

London Borough of Hammersmith and Fulham  
Housing and Homelessness Policy and Accountability Committee  
Meeting on 25 July 2023 - Addendum to item 5

The Council currently has 2,190 leasehold properties which are underlet to a private tenant, which is 45% of the total 4,900 leaseholds. This is the number which have been reported to the Council on the "Sublet Notice" which is important so we know where to send Service Charge demands and other documents such as major works consultations, but naturally there are bound to be some which have not notified us, so the true number is probably over 50%. This seems consistent with national figures, especially in locations where the property is an asset in high demand, as is the case here.

285 underlet leaseholds are in one of the 24 Selective Licensing streets so the leaseholder needs to obtain a licence from the Council. Similarly, any leasehold which is underlet to 3 or more sharers needs to have an HMO licence (in any street in the borough). Otherwise, the leaseholder is free to become a landlord, but must notify the Council of the underlet as a condition of the lease and must continue to comply with the terms of the lease (including not making unauthorised alterations) and the many statutory obligations on landlords.

Out of the 4,900 H&F leasehold properties, most (4,373) are owned by people who own one leasehold property only. However, 28 people or companies own 243 between them, so could be described as portfolio landlords, the largest owning 67. There are few reasons to have concerns about most of these landlords, however, some have been seen to make alterations to assist letting ambitions, and the Council can take action for breach of lease because sub-division would be a breach of leasehold covenant not to make alterations.

Sub-division into rooms which are too small is also covered by the "Crowding and Space" hazard in the Housing Health and Safety Rating System and we would have enforcement powers under Housing Act 2004 to remedy that, if we received a complaint from a tenant or neighbour. There is no statutory minimum bedroom size for private dwellings which are not HMOs, once they are built, but a general guide is that a single bedroom rented to an adult should be at least 6.5 square metres (70 square feet) and a double should be at least 10.2 square metres (110 square feet). These sizes are guidelines only as the condition of the property as a whole is also relevant – there are probably rooms rented which are smaller than that where the tenant is perfectly happy with the arrangement with regard to the rent paid and the quality and location of the flat or house.

The Council recently intervened in a case of a very large private house which had been converted into 13 studio bedsits several decades ago. We found that the rooms were inadequate by modern standards. Beds were suspended near the ceiling, there was very little space, and some had kitchens adjacent to the entrance door, which could have prevented escape in the case of a fire. A negotiation took place as a result of which the landlord has improved all 13 rooms at considerable expense. Generally a success story.

By their nature, rogue landlords tend to operate under the radar, sometimes encouraging their tenants not to complain. When we receive a complaint to [phs@lbhf.gov.uk](mailto:phs@lbhf.gov.uk) or 0208 753 1703 we will investigate to see if there is anything significantly wrong. The small minority where the landlord refuses to co-operate will be on our priority list to bring into line.