

HMO Licensing & Enforcement: The Oxford Way

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The Oxford Way

- About Oxford
- Our approach
- Reward & Enforcement



Is this what Oxford's really like?

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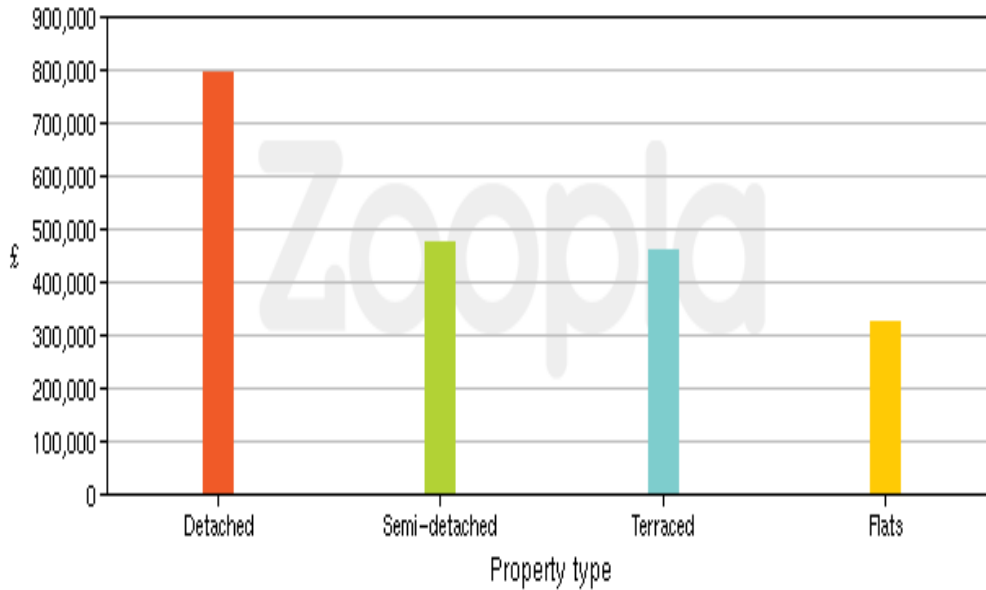


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Housing Market in Oxford

Average values in Oxford (Nov 2018)



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Housing market | Oxford once again tops list of UK's least affordable places to live

Oxford's Private Rented Sector

29th January 2015

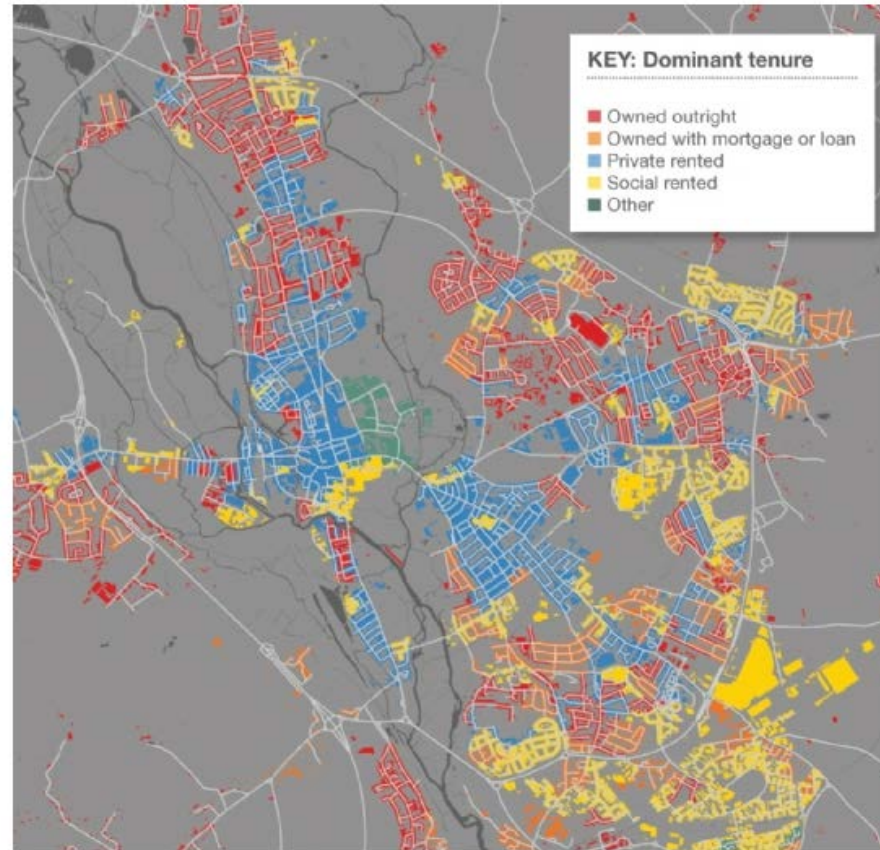
Beds in sheds: Almost 300 illegal dwellings across Oxford

Matt Oliver [@OxMailMattO](#)

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Tenure map of Oxford



ARLA - PRS IS "CLOSE TO CAPACITY"

Dangerous, Overcrowded and poor condition ...



Additional Licensing

- Annual licence as basic licence
- Inspection until compliant
- 2011 – 2015 Only 3% of properties do not require additional conditions on the licence
- 2011 – 2016 scheme – option for two year licence if compliant
- 2016 – 2021 scheme – option for two or five year (end of scheme) if compliant



Fee Structure

A	B	C	D	E	F
New app.	New app.	Renewal	Renewal	Renewal	Renewal
Took over 12 weeks to make app	Less than 12 weeks to make app	Basic 1 year	1 year, non compliant	2 year	5 yr / to end of scheme
£1000 in 2016, £1500 in 2018	£400 in 2016, £420 in 2018	£190 in 2016, £197 in 2018	£350 in 2016, £357 in 2018	£200 in 2016, £222 in 2018	£300 in 2016 £320 in 2018



Renewal structure 1, 2 & 5 year

- **Principle of Earned Autonomy**
- **1 year licence**
 - Make valid application
 - Comply with licence conditions
- **2 year licence**
 - Make valid application 2 weeks before expiry
 - All certificates submitted (must be current and satisfactory)
 - Minor conditions only
 - Good history & max. two justified service requests
 - Minimum EPC E or registered exemption
 - Declare has fire risk assessment
- **5 year licence**
 - As above and in addition
 - No justified service requests or other issues
 - Oxford City Council accreditation scheme member

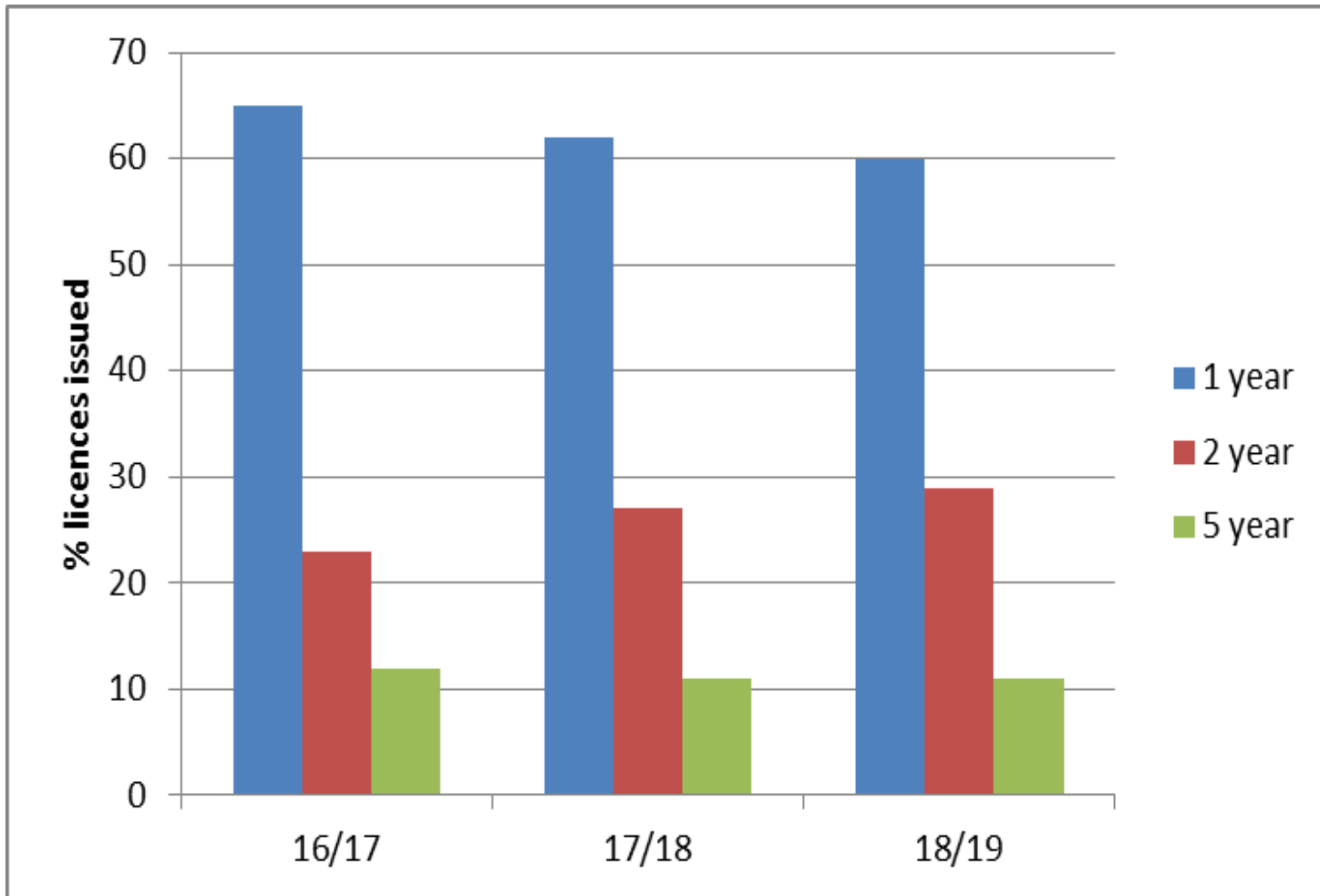


Fee structure rewards compliance

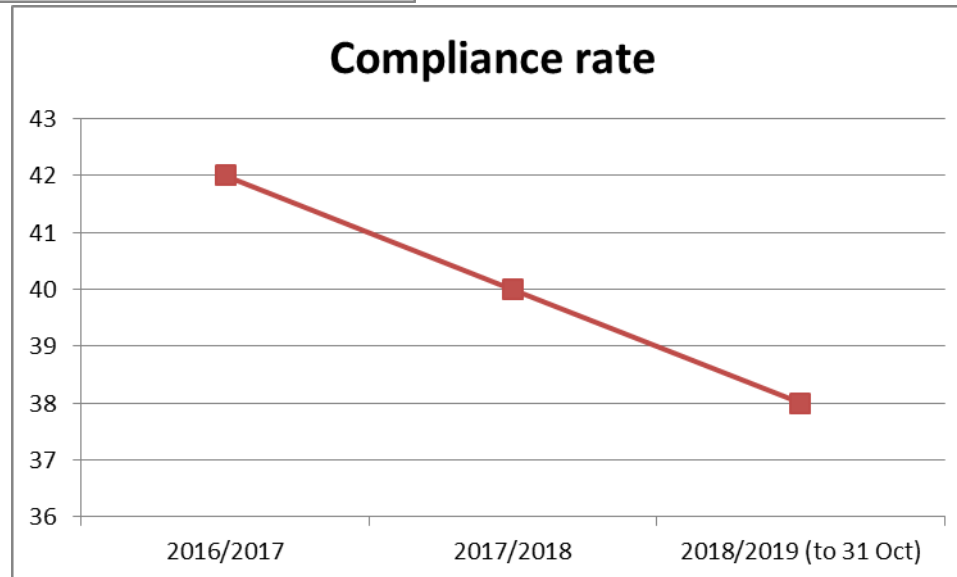
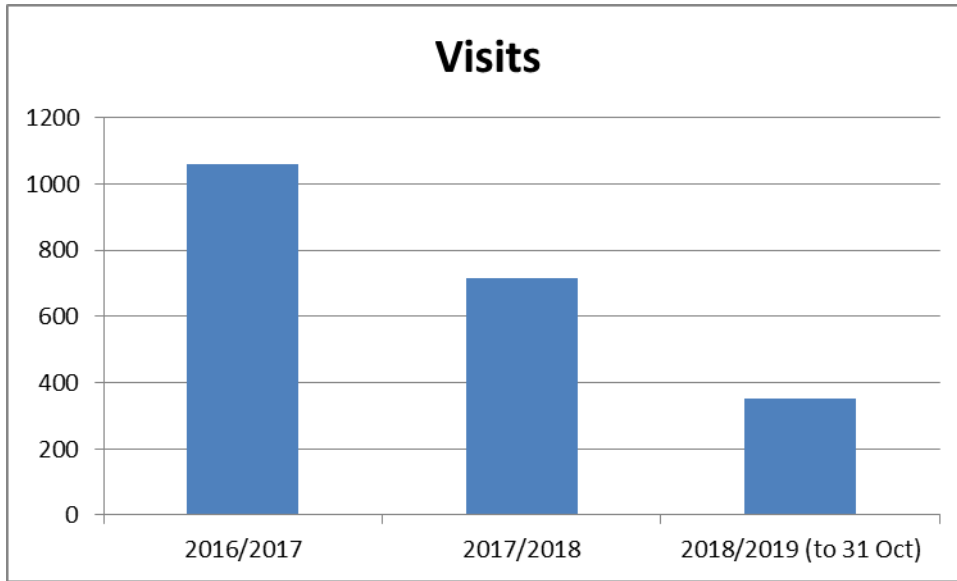
y1	y2	y3	y4	y5	Total
Cat A: £1000	Cat D: £350	Cat D: £350	Cat D: £350	Cat D: £350	£2400
Cat A: £1000	Cat D: £350	Cat C: £190	Cat E: £200	n/a	£1740
Cat B: £400	Cat D: £350	Cat C: £190	Cat E: £200	n/a	£1140
Cat B £400	Cat E: £200	n/a	Cat E: £200	n/a	£800
Cat B: £400	Cat F: £300	n/a	n/a	n/a	£700
Cat B £400	n/a	n/a	n/a	n/a	£400



Licences issued



Compliance



Enforcement

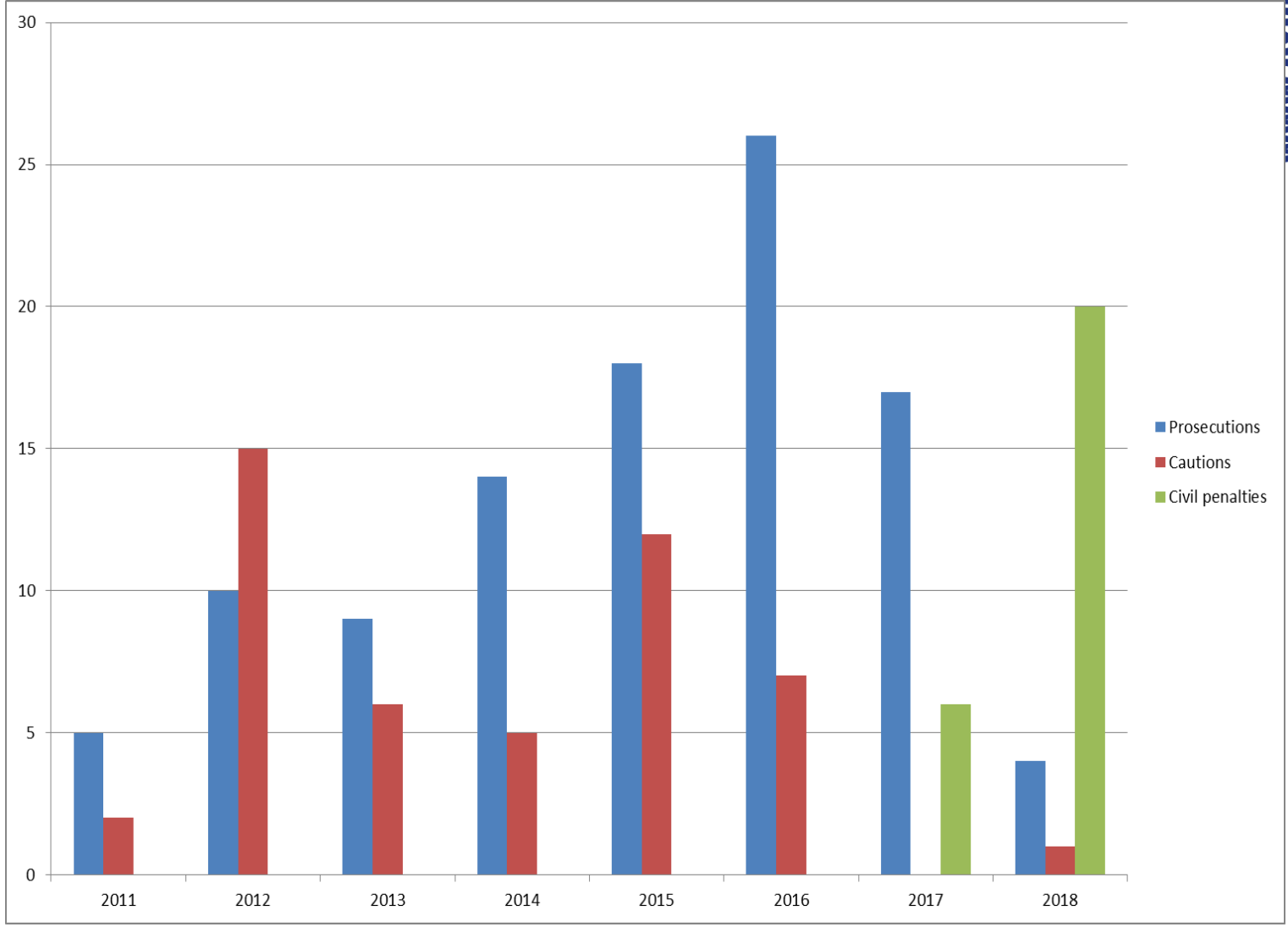
- Scoring system to determine what action to take when we find non compliance:

Band 1	Reminder letter One year licence
Band 2	Advisory letter Revoke Accreditation (if applicable) Category D Renewal Fee - Re-inspection One year licence
Band 3	Category D Renewal Fee - Re-inspection S235 to produce Certificates Refuse to Licence Financial Penalty Revoke Licence
Band 4	Financial Penalty Prosecution Revoke Licence Refuse to Licence



Enforcement

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Financial penalty levels

- **MHCLG guidance looks at seven factors to determine level of penalty**
 - Severity of offence
 - Culpability and track record of offender
 - Harm caused to tenant
 - Punishment of offender
 - Deter the offender from repeating offence
 - Deter others from committing similar offences
 - Remove any financial benefit
- **Oxford approach to determining penalty level:**
 - 1. Assess culpability and harm of case to set a penalty starting point
 - 2. Adjust level up or down for aggravating / mitigating factors reflecting the other factors above
 - 3. Add financial assessment to ensure penalty removes any benefit from commission of the offence



Culpability

High (deliberate act)	Intentional breach Flagrant disregard for law e.g. failure to comply with improvement notice
High (reckless act)	Foresight / knowledge of risk of offending and no action taken to avoid offending e.g. failure to comply with management regulations
Medium (negligent act)	Failure to take reasonable care to avoid offence e.g. part compliance with notice / schedule
Low	Little / low fault e.g. tenants denying access or damage caused by tenants



Harm

High	Defects giving rise to the offence poses a serious and substantial risk of harm to occupants / visitors e.g. danger of electrocution, CO poisoning, serious fire safety risk
Medium	Defects give rise to serious risk of harm to the occupants / visitors e.g. Falls, asbestos
Low	Defects give rise to a risk of harm to the occupants / visitors e.g. damp and mould

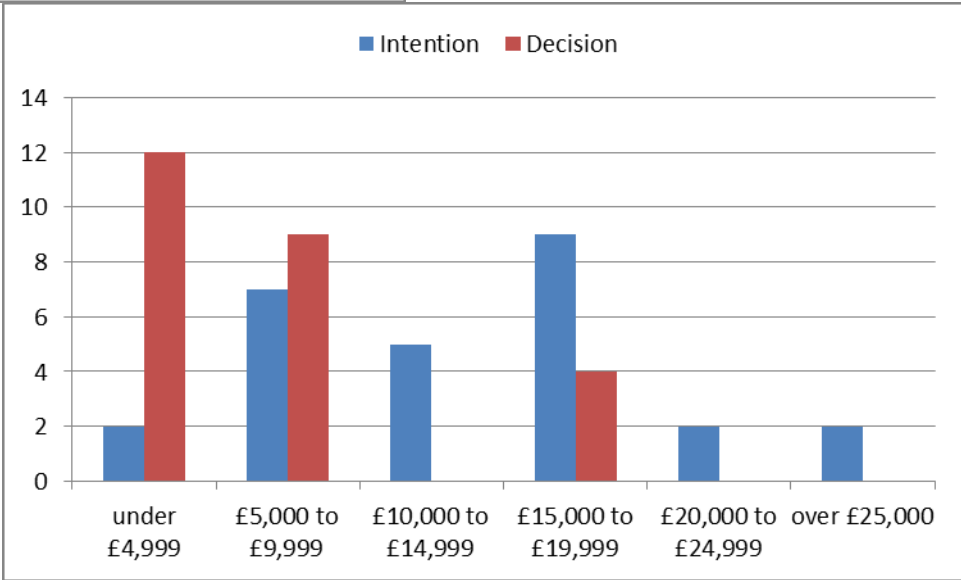
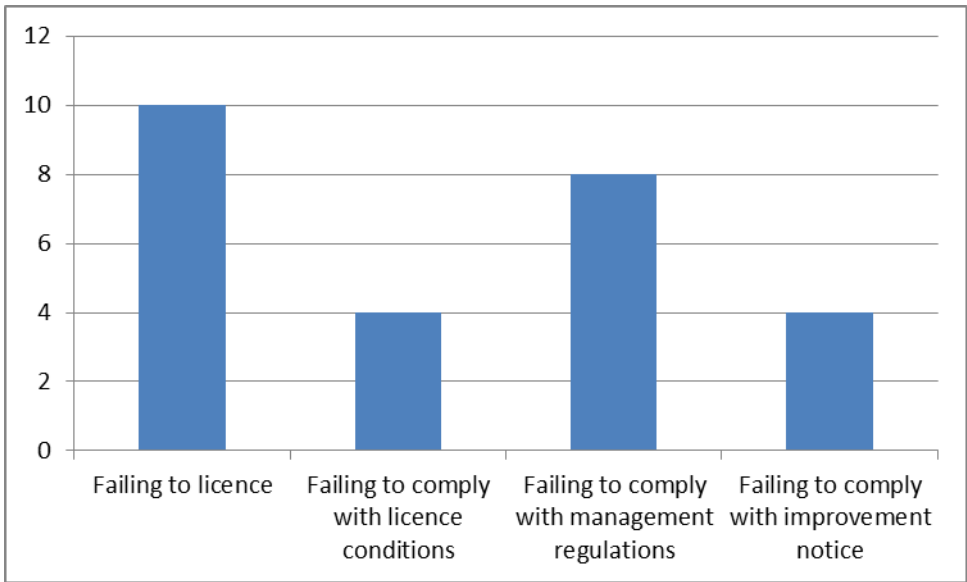


Band levels

Low culpability / low harm	Up to £4,999
Medium culpability / low harm	£5,000 to £9,999
Low culpability / medium harm or High culpability / low harm	£10,000 to £14,999
Low culpability / high harm or medium culpability / medium harm	£15,000 to £19,999
Medium culpability / high harm or High culpability / medium harm	£20,000 to £24,999
High culpability / high harm	£24,999 to £30,000



Penalties issued

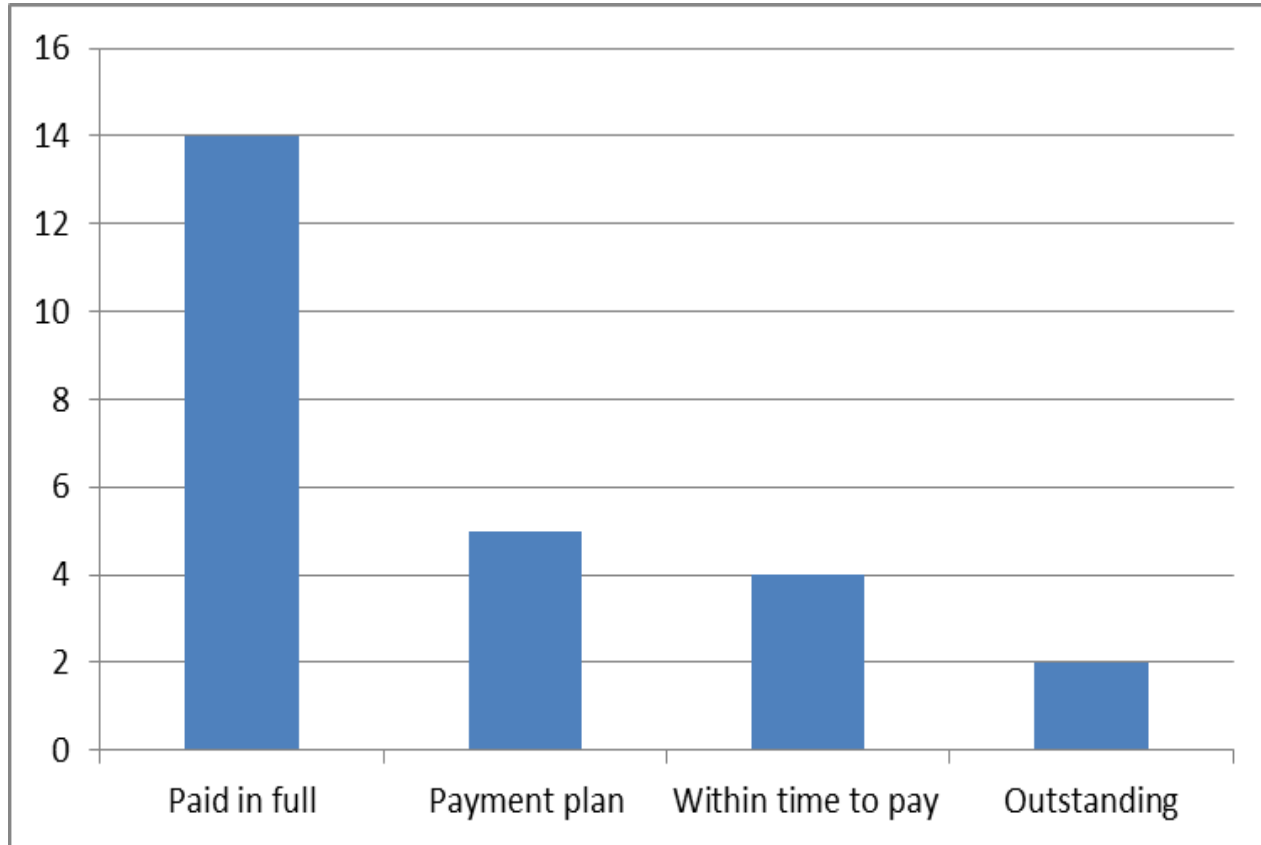


Penalty recovery

- **Decision to issue penalty served**
- **Invoice sent for penalty amount to pay in 28 days**
- **Automatic reminders if unpaid after 14 days and 21 days**
- **After 28 days, if unpaid, an automatic reminder is sent to request payment in 7 days or recovery action will be considered**
- **If still unpaid, case officer prepares file for legal services to recover debt**



Penalty recovery



FTT Experience

HMO & Private Sector (Family houses)

HMO team = 24 penalties issued,

- 1 appeal (varied penalty)

- 1 appeal withdrawn (agreed before hearing)

Private Sector = 4 penalties issued,

- 2 appeals (quashed one, varied one)

- 2 appeals withdrawn (agreed before hearing)

FTT will look at decisions made and your local policy

FTT may look at the background of case i.e. was notice served correctly or not



Thanks for listening



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