Tenements & flatted dwellings
Relocation of services, subdivisions, avoidance of regulation, back-packer hostels. Impact and absence of controls.

The problem
1. Tenements (and flatted dwellings) are a vital component of Scotland’s housing (60% in cities such as Glasgow.)

2. Problems affecting their sustainability cannot be addressed by existing means.

3. The housing bill, stage 1, is the appropriate place – and only opportunity - to consider solutions.

4. There are 4 main issues:
   A. Relocation of stacked services (kitchens, bathrooms, drainage)
   B. Subdivision of main rooms to increase rental
   C. Installation of extra kitchens and bathrooms to avoid HMO legislation
   D. Back-packer hostels over which there are also no effective controls.

5. The impact of these unregulated developments on the other inhabitants, the community and on the buildings and services themselves is now serious.

A. Relocation of stacked services:
6. (Tenements are designed with all water services and drainage centrally stacked to minimise nuisance and damage and assist maintenance of pipework.)

7. We receive many complaints where these are altered.
   - Kitchens and bathrooms are moved into cupboards or above main rooms in order to convert the former kitchen to a bed sitting room.
   - Problems: pipe work crosses other rooms, leaks onto the flat below over bedrooms, living rooms and prized possessions.
   - Noise is increased above and below.. 
     o The occupant of the former kitchen suffers from noise from the traditional kitchen above.
     o Insulation is removed and rarely replaced, affecting the flat below
   - Insurers increase the premiums to the flat below and abandon their client altogether if there are repeated incidents.
     o This has serious consequences for the owner below and the building
   - Washing for several occupants is often stacked in the hallway to dry as there is no other provision.
     o This is a fire risk (obstruction of exit) and health risk (damp).
B. Subdivision of main rooms.
- Rooms may be divided into two or three to increase rental returns,
- Space standards are poor and need to be amended, including width.
- The original window is partitioned, with half the room given 1/3 the window.
- Noise impact on the flat below.
- Additional burden on inhabitants, the building and communal services.
- Damage to interiors (never rectified even if an HMO licence is refused)
- Discouragement of return to family use.
- Tenants often take up residence in the hallway because the space and facilities in such subdivided rooms are inadequate. (I have observed this in several such flats.)
  - This is a fire risk
- The increase in numbers often means that the back court is dominated by dustbins and recycling bins, to the disamenity of all residents.
  - One landlady told me she provided three of each for her tenants in a single flat. Imagine this multiplied several times in a tenement of 8 flats.

C. Installation of additional kitchens and bathrooms
- To avoid HMO legislation and environmental health inspection.
- When a toilet and baby Belling are installed in each room, no regulation is possible to ensure the safety of occupants or address the impact on the building.
- This is an increasing method of avoiding regulation.
- Problems for the neighbours underneath are also compounded.

D. Backpacker hostels cannot be regulated as the premises are not the main residence of the people using them.
- Conditions internally are not controlled:-
  - 8 bunk beds to a room and other associated problems are common.
  - Space standards are very poor: overcrowding/cramming is usual.
  - Electrical safety is not regulated
  - Gas safety is, in theory, regulated but Health and Safety officers are often too busy to inspect
  - Kitchen space and facilities are utterly inadequate, unlike those in Youth Hostels.
- The system is open to abuse.
• In residential areas the numbers of people using them and the conditions mean there are also adverse impacts on the amenity of neighbours.

• These hostels need to be controlled in the interests of the welfare and health and safety of their users, who are often young foreign nationals.

Note: Any measures taken on these hostels should not include Youth Hostel Association properties which are well run and not overcrowded.

Appropriate subject for the Housing Bill

8. Existing legislation is designed to deal with incidents after the premises become an HMO. Nothing is designed to control layout in the licensing or planning legislation.

• Planning only allows interiors of Grade A and B to be subject to planning control.

• Building Control only looks at the safety of structures such as partitions and not the impact of alterations. It does not consider the nature of the activity.

• The Housing Bill is taking a more holistic look at the problem of housing in Scotland today to ensure the viability of housing. It will not be revisited for a long time.

• The petition PE 1261, heard on Tuesday 9th February with cross-party MSP support, raising the general point concerning relocation of services and subdivision, was sympathetically received and continued.

• The specific issues of tenements and flatted dwellings need to be addressed further.

• We have the support of the HMO unit and environmental health officers in this.

Proposals

9. We suggest some simple changes which could be made in the Housing Act to bring these abuses concerning private rented accommodation under control. Guidance could be issued to Local Authorities in the interim.

Re issues A-B above :-

For existing HMOs:-

10. We suggest that it be a pre-condition of an HMO licence that unauthorised changes to the layout of a flat should have been approved by the licensing authority.

11. Guidance to HMO licensing authorities could address this problem by allowing Local Authorities to:
   i) outlaw subdivision if there is a potential for causing nuisance.
   ii) outlaw the moving of kitchens and bathrooms similarly.
12. If they are allowed to take into account consequences for neighbours in flatted property they can use the above as grounds for refusing a licence.

13. Ideally there needs to be a link between planning and licensing in these matters. Planning law also needs to prohibit kitchens and bathrooms being sited above bedrooms and living rooms.

14. In view of the problems in introducing quickly amendments to planning law to cover these problems arising in tenements and flatted dwellings, the above suggestion seems to be a reasonable alternative to deal with such abuses by HMO landlords.

15. Such a measure would rapidly halt the abuses of moving stacked services and subdividing rooms.

Re issues C (installation of additional toilets)
16. To stop avoidance of HMO regulation, do away with ‘sharing of facilities’ from the definition of an HMO.

- It is sufficient to define an HMO as accommodation shared by three or more unrelated people (or more than two families) as their main place of residence.

17. This would immediately bring these premises under regulation and halt abuse.

Re issue D (back-packer hostels)
18. It might be possible to have an accreditation system if there were an Association of Back-packer Hostels.

19. Backpacker hostels may need specific mention in the housing bill in order to avoid bringing Youth Hostel Association premises into unnecessary HMO control.

Conclusion.
20. Although tenements are a proven and generally good form of urban housing, the current situation is unsustainable.

21. Damage to property and the stress caused to both occupiers and neighbours in a tenement or flatted dwelling have long-term consequences for housing, allied services and communities. (We have lost buildings and increasingly are losing the long-standing residents who look after the area.)

22. The consequences for a large part of Scotland’s housing and its citizens are sufficiently grave to make this a matter which should be addressed.

23. Deficiencies in legislation should be remedied to enable proper, beneficial regulation of a major form of housing; avoidance of regulation should be curtailed.

24. The Housing Bill is the appropriate place for this.
Note
25. We would be happy to provide further evidence in support of, or clarification of, any of the points in this submission.

Jean Charsley
Secretary, Hillhead Community Council
April 2010

3 examples.
1. Hillhead Street
An elderly couple were forced to move from the house they had occupied for 35 years because of the destructive activities of an HMO, which opened above their flat, despite a provision in the deeds that the flat could only be occupied by a family.

The rooms above were subdivided, increasing the “rooms” from 3 to 5.; plumbing was installed above their sitting room and water ruined their furniture. This was so distressing to the woman, who suffered from Alzheimer’s Disease, that her family had to re-house her and her husband.

Although enforcement notices prohibiting the use of the flat as an HMO were issued twice, in 2004 and 2007, an HMO licence was received. No action could be taken by the planning department on the relocation of service of subdivision of rooms because the interior was not subject to planning control. Enforcement notices on the HMO have been ignored. (letters available)

2. Kersland Street
Two tenement flats had rooms subdivided, giving 1/3 of the window to half the room. One room had remarkable plasterwork which was damaged.

On being refused planning consent for HMO use and also refused a licence, the management company was asked by me if it would ensure that the rooms were restored. “No: that’s business.”

Both flats now operate as HMOs, despite having been refused consent.

3. Buckingham Terrace
Student in converted kitchen complained to upstairs neighbours about the noise from their original kitchen, saying he could neither sleep nor study. The noise was the normal kitchen noise and not music.

We can cite many more examples to substantiate all the points we have made on pages above.