

APPENDIX 3

Southwark Council – Licensing Consultation Case Studies

2 storey non-licensable bedsit HMO occupied by 5 people.

Most of the tenants found accommodation on this house through an organisation that helps homeless people with employment, housing etc. They also have some level of dependency on either alcohol and/or drugs. The landlord lives in Northern Ireland and the house is very poorly managed.



The Council has had to have regular involvement to deal with the various issues with ASB at the property. We receive regular complaints from tenants and neighbouring properties.

The ASB within the house includes theft and assault amongst tenants. The Police are regularly called but there is never enough evidence to take the matter further. The landlord refuses to get involved in trying to prevent or deal with any of the issues.



The complaints from the neighbours include the tenants not disposing of refuse correctly and the bins are then not collected by Council refuse services. This causes piles of rubbish in front yard of house and people start fly tipping and adding to the problem. Anything that cannot reasonably be disposed of in the bins is thrown out into the rear garden.

Arguments in the property sometimes spill out onto the street. The Police cannot take any action as neighbours and tenants are unwilling to provide witness statements about ASB affecting the community and inside the house.

Self contained flats

4 storey property converted into 8 flats without planning permission and building control approval. The property was converted over 4 years ago and the owner had proved established use of the property in its current layout and occupation. There is no sound insulation between the units which are well below the minimum sizes for flats under Southwark's own planning guidelines. There are no door bells so neighbours have complained of noise issues resulting from tenants/friends of tenants calling up from the street to gain access.

Because the property is occupied by 8 households there are issues with refuse causing problems to the front of the house, with some refuse over spilling from the bins onto the pavement encouraging fly-tipping from passers by. The front gardens to the houses are very small and neighboring properties that are occupied by a single family only have enough room to keep their single set of wheelie bins.

The 8 households require several sets of wheelie bins to accommodate their refuse but there isn't enough space at the front of the property to store an adequate number of bins. Additional problems with refuse disposal are a result of tenants not speaking English and therefore struggle to understand how recycling works. There is also an issue with bins not being emptied because the waste has been contaminated by non-recyclable refuse.

Because the property is very poorly managed and each unit is small and cramped there is also a high turnover of tenants. One set of tenants is briefed by the council on how to recycle but then they move on and the Council needs to start again with the new set of tenants. The landlord refuses to take responsibility for these issues and without licensing Council is powerless to take action.

There is a larger number of people living in the property than the house was designed for, resulting in domestic noise affecting adjoining flats and adjacent properties. There also allegations of noise nuisance arising from parties. There are regular complaints of children, who live at the house, playing in the street as there is nowhere suitable for them to play and no access to a garden. The adults also regularly socialise out at the front of the property as there is little space for them to socialise inside.

Example of the difference a responsible landlord makes to ASB when working in conjunction with the council

A well managed HMO which provides decent accommodation for students. Neighbours have complained to local Councillor about noise from the students such as talking in the street late at night when coming home from parties, 'intimate noises' from tenants who leave windows open in summer, cigarette butts being left on pavement from students smoking at front of property as they are not permitted to smoke inside. At the request of the council the landlord has provided a rear area for smoking. Had the landlord been irresponsible and without the provision of licensing conditions the council would have had little action they could have taken to resolve these issues.

An example of noise nuisance being caused within an HMO

Complaints were made to us about noise (parties/loud music) coming from one of the bedrooms at the front of the house - the tenant of the room regularly had friends round. Noise was affecting the other tenants in the house but it could not be deemed a nuisance within the same house or from the street. The council's noise team is unable to take action against the occupier causing the noise nuisance as it is disturbing someone living in the same premises. The current legislation does not allow them to deal with it. For them to be able to take action for noise nuisance a complaint would need to come from a neighbouring property. No complaints were made other than from residents within the property.

Notorious HMO and landlord

The property consists of 3 storeys but because Officers could not find evidence of 5 tenants occupying the property it was not subject to Mandatory licensing. There were numerous issues regarding poor management, harassment of the occupiers, noise nuisance, burglaries, refuse problems and fly tipping. None of which were taken seriously by the landlord. Neighbours would regularly complain about the condition of the property, the noise and the refuse.



5 HMO's in a terrace

These properties were referred to us by the council's Waste Management team due to dumped refuse/over spilling bins to the small front yards of the houses. Further investigations revealed that the houses were HMOs. The occupiers had dumped their rubbish and belongings they no longer wanted when their tenancies had ended and the landlord had taken no action to prevent the problem or resolve it afterwards.



A case of overcrowding and anti-social behaviour

This property was brought to our attention by neighbours as the occupants were routinely clambering up balconies to get access to their flat in the early hours of the morning as they did not all have keys. It was a two bedroom, 2nd floor leasehold flat. The tenant had sublet the flat to two additional households in order to help pay the rent.

The tenant shared the living room with her husband and three young daughters. The main bedroom was shared by another family, a couple and their three children, a girl of 16, and two boys aged 12 & 4. The smaller bedroom was occupied by a single male.

When the overcrowding notice was served, the tenant asked her lodgers to leave, this caused several arguments, the Police were called on several occasions due to the noise and the lodgers refusing to go. The landlord said he was unaware of the occupation of the property, as he let it to the tenant and her family as a single family let and had taken no responsibility to check that his property was not causing issues to the neighbours or being used inappropriately. As long as he received his rent the landlord made no contact after the tenant moved in to the property.

The occupation of this property as a bedsit HMO had exposed these families to a number of hazards including overcrowding and, not only a higher risk of a fire starting but an unsafe means of escape in case of fire. The lodgers were put into temporary accommodation with the help of Private Tenancy Team and the tenant was eventually evicted.

Licensing, HMOs and fire protection

The three storey, semi-detached HMO had 6 occupied bedsits and had already been licensed under the mandatory licensing scheme.

In May 2014, we received a notifiable fire report from the Fire Brigade regarding a serious fire at the property.

The fire in the property was detected by the fire alarm system and an occupier alerted the fire brigade who attended the property.

The Council became aware of the property due to the licensing process and had been able to ensure that fire protection was installed in the property. The fire doors ensured that the fire was contained within the room and the fire alarm system ensured that the occupiers were made aware of the fire and were able to vacate the building and call the fire brigade. No one was injured in the fire and damage to the property was contained within one room due to the presence of the fire protection.



HMOs which are not subject to mandatory licensing also pose a risk to occupiers in the event of a fire. Licensing these properties would ensure that owners are responsible for informing the Council of all HMOs. The Council can then require appropriate fire safety measures in these properties.

Self contained flats in multiple occupation

A large four storey property with a ground floor commercial premises is occupied as 3 self contained flats in multiple occupation. The property is occupied by 16 people. Due to the size, layout and the presence of the commercial premises on the ground floor the property is high risk. The landlord has been subject to extensive enforcement action as the property did not comply with the requirements for a HMO.

Whilst this case was known to the Council for other reasons it was not subject to the mandatory licensing scheme. The owner of this and similar properties would not be required to inform the Council of their existence and will remain unregulated and unprotected. If subject to a licensing scheme the owner would be required to notify the Council of the property's occupation. Appropriate enforcement action would then be taken to ensure the safety of the occupiers.