of Hastings museum will be inside the building or outside. The Curator confirmed the event will be celebrated in the grounds of the museum.

The Committee were informed that there had been 5 curators in 125 years.

RESOLVED - that the Committee accepts the report and are satisfied with the comments in the report.

96. MUSEUM ACQUISITIONS

Cathy Walling, Museum Curator, presented a report informing members of fifteen items acquired by the Museum in the last quarter and the names of donors. The items included: -

The following items have been acquired by Hastings Museum in the last quarter:-

1. Album of architectural drawings of Carlton Chambers by Decimus Burton
Donor: Went Tree Trust
2. Collection of Burton lithographs and drawing by Rose Wood, St Leonards 1848
Donor: Mrs G Bowen
3. Byelaws of Hastings, 1913
Donor: Mr K Fellows
4. Late 19th century guidebook to Hastings
Donor: Mrs R Wimmer
5. Hastings Electricity Department Test Meter
Donor: Mr J Scowen
6. 3 calendars produced for Lord Nelson Public House
Donor: Mr P Boyle
7. Photograph of AW Beckett's coal trucks parked outside station
Donor: Mr K Nunn
8. Engraving of Hastings Pier Pavilion interior, portrait of Grey Owl, drawing by Roland Jarvis, cartoon by Martin Honeysett, study by Dick Claughton, cartoon by Roland Fiddy, souvenir plate of St Clement's Church, Hastings souvenir plate.
Donor: Miss V Williams
9. Collection of local Second World War material belonging to donor's parents
Donor: Mr P Richards
10. Hastings Annual Review magazine 1988-89
Donor: Mr J Cox

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11. 'Watching the girl go by', drypoint print, 2015 by Fiona Pienkowska
Donor: The Artist.

The Curator informed members of four additional acquisitions since the publication of the report.

12. Piece of Sussex Pottery
Donor: Evelyn Stubbs

13. Ceramic figure of Jack-in-the-Green by Scott Garrett
Donor: the Brassey Fund

14. Book of records and diary referring to Alexandra Park Bowls Club
Donor: Mr P Maylam

15. Copy of Sussex volume of the Domesday Book
Donor: Mrs G Pelton

RESOLVED - that the Committee accepts the report and are satisfied with the comments in the report.

97. **ADDITIONAL URGENT ITEMS (IF ANY)**

None.

(The Chair declared the meeting closed at. 3.35 pm)

Public Document Pack

MUSEUMS COMMITTEE

11 SEPTEMBER 2017

Present: Councillors Forward (Chair), Bacon (Vice-Chair), Sinden, Street, Edwards, Mrs Purdey, Mr Peak, Mr Palfrey-Martin and Mr Dudman

Apologies for absence were noted for Councillor Howard, Cartwright, Patmore and Mrs Barrett

98. MINUTES OF THE MEETING HELD ON 19 JUNE 2017

RESOLVED – that the minutes of the meeting held on 19 June 2017 be approved and signed by the Chair as a correct record

99. CURATOR'S REPORT

The Curator presented a report which updated the committee on issues arising from previous meetings and subsequent actions that had been taken.

Discussion took place regarding the celebrations to mark the 125th anniversary of the opening of the museum. The event, which took place on 16 August 2017, was attended by over 1000 people. There had been coverage in the local media in the run up to the anniversary and photographs of the event had been widely shared on social media. The Curator agreed to circulate a copy of the feedback received from a questionnaire taken at the event. The committee congratulated all those involved in supporting the event.

A second phase of works to repair stonework on the south elevation of the John's Place building was due to begin on 2 October 2017. These works had been timed to avoid disrupting any weddings or other events.

The museum had submitted an expression of interest to the Fisheries Local Action Group (FLAG) for an oral history project about the local fishing fleet. Steve Peak and Andre Palfrey-Martin offered to assist the project with archive materials from the Fisherman's Museum and their personal collections.

A visit had recently taken place by the National Security Adviser at Arts Council England to assess the security risks to national collections, in respect of the UK Government Indemnity Scheme. The final report is to follow.

A coffee machine will be installed in the museum for a 3 month pilot, with the intention of increasing capacity in the shop.

RESOLVED (unanimously) that the committee accepts the report and are satisfied with the comments in the report

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100. UPDATE ON MUSEUM RESILIENCE PROJECT

The Curator presented a report which updated the committee on progress with the museum resilience project. The project, which was funded by Arts Council England, covered improving the visibility of the museum through marketing and promotion, audience development and engagement, a collections review to ensure effective working practices and business and project development training.

The museum had submitted an interim report to the Arts Council England in July, which released a second payment to support the project.

A pilot of the collections review, which involved cataloguing, photographing and reviewing for significance 635 items related to the First World War had been completed. The pilot highlighted the need to develop a more sophisticated scoring system to measure the significance of items. A number of items were also missing their accession number. The review framework and template will be applied to other areas of the social history collections. Discussion took place regarding the possibility of using volunteers to assist with the review process. However, the committee were mindful that this approach would take time to enable sufficient training for volunteers and management arrangements to be put in place.

Training would be undertaken on data collection and audience engagement to meet the audience development element of the project.

The committee were advised that the Museums Marketing Intern was due to leave shortly; consideration would need to be given as to how the remaining budget for this post would be spent.

A revised business development plan would be presented at a future meeting.

RESOLVED (unanimously) that the committee accepts and is satisfied with the report

101. MUSEUM ATTENDANCE FIGURES

The Curator reported a slight increase in the number of visitors to the Museum between April and June, compared to the same time last year. Although there had been a slight drop in the number of visits by pupils, the museum continued to attract a wide range of schools.

There had been a steady increase in the museum's social media following across Twitter and Facebook. The Curator will monitor the museum's social media accounts, after the Marketing Intern has left.

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There had been a fall in the number of weddings and civil ceremonies over quarter 1, compared to the same period in the previous year. Other venues in the town had reported a similar trend. A wedding fair was held on 10 September.

RESOLVED (unanimously) that the committee accepts and is satisfied with the report

102. MUSEUM EVENTS AND ACTIVITIES

The Curator presented a report which gave an overview of the events and activities that were planned at the museum between October and December.

It was noted that a recent exhibition of work by Eric Slater and Arthur Rigden Read had been very popular and attracted a number of visitors to the museum.

A set of 4 installations by Malsen and Mehra in collaboration with Shuby and Delete called Cash, Clash and Climate would be installed in the ceramics gallery between 1 September and 12 November.

An exhibition of contemporary video about the shared history between England and South East Asia would be held in the Durbar Hall.

The committee welcomed the close links between the museum and artists.

The Hastings Remembers project continues with an exhibition called Beyond the Western Front between 7 October and early 2018. A family activity day, planned for October, would explore the First World War further. An illustrated talk on the military and civilian wartime experiences of Britain's black population by Stephen Bourne would also take place in October.

RESOLVED (unanimously) that the committee accepts and is satisfied with the report

103. MUSEUM ACQUISITIONS

The Curator presented a report which provided an overview of the items recently acquired by the museum.

RESOLVED that the committee accepts and is satisfied with the report

EXCLUSION OF THE PUBLIC

RESOLVED that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely

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that, if members of the public were present, there would be disclosure to them of exempt information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the relevant report

104. OFFERS TO PURCHASE

The Curator presented a report which advised that the museum had been offered the opportunity to purchase two paintings.

The committee considered both opportunities. Steve Peak recommended purchasing a painting by Carl Dotzler, which was seconded by Councillor Street. The committee asked the Curator to negotiate a price for the painting, up to the amount set out in the report. The committee agreed not to pursue the opportunity to purchase the second painting listed in the report.

RESOLVED (unanimously) to purchase a painting by Carl Dotzler for up to the amount set out in the report

(The Chair declared the meeting closed at. 3.18 pm)